

# Legislative Forecast for the 115th Congress

**March 5, 2018**

**Producers**

*Owen Minott, Christine Yan, Claire Carter, Madelaine Pisani, Shruthi Ashok, Katy Pentz, Michael Brady, Adriana Morton, Adam Aldrich, Taryn MacKinney, Theo Goetemann & Julianna Bradley*

**Director**

*Alistair Taylor*

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

January – June 2018

Jan	Feb	March	April	May	June
<ul style="list-style-type: none"> <li>• President Trump reaches one full year in office</li> <li>• Congress enters 2018 session</li> </ul>	<ul style="list-style-type: none"> <li>• President’s budget request</li> </ul>	<ul style="list-style-type: none"> <li>• Debt limit deadline</li> <li>• DACA benefits begin to expire (if not for injunction)</li> <li>• New deadline for government funding bill: 3/23</li> </ul>	<ul style="list-style-type: none"> <li>• Congress traditionally completes action on the concurrent resolution on the budget</li> </ul>	<ul style="list-style-type: none"> <li>• Annual appropriation bills may be considered in the House</li> </ul>	

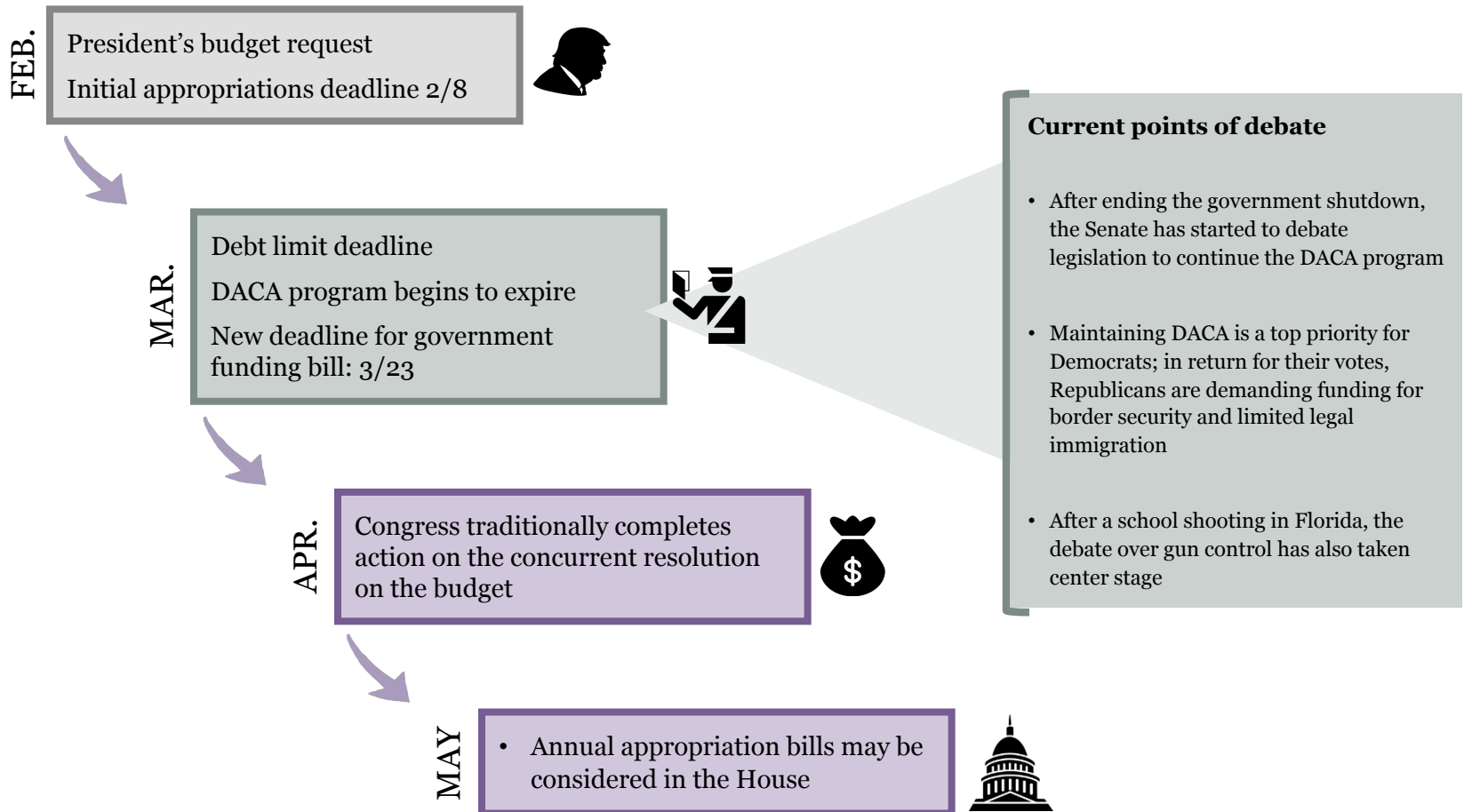
## Possible actions, timing unknown

- **Affordable Care Act:** After the individual mandate was repealed in the GOP tax bill, it is unclear if Republicans will try to pass a full ACA repeal
- **Defense appropriations:** Congress agreed on February 9 to raise budget caps for defense and non-defense spending for FY2018 by \$80 billion and \$63 billion respectively
- **Energy & environment:** Negotiations for a comprehensive energy bill are expected to resume in the 115th Congress
- **Financial regulation:** The CHOICE Act is unlikely to move forward in the Senate in its current form, but it is set to take up a bipartisan bill that would raise the "too big to fail" asset threshold from \$50B to \$250B
- **Immigration:** Democrats are pushing for a vote to reinstate DACA
- **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
  - Technology

## Archived issues *(Major legislative or administration actions in 2015-17)*

- 
- 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.



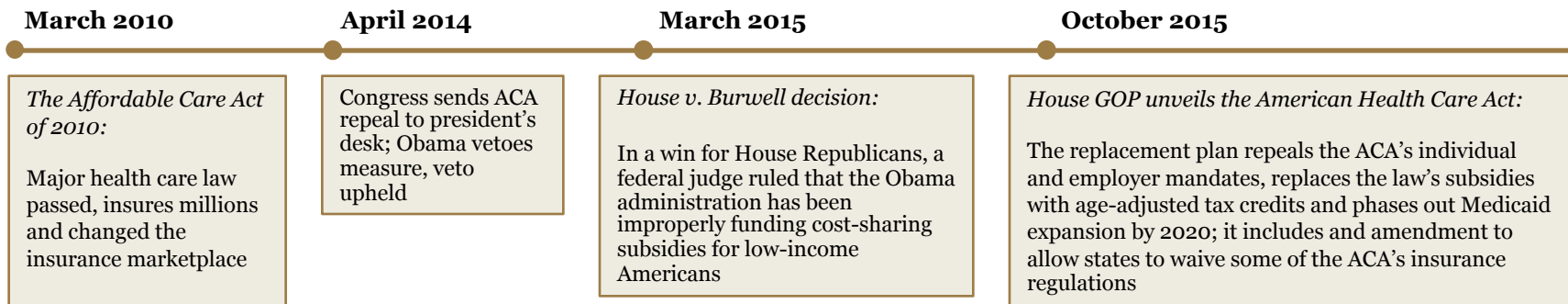
December 2017:

**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.

# Conflict in Iraq and Syria

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



December 2017:

**Russia declares victory:** Putin visits Bashar al-Assad at a Russian base in Syria and declares victory over ISIS in the region. Army Col. Ryan Dillon reports the US military estimated fewer than 1,000 ISIS militants remain in Iraq and Syria as of December.



January 2018:

**Russia hosts Syria peace talks:** Russia organized a Syrian peace conference in Sochi, Russia, but key opposition leaders boycotted the conference. A new constitution was agreed upon over the course of the talks, but it is unclear if the agreement will hold without the support of the opposition. Fighting erupted in northern Syria as well, further undermining the talks.



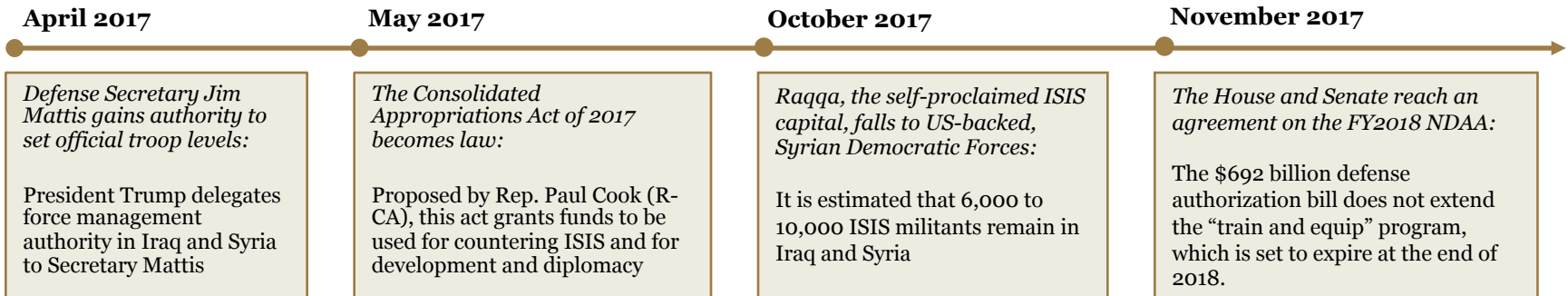
February 2018:

**Russian actions in Syria “undermines international security,” says the Pentagon:** The UN Security Council unanimously voted for an immediate 30-day cease-fire in Syria, but the Pentagon claims Syrian President al-Assad continues to attack citizens. Pentagon spokeswoman calls on Russia to “restrain” Bashar al-Assad.

### Potential actions

- Congress passed a budget agreement with funding for the military on February 9, 2018 that raised defense budget caps for FY2018 and FY2019
- 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, 2018; GovTrack.us research, July 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; Nataliya Vasilyeva and Vladimir Isachenkov, “Russia’s Syria talks end with plan to draft new constitution” Associated Press via Washington Post, January 30, 2018

# 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.



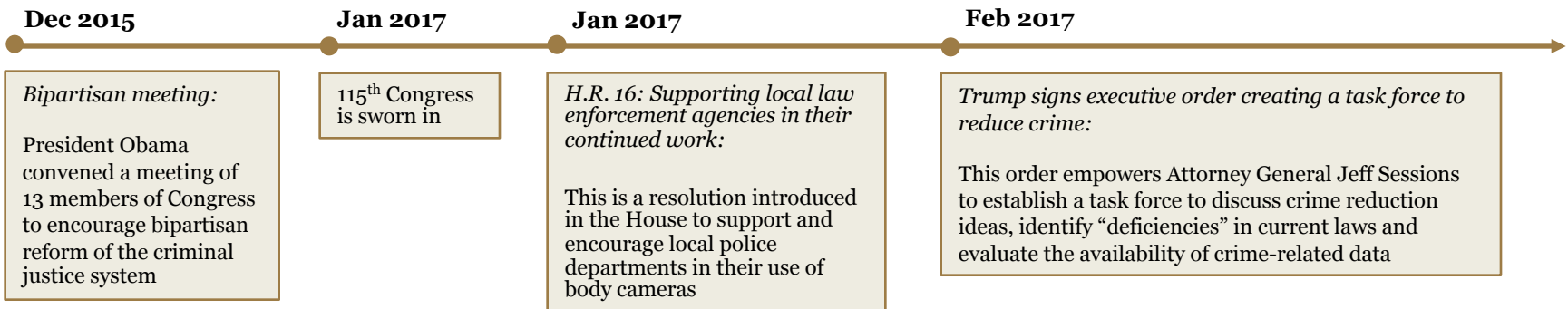
January 2018:

**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:** The House passed the FISA Amendment Reauthorization Act 256-164. Two loopholes known as “backdoor search” and “about collection” allow the intelligence community to surveil Americans without a warrant. Before passing the reconciled version of the House and Senate bill, the Senate went into a filibuster led by Senators Rand Paul (R-KY) and Ron Wyden (D-OR).



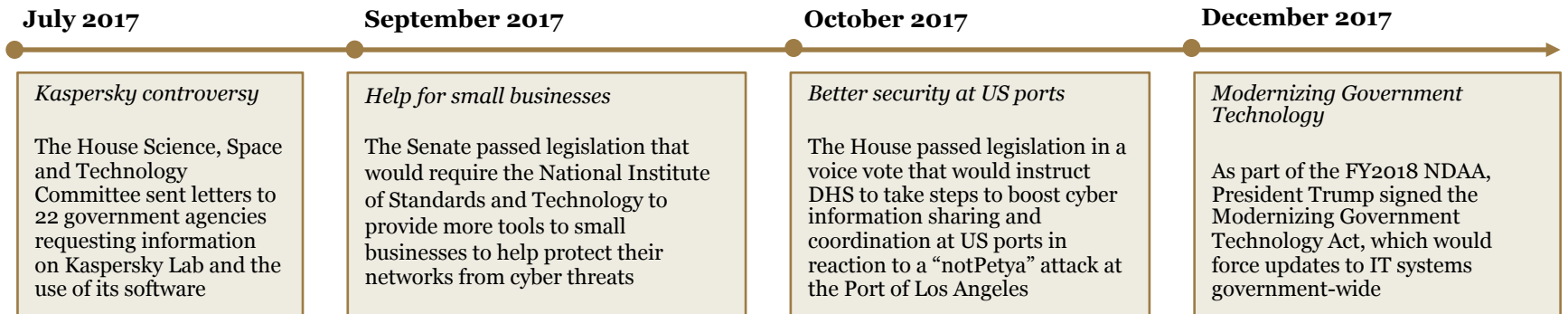
February 2017:

**No authority to act:** The Mueller indictment charged 13 Russian nationals and three Russian companies with conspiracy to defraud the US. Despite this, NSA Director and CYBERCOM Commander Mike Rogers testified to Congress that he had not been given orders to counter Moscow’s interference in US political activities, including the 2016 election

### 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
- The Equifax data breach, which exposed millions of American’s sensitive personal information, was expected to result in congressional action in 2017
- With four months until the August recess, Congress faces pressure to pass multiple cyber-centric bills, including data breach notification requirements, DHS reauthorization and reorganization, cyber workforce issues, election security and social media platform regulation

### Legislative timeline



Sources: National Journal Research, 2018; 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 - December 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.

February 2018:

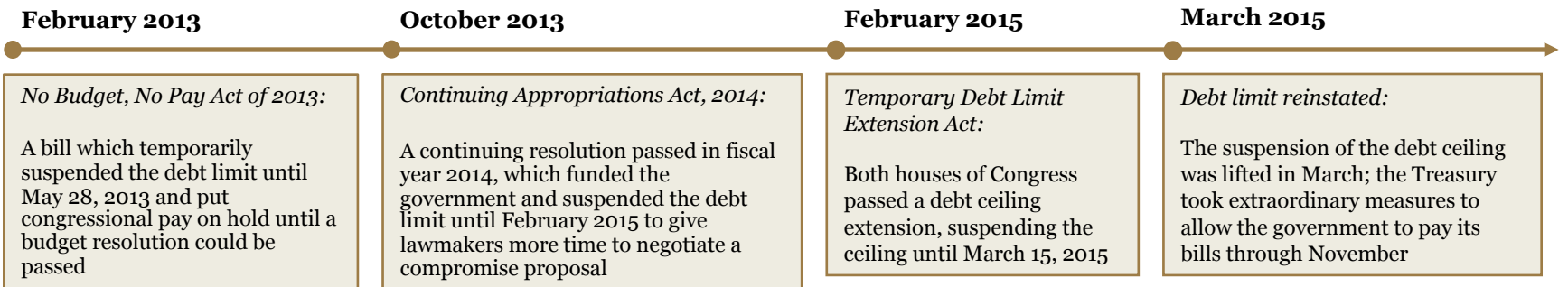


**Debt ceiling suspended:** After the debt ceiling was reinstated in December, lawmakers struck a budget deal that suspended it again until March 1, 2019

### Potential actions

- Republicans and Democrats have a year to borrow money without limitations
- Before March 2019, the government must cut spending and pay off current debts, or Congress must act again to raise or suspend the debt ceiling

## Legislative timeline



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; Kimberly Amadeo, "U.S. Debt Ceiling: Current Status and Looming Crisis," The Balance, February 8, 2018.

# Defense appropriations

## Recent key developments on defense appropriations and potential future actions

January 2018:



**Congress failed to pass spending legislation, resulting in a government shutdown between January 19 and 22:** Congress ultimately agreed to extend the deadline to Feb. 8. The primary goal for Democrats is bringing nondefense spending back in line with defense spending.

February 2018:



**Congress passes defense appropriations for FY2018:** After four continuing resolutions for FY2018 appropriations, a fifth continuing resolution, the Bipartisan Budget Act (BBA) of 2018, was passed to fund the government until March 23. Negotiated by Majority Leader Mitch McConnell and Minority Leader Chuck Schumer, the BBA raises budget caps for defense and non-defense spending for FY2018 by \$80 billion and \$63 billion respectively. It does not specify how the funds will be allocated within the DoD



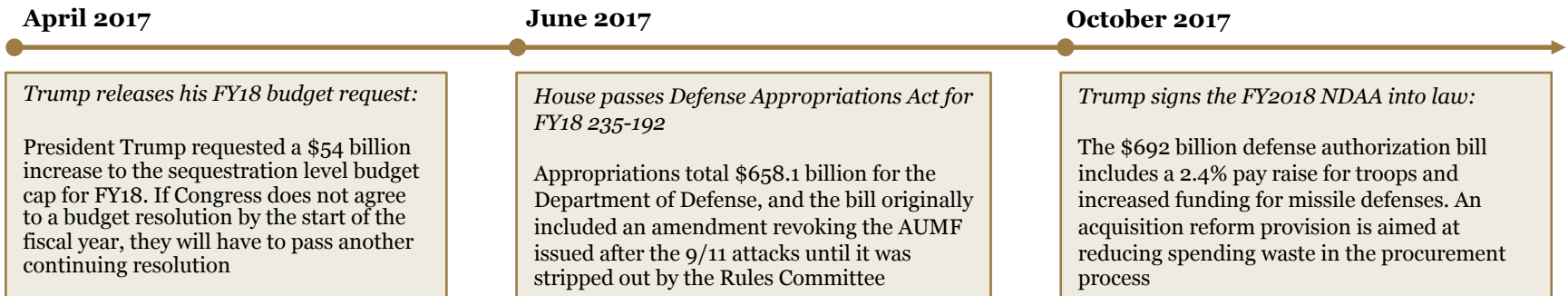
February 2018:

**Trump releases his FY2019 budget request:** President Trump requested \$597.1 billion for the Department of Defense for FY2019, a 14% increase from 2017 enacted levels.

### Potential actions

- Congress still needs to allocate funding for defense spending to specific programs within the DoD by March 23, the deadline set in the February 9 CR
- Congress has begun hearings on the President’s FY2019 budget request and will continue to assess the effects of funding levels on the military moving into FY2019 appropriations legislation

### Legislative timeline



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



*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.



*February 2018:*

On Feb. 14, **14 people were murdered** by a gunman at a Parkland, FL high school. Student survivors spoke out, demanding that Congress keep schools safe by adopting gun control measures. On Feb. 22, Trump suggested that schools should arm some teachers – a controversial stance that has **propelled gun control** into the national spotlight.



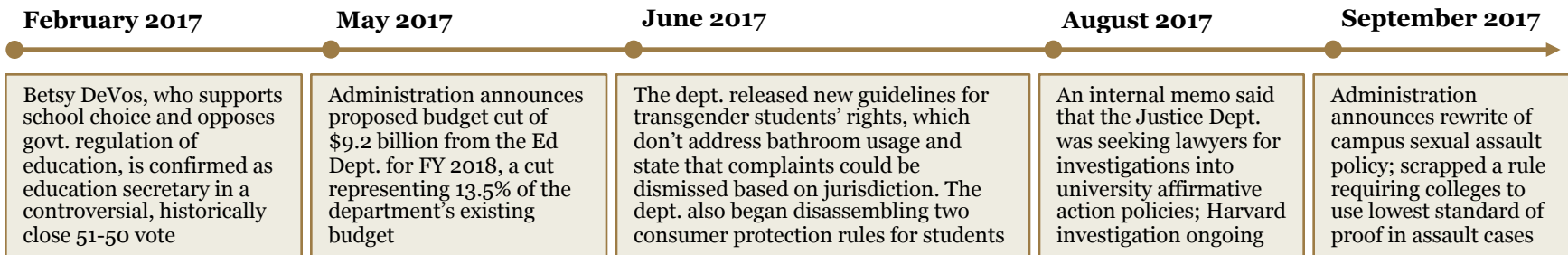
*February 2018:*

Congress passed the **Bipartisan Budget Act of 2018**. The bill – which largely disregarded the White House’s budget proposal – included an extra **\$4 billion for “student-centered programs** that aid college completion and affordability.” It also increased NIH funding by \$2 billion, most of which goes to colleges and universities, but did not provide a solution for DACA recipients, many of whom are students.

### 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 33 states’, DC’s, and Puerto Rico’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; no solution was included in the 2018 budget deal

## 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 Resmovits, "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



*December 2017:*

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.



*January 2018:*

The EPA announced that it would **relax regulatory compliance standards for air pollution** sources that were previously considered “major” hazardous pollutants.



*February 2018:*

Senators met with President Trump in an attempt to iron out a deal on reforms to the ethanol mandate. However, no deal was struck given the ongoing dispute over a proposal to cap RIN prices, which is supported by Sen. Ted Cruz, but opposed by many others, including Senator Grassley, a leader in RFS policy

#### 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

**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

**September 29, 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 maintain 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

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.

January 30, 2018



**Sec. Perdue releases “Farm Bill legislative principles”:** The document broadly outlines what the administration would like to see in the next farm bill, including no increases to farm subsidy programs, giving states flexibility in managing SNAP, and promoting youth and veterans to get into agriculture. They also want a farm bill that “reflects the administration’s budget goals,” which last year called for major cuts.

February 12, 2018

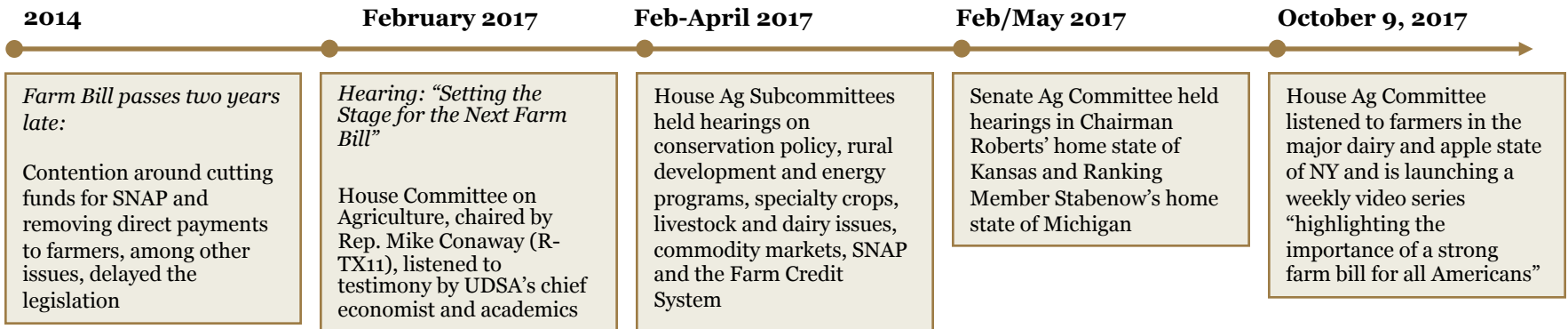


**OMB releases Trump’s FY2019 budget proposal:** The proposal calls for less cuts than the FY2018 proposal, but maintains requests for new inspection fees, cuts to SNAP and limits on farm insurance subsidies. The proposal was met with condemnation by Democratic members of Congress and mostly dismissal by Republicans. A proposal to create a new shelf-stable food distribution program in SNAP was also introduced.

### Potential actions

- The current Farm Bill expires in September 2018
- Congress could pass a continuing resolution to push the deadline into 2019
- A House bill is currently being analyzed by CBO and may be released in March
- House and Senate agriculture leaders 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
- 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



November 27, 2017:

**DOL delays implementation of fiduciary rule:** DOL announces a 18-month delay to July 1, 2019 for the key provisions of the Obama-era rule, which would require brokers to act in the best interests of retirement savers, rather than sell products that are merely suitable but could make brokers more money.



November 28, 2017:

**Mick Mulvaney takes over as acting director of the CFPB:** A harsh critic of the CFPB under former director Richard Cordray, Mulvaney has shifted the agency's regulatory approach from protecting consumers to identifying and addressing burdensome regulations. Mulvaney requested a \$0 budget for the agency for Q1 2018, halted the agency's enforcement actions and plans to roll back several Obama-era rules.



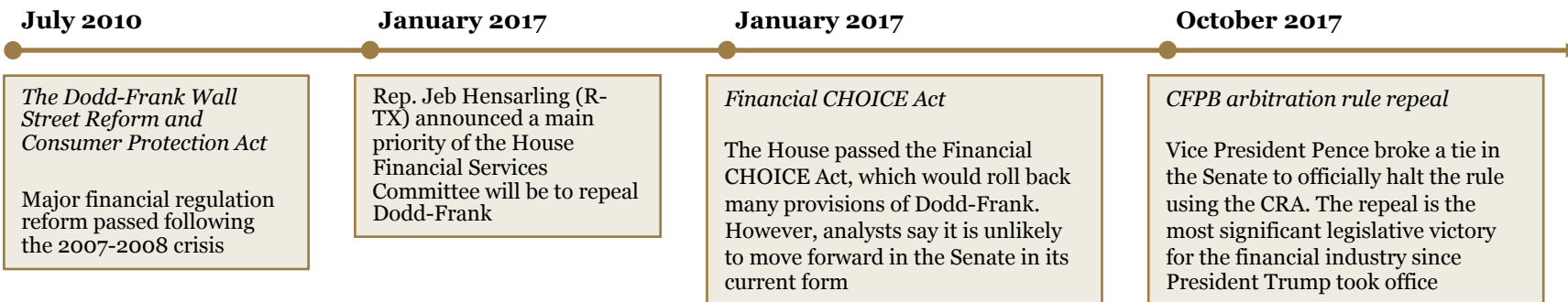
December 19, 2017:

**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 raises the threshold for heightened federal oversight from \$50 billion in assets to \$250 billion. Mitch McConnell has taken steps to bring the bill to the floor in early March.

### 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
- Jerome Powell replaced Janet Yellen as Fed chair on Feb. 4; the Fed currently has four vacancies

## Legislative timeline



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; Andrew Ackerman and Christina Rexrode, "Senate Readies Rollback of Bank Rules," The Wall Street Journal, March 21 2018.

# Immigration

## Recent key developments on immigration and potential future actions



January 29, 2018

**The Trump administration announced it would return to reviewing the most recent applications for asylum** instead of processing them in the order in which they were received, a policy the Obama administration had previously changed in 2014 to prioritize the oldest cases first.



February 15, 2018

**The Senate rejects four immigration reform proposals** that included a legislative fix for the expiring Deferred Action for Childhood Arrivals (DACA) program as well as border security measures.



February 26, 2018

**The US Supreme Court denied the Trump administration's request** to immediately review a US district court ruling that temporarily blocked the administration's order ending the DACA program. The court's refusal to hear the appeal leaves the district court's ruling in place for now, meaning DACA recipients can continue to renew their permits while the Trump administration pursues its case in the courts.

### Potential actions

- Although the Senate rejected four immigration reform proposals in February, Congress will still need to address DACA while the Trump administration appeals the district court ruling that blocked Trump's September memo from going into effect
- Congress has until July 2019 to reverse the Trump administration's decision to end protected status for Haitians residing in the United States
- Since the Supreme Court denied the Trump administration's request without prejudice, the administration may appeal again to SCOTUS after the circuit court of appeals has a chance to consider the case.

## 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

Senior US officials said that the US will resume refugee admissions from 11 "high risk" countries after halting admissions from those countries last October in order to conduct a 90-day security review.

Sources: National Journal Research; Yeganeh Torbati, "US to resume refugee admissions from 11 'high-risk' countries," Reuters, January 29, 2018; "Trump administration officials on immigration," Ballotpedia; Michael Shear, "Trump immigration plan demands tough concessions from Democrats," New York Times, January 25, 2018.



# International trade

## Recent key developments on international trade and potential future actions

December 2017:



**USTR announces review of bilateral agreements with Australia and Korea:** Lighthizer announced that negotiations would begin in January to modify the US-Korea Free Trade Agreement (KORUS), led by AUSTR Michael Beeman. USTR met with Australian trade leaders to review implementation of the US-Australia Free Trade Agreement (FTA).

January 2018:



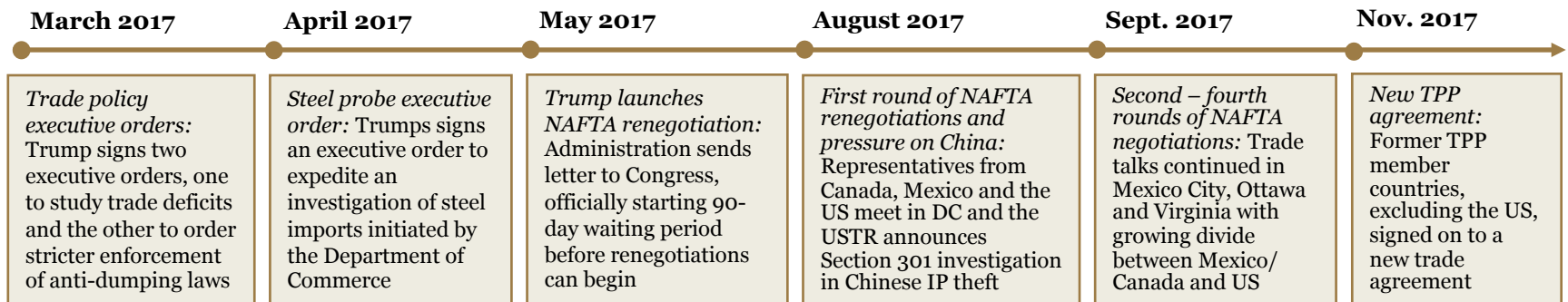
**Sixth round of NAFTA renegotiation completed:** Negotiators met in Montreal and discussed rules of origin provisions, corruption provisions and treatment of trade with other countries outside of NAFTA.

February 2018:



**New tariffs and seventh round of NAFTA talks:** President Trump announced new tariffs on steel and aluminum and tweeted that the tariffs would only be removed if Canada and Mexico agree to a revised NAFTA agreement.

## Legislative timeline



### Potential actions

- NAFTA renegotiations will continue in Washington D.C. in late March for the eighth round
- Goals include:
  - Raising rules of origin, the level of a good produced in North America needed to qualify for zero tariffs under NAFTA
  - Eliminating Chapter 19, which allows private companies to challenge trade rulings made by NAFTA countries
  - A sunset clause to end NAFTA in five years unless each country agrees to its renewal
- Trump has the power to negotiate tariffs on specific goods without congressional approval, but more substantial changes have to pass through Congress
- Trump has indicated he is willing to withdraw from NAFTA if a satisfactory agreement isn't reached
- Trump is expected to withdraw from TTIP negotiations with the EU

Source: Doug Palmer, "Probe could lead to duties on steel imports," Politico, April 20, 2017; Office of the USTR, Press Releases, 2017; Ann Campoy, "The North American Free Trade Agreement is at an impasse because the US is tired of free trade," Quartz, October 17, 2017; Ana Swanson, "Nafta Round Closes With Talks Bugged Down by Conflict," NY Times, Nov. 21, 2017; Michael Tatarski, "Countries agree on Pacific trade pact that excludes the US," Politico, November 10, 2017; Doug Palmer, "Trump's trade chief clashes with Canada, Mexico in NAFTA talks," Politico, January 29, 2018; USTR Press Releases, 2018; Eric Martin, Andrew Mayeda, Josh Wingrove, "Trump says no Mexico, Canada steel break without fair Nafta," Bloomberg, March 5, 2018.



# Iran nuclear negotiations

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



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.



January 12, 2018:

**Iranian protests and Trump threatens May ultimatum:** Demonstrations in Iran began on December 28 protesting slow economic growth and high prices for basic goods despite the lifting of international sanctions. Trump waved sanctions a third time, but said he would not again in May if significant progress was not made on renegotiation.



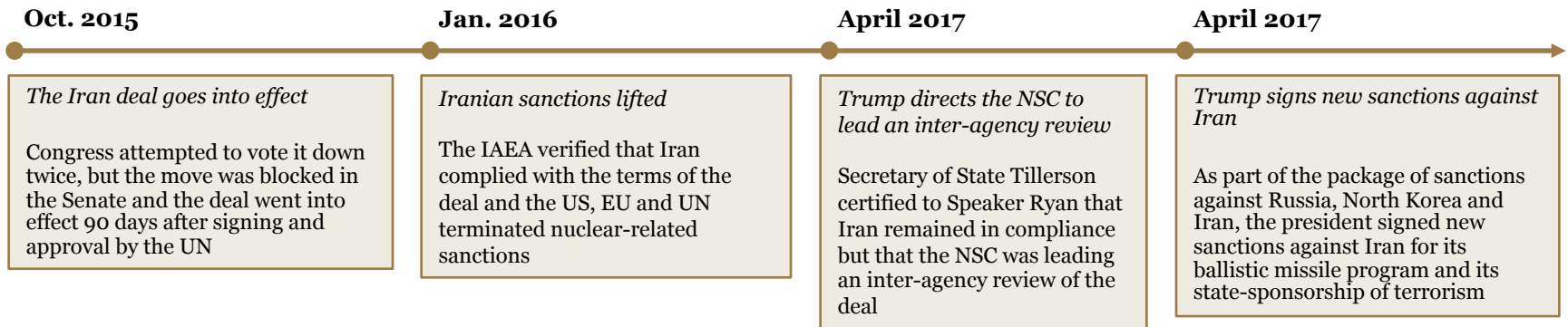
March 1, 2018:

**High-level negotiations begin between US and Europe:** European leaders have all expressed their desire to maintain the accord, and have suggested maintaining sanctions relief from Iran even if the United States withdraws from the accord. They are facing a May deadline when the US waiver for sanctions will expire, although Trump could extend that deadline by waiving them again.

### Potential actions


- President Trump could waive sanctions again in May if he believes progress is being made
- He could decide no progress will be made and unilaterally reimpose sanctions
- Congress could pass legislation that calls for renegotiation or codifies the 2015 agreement into law
- 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.”

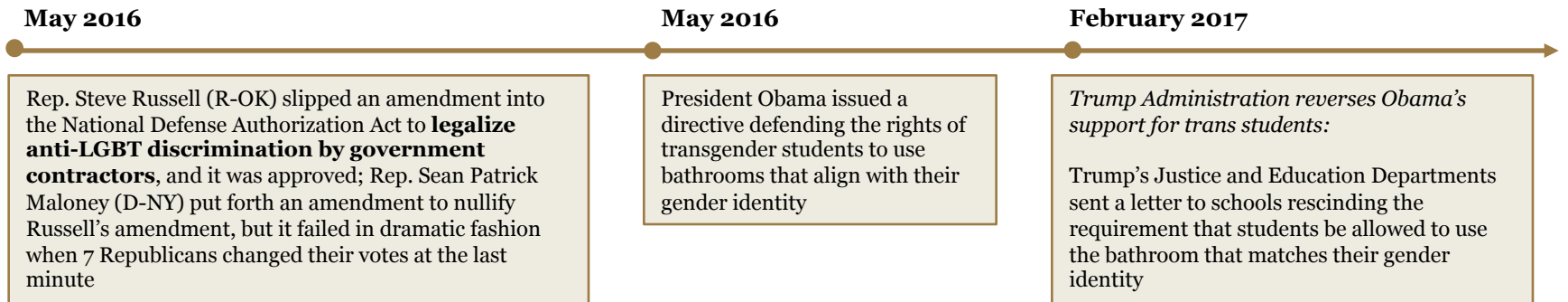
 *July 2017:*  
 Trump’s Justice Department argued in a private lawsuit that the Civil Rights Act of 1964 provision prohibiting gender discrimination **does not protect workers on the basis of sexual orientation.**

 *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.



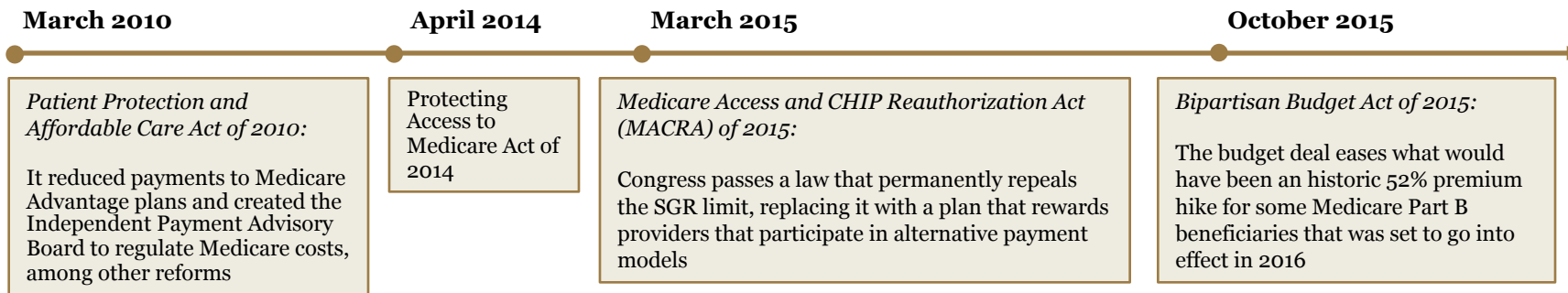
September 2017:

**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.



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.



February 2017:

**Tensions between North and South Korea cool; tensions between US and North Korea remain:** As the 2018 Winter Olympics approached, the North and South Korea entered into dialogue on Olympic participation. Over the course of the Games, Vice President Mike Pence and Ivanka Trump were rumored to have scheduled talks with North Korean leadership. Neither US official met with North Koreans.

### 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, 2018.

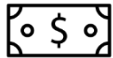
# Opioid abuse and heroin epidemic

## Recent key developments on the opioid crisis and potential future actions



January 2018:

The Bipartisan Heroin Taskforce (BHT) releases its **2018 legislative agenda**, which includes bipartisan legislation to address the opioid epidemic by supporting prevention, treatment, recovery and law enforcement efforts.



February 2018:

Congress passes the **Bipartisan Budget Act of 2018**, which includes \$6 billion for the opioid crisis, split evenly over FY18 and FY19. Attorney General Jeff Sessions also announces the formation of the new Prescription Interdiction & Litigation Task Force



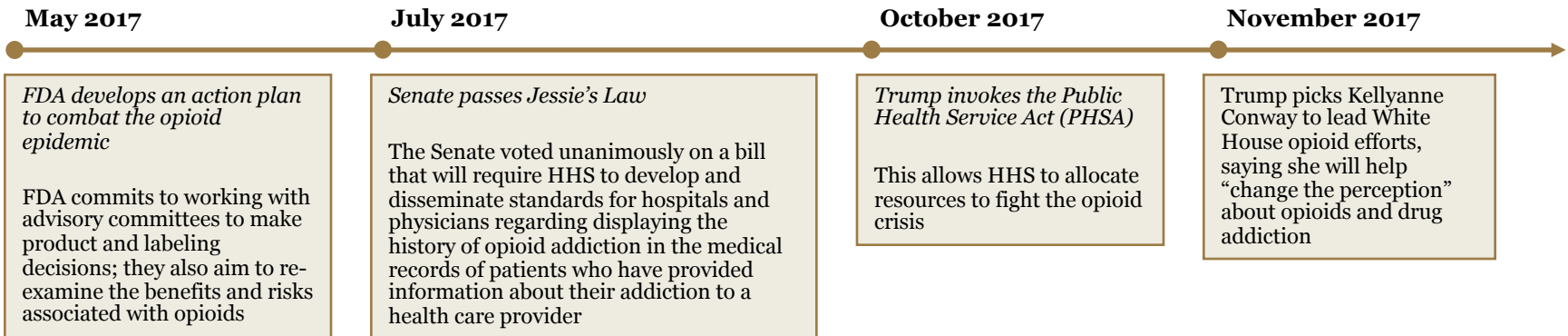
March 2018:

The White House holds a **summit on the opioid crisis** with Cabinet secretaries, meant to function as a “progress report” for the secretaries to detail their efforts to combat the epidemic

### Potential actions

- HHS has extended the opioid crisis’s status as a public health emergency through April
- Eight senators have announced a bipartisan opioid bill that would allocate \$300M to expand access to medication-assisted treatment (MAT), \$200M to build a “national infrastructure for recovery support services,” and \$300M to expand first responder training and access to naloxone
- AG Sessions and White House senior advisor Kellyanne Conway have suggested incorporating harsher penalties for drug trafficking, such as making fentanyl trafficking a capital crime
- Trump has named Jim Carroll as director of the Office of National Drug Control Policy, making him the “drug czar”

### Legislative timeline



Sources: National Journal Research

# Technology

## Recent key developments on technology policy and potential future actions



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.



January 2017:

In the wake of the net neutrality repeal, **more than 20 states sued the FCC** over the decision; governors in New York and Montana issued executive orders mandating that ISPs uphold net neutrality principles.



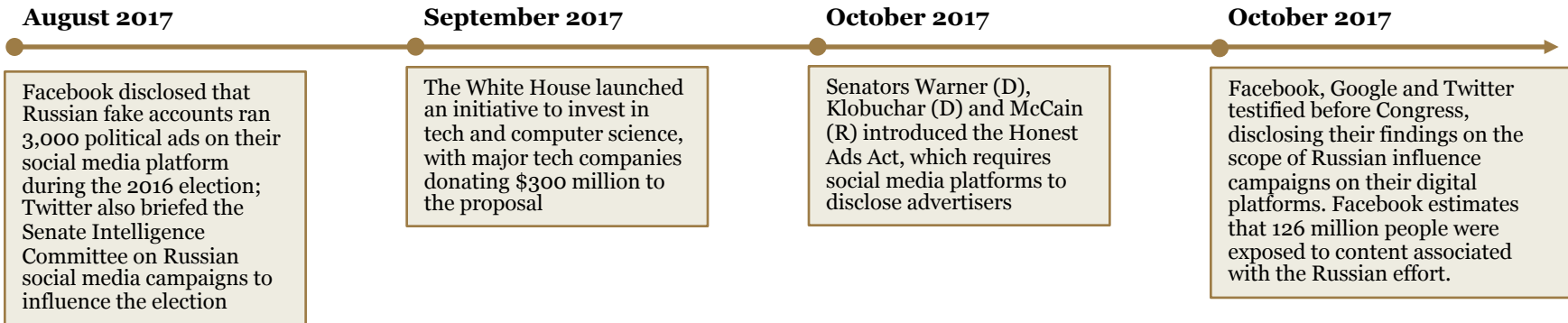
February 2018:

**The House passed FOSTA**, a bill that would hold internet companies liable for facilitating sex trafficking.

### Potential actions

- If the repeal of net neutrality survives the legal challenges, Democrats in Congress could push for legislation to require net neutrality
- The Senate is likely to vote on SESTA, its version of FOSTA
- 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.