

# PUBLICATION

---

## 2017 Washington, D.C. Preview

Authors: Sheila P. Burke

February 22, 2017

With President Donald Trump in the White House and Republican majorities in both the House and Senate, 2017 will see Republicans looking to undo much of President Obama's legacy and advance longstanding policy priorities. Conversely, Democrats will spend much of the next two years playing defense, attempting to protect their achievements from the past eight years (in particular, the Affordable Care Act) and looking to draw stark comparisons with the Republicans in the lead up to the 2018 midterms.

Expect the following issues to play a significant role in the political debate in Washington during the coming year:

- The Affordable Care Act: Repeal, Replace, Repair?
- Debt Limit Suspension to Expire March 15
- Budget and Appropriations in 2017
- Nomination of Neil Gorsuch to the Supreme Court
- Entitlement Reform – Medicaid
- Entitlement Reform – Medicare
- Congress Looks to Overturn Obama-Era Regulations and Assert a Stronger Role in the Administrative Rulemaking Process
- At Long Last, Tax Reform
- Trump Cabinet Confirmations
- Other Potential Issues in the 115th Congress

### Important Dates in 2017

February 28	President Trump to address Congress
March – April	Trump Administration expected to propose a FY18 budget
March 15	Debt limit suspension expires, impact will be delayed via "extraordinary measures"
April 15	Notional deadline for Congress to pass a FY18 budget resolution
April 28	FY16 appropriations Continuing Resolution expires
July 31	Summer congressional recess begins

<b>September 30</b>	Children's Health Insurance Program (CHIP) funding expires National Flood Insurance Program authorization expires Federal Aviation Administration authorization expires
<b>October 1</b>	Start of FY18
<b>November 7</b>	Election Day (for certain states)

Please feel free to reach out to me for additional information on these topics or other issues of importance.

**Sheila Burke**

Chair, [Government Relations and Public Policy](#)

Baker Donelson

P.S. – For your reference, please [click here](#) to view the list of committee memberships for the 115th Congress.

---

### **The Affordable Care Act: Repeal, Replace, Repair?**

The number one priority of Republican leaders in the House, the Senate and the White House, repeal of the Affordable Care Act (ACA) remains at the very top of the political agenda. On Capitol Hill, Republicans have elected to continue their strategy of repealing and replacing the ACA through the expedited legislative process known as "budget reconciliation." In early 2016, House and Senate Republicans adopted an ACA repeal through this process, but the legislation was later vetoed by President Obama. Congressional leaders had originally intended to build on last year's success through "repeal and delay" in which Republicans would repeal the ACA through budget reconciliation (which would not require Democratic support) and then delay the replacement for a period of time (possibly two to four years), giving them time to work with Democrats to devise a replacement measure. However, since the budget resolution's passage in January 2017, the plan has lost momentum as a number of moderate Senate Republicans have expressed reservations for repeal and delay, instead pushing for a simultaneous repeal and replace. Under Senate rules, any replacement plan is likely to be subject to a Democratic filibuster, meaning it would need at least eight Democratic Senators to break ranks and join all 52 Senate Republicans to ensure passage. House Republican leadership has announced it will release ACA replacement legislation after Congress returns from the Presidents' Day recess on February 28, and President Trump indicated he will release a plan in early to mid-March.

On a parallel track, the Trump Administration has already begun to move forward to do all it can to lessen the impacts of the ACA. On President Trump's first day in office, he issued an executive order directing U.S. government agencies to "grant relief" to all constituencies affected by the ACA, including consumers, insurers, hospitals, doctors, companies, states and others. The order also instructs agencies to "waive, defer, grant exemptions from or delay" ACA rules and to work to create a system to allow sale of health insurance across state lines. Analysts are unclear as to what the end result of the order will be, but it demonstrates the commitment of the Trump Administration to do all it can under the law as currently written to roll back the effects of the ACA.

On February 15, the Department of Health and Human Services made its first move to stabilize the individual health insurance market, issuing a proposed rule to address some of the policies that many believe have contributed to an unbalanced risk pool, resulting in rising premiums and the departure of insurers from the marketplace. The proposed rule includes changes to the guaranteed availability of coverage, the open

enrollment period, special enrollment periods, the continuous coverage requirement, levels of coverage, network adequacy and essential community providers regulations. For more information, please [click here](#) to see our analysis of the proposed regulations. Stakeholders have until March 7, 2017, to comment on the proposal.

Expect President Trump and Secretary of Health and Human Services Tom Price to undertake a number of additional actions to limit the impact of the ACA, including, among others:

- Halting defense against lawsuits challenging the ACA, such as those challenging cost sharing for low-income enrollees and risk corridor payments;
- Revising guidance to loosen criteria for the individual mandate's hardship exemption and the contraception coverage mandate;
- Implementing administrative fixes and adding additional flexibility for state administered programs such as Medicaid; and
- Undertaking rulemaking efforts to change the essential health benefits.

**Takeaway:** Throughout the coming year, congressional Republicans will continue to push to repeal and replace the ACA, and the Trump Administration will seek to limit its impact and roll back as many regulations, executive orders and administrative guidance as possible under existing law. It is not yet clear whether and in what way the ACA will be replaced as Republicans have not yet coalesced around support for a particular timeline, strategy or legislation. A number of proposals have been floated, including Speaker Ryan's *Better Way*, Secretary of Health and Human Services Tom Price's *Empowering Patients First*, Senators Cassidy (R-LA) and Collins' (R-ME) *Patient Freedom Act* and an expected Trump Administration plan, among others.

### **Debt Limit Suspension to Expire March 15**

Because of a deal struck in Fall 2015 to avoid a debt ceiling showdown during the 2016 election season, the statutory debt limit expiration is suspended through March 15, 2017. If Congress fails to raise the debt limit by then, the Treasury Department is expected to undertake so-called "extraordinary measures" to ensure the U.S. government does not exceed its statutory borrowing authority. Exactly how long these measures will remain effective is unclear, though analysts agree that the impact of a failure to raise the debt ceiling would most likely not be felt for at least a few months, and will be further ameliorated by the April 15 individual income tax payments. Some analysts have concluded that the government will not exhaust all of its options until September 2017, a date that coincides with the end of the fiscal year.

The Trump Administration has not yet indicated its approach to the debt limit debate, which is routinely a tough vote for Republicans. Treasury Secretary Steven Mnuchin said during his confirmation hearing that "Honoring the U.S. debt is the most important thing. ... I would like us to raise the debt ceiling sooner rather than later." Mnuchin made it clear that he does not think that the Treasury should try to "prioritize debt" if Congress fails to raise the debt limit in time. However, Director of the Office of Management and Budget Mick Mulvaney is a deficit hawk who, when he served in Congress, voted four times against increasing the debt limit. Director Mulvaney also publically questioned whether failing to raise the ceiling would necessarily hurt the U.S. or cause the country to default on its debt.

**Takeaway:** During the Obama Administration, congressional Republicans attempted to utilize the debt limit deadline to force the Administration to accept passage of a variety of Republican-backed measures in exchange for their support. It remains unclear whether the House Freedom Caucus (or for that matter, congressional Democrats) will push for concessions in exchange for their support to raise the debt limit. Also, expect high visibility disputes within the Trump Administration if the Treasury Department begins to exhaust its "extraordinary measures."

## Budget and Appropriations in 2017

It will be a busy year for congressional budget and appropriations work. Currently, the FY16 appropriations remain in effect under a continuing resolution (CR). Additionally, the FY18 budget and appropriations cycles are looming and will likely include a budget reconciliation measure aimed at tax reform. Furthermore, two FY17 supplemental appropriations packages related to defense and homeland security are likely.

*FY17 Appropriations:* In the lead up to the 2016 election, Congress passed a CR extending existing FY16 spending levels until after the election. The CR was passed as part of a larger legislative compromise that saw passage of the FY17 Military Construction-Veterans Affairs Appropriations Act, the only one of 12 appropriations bills that has passed so far. Congress had initially expected to return in December and move forward with an omnibus spending bill, but this plan was scrapped when the Trump transition team asked congressional Republicans to pass another CR extending spending authority until April 28, 2017, to give the new Administration a greater say in the FY17 appropriations process.

The task of shepherding appropriations legislation in the House now falls to newly appointed Appropriations Committee Chair Rodney Frelinghuysen (R-NJ), who is trying to thread the needle between conservative budget hawks who want to see the previously agreed sequestration budget caps imposed, moderate Republicans who want to raise the budget caps enshrined in the Fall 2015 budget deal (particularly for defense spending) and Democrats who seek to increase domestic discretionary spending in line with any increase for defense spending. Chairman Frelinghuysen has said he hopes to move forward first with the FY17 Defense and Homeland Security appropriations bills and then turn the Committee's attention to domestic spending. Congress may be able to complete work on the FY17 budget sometime this spring, but given complications caused by the timing of the FY16 CR and start of the FY18 process, it is possible that Republicans may elect to simply pass another CR through the end of the fiscal year.

*FY18 Budget and Appropriations:* The FY18 budget and appropriations process has not yet received any significant attention given the presidential transition and the focus on the ongoing FY17 process. However, Senate Majority Leader Mitch McConnell (R-KY) said he expects to take up a FY18 budget resolution this year that would allow the Senate to consider some sort of tax reform under reconciliation procedures that do not require Democratic support for passage in the Senate.

The Trump Administration is reportedly planning to propose an FY18 budget that includes major reductions in federal discretionary spending. Media outlets are reporting the proposal is expected to significantly cut funding for the Departments of Commerce, Energy, Transportation, Justice and State. It may also seek to privatize the Corporation for Public Broadcasting and eliminate the National Endowment for the Arts and the National Endowment for the Humanities. Overall, it is believed the proposal, which would reduce spending by \$10.5 trillion over ten years, is very similar to the past proposals adopted by the conservative Republican Study Committee (RSC), a caucus that represents the majority of House Republicans. Director Mulvaney has not yet commented on the proposals, but he voted for the RSC budget offered as a more conservative alternative to the House Republican budget in 2015.

*FY17 Supplemental Appropriations:* Republican congressional leaders indicate that, in addition to an expected FY17 defense supplemental appropriations bill, they may consider a supplemental appropriation to pay for President Trump's proposed border security wall. The cost is expected to be roughly \$21 billion, but it remains unknown whether that spending would be offset by cuts elsewhere or whether President Trump will pursue his campaign promise to seek other ways to pay for the project. For the defense supplemental, Defense Secretary Mattis plans to submit his recommendations to the White House by March 1, 2017.

**Takeaway:** 2017 will be a very busy year for congressional budget and appropriations watchers as House and Senate Republicans look to use the budget process to repeal and replace of the ACA, enact tax reform, and address FY17 and FY18 appropriations.

### **Nomination of Neil Gorsuch to the Supreme Court**

On January 31, President Trump nominated Judge Neil Gorsuch, a 49-year-old federal appeals court judge on the Tenth Circuit in Denver, as his choice to fill the Supreme Court seat of the late-Antonin Scalia. The position, which opened up after Justice Scalia passed away in February 2016, remained unfilled as a result of Senate Republicans' refusal to act on President Obama's nomination of Judge Merrick Garland, chief judge of the federal appeals court for the District of Columbia.

Judge Gorsuch, like Justice Scalia, is viewed as a conservative and an originalist. Judge Gorsuch has, for the most part, ruled as a traditional conservative. In 2013, Judge Gorsuch wrote a concurrence in the well-known Hobby Lobby case, asserting that under the Religious Freedom Restoration Act the government must give broad deference to religious groups' explanations of what their beliefs entail. Judge Gorsuch has also argued for the constitutionality of religious expression in public spaces, including where only one religious tradition is represented. Judge Gorsuch is a critic of the *Chevron* deference, the judicial doctrine established by the Supreme Court in 1984 under which courts defer to reasonable agency regulations when a statute is ambiguous. While he has occasionally sided with defendants in criminal law matters, Gorsuch has also taken a limited view of the defendant's right to competent representation and tends not to view death penalty challenges favorably. Judge Gorsuch has not ruled directly on abortion-related issues, but wrote a book in which he argues against doctor-assisted suicide, saying "Human life is fundamentally and inherently valuable, and that the intentional taking of human life by private persons is always wrong."

Senate Republicans are expected to line up in favor of Judge Gorsuch's confirmation while Democrats are divided between the more progressive wing of the party, (in this case led by Senator Jeff Merkley (D-OR)) who will likely filibuster the nomination asserting the position should have been considered by the Senate during the Obama Administration, and more moderate Democrats, who are willing to hold hearings and grant the Judge a confirmation vote they will certainly lose. If Democrats have enough support to maintain a filibuster on the nomination, Senate Republicans could seek to change Senate rules to invoke the "nuclear option" which would allow the GOP majority to confirm Judge Gorsuch by a simple majority of 51 votes. Majority Leader Mitch McConnell (R-KY) has not said whether he will use the nuclear option, but President Trump has already encouraged him to do so if Democrats mount an effective filibuster. The Senate Judiciary Committee is scheduled to begin confirmation hearings for Judge Gorsuch on March 20.

**Takeaway:** It remains to be seen whether Senate Democrats will elect to filibuster the nomination, which could lead to Senate Republicans invoking the "nuclear option" to break a filibuster, or whether eight Democrats will be willing to vote to end debate on the nomination, abrogating the need for a rule change. The consequences of this fight will play out over the coming months and, if Senate Republicans invoke the "nuclear option," will be felt for many years to come.

### **Entitlement Reform – Medicaid**

Of particular focus in the coming year will be Medicaid, the federal/state health care program for low-income Americans. The program, which cost the federal government \$334 billion in FY15, is a frequent target of congressional Republicans who aim to slow escalating costs and provide states with more flexibility to implement the program. Flexibility could include allowing states to implement a cost sharing requirement, work requirements or drug testing. Relatedly, Republicans are pushing to transform Medicaid into either a block grant or per capita grant program. If successful, the reforms would have a significant and potentially transformative effect on the Medicaid program.

Under a block grant program, in lieu of Medicaid's open-ended matching structure, the federal government would set an amount of spending for each state based on aggregate, historical spending levels and then would allow it to grow at a predetermined rate. Speaker Paul Ryan's (R-WI) *Better Way* proposal gives states the option of either shifting to a block grant or a per capita cap. Under the per capita cap, payments are set to a fixed amount per enrollee instead of the aggregate, as is the case with block grants. This amount then increases annually by a predetermined rate. The per capita cap can be more responsive to varying levels of Medicaid enrollment than a block grant – which remains static except for annual increases – as total spending under a per capita cap increases and decreases with enrollment numbers from year to year. However, a per capita cap proposal can take two forms, one in which each Medicaid recipient in a state is set to a single state-wide payment level, or one in which payment levels are set for each recipient within a given enrollment group, such as the aged. Whether policymakers elect to move forward with an "across the board" per capita cap or an enrollment group-specific per capita cap will have a significant impact on total Medicaid payment levels. Of course, one of the most important issues will be the base upon which the block grant or per capita cap is set. For example, will states that expanded Medicaid under the ACA be treated different than those that did not? Also at issue will be the current matching formula which arguably favors some states over others.

**Takeaway:** With unified Republican control of the federal government for the first time since 2006, Medicaid and other entitlement programs are likely to be the target of reform efforts aimed at lowering long term costs to the federal government and providing additional flexibility to states. However, it remains unknown how much traction this proposal will get and whether it will be a priority for congressional Republicans in this busy year.

### Entitlement Reform – Medicare

Medicare, like Medicaid, has long been a reform target of congressional Republicans who seek to bend the cost curve for the program that provides coverage for more than 50 million seniors at a cost of more than \$500 billion per year. Last year, Speaker Paul Ryan (R-WI) unveiled his proposal to convert Medicare to what is known as a "premium support" program in which the federal government would provide a payment on behalf of each Medicare recipient toward the purchase of a health insurance plan – either a private plan, a similar Medicare Advantage plan or traditional Medicare. This transition of Medicare from an open-ended entitlement program to a premium support program has drawn the ire both of congressional Democrats and advocates for elderly Americans.

As part of his *Better Way* agenda, Speaker Ryan also proposes to raise the Medicare eligibility age to 67, repeal the Independent Payment Advisory Board, and make additional reforms aimed at lowering costs to the federal government and placing Medicare on stronger financial footing.

**Takeaway:** Speaker Ryan has ambitious plans for Medicare aimed at transforming the program to a "premium support" program. The change would be the most significant change to the system since Medicare's passage in 1965. However, chances are not great that the reforms will move forward, as President Trump has expressly ruled out changes to the Medicare system, and, given the slim majority for Senate Republicans, it is uncertain any measure would be able to pass the Senate.

### Congress Looks to Overturn Obama-Era Regulations and Assert a Stronger Role in the Administrative Rulemaking Process

Passed in 1996 as part of the so-called Contract with America, the Congressional Review Act (CRA) provides Congress with an expedited legislative process to overrule "major" regulations (those with an annual effect on the economy of more than \$100 million) that have been finalized by the Administration no more than 60 "session days" beforehand. This clock was paused at the end of the last Congress and was reset on the 15th day of the 115th Congress that began earlier this year. Essentially, what this means is that between now and sometime this summer, Congress can overrule any major regulation submitted on or after June 13, 2016.

Since its adoption, the CRA has only been successfully used once, in March 2001, to invalidate an Occupational Safety and Health Administration rule related to workplace ergonomics.

This year, however, is expected to be different, as House Republicans identified roughly 50 major rules that they will seek to quash. So far, President Trump and Congress have come together to overrule two Obama-era regulations: a Securities and Exchange Commission rule requiring the reporting of payments made to governments for the commercial development of oil, natural gas or minerals, and a Department of the Interior stream protection rule. Cognizant of the summer deadline, Congress has already begun the process to invalidate a number of additional rules, including:

- a rule implementing President Barack Obama's executive order on fair pay and safe workplaces;
- a Social Security Administration rule requiring federal agencies to provide records for the National Instant Criminal Background Check system; and
- a Bureau of Land Management rule to reduce waste of natural gas during oil and natural gas production activities on tribal lands.

Other rules that congressional Republicans are reportedly considering include the Overtime Rule, Affordable Care Act implementation rules, the Fiduciary Rule, the Deferred Action for Childhood Arrivals (DACA) rule and rules coming from independent agencies such as the Consumer Financial Protection Bureau.

It is also important to note that any rule or regulation successfully invalidated by CRA action cannot be reissued and that at no point in the future can any rule or regulation be issued if it is "substantially similar" to the invalidated rule. An agency could still come back and issue another rule that is not substantially similar, but would have to comply with the Administrative Procedure Act, meaning the time-consuming rulemaking process would have to begin once again.

Congress is also taking a number of actions to rein in Administration rulemaking. Already this year the House has passed the Regulations from the Executive in Need of Security (REINS) Act, which would act as a preemptive CRA, forcing congressional approval of major rules before they become final; the Regulatory Accountability Act, a bill that would increase the amount of scrutiny and analysis in the regulatory process; and the Midnight Rules Relief Act, which amends the CRA to allow for Congress to consider multiple rules under a single resolution of disapproval. The Senate has yet to consider these measures.

**Takeaway:** For the first time in 16 years, Congress is making a serious attempt at overturning a number of regulations and rules promulgated by the executive branch, including rules related to health care, environmental protection and financial regulation, among others. House Republicans are also looking to rein in the Administration's rulemaking authority through a number of bills that expand congressional authority to preempt or cancel Administration actions. The proposals are being met with resistance in the Senate and face an uncertain fate.

### **At Long Last, Tax Reform**

Long near the top of the priority list, congressional Republicans now have an opportunity to move forward with tax reform. In fact, Republican leaders have committed to utilizing one of this year's two budget reconciliation bills to expedite tax reform and enable it to pass the Senate with only 51 votes (the other reconciliation bill being the repeal of the Affordable Care Act). The legislation, which will likely not move forward until sometime late spring/summer, is expected to build on past proposals, including Speaker Ryan's *Better Way*. The House tax reform package will likely include replacing the corporate income tax with a cash flow tax; significantly cutting taxes on high income individuals, corporations and pass-through entities; and a shift from a worldwide system of taxation to a territorial tax system. Congressional leaders are also committed to ensuring the

package is revenue neutral by cutting spending at the same time. President Trump campaigned on a narrower approach to the tax code when compared to the more comprehensive House proposal.

Senate Finance Committee Chair Orrin Hatch (R-UT) has indicated a strong desire to develop a bipartisan proposal. He emphasizes that he agrees with the House in wanting to reduce corporate rates, move to a territorial tax system and enact tax reform to make the U.S. more competitive. However, he acknowledges the battle in the Senate will be much different from that in the House.

A major potential sticking point has already emerged between the House and Senate over the House border adjustability approach to raise revenue to pay for reduced corporate income tax rates. Senate Republican leaders, including Senator Hatch, are unlikely to support such an approach, instead preferring to take a step back and examine whether they can offset lowered corporate tax rates through different means. President Trump's proposal to impose a 20 percent tariff on imported goods to encourage domestic manufacturing and pay for a wall along the southern border of the United States and Mexico was initially perceived as an endorsement of the House border adjustability approach. House Speaker Paul Ryan expressed reservations about the tariff, instead suggesting that a "border adjustment tax" could achieve Trump's goal without inciting a trade war. However, the two ideas are distinct from one another in terms of purpose and operation, and both appear to be different from Trump's campaign pledge to tax companies that outsource jobs to overseas facilities that make goods that are then imported into the U.S.

**Takeaway:** Along with health care, tax reform will be one of the dominant themes of the 115th Congress. That said, President Trump, House Republicans and Senate Republicans all seem to be on different pages as to the process and substance of any tax reform measure. House Republicans are pushing to pass tax reform this summer, but don't be surprised if the process is delayed.

## Trump Cabinet Confirmations

In addition to its other legislative priorities, the Senate has and will continue to move forward with confirmation hearings and votes for 1,212 of the roughly 4,000 presidential appointments in the federal government. Senate confirmable positions include all cabinet-level officials, except the White House Chief of Staff, and hundreds of other senior posts and agency heads. Senate Democrats do not have the 51 votes that are required to block the nomination of a Trump Administration appointee but they can (and have) utilized a number of parliamentary tactics to delay confirmation, making it more difficult for the Trump Administration to implement its agenda.

### *Confirmed by Senate*

- General James Mattis (Ret.) – Secretary of Defense, confirmed January 20 by a vote of 98 to 1
- General John Kelly (Ret.) – Secretary of Homeland Security, confirmed January 20 by a vote of 88 to 11
- Representative Mike Pompeo (R-KS) – Director of the Central Intelligence Agency, confirmed January 23 by a vote of 66 to 32
- Governor Nikki Haley (R-SC) – U.S. Ambassador to the United Nations, confirmed January 24 by a vote of 96 to 4
- Elaine Chao – Secretary of Transportation, confirmed January 31 by a vote of 93 to 6
- Rex Tillerson – Secretary of State, confirmed February 1 by a vote of 56 to 43
- Betsy DeVos – Secretary of Education, confirmed February 7 by a vote of 51 to 50 with Vice President Pence breaking the tie
- Senator Jeff Sessions (R-AL) – Attorney General, confirmed February 8 by a vote of 52 to 47
- Representative Tom Price (R-GA) – Secretary of Health and Human Services, confirmed February 9 by a vote of 52 to 47
- Steven Mnuchin – Secretary of the Treasury, confirmed February 13 by a vote of 53 to 47



- Dr. David Shulkin – Secretary of Veterans Affairs, confirmed February 13 by a vote of 100 to 0
- Linda McMahon – Administrator of the Small Business Administration, confirmed February 14 by a vote of 81 to 19
- Representative Mick Mulvaney (R-SC) – Director of the Office of Management and Budget, confirmed February 16 by a vote of 51 to 49
- Oklahoma Attorney General Scott Pruitt – Administrator of the Environmental Protection Agency, confirmed February 17 by a vote of 52 to 46

#### *Pending on Senate Executive Calendar*

- Wilbur Ross – Secretary of Commerce, cloture vote approved February 17
- Representative Ryan Zinke (R-MT) – Secretary of the Interior, cloture vote to occur upon disposition of Ross
- Dr. Ben Carson – Secretary of Housing and Urban Development, cloture vote to occur upon disposition of Zinke
- Former Governor Rick Perry (R-TX) – Secretary of Energy, cloture vote to occur upon disposition of Carson

#### *Committee Confirmation Hearings Taken Place*

- Seema Verma – Administrator of the Center for Medicare and Medicaid Services, Senate Finance Committee hearing took place February 16
- David Friedman – Ambassador to Israel, Senate Foreign Relations Committee hearing took place February 16

#### *No Confirmation Hearings Scheduled at This Time*

- Former Governor Sonny Perdue (R-GA) – Secretary of Agriculture, nomination not yet transmitted to the Senate
- Former Senator Dan Coats (R-IN) – Director of National Intelligence, nomination transmitted to the Senate January 20
- Robert Lighthizer – United States Trade Representative, nomination transmitted to the Senate January 20
- Todd Ricketts – Deputy Secretary of Commerce, nomination transmitted to the Senate January 20
- Jay Clayton – Chair of the Securities and Exchange Commission, nomination transmitted to the Senate January 20
- Governor Terry Branstad (R-IA) – Ambassador to the People's Republic of China, nomination transmitted to the Senate January 20
- Rod J. Rosenstein – Deputy Attorney General, nomination transmitted to the Senate February 1
- Rachel L. Brand – Associate Attorney General, nomination transmitted to the Senate February 1
- Steven Andrew Engel – Assistant Attorney General, nomination transmitted to the Senate February 1
- Elaine Duke – Deputy Secretary of Homeland Security, nomination transmitted to the Senate February 8
- R. Alexander Acosta – Secretary of Labor, nomination not yet transmitted to the Senate
- Robert Wood Johnson – Ambassador to the United Kingdom, nomination not yet transmitted to the Senate
- Heather Wilson – Secretary of the Air Force, nomination not yet transmitted to the Senate
- Philip Bilden – Secretary of the Navy, nomination not yet transmitted to the Senate

#### *Nominations Withdrawn*

- Vincent Viola – Secretary of the Army
- Andrew Puzder – Secretary of Labor

### **Other Potential Issues in the 115th Congress**

A number of other issues are expected to receive attention in Washington during the 2017 session of the 115th Congress, including:

- A possible Dodd-Frank overhaul;
- A new round of the Defense Base Closure and Realignment Commission;
- An infrastructure investment program;
- Expansion of the Veteran's Choice program;
- Confirmations for cabinet and subcabinet appointments;
- Energy-related legislation; and
- "Religious freedom" legislation; among others.