

Legislative Forecast for the 115th Congress

January 4, 2017

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Key dates and prospective items on the legislative agenda in the 115th Congress

November 2017 – April 2018

Nov	Dec	Jan	Feb	March	April
<ul style="list-style-type: none"> • Special elections 2017 • Deadline for Senate Finance Committee to report out tax reform on Nov. 13 	<ul style="list-style-type: none"> • Tax reform legislation • Debt ceiling reinstated on Dec. 8 • 2017 session ends on Dec. 15 	<ul style="list-style-type: none"> • President Trump reaches one full year in office • Congress enters 2018 session • Appropriations deadline: 1/19 	<ul style="list-style-type: none"> • President’s budget request 	<ul style="list-style-type: none"> • Debt limit deadline • Most states expected to run out of CHIP funding • DACA benefits begin to expire 	

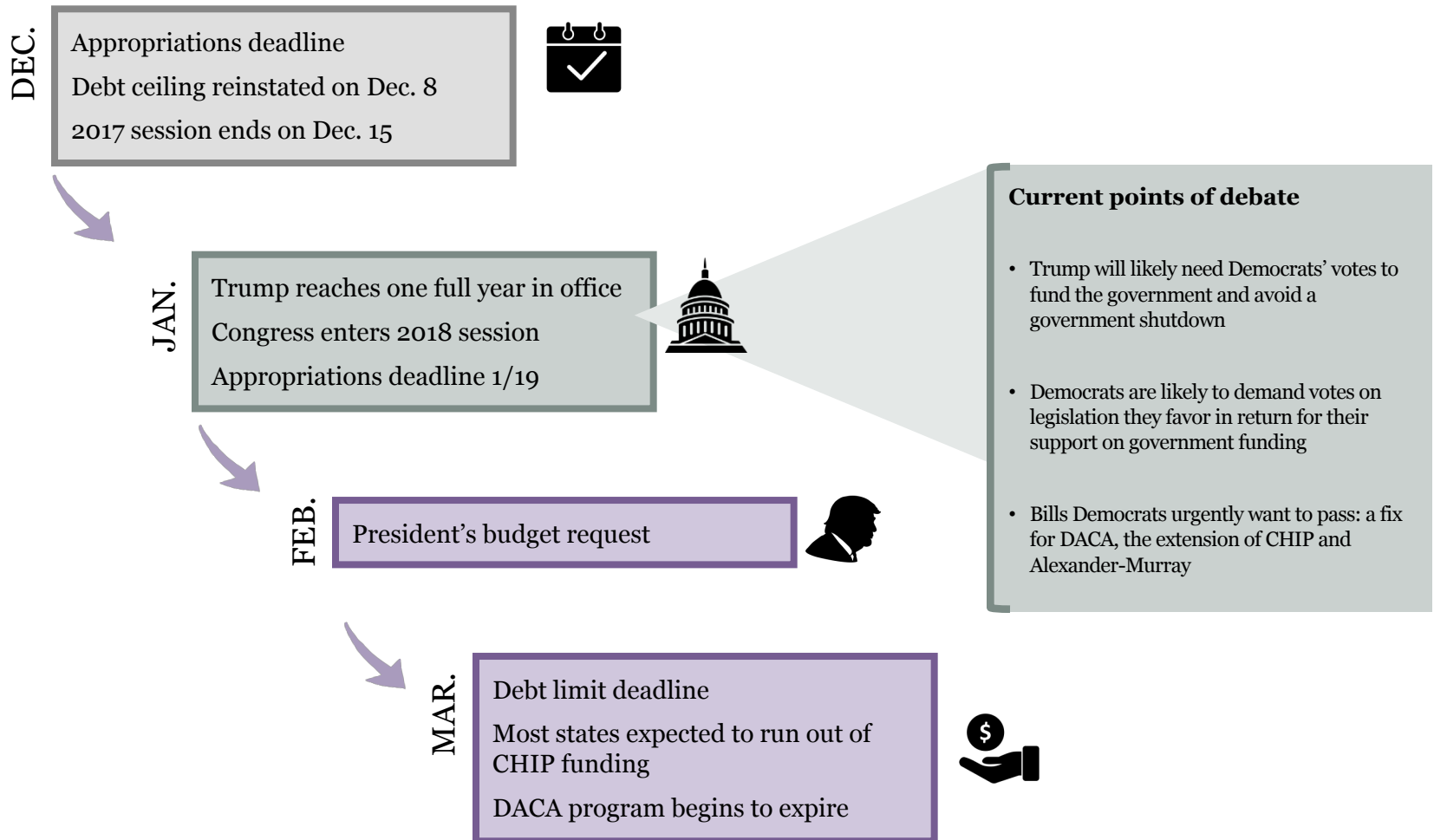
Possible actions, timing unknown

- **Affordable Care Act:** After the individual mandate was repealed in the GOP tax bill, it is unclear if Republicans will try to pass a full ACA repeal
- **Cybersecurity:** FISA section 702 extended until January 19th with the continuing resolution
- **Defense appropriations:** Debate over the defense budget is likely to be contentious, given the defense appropriations bill is \$41.9 billion under the levels set by the FY18 NDAA
- **Energy & environment:** Negotiations for a comprehensive energy bill are expected to resume in the 115th Congress
- **Financial regulation:** Despite the passage of the CHOICE Act in the House in June, analysts say it is unlikely to move forward in the Senate in its current form
- **Iran nuclear deal:** Trump reportedly has assigned a team to develop a case that Iran has violated the agreement
- **Medicare:** Congressional Republicans have expressed an interest in reforming Medicare and turning it into a “premium support” system
- **Technology:** A bill to hold internet companies liable for facilitating online sex trafficking has widespread support in the Senate

Sources: National Journal research.

Key dates & priorities for the 115th Congress

December 2017 – March 2018



Sources: National Journal research.

A guide to this month's legislative forecast

Issues covered in this month's legislative forecast

-
- Affordable Care Act
 - Appropriations
 - Conflict in Iraq and Syria
 - Criminal justice reform
 - Cybersecurity
 - Debt ceiling
 - Defense appropriations
 - Education
 - Energy and environment
 - Farm Bill
 - Financial regulation
 - Immigration
 - International trade
 - Iran nuclear negotiations
 - LGBT rights
 - Medicare
 - North Korea*
 - Opioid abuse and heroin epidemic
 - Tax reform
 - Technology

**These legislative issues have not changed over the course of the past month*

Archived issues

(Major legislative or administration actions in 2015-17)

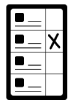
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- Chemical reform
 - Export-Import (Ex-Im) Bank
 - Federal Reserve
 - Gun control
 - Highway Trust Fund
 - Keystone XL
 - Medical research funding
 - Mental health
 - PATRIOT Act/USA FREEDOM Act
 - Puerto Rico bailout
 - Zika funding

Please see previous legislative forecasts or contact the Presentation Center for details on these topics.



The Affordable Care Act

Recent key developments on the ACA and potential future actions



July 2017:

BCRA fails the Senate vote: After motion to proceed passed, full repeal without replacement, the BCRA and 'skinny repeal' fail to pass, with Senators Susan Collins, Lisa Murkowski and John McCain voting no.



September 2017:

Graham-Cassidy fails in the Senate: The latest GOP health care reform bill, authored by Lindsey Graham and Bill Cassidy would have made deep cuts to Medicaid, eventually phasing out the program. The bill was killed when 3 GOP senators declared their intent to vote no.



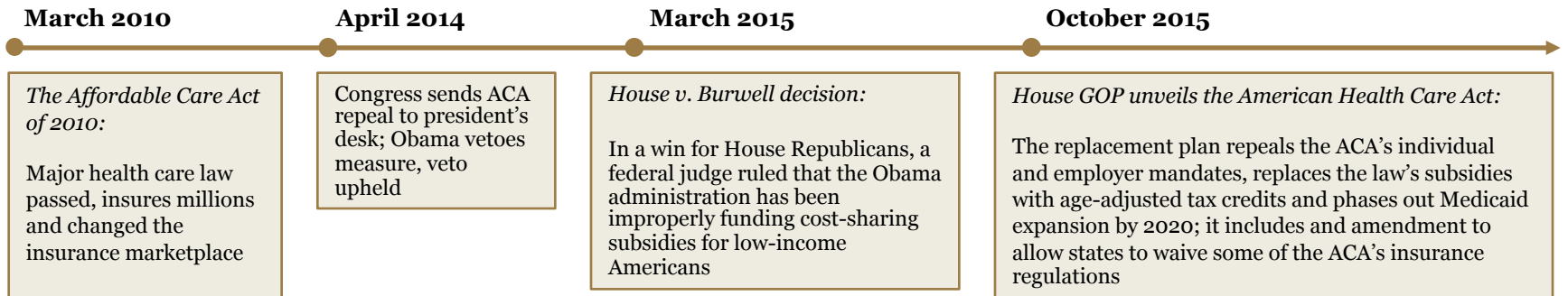
December 2017:

Senate & House pass the tax bill: The latest GOP tax reform bill includes an amendment to repeal the individual mandate of the ACA. Experts believe that repealing the individual mandate will lead to higher premiums and a decrease in access to health insurance.

Potential actions

- Many Republican senators represent states that have benefitted from Medicaid expansion, suggesting they would oppose the Medicaid cuts
- Although 16 Democrats support Sanders' new Medicare for all legislation, it is unlikely to pass; however it does reflect the public's increasing view that it is the government's responsibility to provide health care
- Senators Alexander and Murray of the HELP committee released their bipartisan bill to stabilize the ACA markets, with all Democrats and 12 GOP senators signed on to support it
- An initial analysis shows that 84% of all enrollees are from states that Trump carried in the 2016 election

Legislative timeline



National Journal Research, 2017; Mark J. Mazur, "Continuing to Implement the ACA in a Careful, Thoughtful Manner," Department of the Treasury, July 2, 2013; Lyle Denniston, "Argument Analysis: Setting up the private debate on the ACA," SCOTUSblog, Mar 4, 2015; Susan Ferrechio, "Congress joint budget deal could pave path to Obamacare repeal," Washington Examiner, April 20, 2015; Sen. Mike Enzi and Rep. Tom Price, "FY2016 Conference Agreement," House Budget Committee, May 2015; MaryBeth Musumeci, "A Guide to the Supreme Court's Affordable Care Act Decision," The Kaiser Family Foundation, July 2012; Josh Gerstein and Lauren French, "House Files Obamacare lawsuit," Politico, November 21, 2014; Skadden, "King v. Burwell: Round 2 for the Affordable Care Act," July 10, 2015; National Association of Community Health Centers, "Victory for the ACA: Moving Forward After King v. Burwell," June 30, 2015.

\$ Appropriations

Recent key developments on the FY18 appropriations and potential future actions



September 2017:

House passes all approps. bills through the “Make America Secure and Prosperous Appropriations Act”: The legislation (H.R. 3354) was passed by a vote of 211-198 and provides discretionary funding for all 12 appropriations bills totaling \$1.2 trillion.



October 2017:

Congress approves FY18 joint budget resolution: The House and Senate passed a joint budget resolution allowing Republicans to use the reconciliation process to address tax reform. No Democrats voted for the resolution.

Jan. 19 December 2017:



FY18 budget deadline extended: Congress passed a bill that extended the budget deadline until Jan. 19. This is the second continuing resolution passed for the FY18 budget.

Potential actions

- The Senate must now address appropriations. Eight bills have passed through the Appropriations Committee and no bills have been put to a full Senate vote

Legislative timeline

May 2017

President’s FY18 budget request:

In his first budget request as president, Donald Trump asked for \$576 billion for non-defense discretionary programs and \$574.5 billion for defense, along with \$76.0 billion for Overseas Contingency Operations (OCO) funding

July 2017

House passes the “Department of Defense Appropriations Act”:

The legislation (H.R. 3219) was passed on a vote of 235-192 and provided funding for four of the 12 annual approps. bills: Defense, MilCon-VA, Energy & Water, and Legislative Branch

Sources: Source: US House Committee on Appropriations, 2017; US Senate Committee on Appropriations, 2017; Mike DeBonis and Kelsey Snell, “Trump signs \$15 billion Harvey aid package and Republicans booed top White House officials,” The Washington Post, September 8, 2017; James Arkin, “Ryan ‘Confident’ House Will Pass Budget, Defends Agenda,” RealClearPolitics, June 30, 2017; National Journal Research, 2017; Office of Management and Budget, “A new foundation for American greatness,” May 22, 2017; Office of Management and Budget, “Major savings and reforms: Budget of the U.S. Government,” May 22, 2017; Jessica Taylor, “Congress paves way for tax legislation by passing budget resolution,” NPR, October 26, 2017.

Conflict in Iraq and Syria

Recent key developments on the Iraq and Syria conflict and potential future actions

October 2017:



Defense Secretary Mattis and Secretary of State Tillerson questioned on the legal authority of the authorization for use of military force (AUMF): Sen Todd Young (R-IN) proposed a new AUMF without time or location restraints in which the war on terror would specifically call out ISIS and require reports to Congress every 60 days. Sens Tim Kaine (D-VA) and Jeff Flake (R-AZ) also proposed an AUMF containing a sunset clause in 5 years and country restrictions

November 2017:



The House and Senate reach an agreement on the FY2018 NDAA: The \$692 billion defense authorization bill does not extend the “train and equip” program, which is set to expire at the end of 2018. The program may be authorized in next year’s NDAA. The authorizations for assistance and cooperation in Iraq are extended with only minor modifications.

December 2017:

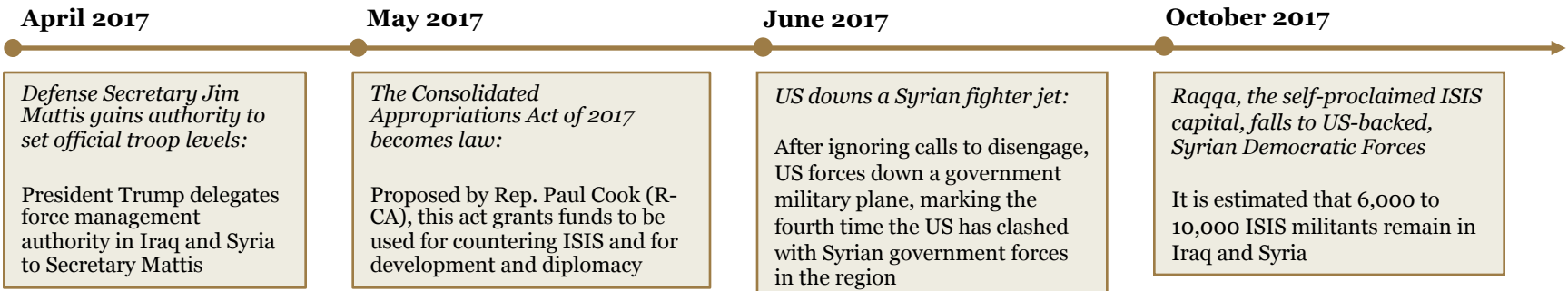


The Pentagon announces troop numbers in Iraq and Syria: Pentagon officials state that there are 5,200 US troops in Iraq and 2,000 in Syria, and the number is trending down.

Potential actions

- The budget disparities between the NDAA and the Defense Appropriations Act will spark debate over funding as FY2018 begins
- Congress has not addressed the spending levels set by the Budget Control Act, which are far below those laid out in the NDAA
- Congress begins to see an end to the conflict. The focus shifts from war tactics to legislation regarding the long-term stability of the region

Legislative timeline



Sources: National Journal Research, 2017; GovTrack.us research, July 2017; Christopher Woody “Congress may repeal the post 9/11 act the US military used to justify the fight against ISIS” Business Insider, June 29, 2017; “Morning Defense” Politico, July 31, 2017; Joe Gould, “As GOP’s Obamacare repeal fails, optimism for NDAA” July 28, 2017; The U.S. House of Representatives Committee on Appropriations, “House Appropriations Committee Releases Fiscal Year 2018 Defense Bill,” June 25, 2017; Scott R. Anderson, “Some Highlights from the likely NDAA for FY 2018,” Lawfare; November 15, 2017. Dan Carden, “Indiana senator wants Congress to specifically include ISIS in new authorization for use of military force,” the Times of Northwest Indiana, November 4 2017.

Criminal Justice

Recent key developments on criminal justice and potential future actions



August 2017:

Cory Booker introduced the Marijuana Justice Act: The bill seeks to remove marijuana from the federal Controlled Substances Act and challenges states that have not legalized the drug, but have racially disproportionate incarceration and arrest rates by withholding some criminal justice funding.



August 2017:

Trump lifted a ban on military gear for local police forces: Trump lifted this Obama-era executive order, which banned the transfer of some surplus military equipment to police departments; this was in response to battlefield-style policing that took place in 2014 during riots in a St. Louis suburb.



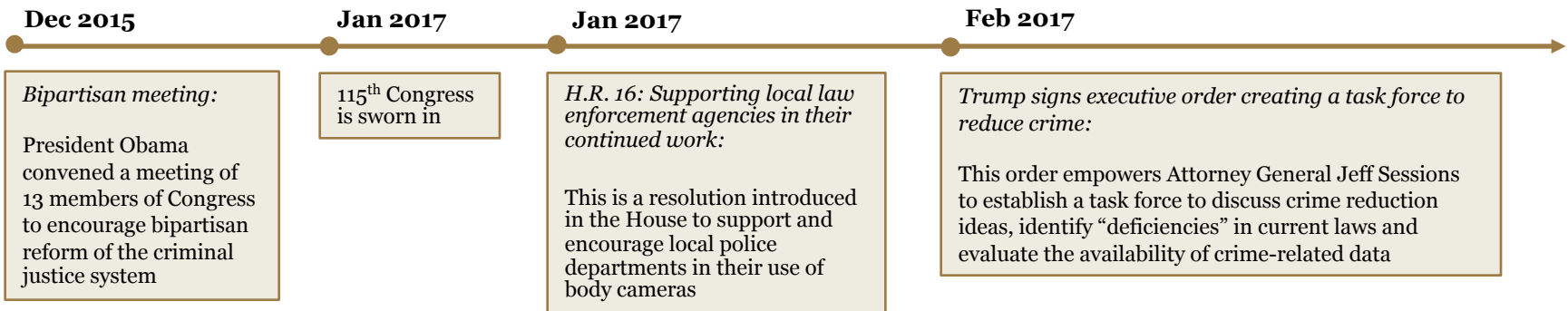
January 2018:

DOJ will no longer follow Obama-era rules of non-interference in states where marijuana is legal: It's not immediately clear whether Jeff Sessions will issue new guidance or simply revert back to older policies

Potential actions

- In the 114th Congress there was some bipartisan support for reducing sentencing for certain crimes
- Some Republicans in the Senate lead by Jeff Sessions opposed this effort and expectations about how Sessions' role as attorney general in the Trump administration will impact this are mixed
- On the one hand, Sessions is no longer on the Senate Judiciary Committee to oppose such a move, but on the other he is President Trump's top advisor on the issue
- Jared Kushner had a meeting on Capitol Hill in mid-April to discuss the future of criminal justice reform with House and Senate leaders
- Legislators aiming for reform appear to be waiting for support from the White House before introducing a bipartisan criminal justice reform bill

Legislative timeline



Sources: Congress.gov, “S.2123 –Sentencing Reform and Corrections Act of 2015,” 114th Congress (2015-2016), October 2015; Jack Martinez, “Senators Announce Bipartisan Criminal Justice Reform Legislation,” Newsweek, October 1, 2015; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” Politico, April 28, 2016; Mark Disler, “From intellectual property to criminal justice reform: what you need to know for the Judiciary Committees in the 115th Congress,” Prime Policy Group, December 16, 2016; Govtrack.us..

Cybersecurity

Recent key developments on cybersecurity and potential future actions



December 2017:

While you were following tax reform: A group of six senators from both sides of the aisle introduced the Secure Elections Act, which would provide grants to modernize local and state elections systems, cybersecurity guidelines for elections, access to information for voting officials, and information sharing across federal and state agencies



December 2017:

FISA reauthorization postponed: Foreign Intelligence Surveillance Act (FISA) section 702 was set to expire on December 31 until it was included in the latest budget stop gap, allowing the program to continue until January 19.



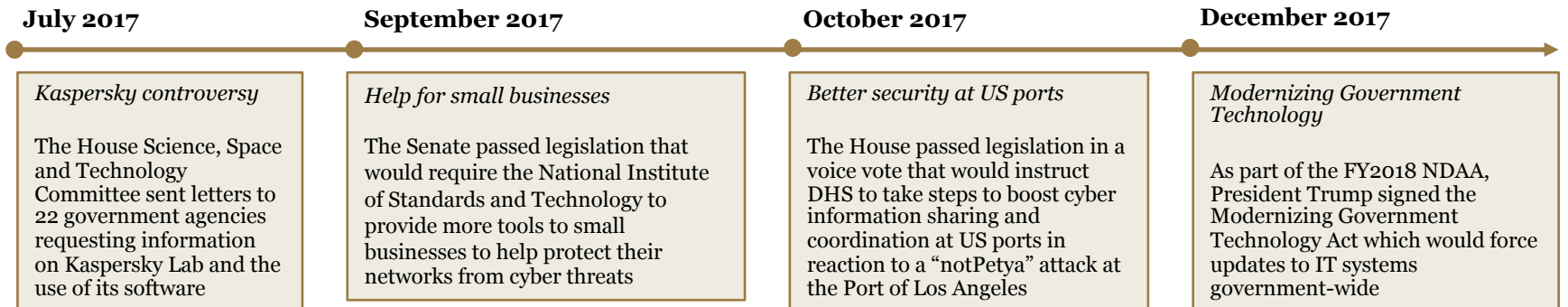
December 2017:

Orrin Hatch (R-UT) announces retirement: The longest-serving Republican senator was responsible for introducing many pieces of cybersecurity legislation in Congress, including the Promoting Good Cyber Hygiene Act of 2017.

Potential actions

- As the 2018 midterms approach, concerns remain over election security. While some legislation has been introduced in Congress, the process of enacting and rolling out election security programs may not happen before the midterms
- Congress will need to reform or repeal FISA section 702, an ongoing debate between the intelligence community and privacy rights of citizens
- The Equifax data breach, which exposed millions of American’s sensitive personal information, was expected to result in congressional action in 2017. Congress may address data breaches through legislation in 2018, or they may wait until the next breach hits to act

Legislative timeline



Sources: National Journal Research, 2017; Justin Sink, Erik Wasson, Anna Edgerton, “Trump, Congress Spoil for Fight With Shutdown Again at Stake,” BloombergPolitics January 2, 2018; Conner Forrest, “Trump signs bill to modernize government IT and cybersecurity,” TechRepublica, Dec 13, 2017; Taylor Hatmaker, “A new bipartisan bill seeks to bolster US election security at the state level,” TechCrunch, December 21, 2017; Martin Matishak, “After Equifax breach, anger but no action in Congress,” Politico, January, 1 2018.

Debt ceiling

Recent key developments on the debt ceiling and potential future actions

November 2015:



Bipartisan Budget Act of 2015: In a budget compromise between congressional leaders and the White House, the debt ceiling was suspended until March 2017, allowing normal borrowing to resume.

March 2017:



Debt ceiling reinstated: The debt limit was automatically raised to the debt level on March 16, 2017; the CBO estimated that the Treasury would be able to use extraordinary measures to fund essential payments until sometime in the fall of 2017.

September 2017:



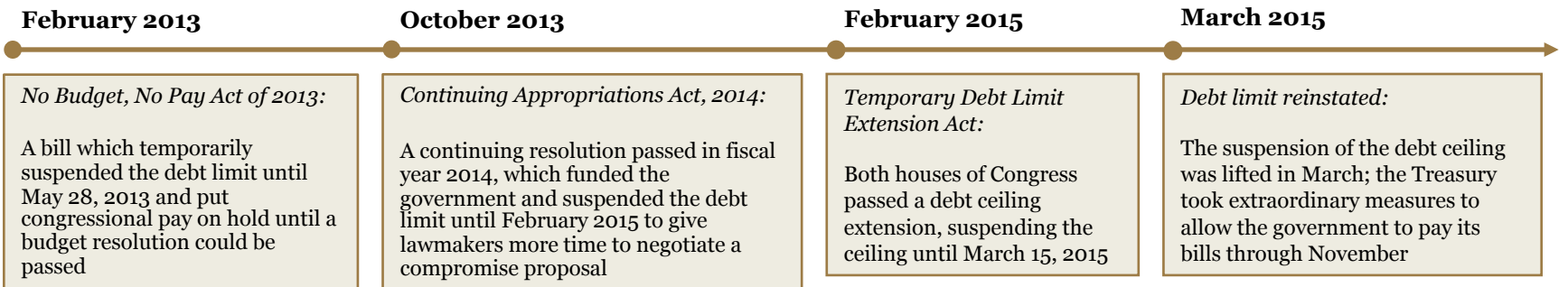
Debt ceiling suspended: The debt limit was suspended until December 2017, in a deal Trump made with congressional Democrats to pass a package of bills including emergency funding for Hurricane Harvey and a continuing resolution to keep the government funded through December 8.

December 2017:



Continuing resolution passed: To keep the government running, Congress passed another continuing resolution for the budget in late December. The debt ceiling was not lifted or suspended.

Legislative timeline



Potential actions

- Republicans must act to raise the debt ceiling before March 2018, when the Treasury Department is expected to run out of cash to pay the government's bills
- Involved in the debt ceiling debate, Congress has to reach a two-year budget deal, including a reauthorization of the Children's Health Insurance Program and how to handle so-called Dreamers, young people living in the U.S. illegally who were brought here as children
- Congressional leaders hope to reach a two-year agreement that would set federal spending above limits established in a 2011 debt-limit fight

Source: Kayla Tausche, "GOP group assembles debt ceiling wish list — for 2018," CNBC, November 29, 2017; Chris Matthews, "Let the debt ceiling games begin!" Fortune, March 16, 2015; Ben White, "US to hit debt ceiling again, and this time could be worse," CNBC, March 16, 2015; Jim Garamone, "Defense Department Prepares Plans for Sequestration," American Forces Press Service, December 5, 2012; Lisa Mascaro and Kathleen Hennessey, "U.S. leaders strike debt deal to avoid default," Los Angeles Times, August 1, 2011; Pete Kasperowicz, "House approves clean debt hike," The Hill, February 11, 2014; Lisa Montgomery and Rosalind S. Helderman, "Congress sends Obama bill to end shutdown," October 17, 2013; Office of the Press Secretary, "Statement by the Press Secretary on H.R. 325," The White House, February 4, 2013; Peter Schroeder and Bernie Becker, "What bills can lame-duck Boehner move?" The Hill, September 29, 2015; Joseph Lawler, "Deal Would Suspend Debt Ceiling until after 2017 Inauguration," October 27, 2015; Rebecca Shabad, "Debt ceiling will be hit in October, CBO estimates," CBS News, June 29, 2017.; Carl Hulse, "McConnell says Democrats' glee on debt limit deal was premature," New York Times, September 11, 2017; Jeff Cox, "Budget deficit projected to pass \$1 trillion even sooner than expected," CNBC, October 24, 2017; Kristina Peterson, "Congress Passes Short-Term Spending Bill to Avoid Government Shutdown," WSJ, December 22, 2017.

Defense appropriations

Recent key developments on defense appropriations and potential future actions

July 2017:



House passes Defense Appropriations Act for FY18 235-192: Appropriations total \$658.1 billion for the Department of Defense, and the bill originally included an amendment revoking the AUMF issued after the 9/11 attacks until it was stripped out by the Rules Committee. The appropriations bill awaits a vote in the Senate.

October 2017:



Trump signs the FY2018 NDAA into law: The \$692 billion defense authorization bill includes a 2.4% pay raise for troops and increased funding for missile defenses. An acquisition reform provision is aimed at reducing spending waste in the procurement process.

December 2017:



Avoiding a government shutdown: Congress passes another continuing resolution to avoid a government shutdown, extending the deadline until January 19. Defense spending remains a major point of contention: Republicans want to prioritize increasing it, while Democrats want to see equal defense and non-defense increases

Potential actions

- Although the FY2018 defense authorization passed both houses of Congress, the broader debate over the defense budget is likely to be contentious, as the defense appropriations bill is \$41.9 billion under the defense authorization levels
- Congress still needs to deal with the sequester, or automatic spending cuts set out in the 2011 Budget Control Act

Legislative timeline

April 2017

Trump releases his FY18 budget request:

President Trump requested a \$54 billion increase to the sequestration level budget cap for FY18. If Congress does not agree to a budget resolution by the start of the fiscal year, they will have to pass another continuing resolution

May 2017

House Appropriations Committee approves FY18 defense appropriations bill:

The House bill includes a total of \$658.1 billion for the Department of Defense: \$584.2 billion in discretionary funding, an increase of \$68.1 billion above the FY17 enacted level, and \$73.9 billion in Overseas Contingency Operations (OCO) funding

June 2017

House passes National Defense Authorization Act (NDAA) 344-81

The House NDAA authorizes \$613.5 billion for base defense spending and \$74.6 billion for Overseas Contingency Operations (OCO) funding; with the mandatory defense spending of \$7.5 billion, the total authorized to be appropriated is \$695.9 billion

Sources: National Journal Research, 2017; Jeremy Herb and Deirdre Walsh, "House panel votes to repeal war authorization for fight against ISIS and al Qaeda," CNN, June 29, 2017; Leo Shane III, "Senate unveils \$700B defense authorization plan," Military Times, June 28, 2017; US House Armed Services Committee, 2017; US Senate Armed Services Committee, 2017; H.R. 3219 --115th Congress, GovTrack.us; Jane Edwards, "House-Senate Conference Committee to Begin Negotiations on Fiscal 2018 NDAA Reconciliation," ExecutiveGov, October 18, 2017.

Education

Recent key developments on education policy and potential future actions



September 2017:

The House approved a bill that would cut \$2.3 billion from the Ed Dept. (a decrease from the president’s proposed cut), while the Senate Approps. Committee approved a bill that would boost department spending by \$29 million.



November 2017:

The House GOP passed its sweeping **tax bill**, which would reduce incentives for charitable giving and scrap the student interest deduction, among other measures.



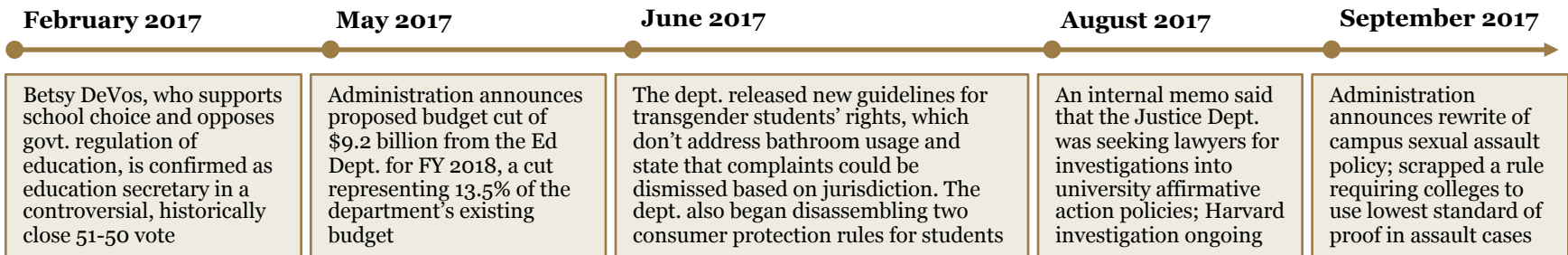
December 2017:

After the **Senate GOP tax bill passed** on Dec. 2, the House and Senate passed a reconciled version. On Dec. 22, Trump signed the bill into law. The final bill left intact a school supply deduction for teachers and breaks for student borrowers, but critics say the plan could hurt public school funding while supporting private school attendees.

Potential actions

- The Ed Dept. may delay by two years, or scrap, an Obama-era rule that seeks to ensure minority students are not being placed in special education classes more often than necessary
- Every Student Succeeds Act: The first deadline for ESSA state plans was Apr. 3, and the second was Sept. 18. All states and DC have submitted plans; the Ed Dept. has begun reviewing these, and DeVos has approved 15 states’ and DC’s plans so far
- With 241,000 DACA recipients currently enrolled in college, the March deadline for DACA’s phase-out has significant implications for students. Congress can re-instate the program, find another way to protect recipients, or allow DACA protections to end

Legislative timeline

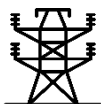


Sources: Jennifer C. Kerr, "What Your Need to Know About the No Child Left Behind Rewrite," Huffington Post, Nov. 20, 2015; Gregory Korte, "The Every Student Succeeds Act vs. No Child Left Behind: What's Changed?" USA Today, Dec. 11, 2015; PR Newswire, "Bipartisan Child Nutrition Bill Passes Senate Committee," Jan. 20, 2016; Joy Resmovers, "DeVos' new transgender student guidance changes course on bathroom access cases," LA Times, Jun. 16, 2017; Lydia Wheeler, "DeVos charges ahead on school choice," The Hill, Aug. 16, 2017; Valerie Strauss, "Like it or not, Betsy DeVos has made a mark in six months as education secretary," The Washington Post, Aug. 14, 2017; Michael Hansen et al., "Reflecting on education policy during Trump's first 100 days—and predicting what's next," Brookings Institute, May 2, 2017; "ESSA State Plan Submission," US Department of Education; Andrew Ujifusa, "With White House Backing, Senate Overturns ESSA Accountability Rules," EdWeek, Mar. 9, 2017; Stephanie Saul & Kate Taylor, "Betsy DeVos Reverses Obama-era Policy on Campus Sexual Assault Investigations," NY Times, Sept. 22, 2017; Andrew Ujifusa, "House OKs Bill to Slash Education Budget as School Choice Push Loses Out," Sept. 14, 2017; Valerie Strauss, "Education Department withdrawing nearly 600 policy documents it says are outdated," WashPo, Oct. 27, 2017. Moriah Balingit & Danielle Douglas-Gabriel, "Here's what the GOP's proposal to overhaul the tax code means for schools, students and parents," Washington Post, Dec. 18, 2017.



Energy & environment

Recent key developments on energy and environment and potential future actions



October 2017:

DOE announces proposed rule: The Department of Energy announced a rule that would create a market preference and potential for cost recovery for all power plants that maintained a 90-day fuel supply.



November 2017:

Updated RFS levels: The Trump administration announced their new levels for the renewable fuel standards, which are higher than those that were set for 2017, but lower than those mandated by law. This is possible because the EPA used a waiver to not meet the levels set by law.



December 2017:

Tax reform and energy: The tax reform package that passed Congress included several provisions that would impact energy and environment, including the BEAT provision, which affects tax equity funding for wind and solar projects, and also maintained the tax credit for electric vehicles.

Potential actions

- President Trump's budget request drastically reduced funding across DOE and EPA, including cutting most funding for research
- The Trump administration has begun the process of creating a new five-year offshore drilling plan by opening it for public comment
- Congress may attempt to complete negotiations on legislation for nuclear waste repositories, including a bill that would allow for the storage of nuclear waste in Yucca Mountain
- Several hurricanes caused significant damage in September, flooding refineries and disrupting water supplies, and this could lead to a renewed push for drinking water legislation

Legislative timeline

April 25, 2017

Offshore energy strategy:

President Trump signs an executive order implementing an offshore energy strategy that encourages energy production and exploration in the Arctic and Atlantic oceans, including on the Outer Continental Shelf

June 1, 2017

Pres. Trump announces his decision to withdraw from the Paris Climate Agreement and submits a document of intent to the U.N. indicating that the U.S. will leave the agreement but is open to remaining if new terms are negotiated that are more favorable to U.S. interests

June 21, 2017

Senators Murkowski (R-AK) and Cantwell (D-WA) introduced legislation that mirrors the comprehensive energy bill from 2016 and it was fast-tracked by Majority Leader McConnell, meaning it could receive a floor vote in 2018 after tax reform efforts conclude

September 22, 2017

ITC determines that imported solar panels have disrupted the market: The panel unanimously determined that the market had been disrupted and now has until November to come up with recommendations to deliver to President Trump so that he can make a final decision

Sources: National Journal Research, 2017; EPA, 2017; Department of Energy, 2017; Lacey Johnson and Julia Pyper, "Solar tariff case advances as ITC finds injury," Greentech Media, September 22, 2017; Timothy Cama, "Senators introduce new bipartisan energy bill," The Hill, June 29, 2017; Michael Shear, "Trump will withdraw U.S. from Paris Climate Agreement," The New York Times, June 1, 2017.



The 2018 Farm Bill

Recent key developments on the 2018 Farm Bill and potential future actions



August 29, 2017:

GAO publishes report on crop insurance: Their analysis said that the government could save up to \$464 million a year by reducing the amount paid by the federal government as subsidies to private crop insurance companies.



October 26, 2017:

House and Senate pass FY2018 budgets: The budget mostly maintains baseline funding for Farm Bill programs, forgoing the major cuts requested by the White House. The final budget did not include a provision for cottonseed to be labeled as an “other oilseed.” It also did not include reconciliation instructions for the Farm Bill, so 60 votes will be needed to pass it.



December 21, 2017

House passes more disaster funding: The bill includes extra funding for areas affected by Hurricanes Harvey, Irma and Maria, as well as wildfires. The legislation includes language that would allow cotton to be included in the Agriculture Risk Coverage program.

Potential actions

- The current Farm Bill expires in September 2018
- Congress could pass a continuing resolution to push the deadline into 2019
- Leaders of both the House and Senate agriculture committees have expressed dedication to maintaining a unified bill with nutrition and farm programs
- Free market and environmentalist groups may team up to oppose maintaining commodity supports
- A depressed commodity market will likely produce support across the aisle for maintaining crop insurance programs
- OMB Director Mulvaney voted against the 2014 bill and may try to influence the president to call for more stringent cuts to crop insurance and SNAP

Legislative timeline





Financial regulation

Recent key developments on financial regulation and potential future actions

October 24, 2017:



Congress voted to repeal the CFPB arbitration rule: Vice President Pence broke a tie in the Senate to officially halt the rule using the Congressional Review Act. The House had voted to repeal the rule in July. President Trump approved of Congress' decision and is expected to sign the repeal into law. The repeal is the most significant legislative victory for the financial industry since President Trump took office.

November 15, 2017:



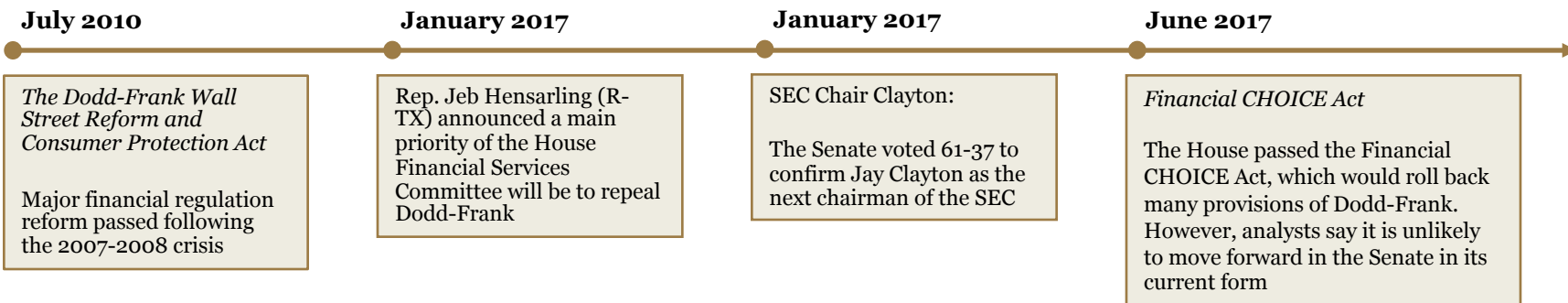
CFPB Director Richard Cordray announces he will step down: Though Cordray appointed CFPB official Leandra English to be acting director, President Trump has appointed OMB Director Mick Mulvaney to serve as interim director of the bureau, prompting English to file a federal lawsuit against the Trump administrations.

December 19, 2017:



Dodd-Frank reform: The House passed bipartisan legislation that would relax federal oversight of regional banks. In November, the Senate introduced similar legislation, which would also relax Dodd-Frank regulations on smaller banks. The bill would raise the threshold for heightened federal oversight from \$50 billion in assets to \$250 billion.

Legislative timeline



Potential actions

- Trump has appointed regulators to the SEC, CFTC and Federal Reserve that will likely advance his plans to relax Wall Street supervision
- The Treasury Department has released three reports under Trump's February executive order calling for an extensive review of existing financial rules; the reports include deregulatory policy recommendations, such as relaxed capital requirements for smaller banks, expanded access to credit and further modifications to Dodd-Frank
- While Republicans lack the Senate votes to pass the CHOICE Act, Congress is moving forward to repeal individual provisions of Dodd-Frank, including modifying the Volcker rule, easing bank capital requirements and reducing the frequency of regulator stress tests
- The DOL will continue to review the impact of the Obama-era fiduciary rule after it announced an 18-month delay to July 1, 2019 for key provisions

Sources: Reuters, "US consumers financial watchdog's chief makes case for embattled agency," May 31, 2017; ACA International, "Financial CHOICE Act expected on house floor for vote in early June," May 31, 2017; CNN Money, "Senate ok's Jay Clayton, Trump's pick for SEC chairman," May 2, 2017; DavisPolk, "Financial CHOICE act 2.0 passes House Financial Services Committee," May 8, 2017; CNBC, "Watch: Treasury Secretary Mnuchin addresses Senate Banking Committee," May 18, 2017; J.D. Prose, "Rothfus' legislation would overturn 'anti-consumer' rule," The Times, July 31, 2017



Immigration

Recent key developments on immigration



November 20, 2017

Acting Secretary of Homeland Security **Elaine Duke announced the termination of the Temporary Protected Status (TPS) designation for Haiti**, which allowed Haitians to live and work in the US after the 2010 earthquake that devastated Haiti.



December 11, 2017

Following a botched terror attack carried out by a Bangladeshi immigrant near the Manhattan Times Square subway station, **President Trump called for an end to immigration preferences for family members of legal US residents, commonly referred to as chain migration**, as well as enhanced immigration security.



December 22, 2017

A three-judge panel of the **9th Circuit Court of Appeals issued a unanimous decision stating that the latest version of President Trump's travel ban should be partially blocked**. However, this will have no immediate effect because of the temporary Supreme Court ruling earlier in December allowing the administration to fully implement the ban as it appealed injunctions issued against the policy.

Potential actions

- Although the Trump administration has resumed refugee admissions, it has stated that nationals from 11 countries will face tougher scrutiny. The administration has yet to identify which countries these are
- Congress will need to address DACA before President Trump's memo goes into effect on March 5, 2018. Trump tweeted on December 29th that any DACA deal must include the building of a wall with Mexico and an end to chain migration and the visa lottery program
- Congress has until July 2019 to reverse the Trump administration's decision to end protected status for Haitians residing in the United States

Legislative timeline

January 2017

Trump issues executive orders that begin the process of building the Mexico-US border wall, expand the powers of ICE, deny federal funding to sanctuary cities, suspend immigration from seven Muslim-majority countries and limit the number of refugees admitted to US; these EOs are later blocked by federal judges

September 2017

The Trump administration announces it will be rescinding the Deferred Action on Childhood Arrivals program started under President Obama. The memo rescinding the program does not go into effect until March 5, 2018

October 2017

President Trump signs a new executive order allowing government agencies to resume processing refugees, following the 120-day ban on all refugee admissions. Although admissions have resumed, the administration has stated that it will cap them at 45,000 refugees for 2018

Sources: Bob Dane, "Davis-Oliver Act would make Trump's immigration agenda law of the land," The Hill, June 1, 2017, Josh Gerstein, "Trump Justice budget targets illegal immigration," Politico, May 23, 2017, USA Today, June 26, 2017; Priscilla Alvarez, "Could Trump's immigration agenda ever get through Congress?," The Atlantic, July 28, 2017, Jordan Fabian and Jordain Carney, "Trump, GOP senators unveil measure to cut legal immigration," The Hill, August 2, 2017, Tal Kopan, "Trump's DACA decision looms," CNN, August 29, 2017, "Timeline of federal policy on immigration, 2017-2020," Ballotpedia.

Iran nuclear negotiations

Recent key developments on the Iran nuclear deal and potential future actions



August 2, 2017:

Trump signs new sanctions against Iran: As part of the package of sanctions against Russia, North Korea and Iran, the president signed new sanctions against Iran for its ballistic missile program and its state-sponsorship of terrorism.



October 13, 2017:

Trump declines to recertify Iran's compliance: In a speech at the White House, President Trump laid out a list of grievances against Iran and called on Congress to enact legislation that would define the terms under which the United States would reimpose sanctions. If Congress cannot pass legislation, Trump said he will terminate the agreement.



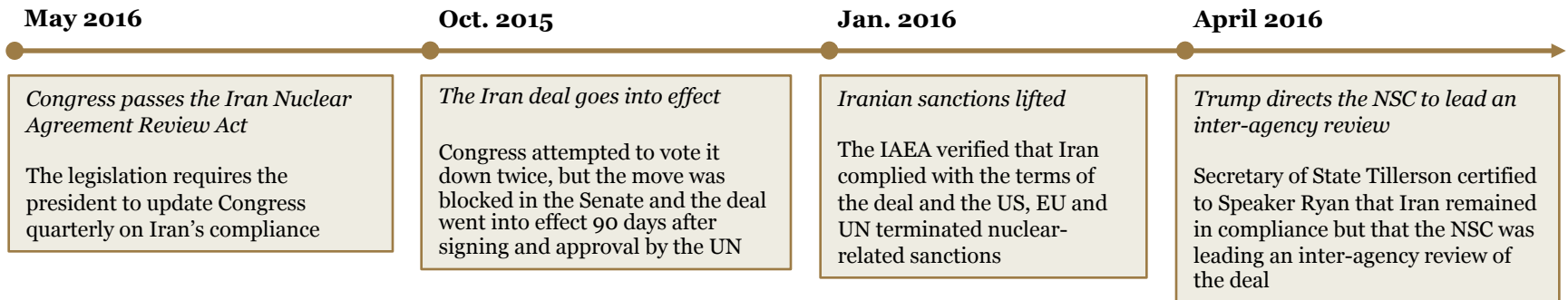
November 2017:

International signatories reaffirm commitment: France's Macron, Britain's May and the European Union's Mogherini all stated their continued support of the nuclear deal despite President Trump's threat to terminate it

Potential actions


- Congress could take no action and the deal would likely remain in place
- President Trump could ultimately pull the US out of the nuclear deal and reimpose pre-deal sanctions as he has stated he wishes to do
- Congress could pass legislation that calls for renegotiation or solidifies the 2015 agreement
- President Trump could leave the deal in place and continue to certify that Iran is in compliance
- European leaders in the P5+1 group have all expressed their desire for the deal to remain in place
- The Iranian government has said that if Trump does not recertify their compliance, they would explore options ranging from cancelling the deal to working with European allies


Legislative timeline




LGBT rights

Recent key developments on LGBT rights and potential future actions

 *July 2017:*
Trump bans transgender people from the military: In a series of tweets, President Trump announced that transgender people will not be allowed to serve in the military, citing the “tremendous medical costs and disruption.”

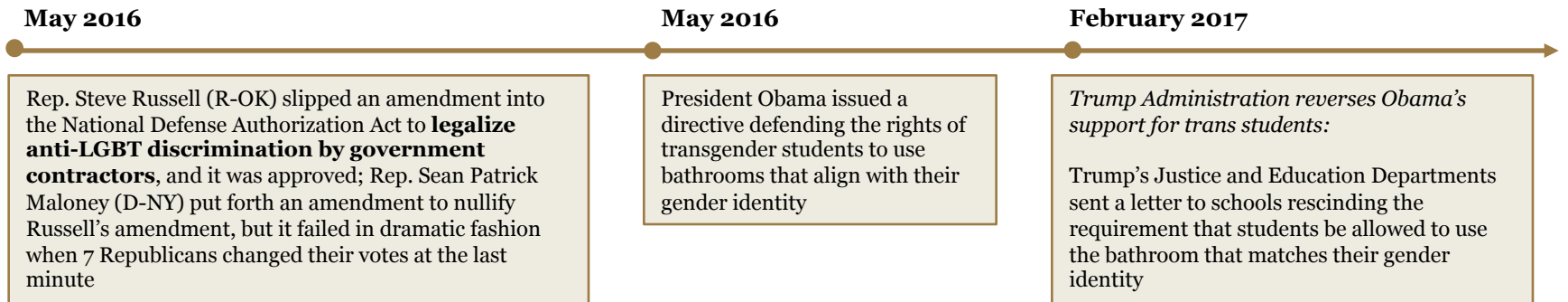
 *July 2017:*
 Trump’s Justice Department argued in a private lawsuit that the Civil Rights Act of 1964 provision prohibiting gender discrimination **does not protect workers on the basis of sexual orientation.**

 *December 2017*
 After a federal judge **blocked President Trump’s memorandum** banning transgender people from serving in the military, the Justice Department announced that a ban on such recruits was on hold. Transgender troops are allowed to enlist as of January 1, 2018.

Potential actions

- In July the Supreme Court announce that it will weigh in on whether businesses can refuse service to LGBT couples on the basis of freedom of religion
- The Equality Act establishes federal protections against discrimination based on sexual orientation or gender identity; however, federal LGBT rights are unlikely to advance with the GOP maintaining control of both the House and Senate
- Congressional Republicans have signaled an interest in passing the First Amendment Defense Act, which prohibits the federal government from penalizing any person who acts according to their belief that marriage should be exclusively heterosexual; Trump has pledged to sign the bill
- The Justice Department is evaluating whether it will appeal the federal judge’s decision to block key provisions of the military transgender ban

Legislative timeline



Sources: Mark Joseph Stern, “Chaos in the House as Republicans Bend Rules to Save Anti-LGBTQ Bill,” Slate, May 19, 2016; Cristina Marcos and Mike Lillis, “Chaos in House After GOP Votes Down LGBT Measure,” The Hill, May 19, 2016. Rachel Bade and John Bresnahan, “LGBT Fight Sinks House Spending Bill,” Politico, May 26, 2016; National Journal Research, 2017; Nelson Tebbe, Micah Schwartzman and Richard Schragger, “Trump wasn’t elected as a culture warrior. He may govern as one,” Vox, December 30 2016; Camila Domonoske, “Repeal of North Carolina’s HB2 law fails as legislature adjourns special session,” NPR, December 21, 2016.

Medicare

Recent key developments on Medicare and potential future actions



May 2017:

AHCA passed the House: The GOP proposed replacement bill was passed in the House, but does not specifically target Medicare. Trump's proposed budget also keeps Medicare funding intact.



July 2017:

The Better Care Reconciliation Act fails vote in Senate: Murkowski, Collins & McCain vote no on 'skinny repeal,' dooming the BCRA. Medicare funding still up in the air.



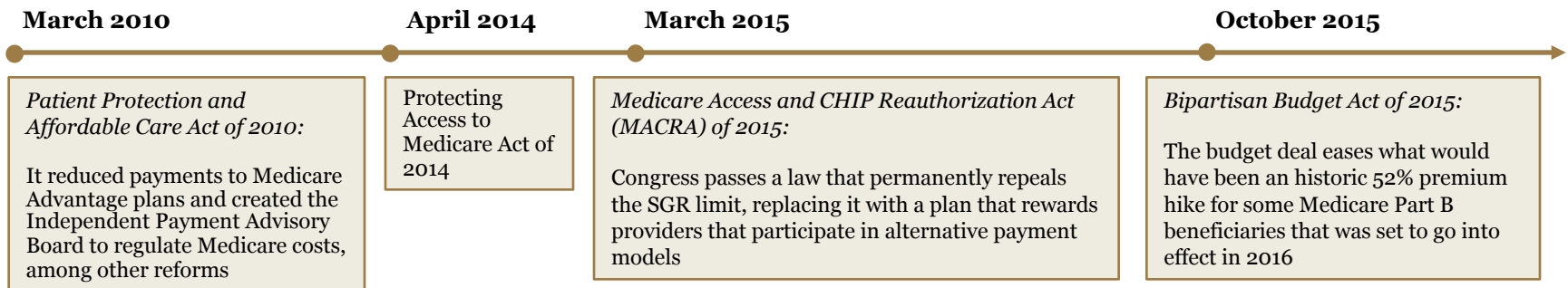
September 2017:

Senate Budget Committee proposed reducing Medicare spending: The proposal cuts Medicare by approximately \$450 billion over the next 10 years. This represent a clear break from Trump, who has repeatedly insisted that his Republican-led administration would not make changes to Medicare.

Potential actions

- Following the 2016 elections, the outlook for Medicare reform changed, as Speaker Paul Ryan and former HHS Secretary Tom Price have advocated sweeping changes to the program
- President Trump previously expressed opposition to such large changes to the popular Medicare program
- Trump's budget request did not include any cuts to Medicare, but Congress and traditional Republicans have shown a clear division from the White House regarding the role of Medicare in the current health care model
- Bernie Sanders' Medicare for all bill is unlikely to pass, but it would restructure the American health care system along the lines of the current Medicare program

Legislative timeline



Source: National Journal Research, 2017; U.S. House of Representatives, "H.R. 2, the Medicare Access and CHIP Reauthorization Act of 2015- Sections 101, 301, 401, 402, and 523" 2015; U.S. Code, "Title 42, Chapter 7, Subchapter XVIII, Part B, Subsection 1395r. Amount of premiums for individuals enrolled under this part, (1)(1-6)," 2015.; Paul Demko, "GOP budget would repeal ACA but steps back from Medicare, Medicaid restructuring," Modern Healthcare, May 1, 2015; Eric Dundon, "From Washington: Graces introduces bill to reform the Medicare audit system," Hannibal Courier-Post, May 5, 2015; Phillip Moeller, "How the Budget Deal Will Change Medicare and Social Security," Time Money, Oct 30, 2015; Mike DeBonis, "Is Paul Ryan already eying Medicare cuts?" The Washington Post, November 11, 2016; Virgil Dickson, "Outlook for 2017: Republicans target Medicaid, Medicare for big changes," Modern Healthcare, December 31, 2016.



North Korea

Recent key developments on North Korea and potential future actions



August 2017:

Sanctions legislation enacted: The Countering America's Adversaries Through Sanctions Act introduced by Rep. Ed Royce (R-CA) in July and signed by the president in August imposes sanctions on North Korean leaders, prohibits US financial institutions from providing financial services to North Korea, and places an embargo on certain goods from the DPRK.



September 2017:

North Korea continues nuclear and missile tests: In its sixth nuclear test recorded to date, the DPRK claims to have successfully tested a hydrogen bomb, and a Hwasong-12 passes over Japan into the Pacific, triggering cell phone alerts of a potential missile strike. At 2,300 miles, this is the longest North Korean missile flight.



November 2017:

North Korea breaks two-month lull in missile launches: Two weeks after Trump's visit to Asia and one week after the Trump administration designated North Korea as a state sponsor of terrorism, Pyongyang launches the Hwasong-15, an ICBM with the furthest reach of any missile launched by the country to date. South Korea responded by firing pinpoint missiles into the water in a show of deterrence capabilities.

Potential actions

- Other legislation in Congress regarding North Korea ranges from requiring the Director of National Intelligence (DNI) to form a DPRK-specific intelligence gathering cell to establishing diplomatic channels to discuss North Korea
- Congressional action depends largely on that of the president. If President Trump does opt for a military option, he will need approval from Congress
- Secretary of State Rex Tillerson said, "Diplomatic options remain viable and open, for now," and called on the international community to take economic and diplomatic steps to deter North Korea from continuing their nuclear weapons program

Legislative timeline



Sources: National Journal Research, 2017; Govtrack.us, 2017

Opioid abuse and heroin epidemic

Recent key developments on the opioid crisis and potential future actions



October 2017:

Trump invoked the **Public Health Service Act (PHSA)**, which requires a statement from the HHS secretary in order to use HHS resources to fight the opioid crisis.



November 2017:

The **President's Commission on the Opioid Crisis issues final report** outlining their findings related to the opioid crisis and listing recommendations for actions the Trump administration should take to combat the epidemic.



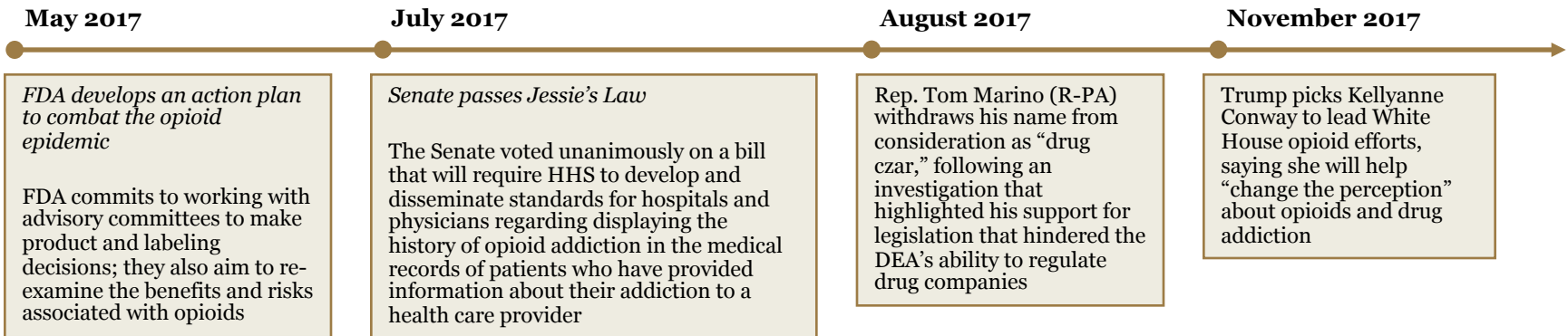
December 2017:

Year ends **without a funding plan to combat the opioid crisis** despite bipartisan congressional support.

Potential actions

- President Trump has invoked the PHSA
 - The announcement is expected to expand access to telemedicine in underserved areas, instruct agencies to curb “bureaucratic delays” for dispensing grant money and provide more funding for the opioid crisis
- The Trump administration has begun to take the interim steps that the President’s Opioid Commission recommended in August, aiming to request funds in a year-end spending package
 - The commission released 56 recommendations in their final report, issued November 1, 2017, but did not specify how to fund the actions
- Congress will have to discuss how to fund efforts to fight the opioid crisis in the coming months

Legislative timeline



Sources: National Journal Research 2016; FDA.gov; Congress.gov; Whitehouse.gov; Goodnough, “\$45 Billion to Fight Opioid Abuse? That’s Much Too Little, Experts Say,” NYT, June 30, 2017; Drash, “Opioid commission tells Trump to declare state of emergency,” CNN, August 1, 2017; Jonathan D. Salant, “How Trump administration reacted to Christie opioid commission,” NJ.com, September 28, 2017; Julie Hirschfeld Davis, “Trump Declares Opioid Crisis a ‘Health Emergency’ but Requests No Funds,” The New York Times, October 26, 2017; Melina Delkic, “Kellyanne Conway Will Run White House’s Opioid Crisis Efforts,” Newsweek, November 29, 2017.



Tax reform

Recent key developments on tax reform and potential future actions

Potential actions

- The IRS will provide guidance on compliance with the new tax code as individuals and corporations transition to the new system



November 16, 2017:

Tax Cuts and Jobs Act: The House passed the Tax Cuts and Jobs Act, and the Senate Finance Committee approved its own version of the bill.



December 2, 2017:

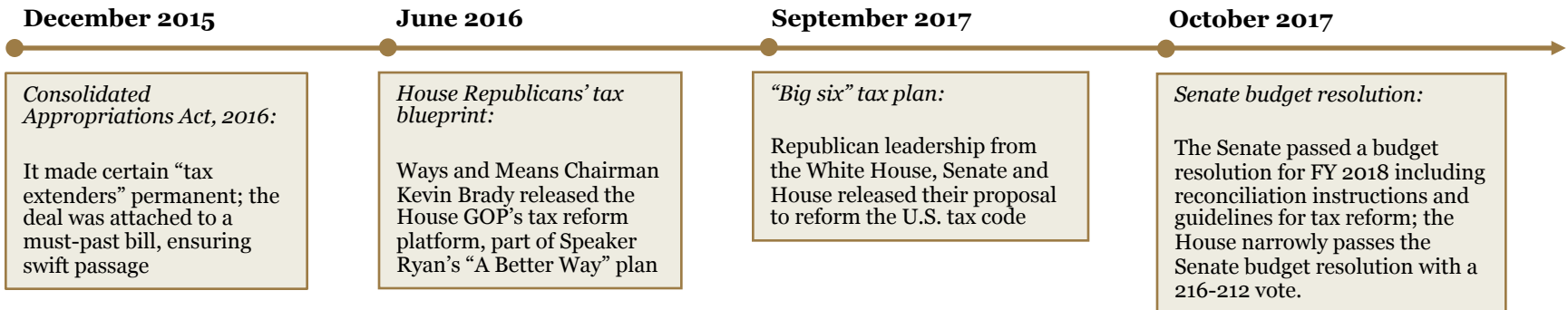
The Senate passed its version of the tax bill in a 51-49 vote, with all Democrats and one Republican voting against it.



December 20, 2017:

The House and Senate passed the conference agreement of the tax bill, and the president signed the bill into law two days later.

Legislative timeline



Source: Seung Min Kim, “Funding bill becomes immigration battle,” Politico, September 18, 2014; Steve Vladek, “National Security and the 2014 Midterms: A Preview of Monday’s CQ Roll Call/Just Security Event,” Just Security, September 21, 2014; Billy House and Sarah Mimms, “Spending, Immigration, and Tax Fights Will Dominate Final Days of Session,” National Journal, November 30, 2014; Squire Patton Boggs, “A Better Way or a Conversation Starter: The GOP Tax Reform ‘Blueprint,’” Lexology, June 29, 2016; Margaret Talev, “White House: Cohn-led tax plan is real and it’s phenomenal,” Bloomberg, February 10, 2017; Rachael Bade and Josh Dawsey, “Ryan likely to get rolled on tax reform,” Politico, April 25, 2017; Aaron Lorenzo, “White House to give detailed tax reform plan to Congress in September, Cohn says,” Politico, June 2, 2017; Aaron Lorenzo, “White House sees tax reform zipping through Congress in October, November,” Politico, July 31, 2017; Dan Zerbe, “Yes, Tax Reform Is Possible. Here Are The Next Steps After The Release Of The Big 6 Framework,” Forbes, September 27, 2017.

Technology

Recent key developments on technology policy and potential future actions



October 2017:

Facebook, Google and Twitter testified before Congress, disclosing their findings on the scope of Russian influence campaigns on their digital platforms. Facebook estimates that 126 million people were exposed to content associated with the Russian effort.



November 2017:

The Senate Commerce Committee approved legislation that would **hold Internet companies liable for facilitating sex trafficking**, while the House introduced similar legislation.



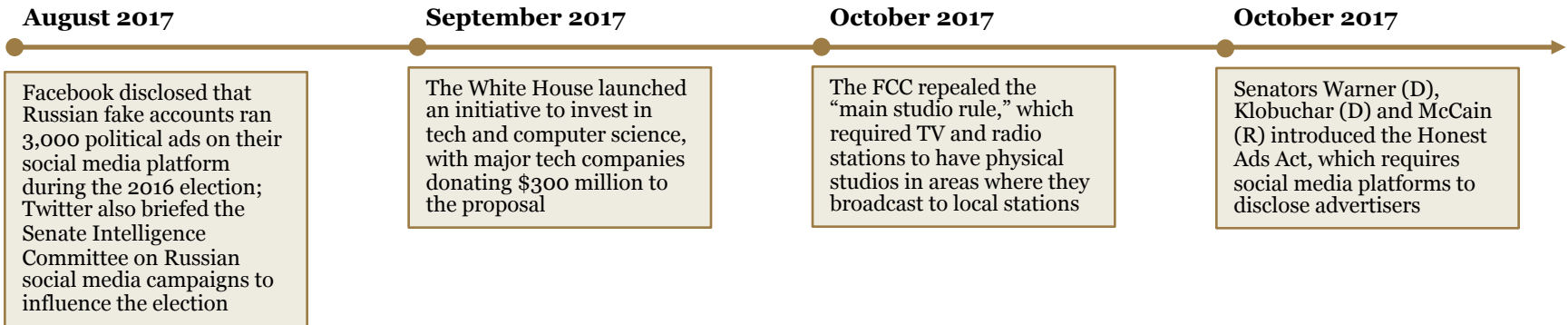
December 2017:

The FCC voted 3-2 in favor of **repealing net neutrality**, an Obama-era requirement that Internet service providers treat all web traffic equally.

Potential actions

- The FCC ruling to repeal net neutrality is sure to face a series of legal challenges
- If the repeal of net neutrality survives the legal challenges, Democrats in Congress could push for legislation to require net neutrality
- Rep. Marsha Blackburn (R-TN) introduced H.R. 2520, which would authorize the FTC to enforce information privacy protections that require broadband companies to allow users to opt in or out of disclosing their information
- The Email Privacy Act (H.R. 387), amending the Electronic Communications Privacy Act of 1986, passed the House and could see a vote in the Senate
- The Supreme Court is set to hear two cases on cell phone privacy: *Carpenter v. US* and *Microsoft v. US*

Legislative timeline



Sources: Congress.gov, 2017; Ryan Hagemann and Andrew Chang, “Encryption showdown: Burr-Feinstein vs McCaul-Warner,” *The Hill*, April 25, 2016; Amir Nasr, “A tale of two encryption bills,” *Morning Consult*, March 23, 2016; Horia Ungureanu, “President Obama pledges to veto House passage of H.R. 2666 anti-net neutrality bill,” *Tech Times*, April 15, 2016; Li Zhou, “What tech should watch for during the lame duck,” *Politico*, November 14, 2016; Brendan Bordelon, “Thune plans ‘step-by-step’ Comms Act rewrite in new Congress,” *Morning Consult*, January 4, 2017; “Presidential Executive Order Expanding Apprenticeships in America,” *The White House*, June 15, 2017.