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US Policy Scan 2021

Introduction

Welcome to Dentons 2021 Policy Scan, an in-depth look at policy at the Federal level and in each of the 50 states. This document is meant to be both a resource and a guide. A preview of the key policy questions for the next year in the states, the House of Representatives, the Senate and the new Administration. A resource for tracking the people who will be driving change.

In addition to a dive into more than 15 policy areas, you will find brief profiles of Biden cabinet nominees and senior White House staff appointees, the Congressional calendar, as well as the Session dates and policy previews in State Houses across the country. We discuss redistricting, preview the 2022 US Senate races and provide an overview of key decided and pending cases before the Supreme Court of the United States. All with an eye toward providing you with a clear, comprehensive and reader-friendly description of what US public policy will look like in 2021.

The Dentons Public Policy Team hopes you find it helpful and informative.

The official 116th Congressional stationary had barely made it to the recycling bin before the 117th Congress gaveled in to session at noon on Sunday, January 3. With the, [\(while uncertified at the time of our publishing, we believe imminent\)](#), Democratic victories in both January 5th Georgia runoff elections, as of January 20th, Democrats will control the evenly split Senate for the next two years with Vice President Kamala Harris breaking ties, a development that will ensure for the first time in several years that bills reflecting Democratic policy priorities will reach the Senate floor for consideration. The 117th Congress will welcome a new Biden Administration on the 20th of the month, a White House that will be led by a President whose policy goals and approach to governance differ sharply from those of President Trump.

Disruption, and the often impulsive decision making of the Trump years, it would seem, will give way in the Biden White House to a far more data-driven approach with a renewed emphasis on process.

The at times chaotic approach taken by Congressional Republicans over the Trump Administration to accomplish policy objectives over these last four years is likely to be replaced by a far more familiar and conventional policymaking process, given the deep wells of legislative and public policy experience of the President-elect, his Chief of Staff Ron Klain and the many seasoned senior staff who will be assisting the new President. Stumbles, with their associated chaos, of course, plague all incoming administrations regardless of party, experience and best intentions and a Biden White House is certainly not expected to be the exception to this rule. The essential difference from the Trump years, however, is that the chaos won't be by design.

The President-elect says that he is committed to reducing partisanship, lowering the temperature of political discourse and finding common ground with Republicans and Independents whenever possible. He pledges to use all of his many relationships on Capitol Hill, and to do everything within his power, to achieve these ends. These are admirable goals that could resonate well with

a number of Members of Congress and Senators on both sides of the aisle and with a public exhausted by the anger and overheated rhetoric that has characterized the last four years.

Nonetheless, with a Congress closely divided between the parties and many millions of people who even now question the basic legitimacy of the process that led to Biden's election, it remains to be determined whether the President-elect's goals are achievable or whether, going forward, the Trump years have fundamentally and permanently altered the manner in which political discourse will be conducted. What we can say with total confidence is that, in such a politically charged environment, it will take tremendous skill and determination on the part of the President-elect, along with a measure of good luck, to achieve such ambitious goals.

Notwithstanding the expected changes in tone, tenor and approach to governance, unless President Biden proves to demonstrate truly extraordinary powers of legislative persuasion, to achieve even limited policy objectives in the short term, the Biden Administration will likely have to embrace the executive order and rule making process, at least as vigorously as the Trump Administration did.

The President elect has outlined a number of these "Day One" priorities covering regulations touching energy, immigration, labor, healthcare, and LGBTQ+ issues where he will undo the work of the previous Administration.

Clearly, however, addressing the COVID-19 pandemic will take center stage in the administration and, in the near term will consume much of the oxygen in the White House. The President-elect has laid out a 7-point plan to combat COVID-19 and named a team that will lead his Administration's response. He has warned Americans of a "Dark Winter" ahead and called for more Federal spending to supplement the December passage of the COVID-19 package that was included in the Omnibus appropriations bill.

Congress will be similarly focused. With the margins between the parties small in the Senate and historically small in the House, neither the Speaker of the House nor the Majority Leader of the Senate can afford much dissent within their ranks. Consensus within the House Democratic caucus, let alone between the two sharply divided parties, will be very hard earned and often not possible. Given their surprising success in narrowing the House margins in 2020, the House GOP expects to return to the Speaker's balcony as a result of the 2022 midterm elections. In the interim, House Republicans will be seeking to exploit the Democratic majority's need for near total solidarity to pass legislation in the House.

While many may despair about the state of, and prospects for, political discourse and effective public policy in the United States, we are not as pessimistic. To that end, we conclude this introduction with a very wise reminder from the late Senator Robert Kennedy:

"Democracy is messy, and it's hard. It's never easy."
– Robert Kennedy, Jr.

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Editors' note: We had planned to release this Policy Scan report on Thursday morning, January 7, but decided it would be callous and inappropriate to do so while democracy itself was under attack at the Capitol.

On behalf of all of us at Dentons who know, love, and have had the privilege of serving at, the Capitol, we fervently hope that our country will never again be subjected to the chaos, violence and lawlessness we witnessed on January 6.

Administration

Biden Cabinet on 1 Page

White House Senior Staff

'09 / '17 Nominee Confirmation Timeline

Biden Cabinet on 1 Page

PRESIDENT-ELECT JOE BIDEN'S CABINET PICKS



Kamala Harris
Vice President



Antony Blinken
State



Janet Yellen
Treasury



Lloyd Austin
Defense



Merrick Garland
Attorney General



Deb Haaland
Interior



Tom Vilsack
Agriculture



Gina Raimondo
Commerce



Martin "Marty" Walsh
Labor



Xavier Becerra
Health & Human Services



Marcia Fudge
Housing & Urban Development



Pete Buttigieg
Transportation



Jennifer Granholm
Energy



Miguel Cardona
Education



Denis McDonough
Veterans Affairs



Alejandro Mayorkas
Homeland Security

CABINET-LEVEL OFFICIALS



Ronald Klain
White House Chief of Staff



Neera Tanden
White House OMB Director



William J. Burns
CIA Director



Michael Regan
EPA Administrator



Avril Haines
Director of Nat'l Intelligence



Katherine Tai
US Trade Representative



Isabel Guzman
Small Business Administrator



Linda Thomas-Greenfield
US Ambassador to the UN



John Kerry
Special Presidential Envoy for Climate

Cabinet Bios

DEPARTMENT OF STATE



Tony Blinken

Secretary of State

Blinken was a foreign policy advisor for the Biden campaign. Prior to joining the campaign, he served as director of Human Rights First. He served as Deputy National Security Advisor from 2013 to 2015 and Deputy Secretary of State from 2015 to 2017 under President Barack Obama. Mr. Blinken served for six years on Capitol Hill (2002 – 2008) as Democratic Staff Director for the U.S. Senate Foreign Relations Committee.

DEPARTMENT OF TREASURY



Janet Yellen

Secretary of Treasury

Previously, she has served as the Chair of the Council of Economic Advisors, and Chair of the Federal Reserve. Yellen served as the Federal Reserve's Vice Chair from 2010 to 2014 following an earlier term on the Federal Reserve Board of Governors. She also served as President of the Federal Reserve Bank of San Francisco and Chair of the Council of Economic Advisers under President Clinton.

DEPARTMENT OF DEFENSE



General Lloyd Austin

Secretary of Defense

General Lloyd Austin was the 12th Commander of the U.S. Central Command, retiring as a four-star general in 2016 after more than 40 years of military service. He has also served as Chief of the Joint Operations, J-3, Joint Staff, and as Director of the Joint Staff.

ATTORNEY GENERAL



Merrick Garland

Attorney General

United States Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit. He has served on that court since 1997. On March 16, 2016, President Barack Obama, nominated Garland to serve as an Associate Justice of the Supreme Court to fill the vacancy created by the death of Antonin Scalia. Despite Republicans themselves having spent years suggesting Garland as an acceptable Democratic choice, the Senate Republican majority refused to hold a hearing or vote on this nomination made during the last year of Obama's presidency.

DEPARTMENT OF THE INTERIOR



Congresswoman Deb Haaland

Secretary of the Interior

Congresswoman Deb Haaland currently serves as the Representative for the First District of New Mexico in the House of Representatives since 2019. She is one of the first two Native American women elected to the United States Congress. A former entrepreneur, Haaland served as Chairwoman of the New Mexico Democratic Party.

DEPARTMENT OF AGRICULTURE



Tom Vilsack

Secretary of Agriculture

Tom Vilsack was the former Secretary of Agriculture for all eight years of the Obama-Biden Administration. He is also a former two-term governor of Iowa.

COMMERCE



Gina Raimondo

Secretary Of Commerce

Rhode Island's 75th Governor and former Venture Capitalist, she is the first woman to serve as governor of Rhode Island. Before her election, she served as general treasurer of Rhode Island from 2011 to 2015 and was the second woman to hold the office.

COMMERCE



Martin "Marty" Walsh

Secretary Of Labor

Serves as the 54th Mayor of Boston, having served in office since 2014. He was previously a member of the Massachusetts House of Representatives, serving in that office from 1997 until 2014 and representing the Thirteenth Suffolk district.

HEALTH AND HUMAN SERVICE



Xavier Becerra

Secretary Of Health and Human Services

Currently serves as the 33rd Attorney General of California. Previously, Becerra served twelve terms as a member of the U.S. House of Representatives, serving on the Committee on Ways and Means, Ranking Member of the Subcommittee on Social Security, and Chair of the House Democratic Caucus.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT



Congresswoman Marcia Fudge

Secretary of Housing and Urban Development

Congresswoman Marcia Fudge has represented the 11th Congressional District of Ohio since 2008. Fudge currently serves on the Committee on House Administration, House Committee on Agriculture, and House Committee on Education and Labor. She is also a past Chair of the Congressional Black Caucus. She has served the state of Ohio for thirty years in roles such as a prosecutor and later the Mayor of Warrensville Heights, Ohio.

DEPARTMENT OF TRANSPORTATION



Pete Buttigieg

Secretary of Transportation

Pete Buttigieg served as the 32nd Mayor of South Bend, Indiana for eight years. Buttigieg was also an intelligence officer in the United States Navy Reserve who was deployed to Afghanistan in 2014, eventually earning the rank of Lieutenant.

DEPARTMENT OF ENERGY



Fmr. Governor Jennifer Granholm

Secretary of Energy

Jennifer Granholm served as Michigan's 47th governor for two terms. Previously, Granholm served as the Attorney General of Michigan. Granholm is a proponent for clean energy policy as an advisor to the Pew Charitable Trusts' Clean Energy Program and as a professor at the University of California's Goldman School of Public Policy. Granholm is affiliated with the California Institute for Energy and Environment and the Berkeley Center for Information Technology Research in the Interests of Society, where she is a Senior Research Fellow.

DEPARTMENT OF EDUCATION



Dr. Miguel Cardona

Secretary of Education

Dr. Miguel A. Cardona currently serves as Connecticut's Commissioner of Education. He began his career as a fourth-grade teacher in Meriden's public school system. Dr. Cardona became the youngest school principal in the state at age 27, serving in the position for 10 years before taking on a role as Assistant Superintendent for Teaching and Learning.

DEPARTMENT OF VETERANS AFFAIRS



Denis McDonough

Secretary of Veteran Affairs

Denis McDonough served as White House Chief of Staff for President Barack Obama from February 2013 to January 2017. McDonough was Principal Deputy National Security Advisor from September 2010 until February 2013.

McDonough has served in senior leadership and policy-making positions in the U.S. House of Representatives, as Professional Staff Member on the International Relations Committee, and in the U.S. Senate, for the Senate Majority Leader Tom Daschle and for Senator Ken Salazar (CO).

DEPARTMENT OF HOMELAND SECURITY



Alejandro Mayorkas

Department of Homeland Security Secretary

Alejandro Mayorkas is a Cuban-American lawyer who served as the Deputy Secretary of the United States Department of Homeland Security from Dec. 23, 2013 to Oct. 31, 2016.

Senior White House Staff

WEST WING



Ronald Klain

White House Chief of Staff
Post. Ron Klain served as the president-elect's first Chief of Staff when he became Vice President (2009-11); Chief Counsel of the Senate Judiciary Committee during the president-elect's tenure as Chair of the Committee (1989-92); and Policy Advisor on the Judiciary Committee staff (1986-87). Klain also worked as an advisor on President-elect Biden's 1988 and 2008 Presidential campaigns.



Jen O'Malley Dillon

Deputy Chief of Staff
Jen O'Malley Dillon is a veteran campaign staffer. She served as the Campaign Manager for the Biden-Harris campaign. She was the first female campaign manager for a successful Democratic presidential campaign.



Bruce Reed

Deputy Chief of Staff
Bruce Reed was Vice President Joe Biden's Chief of Staff from 2011 to 2013 and served as a Senior Adviser to the Biden for President Campaign. Reed has spent 12 years working on domestic and economic policy in the White House, and served as President Clinton's chief domestic policy adviser. He began his career as Senator Al Gore's chief speechwriter and was deputy campaign manager for policy of the 1992 Clinton-Gore campaign. For the past five years, Reed has been Co-Chair of the Aspen Institute's Future of Work Initiative and CEO of Civic.



Steve Ricchetti

Counselor to the President
Ricchetti is chair of the Biden campaign. He has served in multiple Democratic administrations, including as deputy assistant for legislative affairs and as deputy chief of staff to President Bill Clinton and as chief of staff to Vice President Biden from 2012 to 2013.



Ambassador Susan Rice

Director of the Domestic Policy Council
Rice served as National Security Advisor from 2013-2017. She previously served as U.S. Permanent Representative to the United Nations and a member of the Cabinet from 2009-2013. Rice has also served President Bill Clinton as U.S. Assistant Secretary of State for African Affairs, Special Assistant to the President and Senior Director for African Affairs, and Director for International Organizations and Peacekeeping at the National Security Council from 1993-2001.



Mike Donilon

Senior Advisor to the President
Mike Donilon served as Chief Strategist for the Biden-Harris Campaign. Previously, Donilon served as Counselor to then-Vice President Biden in the White House. Donilon has been a nationally recognized strategist, media consultant and pollster for nearly four decades.



Dana Remus

White House Counsel
Remus served as General Counsel of the Biden-Harris Campaign. Prior to that, she was General Counsel of the Obama Foundation and President and Mrs. Obama's personal office. During the Obama-Biden administration, Remus was the Deputy Assistant to the President and Deputy Counsel for Ethics.



Stuart Delery

Deputy Counsel to the President
During the Obama-Biden Administration, Delery served as Acting Associate Attorney General of the United States. Previously, Delery was the Senate-confirmed Assistant Attorney General for the Civil Division. He also served as Senior Counselor to Attorney General Eric Holder, among other positions. Prior to the Obama-Biden Administration, Delery was a partner at another DC law firm.

ADMINISTRATION

BIDEN-HARRIS WHITE HOUSE APPOINTEES

61%

women

54%

people of color

**Asian American
& Pacific Islander**

more than **2x** their
proportion of the population

11%

LGBTQ+

Almost
20% first-generation
Americans



**Cedric Richmond**

Senior Advisor to the President and Director of White House Office of Public Engagement
Congressman Cedric Richmond was National Co-Chairman of the Biden-Harris Campaign and is currently a Co-Chair of the Biden-Harris Transition Team. Since 2011, Richmond has represented Louisiana's 2nd Congressional District in the United States House of Representatives.

**Annie Tomasini**

Director of Oval Office Operations
Annie Tomasini serves as President Elect Biden's Traveling Chief of Staff. Tomasini has served the Biden family for over a decade in several positions, including as Deputy Press Secretary for Vice President Biden and Press Secretary for Senator Biden when he was Chairman of the Senate Foreign Relations Committee.

**Danielle Conley**

Deputy Counsel to the President
Danielle Conley serves as Deputy on the Department of Justice Agency Review Team for the Biden-Harris Transition. She is a partner at a DC law firm where she co-chairs the firm's Anti-Discrimination practice. During the Obama-Biden administration, Conley served as Associate Deputy Attorney General at the U.S. Department of Justice.

**Anne Filipic**

Director of Management & Administration
Filipic recently served as the Chief Program Officer and the Chief Operating Officer at the Obama Foundation. Prior to joining the Foundation, she led Enroll America. Filipic served as Deputy Director of Public Engagement in the Obama-Biden White House and Deputy Director of Intergovernmental Affairs at the U.S. Department of Health and Human Services during the Obama-Biden Administration. She also served as the Deputy Executive Director of the Democratic National Committee and on President Obama's 2008 campaign.

OFFICE OF THE VICE PRESIDENT**Julie Rodriguez**

Director of the White House Office of Intergovernmental Affairs
Julie Chavez Rodriguez served as a Deputy Campaign Manager on the Biden-Harris Campaign. Previously, she was National Political Director and traveling Chief of Staff for then-Senator Kamala Harris' presidential campaign. She served as California State Director in Harris' Senate office. During the Obama-Biden administration, she held several leadership roles.

**Cathy Russell**

Director of White House Office of Presidential Personnel
Ambassador Cathy Russell serves on the Advisory Board of the Biden-Harris Transition Team and served as Vice Chair of the Biden-Harris Campaign. Before that, Ambassador Russell was a resident fellow at the Institute of Politics at the Kennedy School of Government at Harvard University. During the Obama-Biden administration, Ambassador Russell served for all eight years at the White House and the U.S. Department of State.

**Hartina Flournoy**

Chief of Staff to the Vice President
Tina Flournoy currently serves as Chief of Staff to former President Bill Clinton. Prior to that, Flournoy was Assistant to the President for Public Policy at the American Federation of Teachers. Flournoy has held a number of positions in the Democratic Party over the past three decades, including serving as the head of Governor Howard Dean's Democratic National Committee transition team.

**Ashley Etienne**

Communications Director for the Vice President
Etienne served as Communications Director and Senior Advisor to Speaker of the House Nancy Pelosi. Etienne was Special Assistant to the President and Director of Communications for the Cabinet in the Obama-Biden administration and also led communications on President Obama's signature My Brother's Keeper initiative.

OFFICE OF THE FIRST LADY**Symone Sanders**

Senior Advisor and Chief Spokesperson for the Vice President
Sanders served as a Senior Advisor on the Biden-Harris campaign. Previously, Sanders served as Bernie Sanders' then-presidential campaign. Before joining the Biden-Harris campaign, Sanders was a CNN political commentator and served as principal of the 360 Group LLC.

**Rohini Kosoglu**

Domestic Policy Advisor to the Vice President
Rohini Kosoglu currently serves as Senior Advisor to Vice President-Elect Kamala Harris on the Biden-Harris Transition Team and previously served as Senior Advisor on the Biden-Harris Campaign. Before that, she was a Spring 2020 resident fellow at the Institute of Politics at the Kennedy School of Government at Harvard University. She served as Vice-President Elect Harris' Chief of Staff for her Senate office and later for her presidential campaign. Before that, she was Policy Director for U.S. Senator Michael Bennet of Colorado.

**Julissa Reynoso Pantaleon**

Chief of Staff to Dr. Jill Biden
Julissa Reynoso Pantaleon is a seasoned lawyer. During the Obama-Biden administration, Reynoso served as U.S. Ambassador to Uruguay and as Deputy Assistant Secretary of State for the Western Hemisphere in the U.S. Department of State.

**Mala Adiga**

Policy Director to Dr. Jill Biden
Mala Adiga served as a senior advisor to Dr. Jill Biden and a senior policy advisor on the Biden-Harris Campaign. Previously, Adiga was Director for Higher Education and Military Families at the Biden Foundation. During the Obama-Biden administration, Adiga served in numerous leadership positions.



Anthony Bernal

Senior Advisor to Dr. Jill Biden
Anthony Bernal was Deputy Campaign Manager and Chief of Staff to Dr. Jill Biden on the Biden-Harris Campaign. Bernal has served as a trusted advisor and assistant to the Biden family for more than a decade. From 2017 to 2019, he served as Chief of Staff in the Office of Dr. Biden. He served for all eight years of the Obama-Biden administration in multiple leadership roles.



Elizabeth Alexander

Communications Director for the First Lady
Elizabeth Alexander served as Press Secretary to then Vice President Biden during the Obama-Biden administration. She has also served in the role of then-Senator Biden's Communications Director on Capitol Hill. Alexander has been a federal prosecutor in the U.S. Attorneys' offices in Washington, DC and Alexandria, Virginia, where she also served as a counselor to the U.S. Attorney for the Eastern District of Virginia.



Nancy McEldowney

National Security Advisor to the Vice President
Ambassador Nancy McEldowney served for over 30 years in the U.S. Foreign Service, including as U.S. Ambassador to Bulgaria and as Chargé d'Affaires and Deputy Chief of Mission in Turkey and Azerbaijan. During her time at the Department of State, she served as Director of the Foreign Service Institute, also served as Interim President and Senior Vice President of the National Defense University. She has also been a policy advisor on Europe, including working for President Clinton as Director of European Affairs on the National Security Council staff, and as Principal Deputy Assistant Secretary of State in the Bureau of European and Eurasian Affairs.



Jake Sullivan

National Security Advisor to the President
Sullivan serves as a senior policy advisor for the Biden campaign and a contributor to the magazine Foreign Policy. He most recently served as a senior policy advisor on foreign policy matters to 2016 Democratic presidential candidate Hillary Clinton. He also was the director of policy planning at the State Department during the Obama administration.

ECONOMIC POLICY



John Kerry

Special Presidential Envoy on Climate
John Kerry is an American politician and diplomat who served as the 68th United States Secretary of State from 2013 to 2017. U.S. He also served in the Senate from 1985–2013 and was the Democratic Party's nominee for president in 2004.



Jonathan Cedarbaum

Deputy Counsel to the President and National Security Council Legal Advisor
Jonathan Cedarbaum is a career litigator who most recently was Senior Counsel for Litigation for the Biden-Harris Campaign. During the Obama-Biden Administration, he served as Deputy Assistant, Principal Deputy Assistant, and Acting Assistant Attorney General for the Office of Legal Counsel.



Brian Deese

Director of National Economic Council
Brian Deese will serve as Director of the National Economic Council. He is a former Senior Advisor to President Barack Obama. During the Obama-Biden Administration, he also served as Special Assistant to the President for Economic Policy after the 2008 financial crisis, as Deputy Director of the National Economic Council, and as Deputy Director and Acting Director of the Office of Management and Budget.



David Kamin

Deputy Director of National Economic Council
David Kamin is Professor of Law at New York University School of Law. Prior to joining NYU, Kamin served in the Obama-Biden White House as Special Assistant to the President for Economic Policy and also worked as special assistant, and later adviser, to the Director of the Office of Management and Budget. He has also worked at the Center on Budget and Policy Priorities and the Committee for Economic Development.



Ceila Rouse

Chair of the Council of Economic Advisers
Currently, Rouse serves as the dean of the Princeton School of Public and International Affairs. She is a former member of the Obama-Biden Council of Economic Advisers and served as Special Assistant to the President in the National Economic Council in the Clinton Administration. If confirmed, she will become the first African American woman to lead the Council of Economic Advisers in the 74 years of its existence.



Jared Bernstein

Member
Bernstein served as Vice-President Biden's Chief Economist during in the first years of the Obama-Biden Administration. He also served as chief economist to then-Vice President Biden in the Obama-Biden Administration before joining the Center on Budget and Policy Priorities, where he has served as a senior fellow since 2011.



Heather Boushey

Member
Heather Boushey currently serves as President & CEO of the Washington Center for Equitable Growth, a non-profit research she co-founded in 2013. Previously, Boushey served as an economist for the Center for American Progress, the Joint Economic Committee of the U.S. Congress, the Center for Economic and Policy Research, and the Economic Policy Institute.



Bharat Ramamurti

Deputy Director for the National Economic Council for Financial Reform and Consumer Protection
Bharat Ramamurti is the Managing Director of the Corporate Power program at the Roosevelt Institute. He was also appointed in April to serve on the Congressional Oversight Commission for the CARES Act by Senate Minority Leader Chuck Schumer. Previously, Ramamurti was the top economic adviser to Senator Elizabeth Warren during her 2020 presidential campaign and senior counsel for banking and economic policy in her Senate office.

CLIMATE



Brenda Mallory

Chair of the Council on Environmental Quality
Brenda Mallory currently serves as Director of Regulatory Policy at the Southern Environmental Law Center. Mallory has also served as Executive Director and Senior Counsel at the Conservation Litigation Project. Mallory has served in both Democratic and Republican administrations, including as General Counsel on the White House Council on Environmental Quality and as the Principal Deputy General Counsel at the Environmental Protection Agency during the Obama-Biden Administration.



Gina McCarthy

National Climate Advisor
Gina McCarthy served as the 13th Administrator of the Environmental Protection Agency, and is currently the President and CEO of the Natural Resources Defense Council. McCarthy was a professor at the Harvard T.H. Chan School of Public Health and currently serves as chair of the board of directors of the Harvard Center for Climate, Health, and the Global Environment.



Ali Zaidi

Deputy National Climate Advisor
Ali Zaidi currently serves the state of New York as Deputy Secretary to the Governor for Energy and Environment and Chairman of Climate Policy and Finance. He also is an adjunct professor at Stanford University on climate change. Zaidi co-founded Lawyers for a Sustainable Economy. During the Obama-Biden Administration, Zaidi served as Associate Director for Natural Resources, Energy, and Science for the Office of Management and Budget and as Deputy Director of Energy Policy for the Domestic Policy Council.

LEGISLATIVE AFFAIRS TEAM



Louisa Terrell

Director of the White House Office of Legislative Affairs
Louisa Terrell currently oversees legislative affairs for the Biden-Harris Transition Team. Terrell served as Special Assistant to the President for Legislative Affairs in the Obama-Biden administration. She has also held roles as the Deputy General Counsel and Head of Public Affairs at McKinsey & Company, Executive Director of the Biden Foundation, Senior Director for Federal Policy & Strategy at Yahoo!, and Director of Public Policy at Facebook.



Shuwanza Goff

Deputy Director of White House Office of Legislative Affairs
Shuwanza Goff served as Floor Director for the House of Representatives under House Majority Leader Steny H. Hoyer. Prior to that, Goff was Director of Legislative Operations for Representative Hoyer when he was minority whip. Goff has also served as Floor Aide, Floor Assistant, and Staff Assistant for Representative Hoyer.

Cabinet Nominations Timeline for Trump and Obama

A new President doesn't get his full Cabinet on day one. The Senate has the Constitutionally directed responsibility to "advice and consent" on Presidential nominations. Below we look at the time it took for the Trump (red) and Obama (blue) Administration to fill their respective Teams.

NOMINATION	ANNOUNCED	HEARINGS	RECEIVED	CONFIRMED
Secretary of Agriculture				
Sonny Perdue	19-Jan-17	23-Mar-17	9-Mar-17	24-Apr-17
Tom Vilsack voice vote	17-Dec-08	14-Jan-09	20-Jan-09	20-Jan-09
Attorney General				
Jeff Sessions	18-Nov-16	Jan 10-11, 2017	20-Jan-17	8-Feb-17
Eric Holder	1-Dec-08	Jan 15-16, 2009	20-Jan-09	2-Feb-09
Secretary of Commerce				
Wilbur Ross	30-Nov-16	18-Jan-17	20-Jan-17	27-Feb-17
Gary Locke	25-Feb-09	18-Mar-09	16-Mar-09	24-Mar-09
Secretary of Defense				
James Mattis	6-Dec-16	12-Jan-17	20-Jan-17	20-Jan-17
Robert Gates	1-Dec-08			
Secretary of Education				
Betsy DeVos	23-Nov-16	17-Jan-17	20-Jan-17	7-Feb-17
Arne Duncan	15-Dec-08	13-Jan-09	20-Jan-09	20-Jan-09
Secretary of Energy				
Rick Perry	14-Dec-16	19-Jan-17	20-Jan-17	2-Mar-17
Steven Chu	11-Dec-08	13-Jan-09	20-Jan-09	20-Jan-09
Secretary of Health & Human Services				
Tom Price	29-Nov-16	18-Jan-17 24-Jan-17	20-Jan-17	10-Feb-17
Kathleen Sebelius	2-Mar-09	2-Apr-09	17-Mar-09	28-Apr-09

ADMINISTRATION

NOMINATION	ANNOUNCED	HEARINGS	RECEIVED	CONFIRMED
Secretary of Homeland Security				
John Kelly	12-Dec-16	10-Jan-17	20-Jan-17	20-Jan-17
Janet Napolitano	1-Dec-08	15-Jan-09	20-Jan-09	20-Jan-09
Secretary of Housing & Urban Development				
Ben Carson	5-Dec-16	12-Jan-17	20-Jan-17	2-Mar-17
Shaun Donovan	13-Dec-08	13-Jan-09	20-Jan-09	22-Jan-09
Secretary of Interior				
Ryan Zinke	15-Dec-16	17-Jan-17	20-Jan-17	1-Mar-17
Ken Salazar	17-Dec-08	15-Jan-09	20-Jan-09	20-Jan-09
Secretary of Labor				
R. Alexander Acosta	16-Feb-17	22-Mar-17	7-Mar-17	27-Apr-17
Ken Salazar	17-Dec-08	15-Jan-09	20-Jan-09	20-Jan-09
Secretary of State				
Rex Tillerson	13-Dec-16	11-Jan-17	20-Jan-17	1-Feb-17
Hillary Clinton	1-Dec-08	13-Jan-09	20-Jan-09	21-Jan-09
Secretary of Transportation				
Elaine Chao	29-Nov-16	11-Jan-17	20-Jan-17	31-Jan-17
Ray LaHood	19-Dec-08	21-Jan-09	20-Jan-09	22-Jan-09
Secretary of Treasury				
Steve Mnuchin	30-Nov-16	19-Jan-17	20-Jan-17	13-Feb-17
Timothy Geithner	24-Nov-08	21-Jan-09	20-Jan-09	26-Jan-09
Secretary of Veterans Affairs				
David Shulkin	11-Jan-17	1-Feb-17	20-Jan-17	13-Feb-17
Eric Shinseki	7-Dec-08	14-Jan-09	20-Jan-09	20-Jan-09

First 100 days

Biden COVID-19 Task Force

Campaign Promises to Keep

100 Days Priorities



Biden COVID-19 Taskforce

THE COVID-19 RESPONSE TEAM



Dr. Vivek Murthy
COVID-19 Response Team
Former Surgeon General



Dr. David Kessler
COVID-19 Response Team
Former FDA Commissioner, Center for
Science in the Public Interest Director



Dr. Celine Gounder
COVID-19 Response Team
New York University Medical School
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Dr. David Michaels
COVID-19 Response Team
Epidemiologist and professor at the
Milken Institute School of Public Health
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Jane Hopkins
COVID-19 Response Team
Worked for more than 20 years as a bedside
nurse and has a long history in union work

One thing I promise you about my leadership during this crisis: I'm going to tell it to you straight. I'm going to tell you the truth. And here's the simple truth: Our darkest days in the battle against Covid are ahead of us, not behind us," – President Elect Biden

THE BIDEN-HARRIS 7-POINT PLAN TO BEAT COVID-19

- 1 Scale up testing**
 - Enhance access to cost-free, regular testing by increasing number of testing sites across the nation and types of tests developed/administered (at-home and rapid tests)
 - Mobilize at least 100,000 public health officials to help with local efforts to contact trace and test at risk populations
- 2 Ensure adequate PPE supply**
 - Scale up production of masks and other PPE to meet demand and restore national stockpiles by fully utilizing the Defense Production Act
 - Enhance domestic manufacturing capacity to ensure American independence
- 3 Provide federal health recommendations and resources**
 - Clear CDC guidance for states and localities on criteria of when to open/close local businesses, bars, restaurants, schools, gyms etc.
 - Provide financial relief to state and local governments by working with Congress to pass another coronavirus relief package and establishing renewable fund to prevent budget shortfalls
- 4 Develop an equitable vaccine allocation plan**
 - Invest \$25 billion for vaccine manufacturing and distribution to Americans for free
 - Release vaccine clinical data to public and career staff to write report for public review
- 5 Protect high-risk and elderly individuals**
 - Establish COVID-19 racial and ethnic disparities task force to develop recommendations on disparities in the public health response
 - Develop a Nationwide Pandemic Dashboard where Americans can detect local transmission in specific zip codes
- 6 Reestablish nationwide biodefense efforts**
 - Restore the Obama-Biden's White House National Security Council Directorate for Global Health Security and Biodefense
 - Reestablish US relations with the WHO to coordinate global response to the pandemic
- 7 Implement mask mandate**
 - Support national mask mandate and advocate that governors and mayors make masks mandatory in their states/cities
 - On December 3rd, Biden announced that he will ask every American to wear a mask for first 100 days of his presidency to reduce COVID-19 case rates across the US

First 100 Days Campaign Promises

Candidates for the Office of the President often cite the “First 100 Days” as the time they will realize their legislative goals. It seldom happens that fast. The fascination with those first days began after Franklin Delano Roosevelt entered office amid the tumult of the Great Depression. With the financial system in ruins and jobs vanishing, FDR set to work passing laws and establishing new government bureaus to curb the economic suffering. He swore in his entire Cabinet at once, signed 76 bills into law, and began rolling out the New Deal in his first 100 days in office – a frenzy of activity and productivity that, ever since, all presidents have been measured against.

Joe Biden will not be as productive as FDR. But for posterity’s sake, below is a catalogue of Candidate Biden’s 100 Day promises from the trail and postelection press conferences.

CLIMATE CHANGE

- Rejoining the Paris Agreement.
- Have the Office of Science and Technology Policy create a report identifying climate strategies and technologies to improve air and water quality in underfunded communities.
- Host a climate world summit and discuss with leaders of the major carbon-emitting countries to join the United States in making pledges to limit their carbon footprint beyond what they already promised.
- Begin rolling back Trump-era deregulatory rules on GHG emissions.

LABOR

- Create a cabinet-level working group to promote union organizing and collective bargaining in the public and private sectors, while also looking at a solution that will increase union density and address economic inequality. The team will also work with numerous unions and trade associations to expand bargaining efforts.

IMMIGRATION

- Address the Dreamers question.
- End the current asylum policies in place.
- Bring back case management programs while seeking to ease prolonged detentions.
- Reverse Trump’s public charge rule that denies permanent residency to legal immigrants if they use food stamps, Medicaid, housing vouchers, or any other public benefits.

- End the National Emergency that allows federal dollars from the Department of Defense to build the U.S. and Mexico border wall.
- End refugee bans.
- Review the countries listed under Temporary Protected Status.
- Hold a meeting with leaders from El Salvador, Guatemala, Honduras, Mexico, and Canada, to address the factors driving migration and propose a regional resettlement solution.

GUN SAFETY

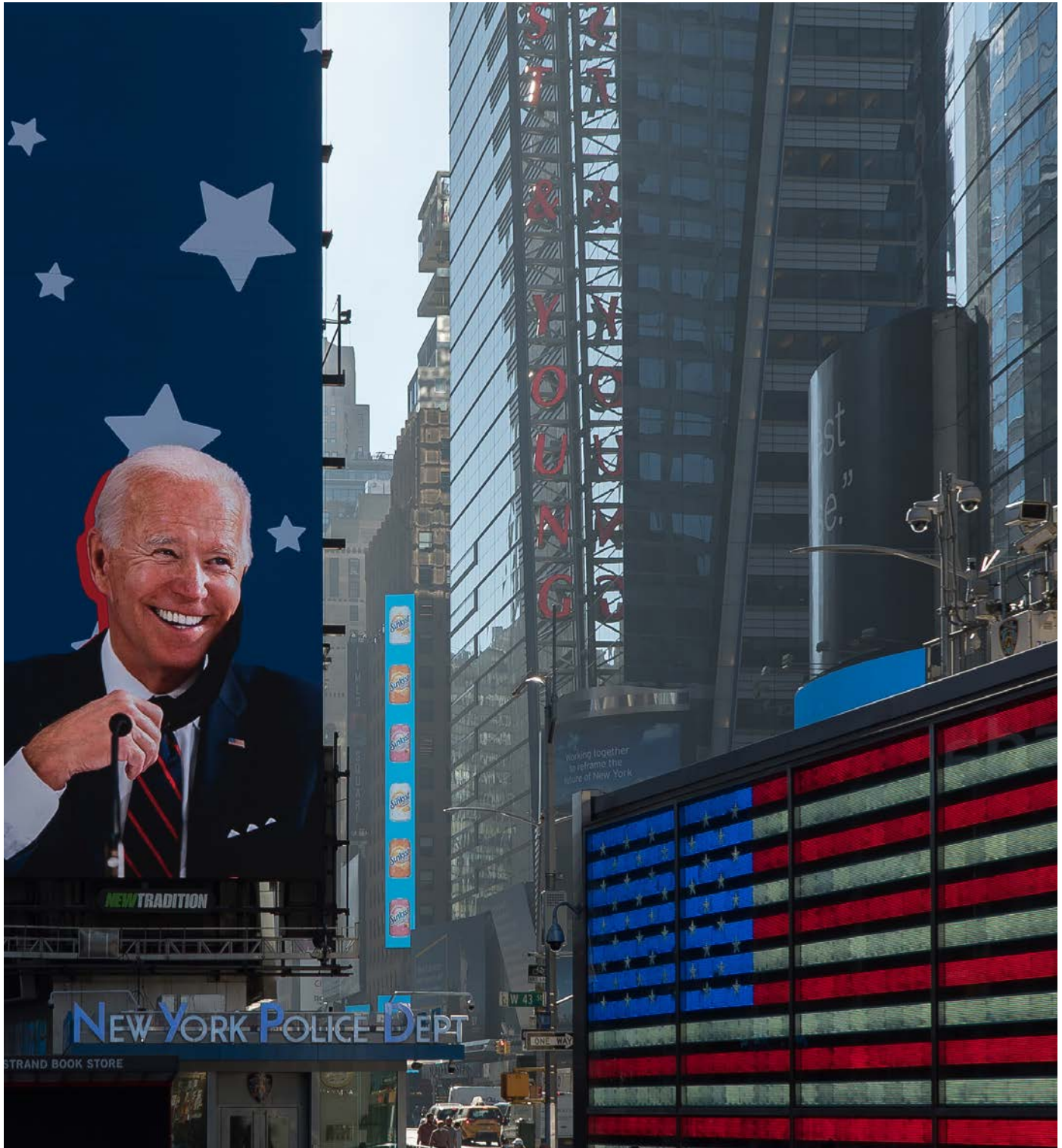
- Reauthorize the Violence Against Women Act
- Close the “Charleston loophole” that allows firearms to be purchased before the required background checks have been completed.
- The Attorney General will be tasked with producing recommendations on how the Bureau of Alcohol, Tobacco, Firearms, and Explosives could be better to help enforce gun laws.

HOUSING

- Direct the Secretary of Housing and Urban Development to lead a task force that will ask mayors and other elected officials to detail what they believe could make housing available for everyone in their communities. The report would be due within 100 days.
- Review current federal housing policies to ensure they apply to Biden’s “housing first” approach and review homelessness assistance grants and the results they can provide to communities.

LGBTQ+ COMMUNITY

- Focus federal resources to help prevent violence against transgender women, focusing on transgender women of color.
- Pass the Equality Act, which prohibits discrimination based on sex, sexual orientation, and gender identity.



First 100 Days Priorities

ADMINISTRATION PRIORITIES FOR THE FIRST 100 DAYS

FILLING HIS CABINET

National security positions (Defense, CIA, DHS) usually confirmed first • The rest of the cabinet will likely be filled faster with a Democratic Senate

ADDRESSING THE CORONAVIRUS PANDEMIC

Passing a major stimulus bill • Creating a nation-wide testing strategy • Managing vaccine development and distribution

REVERSING TRUMP ADMIN POLICIES

Start the process of rejoining international orgs: Paris Climate Accord, WHO, Iran nuclear deal • Reverse orders on immigration, reproductive health and civil rights • Because Dems won the Senate, Congress could use the **Congressional Review Act** to reverse policies

ADVANCING LEGISLATIVE PRIORITIES

Climate change and infrastructure • Political reform (H.R. 1), reinstating the Voting Rights Act • Health care reform

POTENTIAL DEMOCRATIC LEGISLATIVE PRIORITIES FOR THE FIRST 100 DAYS

CLIMATE CHANGE/INFRASTRUCTURE

Infrastructure/stimulus bill that makes significant investments in renewables, electric vehicles, grid modernization and other clean infrastructure, while promoting environmental justice. Legislation to establish a target for decarbonizing the electricity sector

HEALTH CARE REFORM

Pass H.R. 3 and H.R. 1425 to reduce drug prices and expand coverage under the ACA • Additional health legislation would attempt to create a public insurance option, address surprise billing, and reinstate funding for reproductive health

POLITICAL/GOVERNMENT REFORM

Pass H.R. 1, the For the People Act • The bill would establish a national voter registration program, establish nonpartisan commissions to redraw congressional maps, and create a public financing system for federal campaigns, among other provisions

IMMIGRATION REFORM

Pass an immigration reform bill with a path to citizenship for some undocumented residents • Codify protections for children who came to the United States illegally from deportation

TAX REFORM

Increase corporate tax rate from 21% to 28% • Create manufacturing repatriation tax incentives • Increase top-bracket income tax rate

EDUCATION REFORM

Reauthorize the Higher Education Act through the Aim Higher Act • Additional education legislation would attempt to make four-year public universities debt-free for low-income families

POTENTIAL REPUBLICAN LEGISLATIVE PRIORITIES FOR THE FIRST 100 DAYS

CORONAVIRUS RELIEF

Although some relief was passed as part of a larger spending deal, Sen. Majority Leader Mitch McConnell (R-KY) has indicated that an additional deal could come about in early 2021

IMMIGRATION REFORM

A comprehensive immigration deal, such as the 2013 deal that received 68 votes in the Senate, could become a topic of debate in the 117th Congress • Sens. Graham (R-SC) and Rubio (R-FL) were involved in that effort

2022 ELECTIONS

The 2022 Senate election cycle is set to be competitive with at least five GOP senators in competitive races (WI, FL, MO, OH, AK), in addition to potential GOP retirements in key states • Senate Republicans could focus on signature issues to bolster these candidates and appeal to voters

Policy in a Biden Administration

The background of the slide is a photograph of the interior of the United States Capitol dome. The image is heavily overlaid with a semi-transparent purple color. In the center, there is a circular fresco depicting a classical scene with several figures. The surrounding architecture, including the ornate ceiling and the dome's structure, is visible through the purple tint.

Budget Reconciliation

Policy Scan

Trump Regulations In Early Jeopardy

The Policy and The Players



Budget Reconciliation*

With Joe Biden in the White House and the Democrats barely in control of the Senate and House, it is likely that Democratic congressional leaders will use a confusing, fast-track procedure called budget reconciliation to pass some type of tax-and-spending package. This type of legislation cannot be filibustered in the Senate and is difficult to change on the Senate floor. In other words, under this scenario, Democrats could pass a package of tax and spending laws without any Republican votes in either chamber. But with the narrow majorities in both the Senate and the House, it will be challenging for President Biden and the congressional Democratic leadership to come up with a tax-and-spending package that garners the support of 100 percent of the Democratic senators and 97 percent of the Democratic House members. Faced with these realities, it is likely that President Biden and congressional Democrats would pursue a smaller, less controversial measure. And the fast-track rules only apply to budget (taxes and spending) legislation and not to policy legislation, such as immigration reform, police reform, voting rights, gun safety and changes in technology policy.

When Congress created the budget reconciliation process in the landmark 1974 Budget Act, it was designed to help lawmakers pass legislation that would reduce the deficit. The authors of the Act knew how difficult cutting spending and raising taxes was under the normal legislative process so they created this fast-track process.

The original thought was that Congress would, early in the year, pass a budget plan that called for a deficit target to be met. Then it would pass its spending bills and other legislation and, in the fall, the Congressional Budget Office would assess whether Congress met its deficit target. If Congress fell short of the target, it could use the budget reconciliation process to enact tax and spending laws in a fast-track process, to meet that deficit target. Congress did not have to use it, but it had the option to do so.

Congress used this process several times to reduce the deficit from 1980 through 1993. However, in 1997, Congress began to use the fast-track process not just to decrease the deficit but also to increase it. For the first time, in 1997, both the House and Senate used it to cut taxes along with some spending cuts. In 2001, Congress used it to enact the so called “Bush tax cuts” with no spending cuts.

Since then, the process has become more of a legislative process to get congressional priorities passed without having to deal with a filibuster and open debate in the Senate. Congress used this tactic to pass a portion of the Affordable Care Act, the 2017 tax cuts, and in an attempt to repeal the Affordable Care Act.

However, up until now, the Senate was precluded from including non-tax and spending provisions in budget reconciliation legislation. The so called “Byrd rule,” named after the late West Virginia Senator Robert C. Byrd (D), prohibited extraneous, non-budget legislation in this fast-track procedure. In other words, the Senate could not include legislation on criminal justice reform, environmental policy, labor law, foreign policy, etc., in this type of legislation. If the Senate did, the provisions could be struck by any Senator unless the Senate approved it with 60 votes.

But given the Senate Democrats’ frustration with the way Senator Mitch McConnell has run the chamber for the past six years and the likelihood that he and other Republicans will filibuster some or all of President Biden’s COVID-19 and economic agenda, it is possible that Senate Democrats, if in the majority in 2021, will change the “Byrd rule” to allow previously prohibited legislation to be included in the fast-track process.

Enacting most, if not all, of President Biden’s agenda could lead to either one massive budget reconciliation bill—or several of them. There are some Senate Democrats who would prefer to change the budget reconciliation process this way, instead of eliminating the filibuster on normal legislation.

*As of the date of publication - 2 GA Senate races in the Democratic win column have yet to be certified.

Policy Scan

AGRICULTURE

Many of the leading agriculture industry advocates and supporters within the House and Senate Democratic Caucuses have signaled that the subsidization of the US agriculture sector during President Trump's tenure in the White House is wholly unsustainable. In short, many agriculture industry stakeholders could face a reckoning under the new Biden Administration in the form of a dramatic reduction in much of the federal aid that has flowed to the industry over the last four years. Nevertheless, President-elect Biden's selection of former Secretary of Agriculture Tom Vilsack to reprise his role as the head of the US Department of Agriculture likely means that agriculture and food policy issues will have a strong champion within soon-to-be President Biden's inner circle.

Climate Change

The Democratic Party's 2020 platform includes a zero emissions goal for agriculture. The Biden Administration's focus on the decarbonization of the US food and agriculture sectors will likely result in increased regulatory and compliance burdens for agriculture industry stakeholders.

Innovation

In pursuit of what will likely be a robust climate agenda, the Biden Administration will likely support research and development, among other strong investment, in the development and deployment of advanced agriculture sector technologies to promote the pursuit of Democrats' ambitious climate-related goals for the industry.

Food Security

The Biden-led White House will likely prioritize the expansion of nutrition assistance and food security programs. Moreover, the platform on which President-elect Biden and Vice President-elect Harris ran calls for the protection of family farms, including the limitation of foreign ownership of US farmland and an increase in subsidies to support small- and mid-sized farming operations.

Trade

Much of the Trump-era aid to the US agriculture sector was intended to offset the impacts of retaliatory countermeasures in response to wide-ranging tariffs imposed by the Trump

Administration. The Biden Administration plans to conduct a comprehensive review of the Trump Administration's tariffs policy, but it is unlikely that Biden and his trade team will immediately lift any of the existing tariffs against China or the Section 232 steel and aluminum tariffs. However, in time, revisions to existing US tariffs policy under the Biden Administration could result in corresponding relief for the US agriculture industry in the form of the relaxation or lifting of certain retaliatory countermeasures.

Immigration / Protections for Farm Workers

The Biden Administration is very likely to work with Congress in an effort to expand immigration and labor protections for agricultural workers. This will likely include development by the Biden Administration of a proposed path to legalization for agricultural workers, as well as the Biden White House's support for the reintroduction and passage of the Fairness for Farmworkers Act.

CANNABIS

When it comes to cannabis and Joe Biden, it is important to remember that he chaired the Senate Committee on the Judiciary during the height of the war on drugs and the enactment of the 1994 Crime Bill which critics say laid the groundwork for mass incarceration. Although Biden has recently said mistakes were made in that bill regarding equity in drug sentencing, the bill with its expansion of mass incarceration was a key moment in the escalation of the war on drugs—and reflected Biden's dislike for illicit drugs, including cannabis. With this as background, it should come as no surprise that even with a majority of Americans favoring legalization of cannabis, the Democratic platform does not call for full legalization.

Pre-pandemic, 2020 was looking like the year that cannabis legalization would double its foothold in the states and gain needed permissions at the federal level to accelerate the industry's growth. COVID-19 disrupted those plans, with several state legislative efforts falling prey to shortened legislative sessions, ballot initiatives stalling when signatures could no longer be gathered, and even federal efforts to allow the cannabis industry access to the banking system failing to gain the traction needed to pass. Despite these setbacks, four more states (New Jersey, South Dakota, Arizona and Montana) passed ballot initiatives to legalize cannabis for adult-use, and even conservative Mississippi approved a ballot measure

to make medical marijuana available. Federally, House leaders delivered on their promise to vote on the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, passing the bill 228-164. Although the measure was not taken up by the Senate, the House vote was the first action taken by either chamber to end the federal prohibition on cannabis, and sets the stage for action in 2021.

While Vice President Biden has yet to embrace legalization, he does support decriminalization of possession, expungement of criminal records, and letting states decide whether to legalize cannabis within their borders. His running mate, Sen. Harris, is not only a supporter of legalization but the lead sponsor of the MORE Act. If Congress manages to move the MORE Act or more comprehensive legislation decriminalizing cannabis at the federal level, President Biden will not champion the legislation, but he will likely sign it.

Major Federal Bills

H.R. 3884, S. 2227 – Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2019

The bill would federally decriminalize and deschedule cannabis, thus allowing states to set their own policies. It also emphasizes social equity and restorative justice for communities impacted by cannabis prohibition. The House passed the measure setting a new high-water mark for cannabis legalization going into 2021.

H.R. 1595, S. 1200 – SAFE Banking Act of 2019

Widely considered the piece of federal legislation most likely to move in 2020, the bill would give the cannabis industry access to the banking system by preventing federal regulators from punishing financial institutions for providing services to cannabis-related businesses operating in compliance with state laws. While cannabis industry advocates were hoping for late approval as part of a COVID-relief package, they will have to wait for a more comprehensive bill next session.

House Amendment 398 (Blumenauer-McClintock-Norton Amendment) to H.R. 3055 (Further Continuing Appropriations Act, 2020, and Further Health Extenders Act of 2019)

This amendment to the appropriations bill expands and continues the prohibition on the Department of Justice from interfering with both state medical and adult-use cannabis programs. State medical cannabis laws have been protected through a similar amendment since 2014.

EDUCATION

Democrats will increase funding for K-12, make early education more affordable and accessible, and attempt to make the first two years of community college free. They will also place an emphasis on technical training courses, registered apprenticeships, and trade school in lieu of college.

Early Childhood Education

Democrats want to ensure access to high-quality, affordable child care and universal preschool for three- and four-year-olds through greater investment, expanded tax credits and sliding-scale subsidies. In addition to advocating for quality child-care standards and a well-trained and -compensated workforce with the right to collectively bargain, they support funding community health centers and pediatrician offices with a high percentage of Medicaid and CHIP patients to ensure adequate support during early-childhood-development. They would also invest in building safe, energy-efficient, developmentally appropriate child-care facilities, including in workplaces, and double funding for home-visiting programs.

K-12 Education

Biden would (i) triple Title I funding and require districts to use the funds to offer competitive salaries and make other critical investments; (ii) increase access to mental health professionals in schools, and work with colleges to expand the pipeline of these professionals; (iii) fully fund the Individuals with Disabilities Education Act (IDEA) by roughly tripling current levels of funding, phased in over a decade; (iv) increase federal infrastructure funding to address pandemic-related health risks, among other things; (v) address a \$23 billion funding gap between white and non-white districts, pursue desegregation strategies and improve teacher diversity ; (vi) invest in and expand the allowable use of Pell grants and other high-quality vocational training programs; and (vii) make sure teachers receive a competitive wage and benefits, and simplify Public Service Loan Forgiveness (PSLF) to help out young teachers.

Higher Education

Democrats support (i) double funding for Pell grants and halving payments on federal student loans; borrowers making less than \$25,000 would not owe any payments and for others, payments would be capped at 5 percent of discretionary income, with complete loan forgiveness after 20 years; (ii) creating a “Title I for postsecondary education” to help students at under-resourced four-year schools complete their degrees; (iii) establishing a fund for schools serving poor students and invest \$70 billion in HBCUs and other MSIs; (iv) cracking down on for-profit colleges and private lenders profiteering off of students; (v) making two years of community college free and allowing students to use federal aid for child care, transportation, housing, etc.; (vi) making public colleges free for families with incomes under \$125,000; and (vii) create grant program for community colleges focused on boosting graduation rates, teacher development and infrastructure.

ENERGY AND THE ENVIRONMENT

In his nomination acceptance speech on the first night of the Democratic National Convention, Joe Biden listed climate change as one of the four “historic” crises facing the US, along

with COVID-19, the economic downturn and racial injustice. The President-elect's inclusion of climate change alongside these clearly-more-top-of-mind issues reflects the importance his administration will place on reducing greenhouse gas (GHG) emissions.

Biden has unveiled his climate and energy team. It will be co-led by former Environmental Protection Agency (EPA) Administrator Gina McCarthy, who will serve as the Domestic Climate Czar, and former Secretary of State John Kerry, who will serve as Special Presidential Envoy for Climate Change. While neither position requires Senate confirmation, Biden's picks to head the Council on Environmental Quality (Brenda Mallory), the Department of Energy (Jennifer Granholm), the Department of the Interior (Deb Haaland) and the EPA (Michael Regan) could face a difficult confirmation process in the closely-divided Senate. The consideration of these nominees is expected to dominate early 2021, and their confirmation is important as the Biden administration employs a "whole of government" approach to addressing climate change.

- **Executive Action:** Biden will look predominantly to executive action to implement aggressive action to reduce GHG emissions. He is pledging to rejoin the Paris Agreement on day one of his presidency, and his administration is expected to otherwise bolster US engagement internationally on climate change. Meanwhile, a Biden-led EPA will likely move to repeal Trump-era deregulatory actions and to promulgate new GHG regulations directed at the electricity, oil and gas, and transportation sectors; the Securities and Exchange Commission may issue new regulations requiring publicly traded companies to disclose risks related to climate change; and the Federal Energy Regulatory Commission may consider proposals to establish carbon pricing in the electricity markets it regulates.
- **Oil & Gas:** The Biden administration is expected to ratchet up oversight and pursue new federal environmental regulations on the industry. While Biden has repeatedly asserted that he does not support a federal ban on hydraulic fracturing, or fracking, a Biden administration will likely slow, or even halt, the leasing of federal land for the extraction of crude oil and natural gas.
- **Environmental Justice:** A Biden administration is likely to bolster federal agencies' consideration of environmental justice as part of federal climate, energy and infrastructure programs. Under Biden's watch, the EPA may make a greater effort to address legacy pollution impacting low-income, minority and indigenous communities.
- **Economic Stimulus/Infrastructure:** Clean energy could well be a central part of any economic stimulus/infrastructure package the Biden administration may advocate for in 2021. Such a package could include significant investments in electric vehicles, energy efficiency, grid modernization and renewables, such as solar and wind.

- **Tax Incentives:** While the end-of-the-year spending package temporarily extended a variety of energy tax provisions, the measure did not provide the long-term certainty as to the incentives for industry. As such, a Biden administration and Congress could work together on long-term extensions, expansion of existing credits and new incentives for energy storage.
- **Energy Innovation:** As demonstrated by the passage of the Energy Act of 2020, there is bipartisan agreement among many Republicans and Democrats to support energy innovation through the funding of emerging technologies, such as advanced nuclear reactors, carbon capture and energy storage.

FINANCIAL SERVICES

Democrats will pursue policies intended to increase access to banking products for low-income Americans. They will also push for the creation of a public credit reporting agency, banking access for marijuana businesses in states where the drug is legal, and the establishment of banking services through the US Postal Service (USPS). However, with narrow Republican control of the Senate, Democrats will find it challenging even to put on the Senate floor, let alone pass, any controversial financial services legislation. As a former senator from Delaware, historically a state that is very friendly to corporations, Joe Biden has taken a moderate stance on credit card reform and on corporate governance issues. Nonetheless, with the Supreme Court having ruled several months ago that the president is free to remove the director of the Consumer Financial Protection Bureau (CFPB) without cause, CFPB Director Kathy Kraninger will surely be removed by Biden, as will Federal Housing Finance Director Mark Calabria (if the high court declares unconstitutional a provision in the 2008 law establishing the FHFA which states that the president can only fire the director for cause), to be replaced by nominees who share the President-elect's more liberal views.

Unity Task Force Proposals

The majority of Biden's financial services proposals were developed by the Biden-[Bernie] Sanders Unity Task Force and released as part of its set of policy recommendations. The proposals include the following:

- Provide real-time payment systems and bank accounts (Fed accounts) through the Federal Reserve
- Provide banking services through the USPS
- Create a public credit reporting agency that will be used by all federal lending programs
- Empower the CFPB to more effectively discipline bad actors
- Enable antitrust regulators to review all mergers and acquisitions that took place under the Trump administration

- Strengthen the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank), particularly the provisions relating to oversight of investing, consumer lending and credit cards

Bankruptcy Reform

Biden adopted Sen. Elizabeth Warren's comprehensive bankruptcy reform plan, which would reduce fees, streamline various bankruptcy processes, and modify the current, two-pronged bankruptcy system in favor of a single system that would be utilized by all consumers. Under the Warren plan, filers would be presented with a set of options for how to address their debts. Also, certain types of consumer debt would remain non-dischargeable while others, such as student loans, would become eligible for discharge.

Consumer Protections

Biden will move quickly to overturn the Trump White House's deregulatory agenda and to restore and strengthen consumer protection, with a specific and particular emphasis on re-empowering the CFPB to its Elizabeth Warren-Richard Cordray level of activity, referring to the mastermind behind the CFPB its first director, respectively.

Fannie And Freddie

To the dismay of Fannie Mae and Freddie Mac investors, the administrative process championed by FHFA Director Mark Calabria to free government-sponsored enterprises, or GSEs, from the government conservatorships imposed on them in 2008 will surely be shelved under a Biden administration. A new Democratic administration is likely to attempt to replace Calabria as the FHFA director and congressional Democrats, by and large, have little interest in using government resources to reward what they see as speculative GSE investors. A Biden administration is likely to be more receptive to the view of those Democrats who believe that the GSEs are essential to preserving the 30-year mortgage and housing affordability, and that GSE reform is actually a solution in search of a problem.

Lending

The President-elect has already brought a new and significant focus on racial and gender diversity as he fills cabinet and senior leadership positions in his new administration. He will also seek to persuade Congress to add to the Federal Reserve's mandate the challenge of addressing racial economic inequality. He is expected, through his appointments, to reinstate fair-lending regulations, such as the ability-to-repay rule, which Trump appointees had rolled back. He has also pledged to strengthen and expand the Community Reinvestment Act (CRA) to ensure that not only banks but also "fintechs" and nonbank lenders provide responsible access to all members of the community.

Regulators

Biden-appointed financial regulators, acting at the behest of Financial Services Committee Chair Maxine Waters, Banking Committee Chair Sherrod Brown and consumer groups, are expected to abandon the Trump Office of the Comptroller of the Currency's (OCC's) "go-it alone" approach to CRA reform, revealed in former Comptroller Joseph Otting's May 2020 proposal, in favor of taking a coordinated approach to such reform. Waters and Senator Warren will surely also reintroduce their legislation directing the Fed to promote racial and income equality when setting monetary policy and supervising banks. Democrats also are expected to take a closer look at nonbank mortgage origination and will likely push the Financial Stability Oversight Council (FSOC) to assess whether such originations constitute a systemic risk to the financial system and whether the practice is adequately regulated and supervised.

FOREIGN POLICY

The Biden Administration is expected to return to a more traditional, process-based, multilateral approach to US foreign policymaking. President-elect Biden's selection of longtime advisor Tony Blinken to serve as Secretary of State telegraphs the impending transition from Trump-era unilateralism to a renewed emphasis on building and leveraging alliances to advance US and shared foreign policy objectives. Blinken is a centrist who believes in the promotion of democratic values and has supported US intervention on moral and other grounds during the course of his career.

Alliances

One of the first expected actions by the Biden team will be to hold a "summit of democracies" to begin the process of rebuilding alliances forged during and after World War II. Similarly, a Biden administration will move quickly to reinforce the US' commitment to NATO, which is widely viewed among the former State Department and Pentagon officials in Biden's inner circle as the US' most important alliance.

China

Biden has promised to take a tougher approach to China, whose president, Xi Jinping, has adopted a more assertive international posture in recent months. On matters of substance, however, Biden and Trump might not be so far apart. Tariffs imposed by Trump, which Biden has criticized as hurting American farmers and manufacturers, could serve as leverage in trade negotiations with Beijing and Biden will likely continue to use them in combination with other, more targeted economic measures, to keep economic pressure on China. A more significant difference in approach is that Biden would likely chart a more measured and consistent diplomatic trajectory than Trump. Another difference is that Biden will almost certainly be more vocal in criticizing China

on human rights abuses, including the treatment of Uighurs and Hong Kong protesters. Biden also says he will rebuild US alliances with other Asian nations, which he believes have frayed under Trump, to present a more unified front vis-à-vis China.

Asia

Under Trump, the US recently participated with Australia, India and Japan in the Quadrilateral Security Dialogue (Quad) in Tokyo. Each of these countries has drawn closer to the US as their view of the threat posed by China increases. This could provide the Biden administration a foundation upon which to build a collective security system in Asia to serve as a bulwark against Chinese aggression. However, such an alliance requires more than a shared suspicion of China and will also need to be supported through stronger economic ties. Rejoining the Trans Pacific Partnership (TPP) is one way to restore US leadership on economic issues in Asia, and Biden has indicated that he might seek to rejoin the TPP, but has also said he would want to renegotiate parts of it. An obstacle for Biden will be that manufacturing has already been migrating from China to Southeast Asia, which will make renegotiating better terms with TPP signatories more difficult. A Biden administration will also try to improve relations with Asian allies not in the Quad, such as South Korea.

Middle East

Biden backs a two-state solution to the Israel-Palestinian conflict and believes Trump's seemingly one-sided approach to the conflict has been a setback. While he staunchly supports Israel, Biden is not likely to defer to Israel as much as the Trump administration has. Elsewhere in the Middle East, Biden has pledged to rejoin the 2015 Iran nuclear deal agreement if Iran returns to compliance. Biden and his top aides have been critical of Turkey on a range of issues and have expressed deep concerns about the US' maintaining of nuclear weapons there. Biden strongly condemned Trump's withdrawal of US troops from Northern Syria, calling it a betrayal of our Syrian Kurdish allies. Expect renewed support, albeit mostly covert, of forces allied with the US in Syria. Biden will likely maintain the status quo in Iraq, providing institutional and military support to the Iraqi government. As Biden has long been critical of Saudi Arabia, expect some pushback against the kingdom's human rights record and the Saudi-led, GCC-supported (except Oman) military operation in Yemen.

North Korea

Biden has been heavily critical of Trump's relationship-building with North Korean leader Kim Jong-un. Soon-to-be President Biden will not meet with the latter without preconditions. Further, the Biden Administration will likely be more predisposed to using shows of naval and other military force in the region in response to North Korean provocations and will also readily deploy sanctions in response to human

rights abuses and other malign activities. Biden will also very likely employ a more traditional, process-based, multilateral approach in engaging with North Korea--whether on a diplomatic basis or to impose greater pressure on the Kim Jong-un regime. More broadly, under the Biden Administration, we can expect a return to the pre-Trump status quo with respect to US policy and posture in the Korean Peninsula. Biden will maintain a robust US forces presence in the region and will reinvigorate the US-Republic of Korea joint military exercises that Trump cancelled.

Russia

We can expect a return to a more traditional, process-based, multilateral approach to US policy toward Russia under the Biden Administration. For example, Biden and Blinken have signaled clearly that the US will reinvigorate the NATO alliance and leverage the collective of nations in dealings directly with Russia and on Russia-related matters. Although the Biden team's approach to foreign policymaking will be different / more normalized in line with the approaches of other US administrations pre-Trump, while we are likely to see a shift in tone and posture toward Russia under Biden, we may not see a dramatic shift in actual policy toward Russia. One key exception will be in the Biden Administration's holding Russia more accountable for certain malign activities, including for election interference, poisonings and human rights abuses, and Russia's incursion into Crimea.

Latin America and the Caribbean

Biden will shift US policy on Latin America away from Trump's almost emphasis on preventing illegal immigration by border apprehensions and other measures, toward more soft-power initiatives. Biden has a four-year plan for providing \$4 billion in aid and assistance aimed at addressing the leading factors that have contributed to illegal migration, including high unemployment, gang violence, and drug trafficking. Along with this increase in aid, the Biden Administration will also likely adopt a renewed focus on anti-corruption in the region.

Venezuela

The Trump administration has made a calculated effort to push President Nicolás Maduro out of office by imposing a severe sanctions regime, aligning a coalition of countries against Maduro and acknowledging opposition leader Juan Guaidó as interim president. The maximum pressure campaign has achieved mixed results. However, it remains unclear that US policy toward Venezuela will shift much, if at all, under the Biden Administration.

HEALTH CARE

Addressing the ongoing COVID-19 pandemic will be the Biden administration's immediate, top priority. Expect Democrats to push for more aggressive federal engagement in combatting the novel coronavirus, including making a concerted effort to communicate with the public on the

importance of a science-based approach to public health policy, the reliability of FDA-approved vaccines, and the urgent need for measures the House deemed necessary to adequately respond to the health crisis which did not make it into the Senate version of the CARES Act or successor stimulus packages.

Upon inauguration, President Biden can be expected to override President Trump's executive orders undermining the Affordable Care Act or otherwise negatively impacting health care access and affordability.

In what is expected to be an ongoing effort based on its centrality in the campaign, Democrats will work to expand health care access, improve affordability and increase quality of care—particularly for medically underserved communities in rural America and major urban areas.

COVID-19

The President-elects pandemic-related wish list includes:

- Increasing funding for the CDC and state health departments.
- Restoring the White House National Security Council Directorate for Global Health Security and Biodefense.
- Amending the Public Health Service Act to cover all testing, treatment, preventative services and vaccines necessary to address a public health emergency for an infectious disease.
- Ensuring no cost-sharing in any public health programs for COVID-19 treatments and vaccines.
- Expanding the National Disaster Medical System's authority to reimburse providers for treatment costs related to COVID-19 that are not covered by insurance.
- Giving the Secretary of Health and Human Services authority to approve the price of vaccines developed with taxpayer dollars.
- Providing 12 weeks of paid family and medical leave and 7 days of paid sick leave, as outlined in the FAMILY Act (S. 463) and the Healthy Families Act (H.R. 1784).
- Increasing the federal medical assistance percentage (FMAP) by at least 10 percent for all states and providing matching federal dollars for states to maximize Medicaid enrollment.

Creating an emergency fund for state and local governments to provide resources for health and economic needs.

Building on the Affordable Care Act

The Biden administration will seek a public insurance option that would compete with private insurance (it would be available to those with employer-sponsored plans). The public option would offer premium-free access to 4.9 million

Americans living in states that have not accepted federal funding to expand Medicaid under the Affordable Care Act; eliminate income cap for premium tax credits with premiums capped at 8.5 percent of income; and lower the Medicare eligibility age to 60.

Prescription Drugs

Policy initiatives will include allowing the government to negotiate drug prices directly with manufacturers; limiting drug price increases to the rate of inflation; taxing drug makers whose prices increase above the rate of inflation; allowing importation of prescription drugs deemed safe by Department of Health and Human Services; and using external reference pricing to recommend prices for drugs that face no competition.

Reproductive Health

The Democrats' agenda calls for repeal of the Hyde Amendment barring use of federal funds to pay for abortion (except in rape, incest, and life endangerment); a public option that covers reproductive health services; rescission of the "Mexico City Policy" aka "Global Gag Rule"; restoration of federal funding for Planned Parenthood; codification of Roe v. Wade into federal law; and a requirement that federal health plans cover HIV/AIDS treatment, hormone therapy and gender confirmation surgery.

HOUSING AND COMMUNITY INVESTMENT

As many Americans feel the weight of job losses, missed rent and mortgage payments, health emergencies and community instability, addressing housing insecurity and community investment policy have become pivotal issues in the fight against the pandemic, the effort to mount an economic recovery and the maintenance of societal peace and order. How the new President addresses these issues will be of critical importance to both Main Street and Wall Street.

As the presidential election approached, both the COVID-19 pandemic and the need to attract support from progressives who had supported Bernie Sanders caused Biden to move to the left and embrace proposals that were more progressive than he had previously supported. Mortgage and rent protections and other housing-related financial relief to respond to the surge in evictions and foreclosures relating to the current economic and public health crises, will be at the top of the new administration's housing and community investment agenda. The President-elect also pledges to end redlining and other discriminatory and unfair practices in the housing market.

Given the narrow margins of control that Democrats will hold in the House and Senate in the next Congress, it will be challenging for President Biden to achieve his key legislative priorities for housing and community development, especially those that involve significant additional spending financed through tax increases.

Biden supports the one-month extension of the ban on evictions that is included in the COVID-19 relief package that the House and Senate approved on December 21, along with the \$25 billion provided by the bill for emergency rental assistance. However, he views both of these provisions to be only a down payment on the relief required and an inadequate response to the surge in evictions and foreclosures that is expected as this relief expires or is exhausted. Thus, shortly after his inauguration, Biden will propose additional COVID-19 relief legislation in which he is expected to seek as much as \$100 billion in additional emergency rental assistance and to extend the ban on evictions and foreclosures by at an additional six months at the least.

Biden proposes to make a \$640 billion investment in housing over 10 years, paid for by raising taxes on corporations and large financial institutions. Of that, about \$300 billion would be devoted to new construction and is encompassed in his \$1.3 trillion infrastructure plan. The \$340 billion would be paid for by instituting a financial fee on certain liabilities of firms with over \$50 billion in assets. He also proposes a renter's credit to reduce rent and utilities to 30 percent of income and a first-down-payment tax credit of up to \$15,000. To spur the development of low income housing, Biden will expand the New Markets Tax Credit program, providing an additional \$5 billion in support every year, and will make the program permanent so communities can take the credit into account in their long-term planning.

To end redlining and other discriminatory and unfair practices in the housing market, Biden supports:

- Creating a Homeowners and Renters Bill of Rights
- Providing financial assistance to help hard-working Americans buy or rent safe, quality housing, including down payment assistance through a refundable and advanceable tax credit and fully funded federal rental assistance
- Increasing the supply, lowering the cost and improving the quality of housing through investments in resilience, energy efficiency, and accessibility of homes
- Pursuing a comprehensive approach to ending homelessness

If adopted, Biden's policies would increase real estate and community investment through the continuation and expansion of programs specifically geared toward subsidizing and supporting the development of more financially accessible housing stock for working class families.

A Biden presidency will also likely use the federal government's levers of influence to encourage the creation of inclusionary zoning policies to expand communities available to working families and dissuade discriminatory housing patterns. The following is a partial list of proposed housing, real estate and community investment initiatives that could flow from a Biden White House:

- Devote \$100 billion aggregate to the Affordable Housing Fund to construct and upgrade affordable housing
- Provide \$65 billion in new incentives for state housing authorities and the Indian Housing Block Grant program to construct or rehabilitate low-cost, efficient, resilient and accessible housing in areas where affordable housing is in short supply
- Set aside \$10 billion to make homes more energy efficient to lower families' energy bills, thereby enhancing housing affordability
- Dedicate \$5 billion to increase the stock of affordable housing as part of larger local community development efforts utilizing an expanded HOME program and the Capital Magnet Fund
- Increase by \$20 billion funding for the Housing Trust Fund, through an increase in the assessment on Fannie Mae and Freddie Mac, to support the construction and rehabilitation of affordable housing
- Expand by \$10 billion the low-income housing tax credit (LIHTC), a tax provision designed to incentivize the construction or rehabilitation of affordable housing for low-income tenants
- Expand the Section 8 rental voucher program to fully-funded status
- Expand by \$10 billion over ten years flexible funding for Community Development Block Grants (CDBGs) to expand affordable housing, improve infrastructure and increase economic opportunities for low-income individuals and communities
- Eliminate local and state housing regulations that limit affordable options and contribute to urban sprawl by directing the Secretaries of HUD and Transportation to add zoning reform as a requirement in certain existing federal grant programs
- Expand investments in HUD's Local Housing Policy Grants program to give states and localities the technical assistance and planning support they need to modernize housing regulations
- Utilize federal transit dollars to leverage local investment in transit and affordable housing, and encourage transit and regional planning policies that are essential for ensuring access to affordable housing
- Expand funding for the Community Development Financial Institutions Fund, which supports local, mission-driven financial institutions in low-income areas around the US, including those invested in building new housing in underserved areas
- Expand by \$5 billion annually the New Markets Tax Credit program to increase local investment in affordability, and make the program permanent so communities can take the tax credit into account in their long-term planning

IMMIGRATION

President-elect Biden will seek to undo Trump's country-specific bans, reverse his expansion of the public-charge rule and roll back his new restrictions on asylum seekers and refugees. Biden has also said he will stop spending federal money to expand the US-Mexico border wall and instead direct funds toward "smart border enforcement efforts, like investments in improving screening infrastructure at our ports of entry." He has also pledged to restore protections for the Dreamers that were put in place when he was vice president under Barack Obama, and to create a pathway to citizenship for those living in the US illegally.

Deferred Action for Childhood Arrivals (DACA)

Since DACA was a major focus of Obama-era immigration policy, Biden would reverse President Trump's efforts to end the DACA program. He would also strengthen the protections for Dreamers and so that they have a path to citizenship. In addition, Biden would make Dreamers eligible for federal student aid, such as loans and Pell grants, as part of his higher-education plan. He also proposed protections for the parents of Dreamers but offers very little detail on what these protections would entail.

Border Security

Biden does not support decriminalizing illegal border crossing, but he has promised to reduce the number of prosecutions at the border for minor immigration violations. He has also proposed investing in technology for better security at the border, including better screening infrastructure, such as cameras, sensors, large-scale X-ray machines and fixed watch towers at points of entry.

Temporary Workers

Biden will work with Congress to reform the current system of temporary work visas to allow workers in these select industries to switch jobs, while certifying the labor market's need for foreign workers. (Employers should be able to supply data showing a lack of labor availability and the harm that would result if temporary workers were unavailable.) This flexibility, coupled with strong safeguards, such as requiring employers to pay a fair calculation of the prevailing wage and to ensure the right of all workers to join a union and exercise their labor rights, will help meet the needs of domestic employers, sustain higher wages for American and foreign workers alike, incentivize workers and employers to operate within legal channels, prevent exploitation of temporary workers, and boost local economies.

Reforming the temporary visa system

The Biden Campaign website states, high-skilled temporary visas should not be used to disincentivize recruitment of workers already in the US for in-demand occupations. An immigration system that crowds out highly skilled workers in

favor of semi- or unskilled workers earning entry-level wages threatens American innovation and competitiveness. Biden will work with Congress first to reform temporary visas to establish a wage-based allocation process and establish enforcement mechanisms to ensure they are aligned with the labor market and not used to undermine wages; and then to expand the number of high-skilled visas and eliminate the limits on employment-based visas by country that have led to unacceptably long wait times for application processing.

Increasing the number of visas offered for permanent, work-based immigration based on macroeconomic conditions

Currently, the number of employment-based visas is capped at 140,000 per year, without the ability to be responsive to the state of the labor market or demands from domestic employers. Biden has vowed to work with Congress to increase the number of visas awarded for permanent, employment-based immigration—and to promote mechanisms to temporarily reduce the number of visas during times of high US unemployment. He has also promised to exempt from any cap recent graduates of PhD programs in STEM fields in the US who are poised to make important contributions to the world economy. Biden believes that foreign graduates of a US doctoral program "should be given a green card along with their degree" and that losing these highly trained workers to foreign economies disserves our own economic competitiveness.

INFRASTRUCTURE

The Biden administration has big plans for infrastructure when it takes the reins in 2021. The former vice president's campaign stated that infrastructure will be a top priority and, more specifically, that a Biden administration will be focused on rebuilding America through the green lens of clean energy and environmental responsibility. The Biden plan includes repairing roads and bridges, creating green spaces, rebuilding water systems; strengthening electricity grids; and providing universal broadband to promote technology in infrastructure advancements.

While campaigning, Biden unveiled a \$2 trillion infrastructure overhaul, a key objective of which will be to make the movement of goods and people faster, cheaper and cleaner; to boost American competitiveness in manufacturing; and to create opportunities for union workers. President-elect Biden also wants to transform the energy sources that power the transportation sector by making it easier for commuter trains, school and transit buses, ferries and passenger vehicles to be powered by electricity and clean fuels. He supports incentivizing companies to build a nationwide network of 500,000 electric vehicle charging stations. The resulting reduction in air pollution, he claims, will save thousands of lives and millions of dollars in medical costs. Biden's plan for an energy overhaul will also spur a "second great railway revolution"—the transformation of public transit networks. President-elect Biden is aiming to provide

municipalities with more than 100,000 people with quality public transportation by 2030.

In telecommunications, the Biden team has committed to extending broadband internet services, or wireless broadband via 5G, to every American. Biden campaigned on the need for universal, reliable, affordable and high-speed Internet to enable Americans across all income brackets to work remotely, participate in distance learning, and stay connected.

Some of the elements of the Biden infrastructure plan will likely have bipartisan and bicameral support in Congress but finding the funding for such a plan will take a great deal of compromise and priorities will have to be outlined. Democrats could include in surface transportation legislation an extension of transportation excise taxes tax-favored bond financing, and energy tax legislation. Congress historically has used infrastructure legislation to spur the economy but the details of such a plan will be of paramount importance to get both parties to support it.

SMART CITIES AND COMMUNITIES

The COVID-19 pandemic has resulted in a significant drop in revenue for cities and counties, arguably undermining the ability of local governments to advance smart city initiatives. Under a Biden administration, the possibility of an infusion of federal money from an economic stimulus or infrastructure package could help cities and counties “build back better” through investments in technology.

Broadband

Working to address the digital divide could be an issue that enjoys bipartisan support and bridges differences between urban and rural communities. Congress and a Biden administration could propose programs to extend broadband to underserved communities. The federal government could also support various broadband infrastructure projects through loans and loan guarantees.

Community solar

During the campaign, the Biden team set a goal of installing 8 million solar roofs and community solar energy systems. An infrastructure package could include increased Department of Energy grant funding to support this goal.

Electric vehicles

Biden called for the installation of at least 500,000 public charging stations; a call likely to receive strong bipartisan support in a stimulus or infrastructure package. Funding would likely be provided to states and municipalities. In addition, there is considerable support in Congress to increase the cap on an electric vehicle tax credit to 600,000 vehicles per manufacturer from the current 200,000.

Transportation technology

Beyond electric vehicles, Biden has proposed a \$1 billion competitive grant program to help cities develop new strategies and technologies to reduce emissions, improve public safety and encourage innovation.

Grid modernization

As the electric grid integrates more intermittent renewable sources, a stimulus or infrastructure bill could include funding for emerging technologies to support this transition, such as controls, sensors and data analytics.

Facial recognition technology

Following the lead of several cities, the Biden administration may take a more aggressive approach to addressing how facial recognition and other artificial intelligence technology can produce or reinforce gender and racial biases. Bipartisan legislation relating to data collected by facial recognition technology is expected to be re-introduced in the new Congress.

Workforce training

Biden has called for the Department of Transportation to partner with labor unions in retraining workers impacted by automation in the transportation sector.

NATIONAL SECURITY

House Armed Services Committee Chairman Adam Smith (D-WA), who is poised to continue in his current role during the 117th Congress, has predicted that a long-brewing internal battle among congressional Democrats over future defense spending levels will come to a head during the next authorization and appropriations cycle. Progressive members of the House and Senate Democratic Caucuses have long sought steep defense spending cuts of 10 percent or more, whereas more moderate members of the party like Smith—and, more importantly, new party standard-bearer President-elect Joe Biden—support a more pragmatic approach in developing a new Democratic national security strategy. Biden and his team have indicated that they do not envision major defense spending cuts.

Defense Innovation and Acquisition Reform

With President Biden in the White House, Democratic defense policymakers will likely continue to work across the aisle with their GOP counterparts in supporting more robust investment in new and emerging defense technologies, such as artificial intelligence, to position the US to compete in the ongoing tech cold war with China. At the same time, in seeking to identify cost-cutting opportunities in annual defense spending, congressional Democrats would likely pursue funding decreases for, or even divestment from, legacy defense programs and platforms no longer suitable for modern warfare.

Supply Chain and Industrial Base Security

The pandemic has reinvigorated focus on and expedited ongoing shifts to improve supply chain security and strengthen and sustain key components of the US defense industrial base. This is another area in which the Biden administration will likely work with both its own party members and congressional Republicans during the next Congress.

Climate Change

With increasingly greater acceptance among members of the US national security establishment that climate change is a national security problem, the Biden-led White House and congressional Democrats will likely increase climate-focused funding for the US Armed Forces as a component of the overall defense budget.

Cybersecurity

President-elect Biden has openly endorsed certain cyber-related actions by the Trump administration, including a Trump-era directive to expand military and intelligence community authority related to the conduct of offensive cyber operations against state and non-state adversaries. The Biden administration will not likely walk back or even deviate from many existing Trump administration cyber policies, given that many are well established and enjoy broad bipartisan support. One notable exception is in the area of election security and foreign election interference. Biden has committed to increasing attention and resources in support of securing US elections from foreign interference.

NATIVE AMERICAN

President Obama was widely viewed by American Indian, Alaska Native and Native Hawaiian American communities as a positive force on Native American issues, and President-Elect Biden already has begun to continue that legacy. In an historic moment for Native Americans and for the country, President-Elect Biden has nominated Congresswoman Deb Haaland, a member of the Pueblo of Laguna, to serve as Secretary of the Interior. Congresswoman Haaland, along with Congresswoman Sharice Davids, previously made history in 2018 as the first two Native women elected to Congress.

Representative Haaland is now poised to take over a federal department roundly criticized during the Trump Administration for its disregard of Native American rights and priorities as well as for its disregard for the protection of the environment, natural resources and wildlife. She also is expected to support renewable energy development (a key component of the Biden-Harris agenda) and the protection of public lands.

This would include advancing several important tribal initiatives begun during the Obama Administration that were abandoned or reversed during the Trump Administration.

In addition to pledging to appoint Native Americans to prominent positions in his Administration, President-Elect Biden has committed to nominate federal judges who have an understanding of federal Indian law, tribal sovereignty and treaty rights. This too would continue the legacy of Obama Administration appointments such as the Hon. Diane Humetewa of the District of Arizona, a respected former federal prosecutor and member of the Hopi Tribe, and Supreme Court Justice Sonia Sotomayor, who is often viewed as particularly well versed on Indian law matters.

While the Obama Administration acquired more than 500,000 acres of land in trust for tribes, the Trump Administration considerably slowed the pace of acquisition, imposing new hurdles on tribes and in one case even seeking to disestablish a tribe's reservation and take away its trust lands, something that has not happened since the mid-twentieth century's "termination era." President-Elect Biden has pledged to prioritize the restoration of tribal homelands, making the fee-to-trust process less burdensome protecting existing trust lands and reservations from disestablishment. In addition, Biden has signaled a desire to work with tribes on settling long-standing land and water rights disputes; to protect sacred sites and cultural heritage; to reestablish regular and meaningful tribal government-to-government consultation; and to improve tribal law enforcement and health care.

President-Elect Biden also has highlighted substantial investments in Indian country as part of his planned \$2 trillion infrastructure package. Reservation roads and water infrastructure are among the most neglected in the United States, and like many rural areas, broadband and wireless telecommunications is significantly lacking. President-Elect Biden has specifically identified all three of these areas as priorities for infrastructure investment. It is also worth underscoring that Vice-President Elect Harris' home state of California is home to more than a hundred federally recognized tribes, and that in her role as California's Attorney General she gained significant experience working with tribal governments.

With scarce federal funding and unique jurisdictional conflicts, law enforcement and prosecution in Indian country and within Alaska Native communities remains a significant challenge. Several laws passed by President Obama (and with then-Vice President Biden's close input), including the Tribal Law and Order Act and the Violence Against Women Act, have provide some resources for Indian tribes to deal with their unique law enforcement challenges. However, funding for VAWA was allowed to expire last year, and while the Democratic-controlled House passed a reauthorization bill, it has failed to advance in the Republican-controlled Senate. Should Democrats sweep both chambers, such legislation is likely to be a high priority in a Biden Administration.

TAX

As a candidate, President-elect Biden pledged to reverse the 2017 Trump tax cuts by increasing corporate taxes to 28% from 21%, raising income taxes for those earning at least \$400,000, and increasing the capital gains tax. The GOP had hoped to use a Republican second term in the White House to expand or make permanent expiring provisions under the 2017 Tax Cuts and Jobs Act (TCJA), including several provisions that were not addressed in the recently enacted Omnibus bill.

However, desires seldom overcome cold math in Washington DC. Neither Party has the votes to move their preferred tax agenda in the 117th Congress. Instead, tax writing committees will, like their colleagues across Congress, focus on COVID-19 response efforts and look to score smaller tax legislative wins when possible. Given the narrow margins between the Parties, bipartisan compromises will be required for even these smaller bills to move forward, especially in the Senate.

Such “small ball” wins could include proposals to expand earned income and child and dependent care tax credits. Lawmakers could also find common ground on enhanced child tax credits and retirement legislation. Many lawmakers have supported creating a tax credit for the costs of employers protecting employees from COVID-19, as well as temporarily expanding the Work Opportunity Tax Credit (WOTC) to cover anyone receiving unemployment. There also appears to be some bipartisan support for providing state tax relief for taxpayers whose working location changed because of COVID-19 or who work in a state for less than 30 days. Tax regulations that could also get a second look include those allowing foreign subsidiaries to opt out of the GILTI tax on earnings from offshore assets.

Democrats want to repeal the \$10,000 cap on state and local tax deductions, and while that could get some GOP support, the cost of such a move probably makes it a nonstarter in this Congress unless such a tax change were to be paired with several important Republican tax policy priorities. A bill that would continue the expensing of research and development costs could possibly become such a legislative vehicle.

Under the TCJA, beginning in 2022, taxpayers will be required to amortize R&D expenses over five years and include amortization and depreciation in the calculation of adjusted gross income for the limit on interest deductions under Section 163(j). These changes were included in the 2017 TCJA to reduce the bill’s adverse impact on revenue in the bill’s later years and they are particularly unpopular with Republicans. Especially if the economy continues to lag because of the COVID-19 pandemic, it is likely that Republicans, with the support of some business-friendly Democrats, will seek to postpone or eliminate these changes.

Legislation that seeks to continue the expensing of R&D costs and prevent the inclusion of amortization and depreciation

in the calculation of adjusted gross income for Section 163(j) interest deduction limits could become a vehicle for repeal of the SALT cap, for additional extensions of tax provisions that were only extended for one year in the Omnibus or even for some expired tax provisions that were not renewed or extended at all in the recently enacted Omnibus.

TECH

A particular focus for a Biden presidency will be whether and how to regulate internet companies and address technology advancements. While Biden and Trump do not agree on many hot button topics, both share strong concerns regarding technology issues such as national security, consumer data privacy and regulation of social media platforms. Biden is not expected to take a sharp turn away from the course set by the Trump administration in terms of substantive policy, however we can expect less anti-internet rhetoric and an embrace of how prevalent technology is in citizens’ everyday lives. This recognition should lead to greater compromise and fewer lawsuits.

- **Antitrust:** Biden, like Trump, supported bringing antitrust actions against dominant platform companies. He stated that he supports strict antitrust oversight. There are currently five antitrust lawsuits filed against internet companies in the past three months: three against Google and two against Facebook. These suits have been filed by the Department of Justice, the FTC and State Attorneys General. The Biden administration will need to decide whether to pursue these cases, which could take several years, or seek to reach a settlement.
- **Section 230 of the Communications Decency Act (Hate Speech and Misinformation):** Both Trump and Biden have said that online platforms need to change how they moderate content online, and both Biden and Trump have urged repeal of Section 230 of the Communications Decency Act, which protects online platforms from liability for user-posted content. Commenting on Facebook, Biden said, “[Section 230] should be revoked because it is not merely an internet company. It is propagating falsehoods they know to be false.” Several bills to amend section 230 gained traction in both parties in the 116th Congress, and supporters are likely to renew efforts in the new Congress and seek to enlist the Biden administration’s support. A Biden administration will also consider whether the FTC and/or FCC will consider regulations.
- **Consumer Data Privacy:** Biden has stated he believes the U.S. should set privacy standards that are “not unlike the Europeans,” a reference to the EU’s stringent General Data Protection Regulation, which prohibits the processing of personal data unless it is expressly allowed by law or the data subject has consented to the processing. Expect Biden to reinstitute broadband privacy laws that Trump repealed requiring Internet providers to obtain consumer consent before using certain types of their data.

- **China:** With respect to trade policy, Biden has stated that while he favors working more closely with allies, he plans to be aggressive with China. Unlike Trump, Biden has not threatened to cancel Chinese-owned platforms such as TikTok but he has stated that he sees these forums as a “matter of genuine concern” and has promised to review security risks surrounding the video-sharing app. Expect the U.S. to give favorable treatment to comparable US-based technologies and apps and to further restrict Chinese technology.
- **Digital Services Tax:** The European Union and several other countries have imposed or proposed a tax on gross income of technology companies, which amounts to double taxation. Under the Trump administration, the United States Trade Representative opened up a section 301 investigation, and may issue a report with findings before Biden takes office. Technology companies are seeking a common framework within the OECD. It is uncertain whether Biden will continue efforts to oppose a DST in the EU and other countries.
- **Benefits of a Gig Economy:** During the campaign, Biden advocated for extending to independent contractors, such as Uber and Lyft drivers, the right to organize and bargain collectively in order to gain fair pay, access to benefits, whether through their employer or the Affordable Care Act, and a union voice, following the action of the California Supreme Court and legislature in AB5. (In the last election, California voters overturned as it relates to shared transportation workers.) This has become a particularly pressing issue in light of the coronavirus pandemic, which has not only disrupted demand in the gig economy but added millions of unemployed Americans to the ranks of gig workers, cut off from the regular paychecks, health care, vacation time, child care, family leave, financial assistance and mental health services they previously enjoyed. A Biden administration is expected to change NLRB and Department of Labor rules and policies that adopt the traditional distinction between employees and independent contractors.
- **Immigration:** Biden has openly embraced the Democratic party’s less restrictive approach to immigration, including the high-skilled worker program upon which many technology companies heavily rely. Expect the Trump administration’s restrictions on highly skilled immigrants to be lifted by the Biden administration.
- **Bridging the Digital Divide:** The pandemic has forced millions of Americans to turn their homes into offices and classrooms. The resulting staggering divide between connected Americans and those without access to high-speed internet has been at the center of technology and telecommunications policy conversations. Biden will work with Congress to increase funding for broadband infrastructure, provide subsidies to low-income Americans for broadband service through the Lifeline program -- he has proposed \$20 billion to do so -- and enable cities

and municipalities to deploy public networks. He will also restore the FCC’s authority to enforce net neutrality principles and prohibit blocking, throttling, and paid prioritization by broadband providers, as well as other practices that may raise consumer prices or impact competition.

- **Research and Development:** Biden supports R&D generally and in specific sectors. He has released a set of economic proposals aimed at increasing investment in clean energy and emerging, or “breakthrough,” technologies; and his “Made in All of America” initiative to foster new manufacturing jobs specifically calls for spending \$300 billion on R&D over four years.
- **Telecommunications:** Trump’s Federal Communications Commission rolled back Obama-era net neutrality rules. Expect a Biden FCC to reclaim the agency’s authority to regulate broadband, including restoring net neutrality and undoing a Trump administration order that loosened the commission’s authority over Internet service.

TRADE

President-elect Biden supports free trade as a way for the United States to lead on the global stage and has said he will pursue trade agreements that protect American farmers and workers and boost exports. He has also promised to include strong labor and environmental protections in any new trade deals. While Biden has not released any formal trade proposals, he has been a vocal opponent of President Trump’s “erratic” trade disputes and has pledged to implement more consistent policies if elected. Biden’s selection of House Ways and Means Committee Chief Trade Counsel Katherine Tai to serve as US Trade Representative was met with bipartisan praise. Tai played a lead role in negotiations with the Trump Administration over changes to the US-Mexico-Canada Agreement (USMCA), and prior to her tenure on Capitol Hill, served as Chief Counsel for China Trade Enforcement at USTR. She is expected to have significant influence in developing and shaping the Biden Administration’s trade policy toward China.

U.S.-China Trade

Biden disagrees with President Trump’s approach to negotiating a trade deal with China. Biden called the “phase one” trade agreement signed by the President and Chinese Vice Premier Liu He on Jan. 15, 2020, “vague” and “weak,” and said the deal represents a loss for the United States because it fails to address the fundamental flaws in the US-China trade relationship. Biden is more concerned with China’s unfair trade practices—including intellectual property theft and steel dumping—than with the United States’ trade deficit with China. Biden has also expressed concern about China’s aggressive behavior in the region and its weak human rights record, and has criticized President Trump for alienating US allies that could help pressure and negotiate with China to change its approach. Biden has said

that as president, he will push back against China's predatory behavior while seeking cooperation with Chinese officials on climate change and nuclear nonproliferation.

USMCA and TPP

Biden voted in favor of the North America Free Trade Agreement (NAFTA) when he served in the Senate, and he has expressed support for the recently passed update to NAFTA, the USMCA. Biden also was a strong supporter of the Trans-Pacific Partnership (TPP), which was negotiated by the Obama administration; criticized Trump for rejecting it; and has said he will rejoin TPP but not as it was initially put forward. "I would insist that we renegotiate pieces of that with the Pacific nations, so that we could bring them together to hold China accountable" for their environmental impacts and labor practices, and to counter-balance China's expansion policies.

Sanctions

Biden's picks for key foreign policy and national security posts have pledged to conduct a full review of current Trump Administration sanctions, but nevertheless, it is anticipated that the Biden Administration will continue to leverage a robust sanctions regime to advance US foreign policy objectives. When Biden announced his selection of Wally Adeyemo to serve as Deputy Secretary of Treasury, Adeyemo stated: "We must also remain laser-focused on the Treasury Department's critical role protecting our national security ... This includes using our sanctions regime to hold bad actors accountable."

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Stay in touch

VOTING RIGHTS & GOVERNMENT REFORM

Democrats will push aggressively for an overhaul of the country's voting rules, which were sorely tested during the 2020 primaries and general election and found wanting. Expect to see the same vigor surrounding this issue as was displayed after the 2018 midterm election, in which races in Georgia, Florida and elsewhere were fraught with allegations of voter suppression. Indeed, the Democratic-controlled House made its first piece of legislation—H.R. 1—a sweeping campaign finance/ethics/voting rights package. The focus on states' disparate voting rules during the 2020 election, particularly with regard to voting by mail, makes it likely that Democrats will seek to exert greater federal oversight of voting rules, and Republicans will claim federal overreach, arguing infringement on powers reserved to the states.

Election reform

Democrats and their top think tanks have been rallying around the main provisions of H.R. 1 since its passage in early 2019. The wish list for a Biden administration will focus on modernizing the voter registration process, including efforts to increase and improve automatic, same-day and online voter registration, and to protect against the removal of voters from voting rolls. Democrats will push for a full restoration of the Voting Rights Act, especially those parts that were struck down by Supreme Court's 2013 Shelby County decision. Another issue that has generated support among Democrats across the country is restoring the voting rights of ex-convicts. Finally, with all the election-administration issues raised by COVID-19, Democrats will likely seek to streamline voting by mail, including requiring the federal government to pre-pay the postage for all mailed ballots, an issue that could generate bipartisan support.

Money in politics

Democrats have been trying to combat the perceived corrupting effects of the Citizens United decision since the Supreme Court handed down the landmark ruling in 2010. The party's campaign finance reform generally focuses on restricting the influence of super PACs, introducing a constitutional amendment that eliminates private dollars from funding federal elections, keeping foreign money out of our elections, and increasing transparency and disclosure. Efforts to achieve the latter include prohibiting 501(c)(4), aka "dark money," groups from spending money on elections, and requiring real-time disclosure of campaign contributions. The Biden administration will likely also seek to curb the impact of corporate PAC spending, including prohibiting federally registered lobbyists from being able to make campaign contributions.

Lobbying reform

The incoming administration will likely prioritize efforts to increase the transparency behind the federal lobbying laws. Biden's campaign promised reforms such as extending current lobbying disclosure rules to elected officials, not just lobbyists, and getting rid of the "shadow lobbying" loophole that Democrats claim is routinely abused by former elected officials who provide behind-the-scenes, high-level advice without ever triggering the need to register under the Lobbying Disclosure Act (LDA). Democrats will also likely seek to resolve other perceived shortcomings of the LDA, including lowering disclosure thresholds, requiring greater specificity of lobbying reporting, etc. We can also expect efforts to combat foreign government influence in the lobbying process, via both the LDA and Foreign Agents Registration Act (FARA), to receive bipartisan attention in the next Congress.

Trump Regulations In Early Jeopardy

ENVIROMENT		
ISSUE	TRUMP ACTION	BIDEN RESPONSE
Affordable Clean Energy (ACE) Rule	Repealed Obama-era Clean Power Plan, which established standards for CO2 emissions from existing power plants. Promulgated voluntary efficiency guidelines for coal-fired power plants	Repeal ACE rule and promulgate more aggressive CO2 standards for existing power plants
California's Clean Air Act (CAA) Waiver	Repealed California's CAA waiver that allowed the state to issue their own tailpipe emissions standards	Grant California new CAA waiver; develop new efficiency standards
Revised National Environmental Policy Act (NEPA) Regulations	Limits federal agencies' ability to assess indirect and cumulative impacts associated with federal actions, among other changes	Repeal Trump-era NEPA rules; potentially bolster requirements for federal agencies to consider climate change impacts
Methane CAA Regulations	Eliminates requirements that the oil and gas industry mitigate methane emissions from new and modified projects	Promulgate new methane standards on both new and existing oil and gas sources
Navigable Waters Protection Rule	Revises the definition of the "water of the US" to limit the scope of the Clean Water Act (CWA)	Repeal of the NWP rule and promulgate new standards, similar to the Obama-era WOTUS rule, that expands the scope of the CWA

FINANCE AND ECONOMY		
ISSUE	TRUMP ACTION	POTENTIAL BIDEN RESPONSE
Taxation	Passed the Tax and Jobs Act of 2017; sharply cut corporate taxes	Significantly raise corporate taxes and taxes on the richest; reject "trickle down" tax cuts
Federal Reserve Act	Limited focus on racial employment and wealth gaps, and measures to reduce these	Amends Federal Reserve Act language to mandate regular reporting on such issues
Dodd-Frank financial reform	Rolled back or scaled down several banking regulations under the initial Obama-era law	Strengthens Dodd-Frank with a goal to avert any future financial crisis
Mergers and acquisitions	Generally shored up big US deal making amid decreased regulation and tax reform	Reviews certain mergers under Trump, including in the healthcare market, to assess anticompetitive practices
Wage protection	Reversed progress towards Obama-Biden rule to extend overtime pay	Ensure workers, including domestic and farm workers, are paid fairly for working overtime; increase minimum wage to \$15/hour
Labor rights and unions	Issued executive orders that limited federal unions' powers; supported "right to work" laws	Repeal "right to work" laws, pass the PRO Act, and increase union recognition
Fair housing and lending	Repealed the Obama-era Affirmatively Furthering Fair Housing rule	Bring back the Affirmatively Furthering Fair Housing Rule; protect against abusive lenders
Community Reinvestment Act (CRA)	Proposed loopholes for lenders who use exclusionary practices	Expand the CRA to apply to mortgage and insurance companies; reverse rules that allow institutions to use discriminatory practices
Housing discrimination	Created barriers for borrowers attempting to file discrimination lawsuits against financial institutions	Created barriers for borrowers attempting to file discrimination lawsuits against financial institutions

HEALTH

ISSUE	TRUMP ACTION	POTENTIAL BIDEN RESPONSE
Short-term health plans	Minimized restrictions against short-term plans by: increasing maximum duration period to 12 months and allowing annual renewal for up to 3 years	Reinstate Obama-era limitations (3-month max, ineligible for renewal) and other regulations that strengthen marketplace risk pools
Use of pre-tax accounts for health insurance	Allowed employees to use health reimbursement arrangements (HRAs) to purchase individual health insurance coverage including non-ACA compliant plans	Reinstate restrictions banning employees from using HRA funds to purchase health insurance
Essential health benefits criteria	Granted states increased authority in determination of standards for health plans and leniency in determining essential health benefit benchmark plan	Restore tighter federal government regulation of marketplace plans; increase benchmark plan requirements as well as financial assistance for marketplace consumers
Religious and moral exemptions	Expanded eligible moral/religious exemptions from providing no-cost contraceptive coverage to non-governmental employers, insurers, and individuals	Support/protect coverage of contraceptive services as an essential health benefit per the ACA with minimal religious moral/religious exemptions
Section 1332 waiver standards	Leniency granting state waivers; can alter essential health benefits, metal tiers, and premium tax credit calculations for marketplace plans, so long as coverage options maintain same affordability and comprehensiveness guardrails	Reinstate comprehensiveness and affordability requirements applied to coverage consumers purchase; ensure waivers do not adversely affect low-income consumers

IMMIGRATION

ISSUE	TRUMP ACTION	POTENTIAL BIDEN RESPONSE
Restrictions for four major nonimmigrant visa categories: H1-B, L, J, and H-2B visas.	The suspensions were supposed to last 60 days but they will now remain in place until the end this year	Repeal Executive Order. Work with congress to reform temporary visa program
Asylum-seeking process	Asylum seekers will have to wait a full year to be eligible to apply for work authorization	Repeal Executive Order
DACA	Limit renewals to one year instead of two and still not accept new applicants	Withdraw law suit and extend DACA, support the Dream Act Congress
TPS	Terminate TPS for several countries like El Salvador, Haiti, Nicaragua	Extend TPS for a year or two and support legislation give them paths to citizenship
Border Wall	Use DoD and other reprogrammed funding for construction	Halt construction

LABOR		
ISSUE	TRUMP ACTION	POTENTIAL BIDEN RESPONSE
Right of First Refusal	Revoked an executive order from the Obama administration that gives employees of federal contractors the right of first refusal for employment on a new contract when a federal service contract changes hand	
Overtime	The Department of Labor updated the overtime threshold to \$35,568.	Obama Department of Labor updated the overtime salary threshold from \$23,660 to \$47,476, but this update was ultimately blocked in the courts before the rule could be fully implemented.
Organizing	The National Labor Relations Board finalized a rule that narrowed the joint-employer standard under the National Labor Relations	

EDUCATION		
ISSUE	TRUMP ACTION	POTENTIAL BIDEN RESPONSE
Title IX	The rule gives the accused has the right to a live hearing and to cross-examine accusers. also adds dating violence and stalking to the definition of sexual harassment. But it otherwise offers a narrow definition of harassment, requiring that it be severe and pervasive, as well as objectively offensive	

The Policy and the Players

ENERGY AND ENVIRONMENT

Climate, Renewable Energy, Oil and Gas, and Nuclear



Michael Regan
Environmental
Protection Agency
Administrator (nominee)



John Kerry
Climate Czar
(appointed)



Deb Haaland
Interior Secretary
(nominated)



Gina McCarthy
Domestic Climate Czar
(appointed)



Jennifer Granholm
Energy Secretary
(nominated)



Tom Carper (DE)
Senate Environment
& Public Works



Joe Manchin (WV)
Senate Energy
& Natural Resources



Raúl Grijalva (AZ)
House Natural
Resources



Frank Pallone (NJ)
House Energy
and Commerce



Kathy Castor (FL)
House Select
Committee on the
Climate Crisis



**Shelley Moore
Capito (WV)**
Senate Environment
& Public Works



John Barrasso (WY)
Senate Energy
& Natural Resources



Bruce Westerman (AR)
House Natural
Resources



**Cathy McMorris
Rodgers (WA)**
House Energy
and Commerce



Garrett Graves (LA)
Select Committee on
the Climate Crisis

HEALTHCARE

Medicare, Medicaid, and Vaccine Distribution



Dr. Rochelle Walensky
Director of the Centers
for Disease Control and
Prevention (nominated)



Xavier Becerra
Health and Human
Services Secretary
(nominee)



Dr. Vivek Murphy
Surgeon General
(nominee)



**Dr. Marcella
Nunez-Smith**
White House Healthcare
Disparities Task Force
(appointed)



Anthony S. Fauci, M.D.
Chief Medical Adviser



Ron Wyden (OR)
Senate Finance



Patty Murray (WA)
Senate Health,
Education, Labor
& Pensions



Frank Pallone (NJ)
House Energy and
Commerce



Richard Neal (MA)
House Ways and Means



Bob Casey Jr. (PA)
Senate Aging



Mike Crapo (ID)
Senate Finance



Rand Paul (KY)
Senate Health,
Education, Labor
& Pensions



**Cathy McMorris
Rodgers (WA)**
House Energy and
Commerce



Kevin Brady (TX)
House Ways and Means



Tim Scott (SC)
Senate Aging

COVID



Dr. Vivek Murthy
COVID-19
Response Team



Dr. David Kessler
COVID-19
Response Team



Dr. Celine Gounder
COVID-19
Response Team



Dr. Marcella Nunez-Smith
COVID-19
Response Team



Dr. Zeke Emanuel
COVID-19
Response Team



Dr. Nicole Lurie
COVID-19
Response Team



Dr. Margaret Hamburg
COVID-19
Response Team



Dr. Julie Morita
COVID-19
Response Team



Dr. Helene Gayle
COVID-19
Response Team



Patrick Leahy (VT)
Appropriations



Ben Cardin (MD)
Small Business
& Entrepreneurship



Patty Murray (WA)
(Veterans' Affairs)
Health, Education,
Labor & Pensions



Rosa DeLauro (CT)
Appropriations



Nydia Velázquez (NY)
Small Business



Frank Pallone (NJ)
Energy and Commerce



Richard Shelby (AL)
(Rules)
Appropriations



Marco Rubio (FL)
(Intelligence)
Small Business
& Entrepreneurship



Rand Paul (KY) (Small Business)
Health, Education,
Labor & Pensions



Kay Granger (TX)
Appropriations



Blaine Luetkemeyer (MO)
Small Business



Cathy McMorris-Rodgers (WA)
Energy and Commerce

EDUCATION

Higher Education, Student Loans, Title IX



Miguel Cardona
Department of
Education Secretary
(nominee)



Patty Murray
Senate Health Education
Labor & Pensions
Committee



Bobby Scott
House Education and
Labor Committee



Rand Paul
Senate Health Education
Labor & Pensions
Committee



Virginia Foxx
House Education and
Labor Committee

FINANCE

Tax, Banking Regulations, Housing, House Finance and Fintech



Janet Yellen
Treasury Secretary
(nominee)



Marcia Fudge
Housing and Urban
Development Secretary
(nominee)



Wally Adeyemo
Deputy Treasury
Secretary (nominee)



Heather Boushey
Member of the Council
of Economic Advisers
(appointed)



Jared Bernstein,
Member of the Council
of Economic Advisers
(appointed)



Sherrod Brown (OH)
Senate Banking,
Housing, and Urban
Development



Ron Wyden (OR)
Senate Finance



Maxine Waters (CA)
House Financial
Services



Richard Neal (MA)
House Ways and Means



Pat Toomey (PA)
Senate Banking,
Housing, and Urban
Development



Mike Crapo (ID)
Senate Finance



John Cornyn (TX)
Senate Finance



Patrick McHenry (NC)
House Financial
Services



Kevin Brady (TX)
House Ways and Means

INFRASTRUCTURE

Highways, Broadband, Water



Pete Buttigieg
Transportation
Department Secretary
Nominee



Tom Carper (DE)
Senate Environment and
Public Works



Peter Defazio (OR)
House Transportation
and Infrastructure



**Shelley Moore
Capito (WV)**
Senate Environment and
Public Works



Sam Graves (MO)
House Transportation
and Infrastructure

NATIVE AMERICAN POLICY

Land Economic Development, Trust Duties



Rep. Deb Haaland
Nominated for Secretary
of the Interior



Senator Brian Schatz
Senate Committee on
Indian Affairs



Lisa Murkowski
Senate Committee on
Indian Affairs



Raul Grijalva
Ranking Member Westerman
for House Natural Resources
Committee



Ruben Gallego
Chair Indigenous
Peoples
Subcommittee



Rep. Tom Cole
Co-Chair Native
American Caucus

TECHNOLOGY

Section 230, Privacy, Antitrust, Gig Economy



Maria Cantwell (WA)
Senate Commerce,
Science, and
Transportation



Amy Klobuchar (MN)
Senate Commerce,
Science, and
Transportation



Gary Peters (MI)
Senate Homeland
and Security



Frank Pallone (NJ)
House Energy
and Commerce



**Eddie Bernice
Johnson (TX)**
House Science, Space,
& Technology



Roger Wicker (GA)
Senate Commerce,
Science, and
Transportation



Rob Portman (OH)
Senate Homeland
and Security



**Cathy McMorris
Rodgers (WA)**
House Energy
and Commerce



Frank Lucas (OK)
House Science, Space,
& Technology

IMMIGRATION

Visa, Asylum-Seekers and Refugees, DACA



Gary Peters (MI)
Senate Homeland
and Security



Dick Durbin (IL)
(Whip)
Senate Judiciary



Bennie Thompson (MS)
House Homeland
Security



Jerry Nadler (NY)
House Judiciary



Rob Portman (OH)
Senate Homeland
and Security



Chuck Grassley (IA)
Senate Judiciary



John Katko (NY)
House Homeland
Security



Jim Jordan (OH)
House Judiciary

NATIONAL SECURITY & FOREIGN POLICY

Defense spending, Deployment of US forces, and Sanctions



Bob Menendez (NJ)
Foreign Relations



Gregory Meeks (NY)
Foreign Affairs



Antony Blinken
Secretary of State
(nominee)



Lloyd Austin
Defense Secretary
(nominee)



Dr. Kathleen Hicks
Deputy Secretary
of Defense



Dr. Colin Kahl
Under Secretary for
the Defense of Policy



Alejandro Mayorkas
Homeland Security
Secretary (nominee)



Avril Haines
Director of National
Intelligence (nominee)



Jake Sullivan
National Security
Adviser (appointee)



**Linda Thomas-
Greenfield**
US Ambassador to the
UN (nominee)



Jim Risch (ID)
(Intelligence
or E&NR)**
Foreign Relations



Michael McCaul (TX)
Foreign Affairs



Jack Reed (RI)
Senate Armed Services



Mark Warner (VA)
Senate Intelligence



Adam Smith (WA)
House Armed Services



Adam Schiff (CA)
House Intelligence



Jim Inhofe (OK)
Senate Armed Services



Marco Rubio (FL)
(Small Business)
Senate Intelligence



Susan Collins (ME)
(Appropriations)
Senate Intelligence



Roy Blunt (MO)
Senate Intelligence



Mike Rogers (AL)
House Armed Services



Brad Wenstrup (OH)
House Intelligence

TRADE



Katherine Tai
US Trade Representative
(nominee)



Maria Cantwell (WA)
Commerce, Science &
Transportation



Amy Klobuchar (MN)
Commerce, Science
& Transportation



Ron Wyden (OR)
Finance



Richard Neal (MA)
Ways & Means



Roger Wicker (MS)
Commerce, Science
& Transportation



Mike Crapo (ID)
Finance



Kevin Brady (TX)
Ways & Means

Congress

Leadership

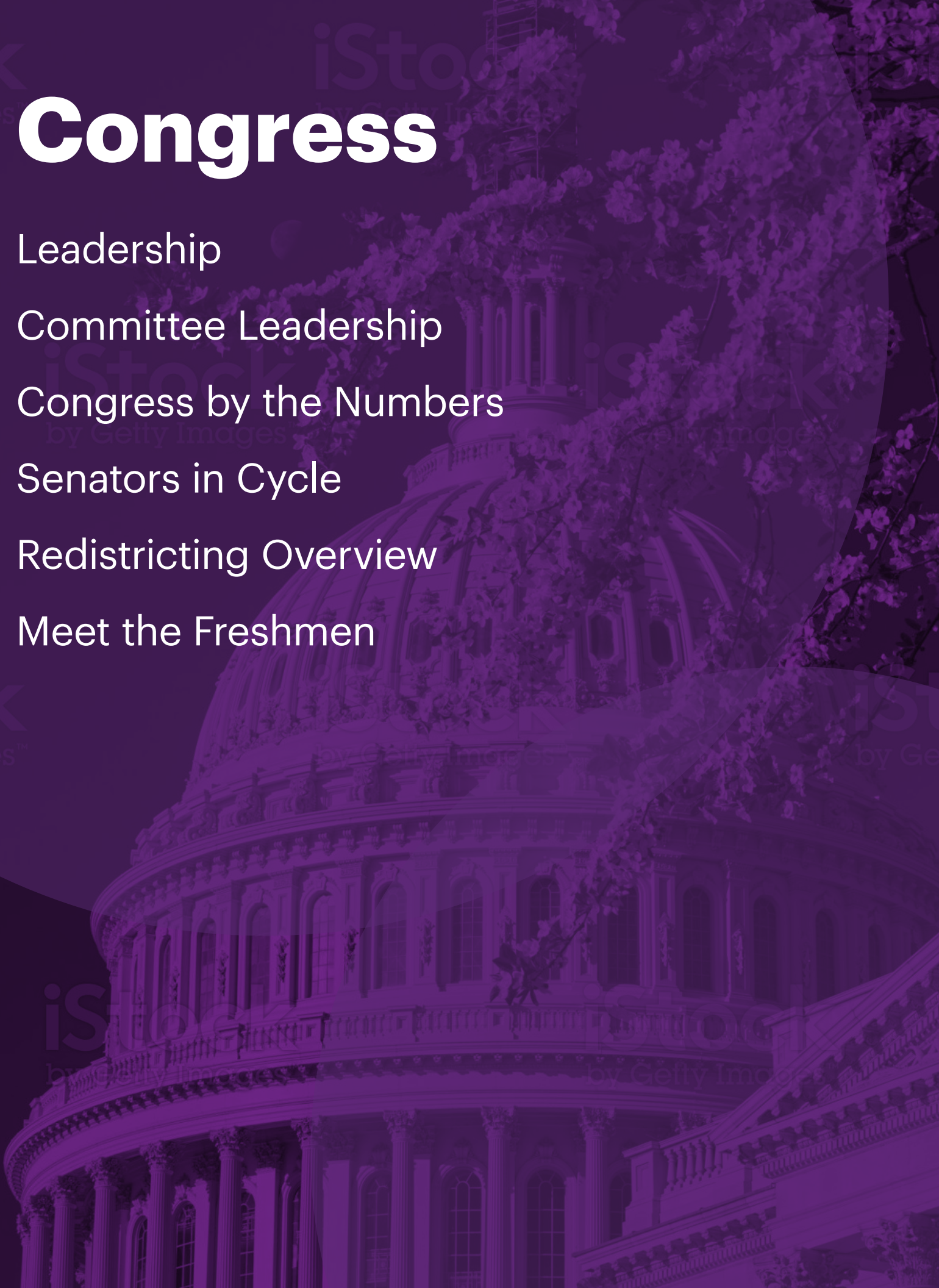
Committee Leadership

Congress by the Numbers

Senators in Cycle

Redistricting Overview

Meet the Freshmen



Leadership

INCOMING HOUSE DEMOCRATIC LEADERSHIP



Nancy Pelosi (CA-25)
Speaker of the House
Current Speaker of the House
The presiding officer of the House of Representatives



Steny Hoyer (MD-05)
Majority Leader
Current House Majority Leader
Represents Democrats and their interests on the House Floor



James Clyburn (SC-06)
Majority Whip
Current Majority Whip
Assists Democratic leadership in the management of their legislative programs



Katherine Clark (MA-05)
Assistant Speaker of the House
Current Vice-Chair of the House Democratic Caucus
Assists the Speaker of the House and the Majority Leader



Hakeem Jeffries (NY-08)
Democratic Caucus Chairman
Current Democratic Caucus Chair
Leads the organization efforts for all Democratic Caucus members



Sean Patrick Maloney (NY-18)
Democratic Congressional Campaign Committee Chair
Elected DCCC Chair on December 3, 2020

INCOMING HOUSE REPUBLICAN LEADERSHIP



Kevin McCarthy (CA-23)
Minority Leader
Current House Minority Leader
Represents the Republican Party on the House floor



Steve Scalise (LA-01)
Minority Whip
Current House Minority Whip
Assists Republican leadership in managing the party's legislative program



Liz Cheney (WY-01)
Republican Conference Chair
Current Republican Conference Chair
Leads organization efforts of all Republican Party members in the House



Gary Palmer (AL-06)
Republican Policy Committee Chair
Current Republican Policy Committee Chair
Leads Republican Conference on policy development



Mike Johnson (LA-04)
Republican Conference Vice-Chair
Serves alongside the Chair of the Republican Conference



Tom Emmer (MN-06)
National Republican Congressional Committee Chair
Current National Republican Committee Chair
Organizes and manages Republican House campaign efforts

INCOMING SENATE DEMOCRATIC LEADERSHIP



Chuck Schumer (NY)
Senate Democratic Leader
Current Senate Minority Leader
Head representative of the Democratic party on the Senate floor



Dick Durbin (IL)
Democratic Whip
Current Senate Minority Whip
Assistant leader, responsible for counting and securing party votes



Patty Murray (WA)
Assistant Democratic Leader
Current Assistant Democratic Leader
Assists Democratic leadership in the management of their agenda and strategy



Debbie Stabenow (MI)
Chair of Democratic Policy and Communications Committee
Current Vice-Chair of the House Democratic Caucus
Responsible for leading policy development for Senate Democrats



Elizabeth Warren (MA)
Vice Chair of Conference (Co-vice Chair)
Current Vice Chair of Conference
Assists Democratic leader in setting the Democratic agenda, messaging, and strategy



Mark Warner (VA)
Vice Chair of Conference (Co-vice Chair)
Current Vice Chair of Conference
Assists Democratic leader in setting the Democratic agenda, messaging, and strategy



Amy Klobuchar (MN)
Chair of Steering Committee
Current Chair of the Steering Committee
Responsible for coordinating efforts between Democrats, advocacy groups and government agencies



Bernie Sanders (VT)
Chair of Outreach
Current Chair of Outreach
Leads efforts to engage Americans who feel disconnect from the political process



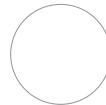
Joe Manchin (WV)
Vice Chair, Policy & Communications Committee (Co-vice Chair)
Current Vice Chair of Policy and Communications Committee
Assists Chair in leading policy development for Senate Democrats



Cory Booker (NJ)
Vice Chair, Policy & Communications Committee (Co-vice Chair)
New position (previously only one vice chair of policy and communications committee)



Tammy Baldwin (WI)
Secretary of Conference
Current Secretary of Conference
Responsible for intraparty committee assignments and leadership elections



TBD
Chairman of the Democratic Senatorial Campaign Committee
Currently held by Catherine Cortez Masto (NV)
Responsible for coordinating Senate strategy to elect more Democrats

INCOMING SENATE REPUBLICAN LEADERSHIP



Mitch McConnell (KY)
Republican Leader
Current Senate Majority Leader
Head representative of the Republican Party on the Senate floor



John Thune (SD)
Republican Whip
Current Senate Majority Whip
Assistant leader, responsible for counting and securing party votes



John Barrasso (WY)
Republican Conference Chair
Current Republican Conference Chair
Responsible for intraparty committee assignments and leadership elections



Roy Blunt (MO)
Republican Policy Committee Chair
Responsible for Senate Republican policy development



Joni Ernst (IA)
Vice Chair of the Senate Republican Conference
Current Vice Chairman of the Senate Republican Conference
Responsible for taking minutes of the party conferences



Rick Scott (FL)
National Republican Senatorial Committee Chair
Responsible for strengthening the Republican conference through recruiting and fundraising

House Committee Leaders

HOUSE ADMINISTRATION



Zoe Lofgren (CA)



Rodney Davis (IL)



David Scott (GA)



Glenn "GT"
Thompson (PA)



Rosa DeLauro (CT)



Kay Granger (TX)

AGRICULTURE

APPROPRIATIONS

ARMED SERVICES



Adam Smith (WA)



Mike Rogers (AL)



John Yarmuth (KY)



Jason Smith (MO)



Bobby Scott (VA)



Virginia Foxx (NC)

BUDGET

EDUCATION AND LABOR

ENERGY AND COMMERCE



Frank Pallone (NJ)



Cathy McMorris
Rodgers (WA)



Ted Deutch (FL)



Jackie Walorski (IN)

ETHICS

FINANCIAL SERVICES



Maxine Waters (CA)



Patrick McHenry (NC)

FOREIGN AFFAIRS

HOMELAND SECURITY

INTELLIGENCE



Gregory Meeks (NY)



Michael McCaul (TX)



Bennie Thompson (MS)



John Katko (NY)



Adam Schiff (CA)



Brad Wenstrup (OH)

JUDICIARY



Jerry Nadler (NY)



Jim Jordan (OH)



Raul Grijalva (AZ)



Bruce Westerman (AR)



Carolyn Maloney (NY)



James Comer (KY)

NATURAL RESOURCES

OVERSIGHT & REFORM

RULES

SCIENCE, SPACE & TECHNOLOGY

SMALL BUSINESS



James McGovern (MA)



Tom Cole (OK)



Eddie Bernice
Johnson (TX)



Frank Lucas (OK)



Nydia Velázquez (NY)



Blaine Luetkemeyer
(MO)

TRANSPORTATION & INFRASTRUCTURE

VETERANS' AFFAIRS

WAYS & MEANS



Peter DeFazio (OR)



Sam Graves (MO)



Mark Takano (CA)



Mike Bost (IL)



Richard Neal (MA)



Kevin Brady (TX)



Senate Committee Leaders

With the new Senate evenly split 50-50 between Republicans and Democrats, the negotiation and approval of a Senate Resolution approving the leadership and structure of each Senate Committee could take some time.

We've seen this before and the manner in which these issues were previously addressed and resolved provides some clear clues as to what a Schumer-McConnell agreement might end up looking like.

IN 2001, the Senate faced a similar partisan split. Negotiations about the organization of the Senate began informally in late November 2000 between the Democratic leader, Senator Tom Daschle (D-SD), and the Republican leader, Senator Trent Lott (R-MS).

The Leaders reached an agreement soon after the Congress was sworn in. Senator Daschle presented to the Senate S.Res. 8, that provided the organizational basis for powersharing in the Senate when the parties were equally divided.

The key provisions of the resolution were as follows:

Committees

- All Senate committees would have equal numbers of Republicans and Democrats;
- A full committee chair could discharge a subcommittee from further consideration of a measure or matter, if it was not reported because of a tie vote; and
- Budgets and office space for all committees were equally divided, with overall committee budgets to remain within "historic levels;"

Discharging Measures or Matters

- If a measure or nomination was not reported because of a tie vote in committee, the majority or minority leader (after consultation with committee leaders) could move to discharge the committee from further consideration of such measure or nomination;
- This discharge motion could be debated for four hours, equally divided and controlled by the majority and minority leaders. After the expiration (or yielding back) of time, the

Senate would vote on the discharge motion, without any intervening action, motion, or debate; and

- If the committee were discharged by majority vote, the measure or matter would be placed on the appropriate Senate calendar to await further parliamentary actions.

Agenda Control and Cloture

- The agreement prohibited a cloture motion from being filed on any amendable item of business during the first 12 hours in which it is debated;
- Required both party leaders "to seek to attain an equal balance of the interests of the two parties" in scheduling and considering Senate legislative and executive business; and
- Noted that the motion to proceed to any calendar item "shall continue to be considered the prerogative of the Majority Leader," although qualifying such statement with the observation that "Senate Rules do not prohibit the right of the Democratic Leader, or any other Senator, to move to proceed to any item."

"The powersharing agreement in effect in the Senate from January to June of 2001 was an experiment. It differed from many established practices of the Senate. The agreement was not comprehensive, and new issues came before the Senate that had to be resolved by informal agreements, unanimous consent negotiations, or other means. The success of any Senate organizational settlement depends in part upon its adaptability and that of its members to changing circumstances"

– Congressional Research Service

Multiple pictures indicate committee leadership still undecided

AGING



Bob Casey Jr. (PA)



Tim Scott (SC)



Debbie Stabenow (MI)



John Boozman (AR)



Patrick Leahy (VT)



Richard Shelby (AL)
(Rules)

AGRICULTURE, NUTRITION & FORESTRY

APPROPRIATIONS

ARMED SERVICES



Jack Reed (RI)



Jim Inhofe (OK)



Sherrod Brown (OH)



Mike Crapo (ID)
(Budget or Finance)



Bernie Sanders (VT)



Mike Crapo (ID)
(Budget or Finance)

BANKING, HOUSING & URBAN DEVELOPMENT

BUDGET



Pat Toomey (PA)



Lindsey Graham (SC)

COMMERCE, SCIENCE & TRANSPORTATION



Maria Cantwell (WA)



Roger Wicker (MS)



Joe Manchin (WV)



John Barrasso (WY)
(EPW)



Tom Carper (DE)



Shelley Moore
Capito (WV)

ENERGY & NATURAL RESOURCES

ENVIRONMENT & PUBLIC WORKS



Christopher Coons
(DE)



James Lankford (OK)



Ron Wyden (OR)



Mike Crapo (ID)
(Budget or Banking)



Bob Menendez (NJ)



Jim Risch (ID)
(Intelligence or
E&NR)**

FINANCE

FOREIGN RELATIONS



John Cornyn (TX)

HEALTH, EDUCATION, LABOR & PENSIONS



Patty Murray (WA)



Rand Paul (KY)



Gary Peters (MI)



Rob Portman (OH)



Brian Schatz (HI)



Lisa Murkowski (AK)

HOMELAND SECURITY & GOVERNMENT AFFAIRS

INDIAN AFFAIRS

INTELLIGENCE



Mark Warner (VA)



Marco Rubio (FL)
(Small Business)



Dick Durbin (IL) (Whip)



Chuck Grassley (IA)



Amy Klobuchar (MN)



Ted Cruz (TX)

JUDICIARY

RULES & ADMINISTRATION



Susan Collins (ME)
(Appropriations)



Roy Blunt (MO)

SMALL BUSINESS & ENTREPRENEURSHIP



Ben Cardin (MD)



Marco Rubio (FL)



Jon Tester (MT) (Indian
Affairs)



Jerry Moran (KS)

VETERANS' AFFAIRS

Congress by the Numbers

The 117th Congress was sworn in on January 3, ushering in one of the most closely divided in modern times. We dug into the demographics of the 434 House Members (Rep.-Elect Luke Letlow passed away last month) and 100 Senators and found some interesting tidbits.

In the House, 27 of the 60 incoming new members are women. Republicans more than doubled their ranks, with 29 women this Congress compared to the 13 last term, topping their 2005 high watermark of 25 women.

Democrats still maintain the lead of women serving in their ranks with 89 total, including nine newly elected members.

The average age of Members is 59, compared to 60 in the last Congress. House members average 58 and Senators average 64. The youngest member, North Carolina Republican Madison Cawthorn, is just 25.

Almost 80 percent of the 117th Congress is married and virtually the same percentage has children.

There are 6 Indigenous Americans: 3 Democrats and 3 Republicans. Kaiali'i Kahele (D-HI) is only the second native Hawaiian elected in the nearly 60 years of Hawaiian statehood.

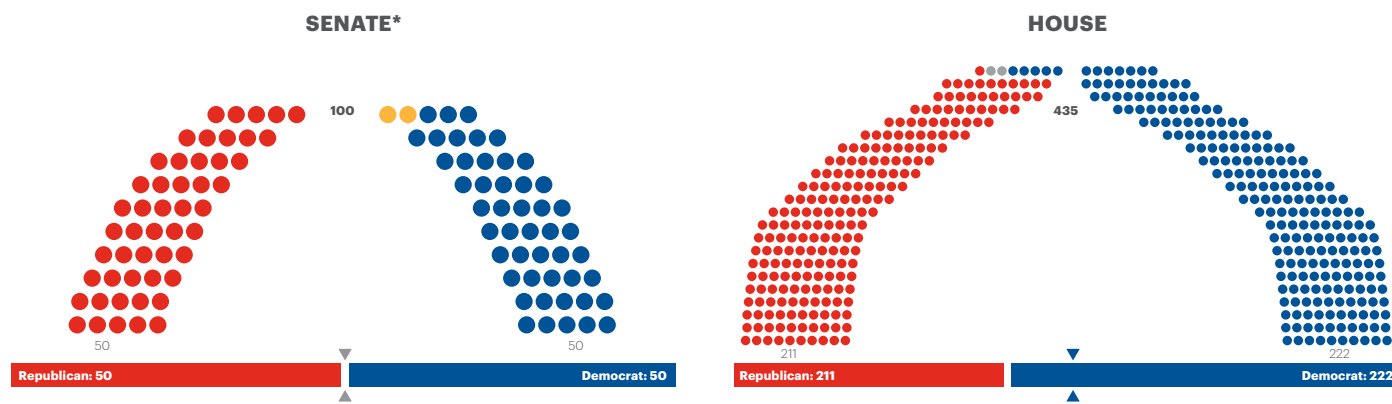
According to NBC News, the 117th will have more LGBTQ members than ever before. Ritchie Torres (D-NY) and

Mondaire Jones (D-NY) will become the first openly gay Black Members of Congress. With their election, the number of LGBTQ lawmakers grows to 11 in the 117th Congress. This number, with nine in the House and two in the Senate, is the largest in U.S. history.

Some Notable "Firsts"

- Rep. Stephanie Bice (R-Okla) is the first Iranian American to serve in Congress. She is also the first woman to be elected the GOP's freshman class president.
- Rep. Cori Bush (D) is the first Black woman to represent Missouri in Congress.
- Rep. Yvette Herrell (R-N.M.) is the first Republican Native American congresswoman.
- Reps. Michelle Steel and Young Kim, both immigrants from South Korea, will be the only Republican women representing California in this Congress.
- Rep. Marilyn Strickland (D) is the first Black representative from Washington state.
- Rep. Victoria Spartz (R-Ind.) is the first Ukrainian-born person to serve in Congress.
- Rep. Marjorie Taylor Greene (R-Ga.) became the first Republican woman elected to represent Georgia in the House for a full term.

MAJORITY MAP



117TH CONGRESS (2021 - 2022) BY ETHNIC/RACIAL BACKGROUND

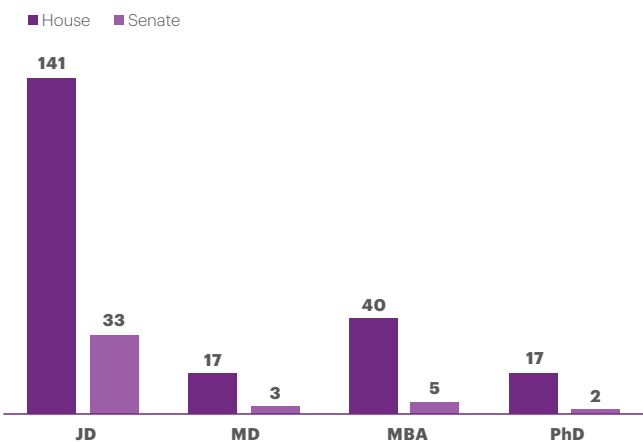
■ White ■ Black ■ Hispanic/Latino ■ Indian/Native American ■ Asian/Pacific American
 ■ Other ■ Two or more races ■ Uncalled election



White	318 (73%)
Black	54 (12%)
Hispanic/Latino	34 (8%)
Indian/Native American	5 (1%)
Asian/Pacific American	10 (2%)
Other	7 (2%)
Two or more	5 (1%)
Uncalled election	2

White	88%
Black	3%
Hispanic/Latino	5%
Asian/Pacific American	2%
Two or more	1%
Uncalled election	2%

117TH CONGRESS (2021-2022) BY EDUCATION BACKGROUND



SOURCE National Journal Vignette
 SLIDE LAST UPDATED ON 11/20/20

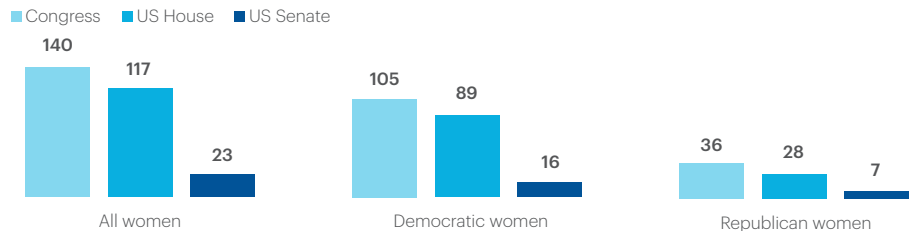
KEY TAKEAWAYS

- 32% of members in the House and 33% of senators have a law degree
- 4% of representatives and 3% of senators have an MD
- 9% of representatives and 5% of senators have an MBA
- 4% of representatives and 2% of senators have a PhD

AT LEAST 140 WOMEN WILL SERVE IN THE 117TH CONGRESS, SETTING A NEW RECORD

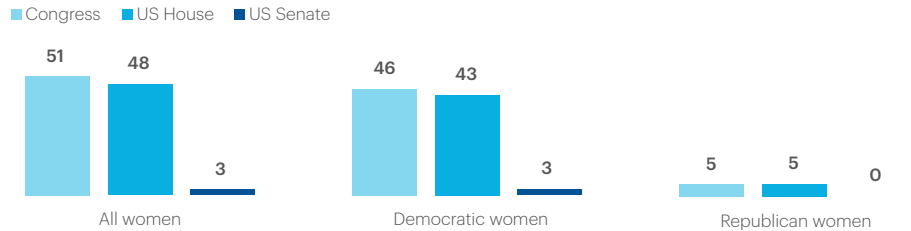
Number of women in the 117th Congress

CENTER FOR AMERICAN WOMEN AND POLITICS



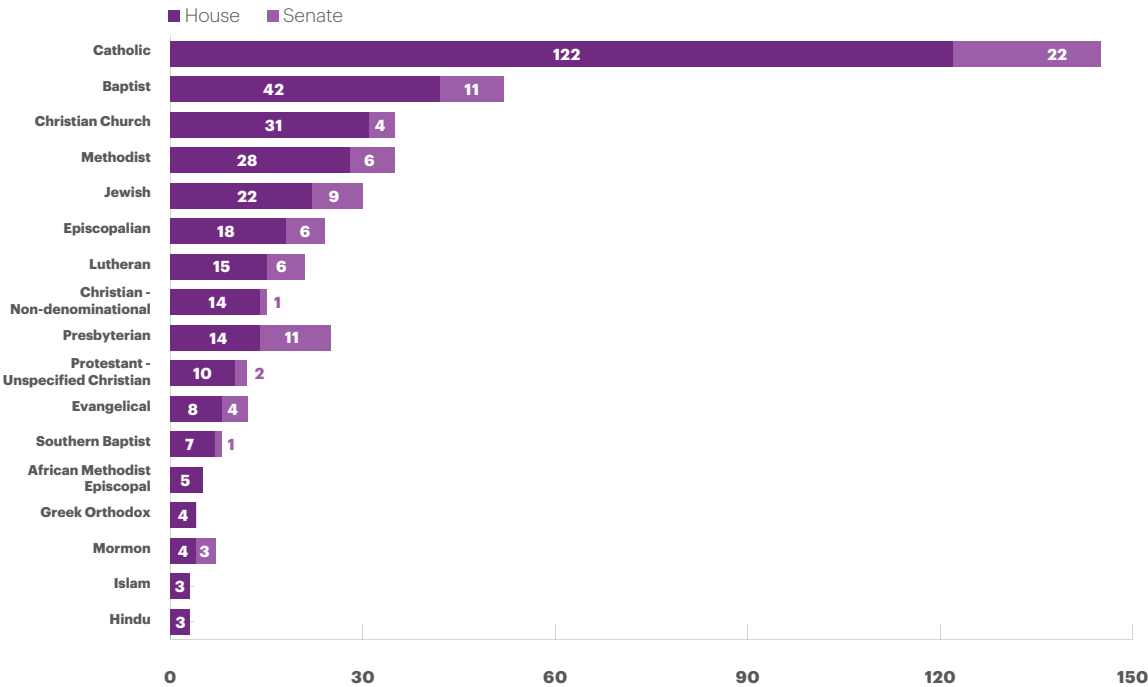
Number of women of color in the 117th Congress

CENTER FOR AMERICAN WOMEN AND POLITICS



SOURCE Center for American Women and Politics.
 MICHELLE SCHRIER 11/20/20

117TH CONGRESS (2021-2022) BY RELIGION



KEY TAKEAWAYS

- Catholicism has the greatest number of members in Congress
- Most representatives and senators identify with a branch of Christianity

*This list is not exhaustive
SOURCE National Journal Vignette
SLIDE LAST UPDATED ON 12/10/20

Senators in Cycle in '22

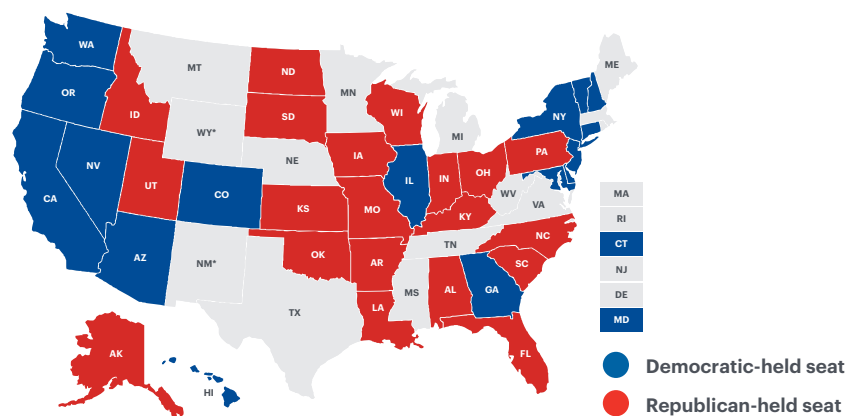
Midterms are historically killers for the party in power, with “power” being defined as having the White House. Since the Civil War, the party of the president has lost ground in the House in 37 of 40 midterm elections, with an average loss of 33 seats per election.

Senate midterm history is not quite as dire for the presidential party as the House history is. Since the Civil War, the president’s party has lost ground in 92 percent of midterm elections, but it has only lost ground in the Senate in 24 of 40 elections, or 60 percent of the time, with an average seat loss of roughly 2.5 per cycle.

The GOP will be defending 20 seats to the Democrats’ 14. Open seats in North Carolina and Pennsylvania, another race in Georgia, where Reverend Raphael Warnock will likely be back on the ballot running for a full term, and a race in Wisconsin currently look to be the most vigorously contested races, but, of course, a few surprise retirements and missteps can also be expected to add to the list.

While the midterm curse has held true for the last four cycles in the Senate, today, it appears that there are sufficient Republican targets for the Democrats potentially to maintain their majority if the political environment is not a burden.

SENATORS UP FOR RE-ELECTION IN 2022



Democrats (14)		Republicans (20)		
Alex Padilla (CA)*	Maggie Hassan (NH)	Richard Shelby (AL)	Jerry Moran (KS)	John Thune (SD)
Michael Bennet (CO)	Chuck Schumer (NY)	Lisa Murkowski (AK)	Rand Paul (KY)	Mike Lee (UT)
Richard Blumenthal (CT)	Ron Wyden (OR)	John Boozman (AR)	John Kennedy (LA)	OPEN (Burr) (NC)
Brian Schatz (HI)	Patrick Leahy (VT)	Marco Rubio (FL)	Roy Blunt (MO)	Rob Portman (OH)
Tammy Duckworth (IL)	Patty Murray (WA)	Mike Crapo (ID)	John Hoeven (ND)	OPEN (Toomey) (PA)
Chris Van Hollen (MD)	Mark Kelly (AZ)	Todd Young (IN)	James Lankford (OK)	Ron Johnson (WI)
Catherine Cortez Masto (NV)	Raphael Warnock (GA)	Chuck Grassley (IA)	Tim Scott (SC)	

Bolding indicates potentially vulnerable senators in 2022.

*Appointed to fill the seat of Kamala Harris.



Redistricting Overview

With such narrow margins currently between the parties in the House (222 Democrats and 211 Republicans, with two races still to be determined), the redistricting battles of the next two years could be even more brutal. As several states will gain or lose seats in the House as a result of the next census, Republicans and Democrats are preparing for fights in state legislatures and eventually, in many cases, the courts—fights that could result in a change in control of the House as soon as January 2023.

US House and state legislative districts are redrawn every 10 years, based on the latest census data. The upcoming decennial redistricting process will produce hundreds of newly drawn congressional districts, turning a number of previously safe seats into hotly contested battlegrounds, forcing colleagues into cutthroat internecine contests and potentially spurring a cascade of early retirements. As the boundaries of most districts will not materially change for the next 10 years once the redistricting process concludes (unless ordered by the courts), this process is crucial to determining the balance of power in Congress for the next decade.

In the November elections, Democrats had hoped and expected to expand their margin of control in the US House and also to gain control of a number of state legislatures. To Democrats' surprise and great disappointment, congressional Republicans currently have achieved a net pickup of at least 12 seats in the House.

Even more important for redistricting purposes, Democrats failed in the November 2020 elections to gain control of a single state legislature previously held by Republicans. Despite an increase in the number of independent redistricting commissions, including in states such as Wisconsin, Michigan, Pennsylvania, Virginia and Ohio, continued Republican control of a majority of state legislatures will make it very challenging for Democrats to protect their party's incumbents when congressional districts are redrawn—as Republican-controlled state legislatures in many cases will be drawing the lines.

In Texas, Florida, and North Carolina, Republicans will effectively control the redistricting process, unless and until restrained by the courts, because the GOP controls the state legislature that will approve the maps. In Pennsylvania, a Democratic governor has veto power over whatever maps the Republican-controlled legislature might produce.

Given these challenges, many civil rights organizations will be carefully watching how these districts are redrawn with an eye toward ensuring that minority voters are not illegally packed into congressional districts or otherwise distributed among districts in ways that deny minority voters the opportunity to be proportionately represented.

Ten seats in the US House are expected to be redistributed among the states during reapportionment next year. Texas could gain three seats and Florida two. Five other states are expected to gain one seat each: Arizona, Colorado, Montana, North Carolina and Oregon. Recent estimates indicate that 10 states are likely to lose at least one congressional seat: Alabama, California, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania, Rhode Island and West Virginia. (If New York were to lose a second seat, Alabama would not lose a seat in the reapportionment process.)

Following are the members of Congress who are already most at risk in the redraw, according to Politico, which conducted interviews with more than a dozen lawmakers, operatives and map makers from both parties across seven states:

REP. JIM LANGEVIN (D-RI) AND DAVID CICILLINE (D-RI)

Rhode Island has two House districts and not enough people to support them. The expected two-into-one squeeze puts the state's two Democratic incumbents in an awkward spot. The senior member, Jim Langevin, is the first quadriplegic to serve in Congress and is well-regarded by his colleagues on both sides of the aisle, while Rep. David Cicilline, the former mayor of Providence and Chair of the "House Judiciary Committee Subcommittee on Antitrust", has leadership ambitions. The governorship is open in 2022 and could present an attractive target for either member should they choose not to meet in a primary.

**REPS. DAVID MCKINLEY (R-WV)
AND ALEX MOONEY (R-WV)**

The old country roads could be taking one of the three members of West Virginia’s congressional delegation home for good when the Mountain State’s three districts condense into two. Politico writes that “the most likely new map bifurcates the state into North and South, slicing GOP Rep. Alex Mooney’s central district in half and placing his home base in the Eastern Panhandle with Rep. David McKinley’s northern seat.”

Political prognosticators foresee several possible scenarios. McKinley could retire or run against Mooney in a primary, or Mooney could step down to prep for a 2024 run to fill Democratic Sen. Joe Manchin’s seat or to challenge fellow GOP Rep. Carol Miller in the southern seat.

**REPS.-ELECT BARRY MOORE (R-AL)
AND JERRY CARL (R-AL)**

While this outcome could change once the census data is released, Alabama is currently expected to lose one Congressional seat. The GOP has a vice grip over the redistricting process. But that shouldn’t be of concern to the state’s only Democratic member, Rep. Terri Sewell, because she holds a district protected by the Voting Rights Act.

Alabamans in the know think the two incoming freshman—Republicans Barry Moore and Jerry Carl—are looking at a head-to-head primary fight. Meanwhile, the potential retirement of 86-year-old GOP Sen. Richard Shelby could entice Republican Reps. Mo Brooks and/or Gary Palmer into a Senate primary, sparing the legislature the dilemma of protecting all incumbents. Another unknown is whether Democrats will make a renewed push for a second majority-minority district in a state where more than one in four residents is Black.

**REPS. RODNEY DAVIS (R-IL), CHERI BUSTOS (D-IL)
AND LAUREN UNDERWOOD (D-IL)**

Illinois is on track to lose a seat in Congress, and state mapmakers could struggle to find enough Democrat-friendly voters in northern Illinois to secure the seats of both Reps. Cheri Bustos and Lauren Underwood, who each just barely survived their own 2020 re-elections. If Democrats give to Rodney Davis some of East St. Louis once belonging to Democrat Jerry Costello, the latter could be in much more competitive territory.

**REP.-ELECT MICHELLE FISCHBACH (R-MN)
AND REP. ANGIE CRAIG (D-MN)**

State Democrats failed to reclaim the GOP-held state Senate on Election Day and those with boots on the ground in Minnesota think that the state’s third branch of government—the judiciary—will have the final say here.

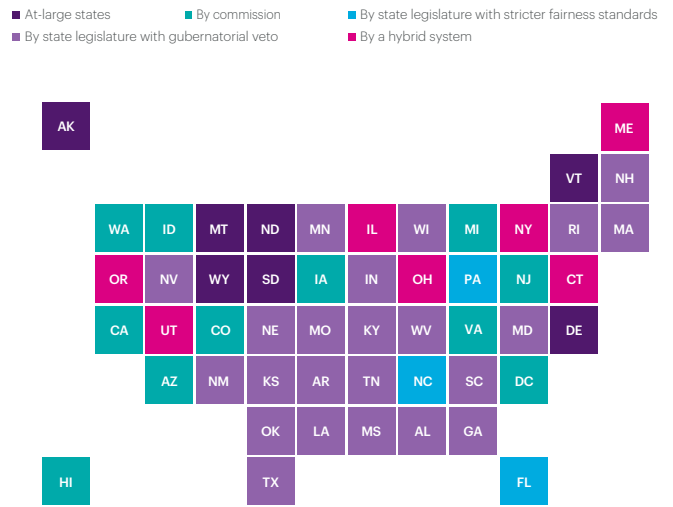
If Minnesota loses a seat, Republican Rep.-elect Michelle Fischbach’s western district could be divided between the surrounding three seats held, respectively, by Republicans Jim Hagedorn, Pete Stauber and Tom Emmer. Then, Democratic Reps. Dean Phillips and Angie Craig would have to avoid taking in too many more unfriendly voters outside the Twin Cities suburbs. Craig is probably in a tougher spot because her seat is already more rural and Republican-leaning than Phillips’.

**REP. LUCY MCBATH (D-GA)
AND REP.-ELECT CAROLYN BOURDEAUX (D-GA)**

Georgia’s delegation is likely holding at 14 districts. But Republicans, who have total control over the process, will want to address the ticking time bomb north of Atlanta. Rapid diversification and Trump-era devastation in the suburbs deprived Republicans of two House seats that were once GOP bastions, and it’s safe to bank on the GOP trying to get back at least one of those districts.

There are several ways to achieve this. Creating a safe Democratic seat on Rep.-elect Carolyn Bourdeaux’s turf, in quickly growing Gwinnett County, would leave Rep. Lucy McBath without a natural base, potentially sidelining a popular Democrat with a compelling story. But McBath could still run for that seat—and there may not be a way to keep any district in the area red for a whole decade, as Republicans discovered during the last two elections.

**OVERVIEW OF THE REDISTRICTING PROCESS
FOR CONGRESSIONAL SEATS**



Source: Cook Political Report. Michelle Schrier 11/24/20

PROJECTED CHANGES TO CONGRESSIONAL APPORTIONMENT WITH
TOTAL NUMBER OF REPRESENTATIVES AFTER 2022

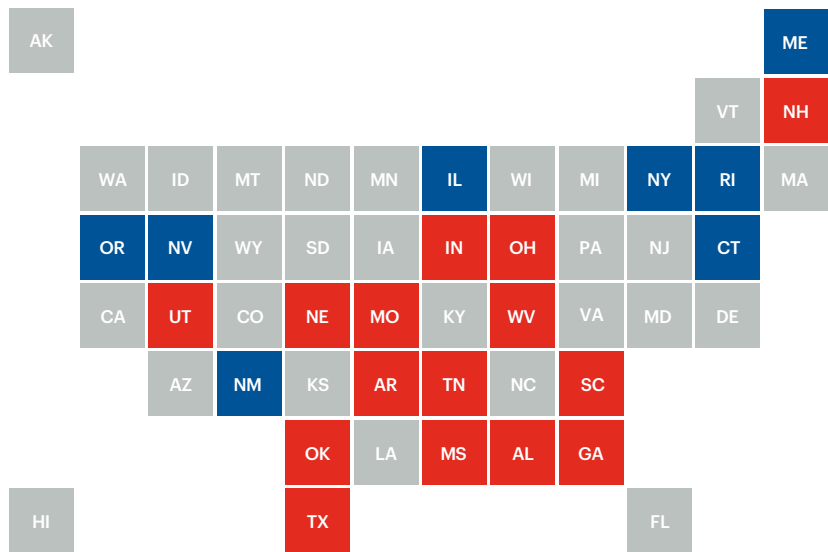
By State, with Projected Number of House Representatives after 2022

Lose 1	No change			Gain 1	Gain 2	Gain 3
AL (6)	AK (1)	MD (8)	SD (1)	AZ (10)	FL (29)	TX (39)
CA (52)	AR (4)	ME (2)	TN (9)	CO (8)		
IL (17)	CT (5)	MO (8)	UT (4)	MT (2)		
MI (13)	DE (1)	MS (4)	VA (11)	NC (14)		
MN (7)	GA(14)	ND (1)	VT (1)	OR (6)		
NY(26)	HI (2)	NE (3)	WA (10)			
OH (15)	IA (4)	NH (2)	WI (8)			
PA (17)	ID (2)	NJ (12)	WY (1)			
WV (2)	IN (9)	NM (3)				
	KS (4)	NV (4)				
	KY (6)	OK (5)				
	LA (6)	RI (2)				
	MA (9)	SC (7)				

SOURCE Cook Political Report.
MICHELLE SCHRIER 10/22/20

STATE BREAKDOWN BY REDISTRICTING METHOD
WITH ONE PARTY “TRIFECTA” CONTROL

- By state legislature with veto or hybrid, GOP trifecta
- By state legislature with veto or hybrid, Dem trifecta
- Other



Source: Cook Political Report. Michelle Schrier 11/24/20

THE MATH

The House currently has 238 seats (55% of House seats) that can’t be easily gerrymandered, which includes:

- 124 seats drawn by a bipartisan or nonpartisan commission (including VA)
- 58 seats with enforced partisan fairness standards
- 49 seats where the state legislature and the governor are of different parties or the legislature has split partisan control
- 7 at-large seats

Of the remaining seats, 131 are in states with a Republican trifecta while 66 are in states with a Democratic trifecta.

Meet the Freshmen

HOUSE



Jerry Carl (AL-1-R)

A business-savvy entrepreneur who currently serves as a Mobile County Commissioner, Carl ran to represent a solidly Republican district in the House; pledged allegiance to President Trump and supports conservative policies including ensuring gun rights, preventing tax increases, and implementing restrictive immigration policies.



Barry Moore (AL-2-R)

A veteran, former state legislator, and first elected official to endorse Trump for President in 2015, Moore ran for Congress on a platform that largely emphasized veterans affairs, his national security goals, and a commitment to the Trump administration's agenda.



Jay Obernolte (CA-8-R)

Video game developer turned local and state politician, Obernolte's 2020 congressional campaign emphasized his fiscally conservative record rolling back California taxes and government oversight achievements.



David Valadao (CA-21-R)

Local dairy farmer who prioritized agricultural needs and drought relief during his three terms in Congress. After a narrow defeat in 2018, he returns to Congress in this Central Valley seat.



Young Kim (CA-39-R)

A first generation American, longtime congressional district office staffer, and former state assemblywoman, Kim defeated a centrist Democratic incumbent on a platform of reducing taxes, helping businesses, and seeking compromise on immigration and health care.



Michelle Steel (CA-48-R)

A first-generation immigrant, Orange County supervisor, and self-described "tax-fighter," Steel defeated a centrist Democratic incumbent to reclaim a historically Republican, southern California seat.



Darrell Issa (CA-50-R)

A successful inventor who previously spent 18 years in Congress and carved a niche for himself on technology, government reform, and oversight matters, Issa successfully ran in a new district on his extensive Congressional experience and partisan loyalties.



Sara Jacobs (CA-53-D)

A former State Department and United Nations official with a background in global health and peacekeeping; successfully ran for Congress on health care, environment, and immigration policies.



Lauren Boebert (CO-3-R)

Local restaurateur and gun rights advocate who unseated an incumbent during the primary election for her first venture into public office; successfully campaigned on a platform of strong social conservative values and alignment with the Trump administration.



Kat Cammack (FL-3-R)

Small business owner and former Congressional staffer for Rep. Ted Yoho (R-FL3), Cammack successfully campaigned for her former boss' House seat on a platform closely aligned to President Trump's.



Scott Franklin (FL-15-R)

Naval aviator and entrepreneur that ousted an incumbent Republican, focusing on ethics over policy; tighter-than-expected congressional race put issues like Social Security and the pandemic at the forefront of Franklin's bid.



Byron Donalds (FL-19-R)

Conservative state lawmaker who focused his 2020 congressional campaign on his criminal justice and education policy record.



Carlos Gimenez (FL-26-R)

Former firefighter and Mayor of Miami-Dade County.



Maria Elvira Salazar (FL-27-R)

Veteran TV journalist and second-time congressional candidate who defeated an incumbent Democrat on an anti-socialism, economic recovery-focused platform.



Nikema Williams (GA-5-D)

Trailblazing Georgia Democratic Party leader with deep roots in activism and the successor to the late Congressman John Lewis, Williams wielded her position in the state legislature to advocate for women's rights, voting rights reform, and improved health care access.



Carolyn Bourdeaux (GA-7-D)

Public policy professor who flipped her district's House seat after a narrow defeat in 2018 by highlighting her passion for health care reform and leveraging the district's demographic shift.

**Andrew Clyde (GA-9-R)**

Navy veteran who ran for Congress on a strong conservative platform that heavily emphasized limited government and low taxes.

**Marjorie Greene (GA-14-R)**

Georgian businesswoman embarking on her first experience in politics; campaigned on a strong fiscally and socially conservative platform.

**Kaiali'i Kahele (HI-2-D)**

A veteran and commercial airline pilot with experience representing Hawaii in state government, Kahele won his bid for Congress on a platform of economic recovery and progressive reform.

**Ashley Hinson (IA-1-R)**

A former journalist and state representative, Hinson aims to bring a conservative voice to Iowa's first congressional seat, emphasizing health care reform, workforce development, and support for the agricultural economy.

**Randy Feenstra (IA-4-R)**

Iowa state legislator and former local government official elected to represent the rural, agriculture-dependent district he was born in; Feenstra focused his congressional campaign platform on lowering taxes, addressing the deficit, and supporting farmers.

**Marie Newman (IL-3-D)**

A Chicago native and former advertising executive, Newman emphasizes her support for progressive policies that protect the environment, address income inequality, improve education affordability, and provide healthcare to all.

**Mary Miller (IL-15-R)**

A farmer and Bible school teacher, Miller is an incoming representative for a heavily Republican Illinoisan district in the House; campaign platform focused on supporting the agricultural industry, instituting restrictive immigration reform, and promoting socially conservative policies.

**Frank Mrvan (IN-1-D)**

Local Indiana government official dedicated to helping low income populations, Mrvan's congressional campaign platform prioritized affordable health care and education policy.

**Victoria Spartz (IN-5-R)**

Ukrainian immigrant whose background in the financial and education sectors informed her policy priorities in the Indiana Senate.

**Tracey Mann (KS-1-R)**

A fifth-generation Kansan who seeks to represent a rural, agricultural-dependent district in the House, Mann pledges to focus on agricultural policies and rural revitalization, while advancing conservative social policies.

**Jake LaTurner (KS-2-R)**

Fiscal policy wonk and experienced Kansas politico whose campaign platform promoted fiscal responsibility, support for the agricultural community, and aimed to implement traditional conservative social policies.

**Jake Auchincloss (MA-4-D)**

Former Marine closely connected to the healthcare industry, Auchincloss's transportation background informs his support for infrastructure-based climate change policies.

**Peter Meijer (MI-3-R)**

Native Michigander, Army veteran, and supermarket chain heir who has spent the past decade involved in humanitarian and development projects, Meijer will continue his public service in Congress while promoting traditionally Republican policy priorities.

**Lisa McClain (MI-10-R)**

A business executive and political newcomer, McClain's platform emphasized de-regulation, saying that she "trusts" her citizens to do the right thing.

**Michelle Fischbach (MN-7-R)**

Proud conservative Minnesotan with a long history of service in the state legislature, and a recent stint as lieutenant governor; campaigned for Congress on a platform of tax cuts, agricultural support, and Republican social issues.

**Cori Bush (MO-1-D)**

A registered nurse and racial justice activist who helped lead 2014 Ferguson protests, Bush defeated a longtime incumbent while championing a progressive platform.

**Matt Rosendale (MT-AL-R)**

Montana transplant and real estate developer-turned-rancher has established a strong presence within state politics throughout the past decade; maintained his consistent central focus of fiscal responsibility and social conservatism in his Congressional campaign.

**Deborah Ross (NC-2-D)**

Attorney and former state legislator who advanced progressive reforms in ethics, juvenile justice, and voting rights in the NC General Assembly; platform emphasizes education investment and addressing economic inequality.

**Kathy Manning (NC-6-D)**

A civic leader and former immigration lawyer with strong connections in Greensboro community development, Manning ran again for political office following favorable redistricting, highlighting her support for the Affordable Care Act, job creation, and education investment.

**Madison Cawthorn (NC-11-R)**

Eighth-generation native of western North Carolina seeking to decentralize the government and protect the Constitution.

**Yvette Herrell (NM-2-R)**

Entrepreneur and real estate agent with almost a decade of experience in the New Mexico state House; running for Congress to grow the local economy, strengthen border security, and carry out the Trump Administration's priorities.

**Teresa Leger Fernandez (NM-3-D)**

Tribal sovereignty attorney and progressive activist who became the first Latina to represent New Mexico's 3rd district; aims to improve health care, protect the environment, and enact social change.

**Andrew Garbarino (NY-2-R)**

Long Island state Assemblyman who succeeds retiring longtime Representative Peter King; focuses on fostering a pro-business environment and Long Island-centric issues.

**Nicole Malliotakis (NY-11-R)**

The daughter of Cuban and Greek immigrants, Malliotakis defeated first-term member Max Rose to represent Staten Island. Malliotakis grew up in Staten Island and came to represent the area in the state assembly over nine years.

**Ritchie Torres (NY-15-D)**

NYC councilman and housing policy expert advocating for progressive reforms; served as the chairman of the Public Housing and Oversight committee on the council, prioritizing tenant rights, LGBTQ+ rights, racial justice, and anti-corruption measures.

**Jamaal Bowman (NY-16-D)**

Justice Democrats backed educator who successfully challenged 16-term incumbent from the left; elected in November 2020, Bowman's campaign emphasized a comprehensive progressive platform for both domestic and foreign policy, advocating for greater investments in education and low-income communities at home, while pursuing peace and diplomacy abroad.

**Mondaire Jones (NY-17-D)**

Progressive civil rights attorney elected to represent the suburbs in Rockland and Westchester, NY; advocates for comprehensive reforms to support working families and low-income Americans.

**Stephanie Bice (OK-5-R)**

A state senator with a business development background who successfully flipped a Democrat-held Oklahoma district in 2020; Bice focuses on finding fiscally conservative policies that improve infrastructure, education, and health.

**Cliff Bentz (OR-2-R)**

An Ontario lawyer, rancher, and former state legislator who has found a policy niche in forest and water management, Bentz brings his legal expertise to Congress to shape federal policy on issues such as natural resources and health care.

**Nancy Mace (SC-1-R)**

Journalist and small business owner who campaigned on a pro-Trump, pro-environment platform to counter a 2018 flip of her historically conservative district; ambitiously rose through state politics, focusing on veterans' affairs, abortion policy, and conservation.

**Diana Harshbarger (TN-1-R)**

A pharmacist and Sunday school teacher representing a heavily conservative constituency in Northeastern Tennessee.

**Pat Fallon (TX-4-R)**

An Air Force veteran, businessman, and state legislator, Fallon's 2020 campaign focused on his work in the state legislature pushing restrictive immigration policies, promoting conservative social policies, and opposing tax increases.

**August Pfluger (TX-11-R)**

A long-serving Air Force pilot and former National Security Council advisor, Pfluger advocates for protecting the Texas oil industry in order to maintain jobs and achieve energy independence; says he will defend West Texas' "conservative, commonsense, faith-based values".

**Ronny Jackson (TX-13-R)**

Former White House physician who ran to replace longtime Representative Mac Thornberry in the Texas panhandle after serving in the Navy and as a physician for Presidents George W. Bush, Obama, and Trump.

**Pete Sessions (TX-17-R)**

A veteran Texas congressman, Sessions has played a crucial role in Republican budget reform efforts and health care policy creation; in 2020, he successfully campaigned to return to Congress after being ousted in 2018.

**Troy Nehls (TX-22-R)**

A two-term sheriff of suburban Fort Bend County, Nehls' campaign focused on increasing access to quality mental health care and fighting for Texas businesses.

**Tony Gonzales (TX-23-R)**

Navy veteran and patriot who proudly overcame hardship to achieve success; aims to provide opportunities to strengthen low-income communities as well as maintain a strong national defense.

**Beth Van Duyne (TX-24-R)**

Two-term Texas mayor and regional Trump administration appointee who prioritizes immigration, national security, and nuclear energy investment in her 2020 campaign platform.

**Blake Moore (UT-1-R)**

A business development executive and former foreign service officer recently elected to represent the Utah district he grew up in, Moore draws on experience in his home state and abroad to advocate for improvements to defense, foreign policy, and land use.

**Burgess Owens (UT-4-R)**

A former NFL safety who overcame bankruptcy to become a corporate executive, Owens defeated a first-term Democrat on a conservative platform that promotes national security, trade, and health care reform.

**Robert Good (VA-5-R)**

Former Liberty University administrator and Campbell County official who is an advocate for conservative social and cultural values and limited government.

**Marilyn Strickland (WA-10-D)**

Former mayor of Tacoma who helped rebuild the city after the 2007-2008 financial crisis and now aims to tackle the current economic recession with a role in Congress; passionate about modernizing infrastructure and the workforce, arguing for equitable policies.

**Scott Fitzgerald (WI-5-R)**

Wisconsin state Senate majority leader who has overseen some of the state's central conservative reforms since the 2010 tea party wave; Fitzgerald pledges to continue pushing for fiscally responsible policies if elected representative of the predominantly red congressional district.

SENATE**Tommy Tuberville (AL-R)**

A retired college football coach well known in the state for his time at Auburn who defeated former US Attorney General Jeff Sessions to clinch the nomination; successfully ran for Senate on a conservative, Pro-Trump platform.

**Mark Kelly (AZ-D)**

Retired US Navy Captain, astronaut, and engineer, Kelly has served his country for over thirty years; successfully campaigned for Senate on gun control and health care policies.

**John Hickenlooper (CO-D)**

Former governor, mayor, and brewpub entrepreneur known for practical approach to health, environmental issues, and economic growth.

**Roger Marshall (KS-R)**

A physician turned politician, Marshall advocates for health care reform and agricultural policy that supports farmers and his predominantly rural district.

**Ben Ray Lujan (NM-D)**

Luján has risen quickly through the ranks into House leadership, taking a pro-environmental, pro-immigration agenda to the forefront of the party.

**Bill Hagerty (TN-R)**

A successful investor and former ambassador who has promoted business-friendly policies and foreign direct investment in Tennessee, Hagerty embraced an enthusiastic pro-Trump platform in his run for Senate.

**Cynthia Lummis (WY-R)**

Self-described deficit hawk with three decades of experience representing Wyoming at the state and federal level; advocates for a balanced budget, domestic mining, and energy production.

**Thomas Jonathan (Jon) Ossoff (GA-D)**

Documentary film producer, and investigative journalist.

Uncertified.

**Raphael Gamaliel Warnock (GA-D)**

He has been the senior pastor of Ebenezer Baptist Church in Atlanta since 2005.

Uncertified.

Supreme Court

When begin by noting that Associate Justice Stephen Breyer is 82 years old. While he hasn't shown a desire to retire, a Democratic majority in the US Senate, may make his decision making process easier.

The early days of the current Supreme Court term, which began in October have been dominated by religious freedom cases. In *Roman Catholic Diocese of Brooklyn, New York v. Cuomo*, No.20A87, a case decided without argument on November 25, the court enjoined New York Gov. Andrew Cuomo from enforcing Executive Order 202.68's 10- and 25-person occupancy limits on religious services during the COVID-19 pandemic, pending disposition of the appeal in the US Court of Appeals for the 2nd Circuit and disposition of the petition for a writ of certiorari, if such a writ is timely sought. On December 15, the high court ordered courts in Colorado and New Jersey to take another look at religious groups' challenges to COVID-19 restrictions in light of its November 25 decision in the New York case.

In *Tanzin v. Tanvir*, No. 19-71, decided on December 10, the court held that the Religious Freedom Restoration Act of 1993's express remedies provision, 42 USC §2000bb-1(c), permits litigants, when appropriate, to obtain money damages against federal officials in their individual capacities for violating litigants' right to free exercise of religion under the First Amendment.

In *Fulton v. City of Philadelphia*, a case argued on November 4 but not yet decided, the court will consider (1) whether free-exercise plaintiffs can only succeed by proving a particular type of discrimination claim—namely that the government would allow the same conduct by someone who held different religious views (as two circuits have held) or whether courts must consider other evidence that a law is not neutral and generally applicable, as six other circuits have held; (2) whether *Employment Division v. Smith* should be revisited; and (3) whether the government violates the First Amendment by conditioning a religious agency's ability to participate in the foster care system on taking actions and making statements that directly contradict the agency's religious beliefs.

A CENSUS CASE DECIDED ON STANDING AND RIPENESS GROUNDS

On December 18, in *Trump v. New York*, No.20-366, in a 6-3 decision, the court ruled that, because the challengers have not shown standing and because the claims presented were not ripe for adjudication, it was too early to resolve a lawsuit challenging the legality of the Trump administration's plan to exclude from the decennial census'

base population count, a number used to allocate seats in the House of Representatives, those persons who are in the country illegally.

ARGUED CASES NOT YET DECIDED

Several critical cases have already been argued but are not yet decided. Of those, the two highest-profile were argued on November 10 and challenge the legality of the Affordable Care Act (ACA). *California v. Texas*, No. 19-840, raises the questions of whether the plaintiffs have Article III standing to challenge the minimum-coverage provision in Section 5000A(a) of the ACA; whether reducing to zero the amount specified in Section 5000A(c) rendered the minimum-coverage provision unconstitutional; and, if so; whether the minimum coverage provision is severable from the rest of the ACA. *Texas v. California*, No.19-1019, also raises a severability question and whether the district court properly declared the ACA invalid in its entirety and unenforceable anywhere.

In *Google LLC v. Oracle America Inc.*, No.18-956, the court will consider whether copyright protection extends to a software interface and whether, as the jury found, the petitioner's use of a software interface in the context of creating a new computer program constitutes fair use.

In *Henry Schein Inc. v. Archer and White Sales Inc.*, No.19-963], the court will decide whether a provision in an arbitration agreement that exempts certain claims from arbitration negates an otherwise clear and unmistakable delegation of questions of arbitrability to an arbitrator

In the cases of *Mnuchin v. Collins*, No.19-563, and *Collins v. Mnuchin*, No.19-422, argued together on December 9, the court will decide whether the anti-injunction clause in the statute authorizing the FHFA to act as conservator for Fannie Mae and Freddie Mac precludes a federal court from setting aside the net worth sweep agreements between the Treasury Department and the FHFA as conservator, and whether the shareholders of Fannie Mae and Freddie are precluded from bringing actions challenging the net worth sweep agreements because the FHFA as conservator inherits the shareholders' rights to bring derivative actions on behalf of the enterprises. The court also will determine whether the FHFA's structure violates the separation of powers, and, if so, whether the courts must set aside a final agency action that FHFA took when it was unconstitutionally structured and strike down the statutory provisions that make the agency independent.

SCHEDULED CASES NOT YET ARGUED

Two cases of significance are set for argument in January.

In *AMG Capital Management, LLC v. Federal Trade Commission*, No.19-508, to be argued on January 13, the court will consider whether Section 13(b) of the Federal Trade Commission Act, by authorizing “injunction[s],” also authorizes the Federal Trade Commission to demand monetary relief such as restitution and, if so, the scope of the limits or requirements for such relief.

In *National Association of Broadcasters v. Prometheus Radio Project*, No. 19-1241, to be argued on January 19, the court will decide whether under Section 202(h) of the Telecommunications Act of 1996 the Federal Communications Commission may repeal or modify media ownership rules that it determines are no longer “necessary in the public interest as the result of competition” without statistical evidence about the prospective effect of its rule changes on minority and female ownership.

CASES ACCEPTED BUT NOT YET SET FOR ARGUMENT

Two significant Arizona voting rights cases have been accepted for argument but not yet scheduled. In *Brnovich v. Democratic National Committee*, No.19-1257, the court will decide (1) whether Arizona’s out-of-precinct policy, which does not count provisional ballots cast in person on Election Day outside of the voter’s designated precinct, violates Section 2 of the Voting Rights Act; and (2) whether Arizona’s ballot-collection law, which permits only certain persons (e.g., family and household members, caregivers, mail carriers and elections officials) to handle another person’s completed early ballot, violates either Section 2 of the Voting Rights Act or the 15th Amendment.

In *Arizona Republican Party v. Democratic National Committee*, No. 19-1258, the court will determine (1) whether Section 2 of the Voting Rights Act compels states to authorize any voting

practice that would be used disproportionately by racial minorities, even if existing voting procedures are race-neutral and offer all voters an equal opportunity to vote; and (2) whether the US Court of Appeals for the 9th Circuit correctly held that Arizona’s ballot-harvesting prohibition was tainted by discriminatory intent even though the legislators admitted to being driven by partisan interests and despite the fact that concerns about voter fraud appear to have been “unfounded.”

Trump v. Sierra Club, No. 20-138, raises questions about a President’s authority under Section 8005 of the Department of Defense Appropriations Act to transfer money between DOD appropriations accounts. Section 8005 says that the Defense Secretary’s authority to transfer funds internally between DOD appropriations accounts “may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress.” The court will determine whether the Sierra Club may obtain review of the acting Defense Secretary’s transfer of such funds and whether in 2019 the acting Secretary exceeded his statutory authority under Section 8005 by transferring approximately \$2.5 billion to build the southern border wall in response to a request from the Department of Homeland Security for counterdrug assistance under 10 USC 284

Finally, on December 16, the court agreed to hear *National Collegiate Athletic Association v. Alston*, No.20-512, and a related case that present the question of whether the US Court of Appeals for the 9th Circuit erroneously held, in conflict with decisions of other circuits and general antitrust principles, that the National Collegiate Athletic Association eligibility rules regarding compensation of student-athletes violate federal antitrust law.



A look at House Passed Legislation in the 116th Congress

Since the 2014 elections that led to Republican Senator Mitch McConnell becoming the Majority Leader, the Senate has been seen by most political commentators as the place where Democratic-sponsored bills passed by the House go to die. That characterization is well-earned. As of November 3, 2020, last year's general election day, a search of the website Congress.gov revealed that, since January 3, 2019 when the current Congress convened, the House has passed 431 bills sponsored by Democrats that the Senate has not taken up.

We believe, a review of these 431 bills is instructive. They set tone, and provide a clear window into key Democratic policy priorities, largely ignored by the Senate in the last Congress, that can and will be pursued now that Democrats will control what bills will reach the Senate floor for debate.

Even with a materially smaller Democratic majority in 2021, the House is likely to pass once again most of the key bills that it passed in the prior Congress. Even if the chances of Senate passage of several of these bills are slim because of such narrow Democratic control of the Senate, several of the bills that the House manages to pass in 2021 are nonetheless likely to be offered in the Senate for messaging purposes.

So, how do we reduce these 431 Democratic sponsored bills that the House passed and the Senate did not consider to a far more manageable number for analysis? Where do we begin?

In fact, we begin at the beginning, the numerical beginning. The 116th House passed each of the Democratic sponsored bills numbered HR 1 through HR 9. Not surprisingly, the Senate has not considered or passed any of these bills. So what are these nine bills?

HR 1, the *For the People Act of 2019*, passed March 8, 2019, is a voting rights bill that addresses voter access, election integrity, election security, political spending, and ethics for the three branches of government. It expands voter registration and voting access and limits removing voters from voter rolls. The bill provides for states to establish independent, nonpartisan redistricting commissions. The bill also sets forth provisions related to election security, including sharing intelligence information with state election officials, protecting the security of the voter rolls, supporting states in securing their election systems, developing a national strategy to protect the security and integrity of U.S. democratic institutions, establishing in the legislative branch the National Commission to Protect United States Democratic Institutions, and other provisions to improve the cybersecurity of election systems.

The bill also addresses campaign spending, including by expanding the ban on foreign nationals contributing to or spending on elections; expanding disclosure rules pertaining to organizations spending money during elections, campaign advertisements, and online platforms; and revising disclaimer requirements for political advertising. It establishes an alternative campaign funding system for certain federal offices. The system involves federal matching of small contributions for qualified candidates.

It sets forth provisions related to ethics in all three branches of government. Specifically, the bill requires a code of ethics for federal judges and justices, prohibits Members of the House from serving on the board of a for-profit entity, expands enforcement of regulations governing foreign agents, and establishes additional conflict-of-interest and ethics provisions for federal employees and the White House. The bill also requires candidates for President and Vice President to submit 10 years of tax returns.

H.R.2, the *INVEST in America Act*, passed July 1, 2020, is an environmental and surface transportation infrastructure bill that addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation (DOT). Among other provisions, the bill

- extends FY2020 enacted levels through FY2021 for federal-aid highway, transit, and safety programs;
- reauthorizes for FY2022-FY2025 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety, and rail programs;
- addresses climate change, including strategies to reduce the climate change impacts of the surface transportation system and conduct a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of federal resources;
- revises Buy America procurement requirements for highways, mass transit, and rail;
- establishes a rebuild rural grant program to improve the safety, state of good repair, and connectivity of transportation infrastructure in rural communities;
- implements new safety requirements across all transportation modes; and

- directs DOT to establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

H.R.3, the *Elijah E. Cummings Lower Drug Costs Now Act*, passed December 12, 2019, establishes several programs and requirements relating to the prices of prescription drugs, health care coverage and costs, and public health.

Among other things, the bill's provisions are designed to lower prices through fair drug price negotiation, provide Medicare with Parts B and D prescription drug inflation rebates, reduce the annual out-of-pocket spending threshold and eliminate beneficiary cost-sharing above this threshold, increase drug price transparency, include program improvements for Medicare low-income beneficiaries, establish dental, vision and hearing coverage under Medicare, increase NIH, FDA and Opioids funding, and expand guaranteed issue rights with respect to Medigap policies.

H.R.4, the *Voting Rights Advancement Act of 2019*, passed December 6, 2019, establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices in these areas may take effect. (Preclearance is the process of receiving preapproval from the Department of Justice or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.)

A state and all of its political subdivisions would be subject to preclearance of voting practice changes for a 10-year period if (1) 15 or more voting rights violations occurred in the state during the previous 25 years; or (2) 10 or more violations occurred during the previous 25 years, at least one of which was committed by the state itself. A political subdivision as a separate unit would also be subject to preclearance for a 10-year period if three or more voting rights violations occurred there during the previous 25 years.

A state or political subdivision that obtains a declaratory judgment that it has not used a voting practice to deny or abridge the right to vote would be exempt from preclearance.

All jurisdictions would have to preclear changes to requirements for documentation to vote that make the requirements more stringent than federal requirements for voters who register by mail or state law.

The bill specifies practices jurisdictions meeting certain thresholds regarding racial minority groups, language minority groups, or minority groups on Indian land, would have to preclear before implementing. These practices include changes to methods of election, changes to jurisdiction boundaries, redistricting, changes to voting locations and opportunities, and changes to voter registration list maintenance.

The bill expands the circumstances under which (1) a court may retain the authority to preclear voting changes made by a state or political subdivision, or (2) the Department of Justice may assign election observers.

States and political subdivisions would also have to notify the public of changes to voting practices and the bill would revise the circumstances under which a court would have to grant preliminary injunctive relief in a challenge to voting practices.

H.R.5, the *Equality Act*, passed May 17, 2019, prohibits discrimination based on sex, sexual orientation, and gender identity in a wide variety of areas including public accommodations and facilities, education, federal funding, employment, housing, credit, and the jury system. Specifically, the bill defines and includes sex, sexual orientation, and gender identity among the prohibited categories of discrimination or segregation.

The bill expands the definition of public accommodations to include places or establishments that provide (1) exhibitions, recreation, exercise, amusement, gatherings, or displays; (2) goods, services, or programs; and (3) transportation services.

The bill allows the Department of Justice to intervene in equal protection actions in federal court on account of sexual orientation or gender identity.

H.R.6, the *American Dream and Promise Act of 2019*, passed June 4, 2019, cancels and prohibits removal proceedings against certain aliens and provides such aliens with a path toward permanent resident status.

The Department of Homeland Security (DHS) or the Department of Justice (DOJ) would cancel removal proceedings against certain aliens who entered the United States as minors and grant such aliens conditional permanent residence status for 10 years. The bill would impose various qualification requirements, such as the alien being continuously physically present in the United States and being enrolled in or having completed certain educational programs. DHS would have to establish streamlined procedures to apply for conditional permanent residence for aliens who received Deferred Action for Childhood Arrivals (DACA) status and were not disqualified for renewal.

DHS would remove the conditional permanent resident status granted to such aliens, if the alien applies and meets certain requirements, such as completing certain programs at an educational institution or serving at least two years in the Uniformed Services and being discharged honorably.

DHS or DOJ would cancel removal proceedings against certain aliens who qualified for temporary protected status or deferred enforced departure status on certain past dates (both statuses temporarily protect covered aliens from removal). For such aliens who apply and pass the required background checks, DHS would grant permanent residence status.

DHS would not be able to use information from applications to adjust status under this bill for immigration enforcement purposes and would have to establish a grant program for nonprofit organizations that assist individuals with certain immigration-related issues.

H.R.7, the *Paycheck Fairness Act*, passed March 27, 2019, addresses wage discrimination on the basis of sex. It amends equal pay provisions of the Fair Labor Standards Act of 1938 to (1) restrict the use of the bona fide factor defense to wage discrimination claims, (2) enhance nonretaliation prohibitions, (3) make it unlawful to require an employee to sign a contract or waiver prohibiting the employee from disclosing information about the employee's wages, and (4) increase civil penalties for violations of equal pay provisions.

The Equal Employment Opportunity Commission (EEOC) and the Office of Federal Contract Compliance Programs would be directed to train EEOC employees and other affected parties on wage discrimination.

The bill also directs the Department of Labor to (1) establish and carry out a grant program for negotiation skills training programs to address pay disparities, including through outreach to women and girls; (2) conduct studies to eliminate pay disparities between men and women; (3) report on the gender pay gap in the teenage labor workforce; and (4) make available information on wage discrimination to assist the public in understanding and addressing such discrimination.

H.R.8, the *Bipartisan Background Checks Act of 2019*, establishes new background check requirements for firearm transfers between private parties (i.e., unlicensed individuals).

Specifically, it prohibits a firearm transfer between private parties unless a licensed gun dealer, manufacturer, or importer first takes possession of the firearm to conduct a background check. The bill's prohibition does not apply to certain firearm transfers, such as a gift between spouses in good faith.

H.R.9, the *Climate Action Now Act*, passed May 2, 2019, requires the President to develop and update annually a plan for the United States to meet its nationally determined contribution under the Paris Agreement on climate change.

(Sec. 3) In addition, the bill prohibits federal funds from being used to withdraw from the agreement.

(Sec. 4) The bill outlines what must be included in the plan, including descriptions of steps to (1) cut greenhouse gas emissions by 26%-28% below 2005 levels by 2025, and (2) confirm that other parties to the agreement with major economies are fulfilling their announced contributions. The President would have to seek and publish comments from the public when submitting and updating the plan.

(Sec. 5) Within six months, the President would also have to report on the effect of the Paris Agreement on clean energy job development in rural communities.

(Sec. 6) Within six months, the President would contract with the National Academy of Sciences to report on the potential impacts of a withdrawal by the United States from the agreement on the global economic competitiveness of the U.S. economy and on U.S. workers.

(Sec. 8) Within one year, the Government Accountability Office would also have to study and report on the impact of the plan on U.S. territories.

OTHER DEMOCRATIC BILLS PASSED BY THE HOUSE IN THE PRIOR CONGRESS THAT MAY BE CONSIDERED AS PART OF THE 2021-22 BIDEN LEGISLATIVE AGENDA

Obviously, it's not possible to cover herein all of the 422 other Democratic-sponsored bills that the House passed but the Senate never considered, and many of these bills do not warrant such attention in any event. Nonetheless, here are an additional 51 key Democratic bills passed by the current House but ignored by the Senate that could well receive Congressional attention in some form during the next two years. With a few notable exceptions, bills that passed the House by voice vote or under suspension of the rules are not included in this list. For ease of reference, these House bills are listed in ascending order by bill number from the current Congress:

- **H.R.35**, the *Emmett Till Antilynching Act* (passed February 26, 2020)
- **H.R.36**, the *Combating Sexual Harassment in Science Act* (passed July 23, 2019)
- **H.R.51**, the *Washington, D.C. Admission Act* (passed June 26, 2020)
- **H.R.397**, the *Rehabilitation for Multiemployer Pensions Act* (passed July 24, 2019)
- **H.R.582**, the *Raise the Wage Act* (passed July 18, 2019)
- **H.R.624**, the *Promoting Transparent Standards for Corporate Insiders Act* (passed January 28, 2019)
- **H.R.1044**, the *Fairness for High-Skilled Immigrants Act* (passed July 10, 2019)
- **H.R.1112**, the *Enhanced Background Checks Act* (passed February 28, 2019)
- **H.R.1230**, the *Protecting Older Workers Against Discrimination Act* (passed January 15, 2020)
- **H.R.1423**, the *Forced Arbitration Injustice Repeal Act* (passed September 20, 2019)
- **H.R.1425**, the *Patient Protection and Affordable Care Enhancement Act* (passed June 29, 2020)
- **H.R.1500**, the *Consumers First Act* (passed May 22, 2019)
- **H.R.1582**, the *Electronic Message Preservation Act* (passed March 12, 2019)

- **H.R.1585**, the **Violence Against Women Reauthorization Act** (passed April 4, 2019)
- **H.R.1595**, the **Secure And Fair Enforcement Banking Act** (passed September 25, 2019)
- **H.R.1815**, the **SEC Disclosure Effectiveness Testing Act** (passed October 17, 2019)
- **H.R.1941**, the **Coastal and Marine Economies Protection Act** (passed September 11, 2019)
- **H.R.2203**, the **Homeland Security Improvement Act** (passed September 25, 2019)
- **H.R.2339**, the **Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act** (passed February 28, 2020)
- **H.R.2382**, the **USPS Fairness Act** (passed February 5, 2020)
- **H.R.2474**, the **Protecting the Right to Organize Act** (passed February 6, 2020)
- **H.R.2513**, the **Corporate Transparency Act** (passed October 22, 2019)
- **H.R.2534**, the **Insider Trading Prohibition Act** (passed December 5, 2019)
- **H.R.2574**, the **Equity and Inclusion Enforcement Act** (passed September 16, 2020)
- **H.R.2639**, the **Strength in Diversity Act** (passed September 15, 2020)
- **H.R.2722**, the **Securing America's Federal Election Act** (SAFE Act) (passed June 27, 2019)
- **H.R.3239**, the **Humanitarian Standards for Individuals in Customs and Border Protection Custody Act** (passed July 24, 2019)
- **H.R.3299**, the **Promoting Respect for Individuals' Dignity and Equality Act** (passed July 24, 2019)
- **H.R.3621**, the **Comprehensive CREDIT Act** (passed January 29, 2020)
- **H.R.3624**, the **Outsourcing Accountability Act** (passed October 18, 2019)
- **H.R.3670**, the **Short-Term Detention Standards Act** (passed July 25, 2019)
- **H.R.3702**, the **Reforming Disaster Recovery Act** (passed November 18, 2019)
- **H.R.4335**, the **8-K Trading Gap Act** (passed January 13, 2020)
- **H.R.4344**, the **Investor Protection and Capital Markets Fairness Act** (passed November 18, 2019)
- **H.R.4432**, the **Protecting Critical Infrastructure Against Drones and Emerging Threats Act** (passed February 10, 2020)
- **H.R.4447**, the **Clean Economy Jobs and Innovation Act** (passed September 24, 2020)
- **H.R.4617**, the **Stopping Harmful Interference in Elections for a Lasting Democracy Act- (SHIELD Act)** (passed October 23, 2019)
- **H.R.5003**, the **Fair Debt Collection Practices for Servicemembers Act** (passed March 2, 2020)
- **H.R.5065**, the **Prison to Proprietorship for Formerly Incarcerated Act** (passed January 8, 2020)
- **H.R.5078**, the **Prison to Proprietorship Act** (passed January 9, 2020)
- **H.R.5084**, the **Improving Corporate Governance Through Diversity Act** (passed November 19, 2019)
- **H.R.5322**, the **Ensuring Diversity in Community Banking Act** (passed September 21, 2020)
- **H.R.5332**, the **Protecting Your Credit Score Act** (passed June 29, 2020)
- **H.R.5377**, the **Restoring Tax Fairness for States and Localities Act** (passed December 19, 2019)
- **H.R.5602**, the **Domestic Terrorism Prevention Act** (passed September 21, 2020)
- **H.R.7120**, the **George Floyd Justice in Policing Act** (passed June 25, 2020)
- **H.R.7301**, the **Emergency Housing Protections and Relief Act** (passed June 29, 2020)
- **H.R.7327**, the **Child Care for Economic Recovery Act** (passed July 29, 2020)
- **H.R.7909**, the **Ensuring Children and Child Care Workers Are Safe Act** (passed September 16, 2020)
- **H.R.8015**, the **Delivering for America Act** (passed August 22, 2020)
- **H.R.8134**, the **Consumer Product Safety Inspection Enhancement Act** (passed September 29, 2020)

50 state overview

Attorneys General

State Policy Scan

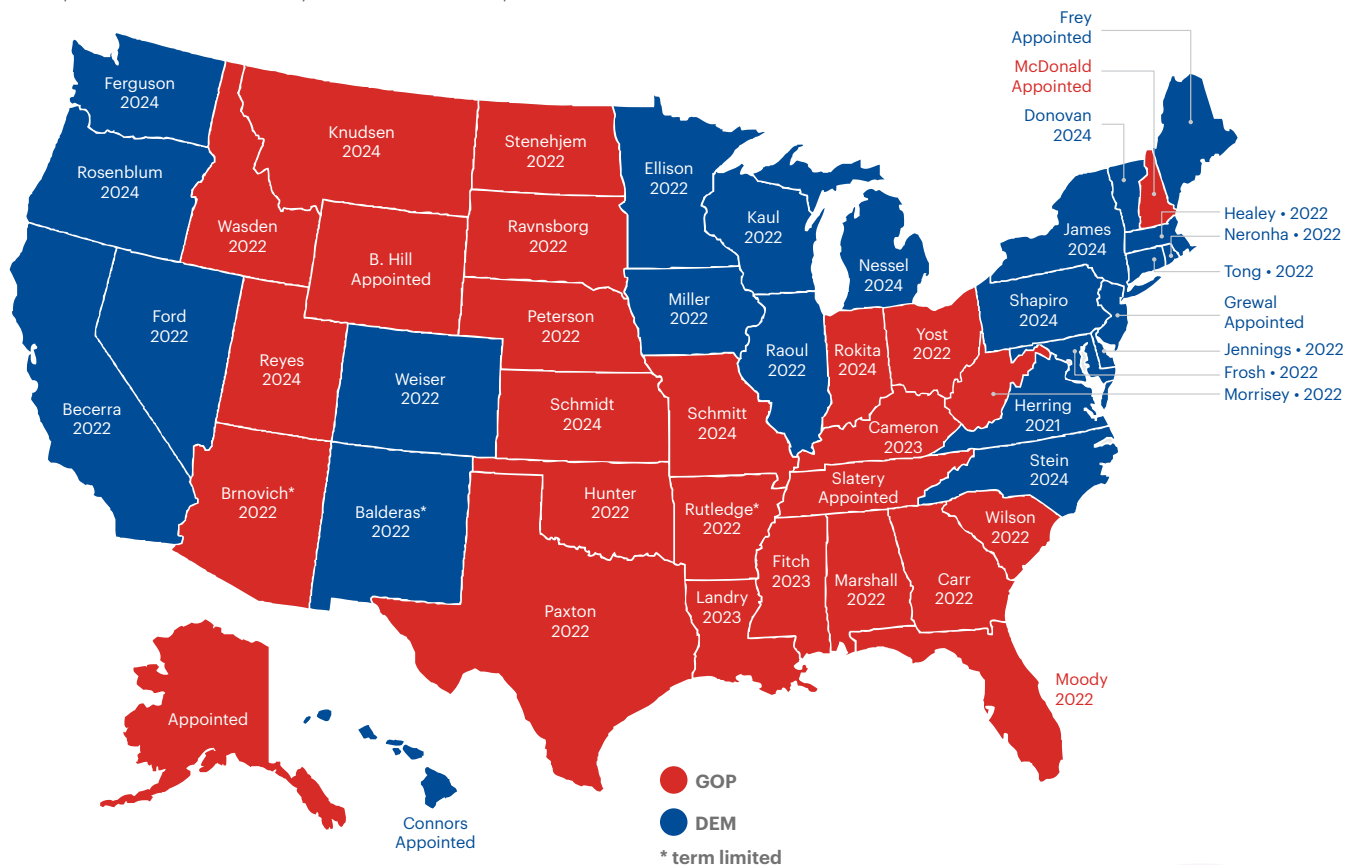


Attorneys General

STATE AG ELECTION RESULTS

The results of the 2020 state attorneys general (AGs) elections resembled what occurred in other elections at the federal and state levels: maintenance of the status quo. The Republicans successfully defended their open AG seats

in Indiana and Montana, while the Democrats withstood challenges to their AGs in North Carolina and Pennsylvania. Including Washington, DC, the GOP currently holds 26 AG seats to the Democrats' 25.



EXPECTATIONS FOR AGS DURING THE BIDEN ADMINISTRATION

Although the AG electoral landscape is familiar, the AG political landscape is expected to dramatically shift during the Biden administration. Democratic AGs, who, collectively, have filed more than 100 lawsuits against the Trump administration on issues ranging from the environment to healthcare, are expected to transition to the role of defenders of the incoming Biden administration. Conversely, Republican AGs, who generally supported the Trump administration's

legal and policy agenda during the past four years, are actively positioning themselves to be what they call the "last line of defense" from potential overreach by the Biden-Harris administration. Beyond the standard legal and policy disputes in the areas of healthcare, energy and the environment, we expect to see litigation related to COVID-19 mandates, labor issues, immigration and more.

State attorneys general have sued Trump's administration **138** times — nearly double those of Obama and Bush

ENFORCEMENT PRIORITIES FOR AGS

Beyond AG litigation in support of or opposition to the next administration, certain key areas for multistate AG investigations and litigation of the private sector are expected, including action on consumer protection, antitrust and competition in the tech sector, COVID-19-related lawsuits, healthcare affordability, environmental protection and data breaches, and perhaps a renewed enforcement relationship between AGs and what many anticipate will be a more aggressive Consumer Financial Protection Bureau.

AGS AS NOMINEES

In recent years, many AGs have found success seeking higher office, of which there is no better example than Vice President-elect Kamala Harris, who was a California AG before becoming a US Senator from that state. Similarly, her successor as California AG, Xavier Becerra, was recently nominated by President-elect Biden to be Secretary of Health and Human Services. Although AG Becerra does not have

frontline healthcare experience, he was active on healthcare policy issues during his time in Congress (he represented Downtown Los Angeles in the House from 1993 to 2017) and has been aggressive on healthcare policy and litigation matters during his time in Sacramento. As AG, Becerra has filed numerous lawsuits to defend the Affordable Care Act and led enforcement actions on drug pricing, anticompetitive conduct in the pharmaceutical industry and alleged “pay for delay” schemes by certain drug manufacturers. There are a number of other ambitious Democratic AGs who are expected to be considered for roles in the Biden administration.

50 state overview

Alabama

With the next statewide election approaching in 2022 for all legislative and executive offices, Republicans hold solid supermajorities in both chambers of the Alabama Legislature as well as control of the governorship. The 2020 global pandemic will impact the 2021 legislative session both in substance and process, since there are several policy issues that have arisen due to COVID-19 in addition to a significant number of legislative items from the 2020 session that were postponed to 2021.

Key issues:

COVID-19 response measures:

Legislation to limit civil liability for businesses operating during the pandemic was not passed during the shortened 2020 legislative session, so Gov. Kay Ivey (R) included such protections in her Public Health Emergency Order. The Governor, legislative leaders and the business community have stated they intend to fully codify such liability protections in the upcoming 2021 session. In addition, the Governor has stated via executive order that she does not intend for state or federal COVID-19 relief funds to be included as taxable income, and has pledged to work with the Legislature to enact this tax policy in the upcoming session.

Rural broadband deployment:

While broadband connectivity was a prominent issue before COVID-19, the pandemic has amplified the issue, as an increasing number of households are now connecting remotely to work, school and even the doctor. It is anticipated that legislative leaders will be promoting initiatives to further

narrow the digital divide, between urban/suburban and rural Alabamians in particular, including efforts to expand middle-mile and last-mile connectivity.

Medical cannabis: Heading into the 2020 legislative session, the Alabama Medical Marijuana Study Commission recommended legislation to authorize medical marijuana in the state. After the abrupt abbreviation of the 2020 session, it is expected for the 2021 session that lawmakers will again introduce legislation that sets out a framework for the licensing of dispensaries, advertisement of the drug, establishment of a statewide seed-to-sale tracking system, and other regulatory measures.

Gaming: In the opening days of the 2020 legislative session, Gov. Ivey effectively paused legislative proposals to expand gaming by creating the Governor's Study Group on Gambling Policy to thoroughly review and gather all the facts about gambling in Alabama. The Study Group recently issued an 875-page report that estimated revenues for the state from various forms of gaming, identified policy options for the state moving forward and provided public opinion/polling data on the issue. Although the Study Group did not set specific priorities for legislative action, the report noted that a statewide lottery is one of the more lucrative and politically popular gaming options. Looking to the session, lottery proposals are expected in addition to other expansions of gaming in the state.

Alaska

The legislative session, which begins on January 19, will undoubtedly be contentious as Alaska continues to grapple with a budget deficit exceeding

\$2 billion. As of this writing, leadership in both chambers remains undecided, a stalemate that could extend into the first weeks of the next legislative session.

Key issues:

Permanent fund dividend: Gov. Mike Dunleavy (R) has proposed paying out nearly \$5,000 to each Alaskan through 2021, which would strain the state budget. In addition, he has proposed changing the statutory dividend formula and a constitutional amendment to guarantee the permanent fund dividend (PFD), both of which will inevitably be controversial with legislators.

Revenue: Alaska still has no state income or sales tax, which has become a sticking point on both sides of the aisle as the state's petroleum revenues have waned. The Governor has proposed constitutional amendments to create a spending cap and require a vote of the people to implement new taxes.

Spending: State budget cuts will be on the table again as Alaska grapples with its budget deficit. For the first time in several years, the Governor has proposed a \$300-350 million infrastructure project bond proposal designed to put Alaskans to work building infrastructure around the state.

Arizona

The Arizona State Legislature will reconvene in January after a fraught election season that led to civil war within the state GOP. Gov. Doug Ducey (R), after certifying Joe Biden's win, looks to turn the page on the election in order to focus on a list of priorities and a looming budget deficit.

Key issues:

COVID-19 relief: There is talk in the Legislature about adding state relief to the federal efforts. Any effort to support Arizonans financially will run up against budget constraints and a feeling among many that the pandemic is coming to a speedy conclusion.

Criminal justice reform: Reforming the state penal system could be a bipartisan effort this coming session. Both Republicans and Democrats see areas for improvement and are likely to support such an effort.

Long-term care: COVID-19's disproportionate impact on the state's elderly population has brought attention to several issues relating to long-term care. The state AARP plans to bring up several, including elderly abuse and drug prices.

Arkansas

Arkansas will meet for its biennial "regular/full" session in January 2021.

Key issues:

Medicaid: The Section 1115 demonstration waiver for "Arkansas Works," the second iteration of the state's "Private Option" Medicaid expansion program, expires at the end of 2021. A large part of Arkansas' 2021 legislative session will be spent discussing what the next iteration of that program should look like, or whether to continue the program at all.

Tax cuts: Heading into the 2021 legislative session there has been a lot of discussion around the possibility of additional tax cuts in Gov. Asa Hutchinson's final regular session as the state's chief executive. Gov. Hutchinson's proposal calls for reducing sales taxes to 3.5 percent from 6.5 percent on used motor vehicles priced less than \$10,000, and cutting income taxes for new residents to 4.9 percent for five years. The Republican Governor's plan also includes \$25 million in unspecified tax cuts for low- and middle-income residents that his office said will be developed with input from the Arkansas General

Assembly, the state legislature. The plan for taxing new residents at a lower rate has received some pushback from the legislature. Additionally, many feel that the used car sales tax proposal does not go far enough and have called for the elimination of all sales tax on motor vehicles priced less than \$10,000.

Vaccine distribution and pandemic recovery: Vaccine distribution and other response-and-recovery programs relating to the pandemic will be an important focus during the 2021 session. The State is still working on the details of its vaccine distribution plan, and as a result of the pandemic experience of the last nine months, a small and growing group of legislators want to review the Governor's emergency powers.

California

The California State Legislature was sworn in on December 7 to officially kick-off the 2021-22 Legislative Session. The Democrats continue to hold a supermajority in both houses. Senate Democrats picked up 2 seats and now have a 30-9 count, with one vacancy. In the Assembly, the Republicans managed to pick up one seat but remain outnumbered 60-19, with one independent. Due to capital gains tax revenues, the state budget is expected to avoid a deficit for the remainder of the current fiscal year. That will change, however, for the next three fiscal years, with the Department of Finance predicting significant shortfalls due to the COVID-19-created recession.

Key issues:

Eviction moratoriums: Governor Gavin Newsom (D) and the Legislature reached a tentative deal late in the 2020 session to expand renter protections through the first quarter of 2021. Much activity is expected early in the session to extend eviction moratoriums and prevent foreclosures as a result of the pandemic.

Housing: California continues to fail to meet an ever-increasing demand for housing. The Legislature will continue to prioritize issues relating to the provision

of more affordable single- and multi-family housing. Limiting local control over zoning issues will top the list.

Economic recovery: Multiple general obligation bonds (GO bonds) are likely to be discussed for placement on the 2022 ballot. Wildfire prevention, climate change adaptation and workforce development will lead the discussion in this area.

Public safety reform: Many efforts to address public safety reform issues stalled in the 2020 legislative session. They will be resurrected in 2021 with attention on use of force, officer training and discipline, and funding community-based law enforcement activities.

Colorado

The 73rd General Assembly will convene for its first regular session on January 13, 2021. House and Senate Leadership have announced that after the swearing in of House and Senate members, The General Assembly will recess for one month at minimum in hopes of a decrease in COVID-19 cases by the time they reconvene. The legislature will be in session for 120 calendar days ending on date unknown.

Key issues:

Law enforcement accountability and jail depopulation: 2020 saw the passage of SB20-217, the Enhance Law Enforcement Integrity Act, which requires all local law enforcement agencies and the Colorado State Patrol to issue body-worn cameras to their officers and set a timeline for the release of recordings to the public; revisions to governmental immunity; and directions to law enforcement agencies on handling public demonstrations. The bill has several areas that will require additional work for clarification and funding for local governments. Legislation to address jail populations across the state is being drafted now which would impact money bonds for certain crimes, arrest vs. summons in certain cases, and directions for managing county jail populations. While some policies have been modified to accommodate

the impacts of COVID-19, Colorado is also experiencing a rise in property crimes and increased incidents of contacts between law enforcement and certain repeat offenders. Public safety is government's number one responsibility, and this is an issue that will have lasting effects.

Broadband: The Governor called a special session in November to address COVID-19 impacts to the state. HB20B-1001, the first bill introduced in the House, creates a grant program in the Colorado Department of Education to distribute funding to local education providers to increase Internet access for students and staff. It will increase state and local expenditures in FY 2020-21 by \$20 million. This bill is a starting point for further work to increase access to broadband as more people work from home and as school systems around the state implement hybrid schedules to reduce the number of students in a classroom at one time.

Health care: The heated negotiations continue on the proposed "Public Option" healthcare bill. Colorado's version would allow the state to develop the plan, including reimbursement rates, but private insurers run it. In each county, insurance companies would be required to offer the public option or face a fine. The Democrat sponsors believe the public option could save Coloradans in the individual market in some parts of the state up to 20% on their monthly premiums. The Colorado Hospital Association is the leading opponent to proposed policy.

K-12 education: Education funding will continue to be a priority for the legislature, as lawmakers continue to look for funds to support the full-day kindergarten program approved in 2019. COVID-19 required substantial budget adjustments across the board in 2020, and with a slightly brighter revenue forecast, the Department of Education will want the cuts they suffered restored, meaning a battle will be seen with other agencies, many of which also suffered budget cuts.

COVID-19 relief for businesses:

Another bill carried over from the Special Session, HB20B-1004, addresses restaurants and bars, a sector that has been particularly affected by COVID-19 public safety closures and restrictions. The bill will allow these businesses, as well as food trucks and vintner's restaurants, to keep up to \$2,000 (per month and per location) in state sales taxes collected between November 2020 and February of 2021. We will likely see additional proposals to address the impacts of government shutdowns on various sectors, along with a possible business liability protection law.

Connecticut

Key issues:

Health care: Progressives, the State Senate leadership and the State Comptroller have all called for the adoption of a public health insurance option in Connecticut. Although previous attempts at passing a state-based public option were stymied by industry and GOP pressure, Democrats in the Connecticut General Assembly, the state legislature, are expected to make a strong push for passage of the legislation. Gov. Ned Lamont (D) has been supportive of previous iterations of the legislation, and is expected to support the bill this session as well.

Gaming: Anticipation is higher than ever that sports betting, and potentially i-gaming, may be legalized in Connecticut. The new leaders in the state House of Representatives have stated that legalizing sports betting will be a high priority this session. Additionally, the state's tribal nations—the Mashantucket Pequots and the Mohegans—have recently dropped plans to build a third casino in East Windsor, an important concession that could pave the way for more fruitful negotiations with the Governor.

Cannabis: Much like gaming, recreational cannabis legalization is viewed as being a hot-button issue in the upcoming session. With increased Democratic majorities in both the House and the Senate, cannabis

advocates are hopeful that a vote will be taken to legalize recreational use this session. If the Democrats can't muster a majority in both chambers to legalize cannabis, they're expected to instead pass a resolution to amend the constitution to allow legalization—a process that would take longer, and eventually involve having to go before voters for a referendum, but would nonetheless move the issue forward.

Budget: Despite having one of the most well-funded rainy day funds in the nation, the Nutmeg State is still facing a massive structural deficit due to unfunded pension liabilities. Progressives have indicated that they would like to see tax increases on the wealthy to help close the gap. However Gov. Lamont is cool to that idea, and will search for other sources of revenue to balance the state's budget.

Delaware

The Delaware General Assembly, the state legislature, is scheduled to reconvene on January 12 with budget issues the chief concern as the state faces a projected 8 percent decline in state revenue.

Key issues:

Minimum wage: Democratic lawmakers are proposing an increase in the state minimum wage to \$15 an hour by 2026. The proposal calls for the base wage to increase to \$11 an hour in 2022 and then step up from there through 2026.

Police reform: At the end of the previous legislative session, lawmakers passed a grant-in-aid bill and announced two task forces. They will be responsible for investing in African American communities and will look at proposals to ensure police accountability.

COVID-19: The State is contemplating what it can do to support local communities and businesses hit hard by the pandemic. Several proposals are floating around but with the vaccine rolling out, these efforts may lose steam.

Florida

Senate President Wilton Simpson (R) and his House counterpart, Speaker Chris Sprowls (R), have said financial fallout from the pandemic will dominate the regular 2021 legislative session, which commences on March 2, 2021.

Key issues:

Potential revenue: With Senate President Simpson and House Speaker Sprowls agreeing that budget cuts loom, Simpson suggested that the state has at least two ways to generate revenue without imposing new taxes or fees: an elusive gambling deal with the Seminole Tribe of Florida or a bill that would force sellers not physically present in the state to collect Florida sales tax on online purchases to customers in Florida.

Budget reductions: Simpson said budget-makers will look at the state budget of 2008-09 (the grimmest years of the Great Recession) for guidance in setting the budget for 2021-22, and will not increase taxes and fees to help offset \$5.4 billion in revenue losses expected over the next two years.

- **K-12:** Simpson floated the possibility of slashing funding for the state's K-12 system, pointing to increases in public school spending over the past dozen years.
- **Higher education:** Potential university tuition increases—which were off limits under former Gov. Rick Scott—are now seen as a “viable opportunity.”
- **Big projects in the budget:** Also under scrutiny, according to Simpson, are “big projects in the budgets” such as outgoing Senate President Bill Galvano’s controversial pet project to build large expensive toll highways through swaths of undeveloped Florida. These so-called multi-use corridors of regional economic significance, or M-CORES, would consume more than \$100 million in the coming budget year. “You have to ask yourself, can you afford that in this moment? And

those are questions that will be asked,” Simpson told reporters.

Lawsuit immunity for small businesses:

The Florida Legislature’s Republican leaders are pressing ahead with plans to pass virus-related lawsuit immunity for businesses during the 2021 legislative session. Republicans having expanded their majorities in the state House and Senate, the already pro-business Legislature will be even more so. Business lobby heavyweights are making tort reform—which could include COVID-19 legal immunity—a top priority in 2021.

Anti-mob legislation: Florida Gov. Ron DeSantis proposed and distributed to the Senate Committee on Criminal Justice an “anti-mob legislation draft” in response to the social unrest over the spring and summer. DeSantis remains committed to his pledge to “crack down on violent and disorderly assemblies.” Under this law, a person would be permitted to use deadly force if they reasonably believe that it is necessary to prevent a forcible felony. The proposal has been met with a flood of criticism. No bills have been filed in the House or Senate and no legislators have publicly stated that they will sponsor such a bill. For now, the Governor’s draft legislation remains nothing more than a proposal. However, some fear that the decision by DeSantis to pitch the bill to REC members signals a looming battle that will likely overshadow everything else during the 2021 session.

Georgia

The 2021 legislative session of the Georgia General Assembly will gavel in on January 11, however, the day to day operations of this session may be almost as challenging as some of the issues that the General Assembly will face. The current plan is to run the session very similarly to how it was run during the final two weeks of the session that finished this past June: temperature checks at the Capitol entrance, occupancy limits on the building, social distancing at committee meetings, and a requirement that masks be worn in offices. Despite these

operational challenges, the upcoming session will likely still be a busy one, with continued focus on health care, public safety, economic development and election reform.

Key issues:

Health care: In 2019, the legislature authorized Gov. Brian Kemp (R) to pursue a health care waiver from the federal government. The State submitted the application and received federal approval for a waiver this past fall. However, Democrats will likely continue to push legislation to expand Medicaid in the state. All these efforts will likely be impacted by what changes the Biden administration is able to make to the ACA. Additionally, shortages of doctors and nurses, especially in rural Georgia, have become even more pronounced during the COVID-19 crises, and will need to be addressed by the legislature.

Election reform: The 2020 elections in Georgia have made, and continue to make, national news regarding everything from alleged fraud associated with absentee ballots to the hacking of voting machines to dead people voting (of course the television show “The Walking Dead” is filmed in Georgia). Although to date, no widespread issues with the voting system or process in Georgia have been found by election and law enforcement officials, there are likely to be several voting reform provisions in the upcoming session. These include: limiting who can vote by absentee ballot, changes to advance-voting laws, and allowing state election regulators to intervene in counties where problems are identified.

Gaming: A variety of stakeholders are expected to mount another push to expand gaming in the state. And faced with a need for additional revenues, the General Assembly will likely once again heed those requests and consider legislation aimed at legalizing sports betting, casino gambling and horse racing.

State budget: As is the case with all other states, Georgia is getting hammered by declining revenues due to the economic downturn caused by COVID-19. However, Georgia's revenues have not suffered as badly as many states, and with the significant cuts the Governor and the General Assembly adopted during the 2020 session, the proposed cuts in the budgets for 2021 may not be as drastic as in some other states.

Hawai'i

The Hawai'i State Legislature will convene on January 20, 2021, and, like most states, the state budget shortfall resulting from the coronavirus pandemic will top the agenda. Due to travel quarantines, tourism has decreased by 90 percent, creating a devastating ripple effect on the economy and dealing a major blow to state revenues.

Key issues:

State budget: Gov. David Ige (D) unveiled his Fiscal Biennium Budget 2021-23, which includes reductions in both the operating and capital improvements program (CIP) budgets in the next two fiscal years. The state anticipates a \$1.4 billion shortfall each year of this two-year period. The state has already instituted spending restrictions, hiring freezes and suspended the pre-funding of other post-employment benefits.

State worker furloughs: In December of this year, the Governor announced plans to furlough state employees, which could save \$300 million annually. However, upon announcement of CARES IV legislation, the Governor delayed the January 2021 start-date, without any announcement of a new date. Furloughs will continue to be a potential solution—and one which will attract much opposition from Hawai'i's public employee and teacher unions.

Gaming legislation: The Hawaiian Homes Commission (HHC) approved a draft legislative proposal to allow limited casino gaming through an integrated resort property in Kapolei. The draft

proposal will be reviewed by the Department of the Attorney General, the Department of Budget and Finance, and Gov. David Ige (D) for consideration in his 2021 legislative packet.

Idaho

Holdbacks at the beginning of the pandemic and a seemingly robust post-lockdown recovery have led to a record budget surplus of more than \$600 million (the state's General Fund). Revenues are not only beating forecasts but are also exceeding last year's collections in all three major categories (sales, income and corporate income), up 16.6 percent year-over-year to date. Any increase in ongoing expenditures using what are considered one-time funds is unlikely in the conservative Legislature, where, in November, the Republican supermajority grew to 82 percent from 80 percent. Despite pressure to delay the session start date—traditionally the Monday closest to January 9—until the spring, when more Idahoans will have been vaccinated and infection rates will have come down, the Speaker is resisting such calls.

Key issues:

Tax cuts and property taxes: Given the staggering surplus, Gov. Brad Little (R) has signaled his intention to return some money to taxpayers in the form of tax cuts. Meanwhile, an interim committee on property taxes concluded its work by recommending capping local government property tax budget increases at 4 percent; restricting local taxing entities from building up reserves and taking forgone tax increases in later years; and implementing measures to increase transparency of local government budgets.

School funding: In May, Gov. Little called for 5 percent holdbacks for all agencies and K-12 schools—a total reduction of \$99 million for schools compared to the budget set by the Legislature for FY21 (though that reduction was offset by \$99 million in CARES Act funds). Facing a surplus, the Governor intends to propose both tax

cuts and investments; and education stakeholders will likely be first in line for the investment portion of the surplus spend-down, including teachers looking to “unfreeze” scheduled pay increases.

Executive powers: The Legislature seems determined to curb powers assumed and exercised by the Governor during the pandemic. Many Republican lawmakers believe the Governor exceeded his authority both in terms of public health mandates and the appropriation of CARES Act funds (approximately \$1.2 billion) and will likely seek legislative remedies pertaining to emergency order powers.

Infrastructure: With a backlog of roads projects throughout the state, the state's Transportation Department might be the beneficiaries of “one-time” surplus monies. Legislators also are looking at funding water projects.

Illinois

For the first time in decades, the current House Speaker faces a significant challenge as he seeks re-election in the midst of an alleged bribery scandal that has touched his allies. Nineteen members of the House Democratic Caucus have publicly stated that they will not support the incumbent for re-election as Speaker. At this juncture, no candidate has the 60 votes required to elect a Speaker. The 102nd Illinois General Assembly convenes on January 13, 2021.

Key issues:

Revenue and budget: A proposed constitutional amendment to change the state's income tax from a flat rate to graduated rates fell far short of the 60% vote required for ratification. As a result, nearly \$1.3 billion in anticipated revenue for the current fiscal year evaporated. This outcome, combined with other pandemic-related revenue shortfalls, leaves the current budget \$3.9 billion short of authorized appropriations. Therefore, a combination of budget cuts and increases in both taxes and fees is likely to be on the horizon in 2021.

Energy policy: Energy stakeholders anticipated the 2020 session to be when an omnibus energy package would be considered and enacted by the General Assembly. The pandemic's impact upon the legislative session and a deferred prosecution agreement between the U.S. Attorney and Commonwealth Edison, the State's largest electric utility, derailed any serious consideration of the issue. There will be a concerted effort to negotiate and pass major energy legislation in 2021.

Criminal justice reform: The Illinois Legislative Black Caucus has developed a package of criminal and social justice reforms aimed at eliminating systemic racism. Elements of the package include the elimination of cash bail; state licensure of local police officers; education and workforce development; economic access, equity and opportunity; and health care and human services. The Black Caucus has made this package a priority for 2021.

Ethics reform: In the last 18 months, four Illinois legislators have been indicted, and federal investigations into red light camera companies and the state's largest electric utility continue. In early 2019, a Joint Commission on Ethics and Lobbying Reform was created to tackle a variety of these issues. Successful compilation of a Task Force report was impeded by the pandemic. Nevertheless, a major ethics package is certain to be on the docket in 2021.

Indiana

The Indiana General Assembly, the state legislature, will convene for the 2021 budget-making session on January 4 and must conclude its business by April 30. During this time the legislature is required to adopt a two-year budget as well as redraw the legislative and congressional districts.

Key issues:

Budget: This is a "budget" session so the focus will be on adopting a budget to fund the next two years commencing

July 1, 2021. Governor Eric Holcomb (R) and legislative leaders have both expressed support for K-12 education as a top priority—if not increasing than at least maintaining current funding.

Financial reserves: Indiana, like many other states, experienced declining revenues during 2020 so there likely won't be room for many additional programs that have a substantial budget impact. By the time the state ended its 2020 fiscal year on June 30, revenue had fallen \$1.4 billion short of projections, resulting in a budget deficit of nearly \$900 million. That caused the state to dip heavily into its reserves, which had been at \$2.3 billion and now sit at \$1.4 billion—the lowest level since 2011. The Governor has committed to working with the legislature to pass a budget that is not only balanced but also includes substantial reserves for the future.

Infrastructure: The Governor has also committed to continuing large infrastructure projects such as the extension of I-69.

Business: Legislators will look to protect businesses against COVID-19-related lawsuits as well as address a priority of the Governor to increase manufacturing grants to companies that produce health care equipment. Lawmakers will also take a look at energy policy, including the stability and reliability of the electrical grid after the release of a report from an energy task force.

Iowa

After the 2020 General Election, Republicans expanded control of both the state Senate and House of Representatives. Republican Gov. Kim Reynolds will provide her legislative agenda to the full General Assembly in January.

Key issues:

Broadband: With many K-12 schools going online due to surging COVID-19 cases, fixing the lack of broadband Internet in many rural areas will be a top priority. Gov. Reynolds' administration has undertaken ambitious plans to

make broadband more accessible and has directed a large share of federal COVID-19 relief dollars toward bolstering broadband access.

Health care: Policymakers are pushing to allow additional types of medical professionals, including dentists and pharmacy personnel, to administer vaccines when a long-awaited COVID-19 vaccine rolls out. Discussions surrounding telehealth also are likely to continue into the 2021 session as lawmakers look to facilitate better access to health care. Like many rural states, Iowa suffers from a shortage of health care providers in some regions.

Workforce: Iowa's low unemployment rate, even in the face of the pandemic, means the state will continue to find ways to train workers to fill available jobs. To meet growing employer needs, Gov. Reynolds and lawmakers are expected to expand their marquee workforce initiative, Future Ready Iowa. The program provides scholarships and apprenticeship training geared toward specific positions. Legislative leaders also have pledged to reform child care assistance programs that serve low-income workers so that parents don't lose benefits if their wages increase.

Taxes: Gov. Reynolds, who has supported a one-cent increase in the state sales tax, will likely face an uphill battle this year because of the focus on pandemic recovery. The tax increase would fund natural resources, water quality, and outdoor recreation initiatives, as well as provide property tax relief. However, tax cuts remain on the table. GOP legislative leaders have expressed interest in finally implementing income tax cuts passed in 2018 as the state continues its economic recovery.

Kansas

Key issues:

The budget: Budget projections have improved since April, but still indicate a \$152 million shortfall in fiscal year 2021, mostly due to the COVID-19 pandemic. Gov. Laura Kelly (D) releases her budget in January, and has already indicated

that without additional economic support from the federal government, major cuts may be necessary.

Property tax reform: Gov. Kelly vetoed a bill last session that called for more transparency when local governments raise property taxes on residents and businesses, citing administrative burden. With a Republican supermajority in both chambers, a similar bill will likely be attempted this session.

Medicaid expansion: Kansas remains one of a handful of states resisting Medicaid expansion, led by pushback from the ruling conservative majority. Although the Legislature trended more conservative in the 2020 election, the issue is still likely to resurface.

Kansas Emergency Management Act: In response to the COVID-19 pandemic, Gov. Kelly issued a number of executive orders ranging greatly in scope. Republican leadership has pushed back, requesting more control over the orders and their impact on the state.

Redistricting: With the finalization of the 2020 census, veto-proof Republican majorities in both House and Senate will begin to draw legislative and congressional districts. In 2010, this issue was eventually sent to the courts.

Kentucky

The 2021 legislative session is a “short session” consisting of 30 legislative days spanning from early January through the end of March. In response to the coronavirus pandemic, which hit Kentucky in the middle of March of 2020, the General Assembly opted to pass a one-year budget instead of the usual biannual budget passed by the body during the longer, 60-day legislative sessions held during even-numbered years. As a result, this year’s General Assembly will have to pass a one-year budget funding the state government and the services it provides.

While the state’s executive and legislative branches are split between the Democratic and Republican parties

respectively, Republican supermajorities in both the House and Senate grew in 2020, making it that much easier for any vetoes issued by Democratic Gov. Andy Beshear to be overridden by a simple majority of both chambers.

Key issues:

COVID-19: Senate leadership has indicated that liability reform, which would limit a company’s potential exposure to coronavirus related lawsuits, will be a high priority. In addition, legislation has been pre-filed to reduce the governor’s power to impose pandemic-related restrictions on the public via executive order. Proposed legislation calls for any future EOs to expire after 30 days unless approved by the General Assembly for a longer period. Additional legislation seeks to propose an amendment to the Kentucky Constitution that would allow the legislative branch to call a special session of the General Assembly. Currently, this power is only granted to the Governor.

No-knock warrants: Legislation has been pre-filed in both chambers of the General Assembly seeking to ban the use of no-knock warrants within the commonwealth. This type of warrant, which is issued by a judge and allows law enforcement to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell, was used to enter the apartment of Breana Taylor and led to her fatal shooting.

Abortion: Bills that would require a doctor to attempt to save the life of an infant born alive during a “failed abortion” and would give the state Attorney General the authority to regulate abortion clinics will be re-introduced this session. Both measures passed the 2020 General Assembly but were vetoed by the Governor after the conclusion of the session.

Medical Marijuana: The Kentucky House passed a bill in 2020 legalizing the use of marijuana for medical purposes. However, the legislation never received a committee hearing

in the state Senate. Senate leadership has indicated they will treat the issue the same as they have in the past—recognizing the benefits of the product while at the same time looking for more research on its safety based on long-term consumption and the manner in which it is consumed.

Louisiana

Louisiana’s 2020 fall election cycle involved federal races that resulted in the landslide primary re-elections of Republican US Sen. Bill Cassidy and five of the state’s six incumbent US representatives (four Republicans and one Democrat). First-time candidate Luke Letlow, a Republican, was elected in a runoff to replace retiring Republican Rep. Ralph Abraham (LA-5) but he died of COVID-19 on December 29, 2020 before taking office. The lone Democrat in the state’s federal delegation, Rep. Cedric Richmond (LA-2), has announced his intention to vacate his seat and join the Biden administration in an advisory capacity. Thus two special elections will be required.

Louisiana’s 2021 legislative session begins April 12 and must adjourn no later than June 10. Next year’s session is fiscal in nature and legislation will be mostly limited to tax matters. However each lawmaker is allowed to introduce up to five non-fiscal bills, and that can quickly make things interesting.

Key issues:

Gas tax: Renewed efforts to increase the state’s gas tax will take shape early next year. The tax hasn’t been increased in decades and varying approaches on how to tackle this hot-button issue are already emerging. Concepts range from bumping up the sales tax to overhauling the Department of Transportation and Development (DOTD) through renewing a half-cent general sales tax and dedicating all of the revenue to infrastructure needs. Any tax increase will likely meet a good bit of resistance and getting two-thirds of the vote in either chamber—but particularly the House—will be a tall order.

Income tax: Changing individual income tax rates and repealing or reducing corporate income tax rates have been discussed plenty in the past and will be discussed again next spring as part of a potential tax overhaul package.

Redistricting: The subject of redrawing district maps is always a hot one, and it will occur in a special session at some point next year (likely after the regular session adjourns). Next year's approach could get interesting quickly due to the significant amount of first-term legislators who came into office after term-limits thinned the number of veteran members.

Maine

Republicans gained 11 seats in the state House while Democrats increased their margin in the state Senate by one. Even with the Republican gains in the House, Democrats control all of state government and will therefore control the agenda in 2021.

Key issues:

Labor rights: After disbanding in March due to COVID-19, a few legislative priorities died prematurely. LD 900, which would give public employees the power to strike, was among them and will likely resurface in 2021.

Paid family leave: Democrats in Maine are hoping to add to their recent success in the workers' rights area by creating a paid family and medical leave benefits program. The bill would be an unfunded mandate on private companies.

Electoral College: An effort to bind Maine's electoral college votes to the winner of the national popular vote may reemerge this session. It was shot down by Republicans and a handful of Democrats last session.

Maryland

COVID-19 has forced the state House and Senate to implement new procedures for virtual committee hearings, work and voting sessions; and

in-person floor sessions that will take place in socially distanced chambers, with regular sterilization protocols in place. The largely virtual session is sure to present many challenges as the body debates a number of key issues.

Key issues:

Budget: While not as dire as predicted in the spring, the state still faces a budget shortfall and uncertainty caused by the ongoing COVID-19 pandemic. Revenue levels will determine how much can be allocated for recovery and relief efforts and whether the legislature lets several vetoes stand, overrides having fiscal consequences.

COVID-19 recovery and relief:

The pandemic has been extremely damaging for poor and rural families and for small businesses and restaurants. This effort will be a package of bills that focus on providing additional unemployment assistance and fixes to the system to distribute the assistance more reliably; policies to promote telehealth; rent relief and eviction assistance; directing aid to small businesses, in particular restaurants; and policies to promote telework.

Police reform and accountability:

Following recent events involving the inappropriate use of force by law enforcement, the House and Senate implemented two different approaches to examine police reform and discuss potential legislation. Efforts will focus on requiring all law enforcement agencies to use body cameras; improved accountability; and more transparency between law enforcement and the community.

Sports Betting: In November, Maryland voters approved a referendum to authorize sports betting in the state. The General Assembly must pass implementation legislation this session, which includes criteria for eligible applications for a licensee and specifications for the permissible forms, means of conduct and premises of wagering.

Massachusetts

The commonwealth's next two-year legislative session kicks off on January 6, 2021, with Democrats holding supermajorities in both chambers following the 2020 elections.

Key issues:

Fiscal year spending: Massachusetts was one of the last states in the country to adopt a budget for fiscal year 2021, with Gov. Charlie Baker (R) signing the budget on December 11, more than five months into the fiscal year. Budget writers will have to balance the Governor's and legislative leadership's desire to avoid new taxes and the fiscal realities of the COVID-19-related economic slowdown.

Health care: A perennial issue in Massachusetts, lawmakers will likely look at addressing access to behavioral health and primary care, telehealth reimbursements, and funding for community health centers and hospitals as they look to recover from the COVID-19 pandemic.

Sports betting and iLottery: Gov. Baker has filed a bill to legalize sports betting for the past two legislative sessions and State Treasurer Deborah Goldberg (D) has continued her multi-year campaign to create an iLottery in the commonwealth, but the legislature has been unable to pass legislation in either area. However, both issues will face increased attention in 2021, particularly sports betting, as lawmakers search for new sources of revenue to offset expected drops in tax collections.

Michigan

The 2021 state legislative session will start on January 13. Republicans have slight advantages in both the state house and senate, but neither majority is veto-proof. Moreover, the governorship is held by Gretchen Whitmer a Democrat. Compromise is the name of the game in Michigan and the following are a few issues that were brought up in 2020 that may re-emerge in 2021:

Key issues:

Sexual assault advocacy: A bipartisan bill extending the statute of limitations for filing lawsuits relating to sexual assault failed to pass in 2020 and is expected to return in the next legislative session.

Open records: Efforts to subject the Governor and Legislature to open records laws came up two sessions in a row and failed both times. The Governor remains opposed but the effort is likely to be revived.

Elections reform: Prior to the partisan show that took place at the Michigan Legislature following President-elect Biden's victory in the state, both Democrats and Republicans supported election reforms recommended by the Office of the Auditor General. Those reforms may reemerge but in a very different political environment.

Minnesota

The 2021 biennial session will begin on January 5. The constitutional deadline for the end of the 2021 legislative session is May 17. Minnesota will retain the notoriety of being the only Legislature in the nation under split control. The DFL (Democratic-Farmer-Labor) party will control the House by a margin of 70-64, and the GOP will control the Senate with a margin of 34-31-2. The primary focus in 2021 will be the establishment of the 2022-23 biennial budget. The state is facing a \$1.7 billion deficit in the next biennium.

Key issues:

Budget: Gov. Tim Walz (DFL) will present his budget to the state Legislature in late January. Given the state's pending deficit in the next biennium, he will need to find a balance in reducing spending while also offering additional sources of revenue. Tax increases the Walz administration may be considering include increases to the fourth-tier income tax, expansion of the sales tax to business services, and changes to other corporate taxes and deductions. Getting the GOP-controlled Senate to consider any tax increases will be a difficult challenge.

Cannabis: House Majority Leader Ryan Winkler continues to champion the legalization of recreational cannabis. The GOP-led Senate has been a major roadblock to any legalization bills passing the Legislature. The outcome of the 2020 elections likely means the issue will continue to face strong opposition. However, recently the GOP Senate Majority Leader Paul Gazelka has indicated openness to considering a decriminalization proposal.

Health care reform: In 2019, the Minnesota Legislature and Gov. Walz created a Blue-Ribbon Commission on Health and Human Services, its primary purpose being to identify \$100 million in savings over the next biennium. The Commission studied steps toward administrative simplification and waste reduction and also addressed the issue of health equity. While COVID-19 limited the Commission's efforts, a report was generated and presented to the Legislature for consideration.

Mississippi

The state legislative session is scheduled to begin on January 5. The Legislature will consider a few traditional issues of concern, such as protecting tidelands, but will also address a few priority pieces of legislation.

Key issues:

Universal licensure: After enacting universal licensing recognition for military families that were transferred to new bases, the Legislature may go further and extend the recognition to all citizens.

Budget: State leaders are particularly focused on drafting a budget that meets the needs of Mississippi while also addressing the impact of the COVID-19 pandemic. One particular area of focus will be funding early education.

Court reform: In a recent interview, Lt. Gov. Delbert Hosemann (R) noted that his focus will be on judicial reform.

Missouri

Republican Gov. Mike Parson and Republican supermajorities in both the House and Senate of the state General Assembly will control the agenda when the legislative session begins on January 6.

Key issues:

Medicaid expansion: For the past decade, the Republican-led General Assembly has resisted attempts to expand Medicaid in response to the passage of the Affordable Care Act. Last August the voters expanded it through an initiative petition. It is now up to Republican legislators to appropriate those funds. Many Republican leaders have pledged to stymie those efforts.

COVID-19 liability: Republicans will move quickly to pass legislation to provide liability protection to business owners against claims that COVID-19 was contracted in their establishment.

Online sale tax: Missouri and Florida are the only states with a state-level sales tax that have not ratified a sales tax on Internet purchases. The dramatic shift to online sales spurred by the pandemic has increased calls to enact this tax.

Montana

The Montana State Legislature will convene on January 4 for a 90-day biennial session. It will be a hybrid of in-person and remote, with allowances to facilitate remote voting and participation from lawmakers and members of the public.

Republicans will look to deliver on a mandate that allowed the GOP to sweep every statewide race, including capturing the Governor's office for the first time in 16 years, winning all three races for seats on the five-member Public Service Commission, and picking up nine seats in the state House (67-33) and one in the state Senate (31-19).

Key issues:

Budget: Despite challenging fiscal circumstances, Republican legislators are committed to honoring campaign

promises to deliver a flat budget. Any proposal seeking to expand state spending will have a difficult time passing muster, regardless of merit.

Regulatory reform: Republicans will look to endow Gov.-elect Greg Gianforte with broad authority to enact regulatory relief. Model policy calling for a regulatory review commission and “one-in, two-out” rules are picking up steam.

Emergency powers: Republicans believe their electoral success was a direct result of the public’s frustration with government-enforced shutdowns and emergency health orders. Expect to see multiple proposals aimed at curbing the Governor’s emergency powers and the ability of local boards of health to enact regulations without oversight from elected officials.

Small business assistance: According to a statewide survey of banking executives conducted by the Montana Banking Association, 20 percent of Montana’s small businesses are facing bankruptcy in the first quarter of 2021. Without the resources to provide direct aid, lawmakers will look to ease the burden on businesses through COVID-19 liability protections, tort-reform and modifications to workers’ compensation.

Tax relief: Republicans’ biggest priority, tax relief, seems out of reach this year given a challenging fiscal climate. Nonetheless, legislators will look to deliver nominal property tax relief to their constituents.

Medicaid: The GOP will take a second run at work requirements and means testing for Montana’s expansion population after similar provisions were tossed out by the Supreme Court last year. Republicans will also look for additional ways to protect the program against fraud and abuse.

Health care: Lawmakers are looking at a variety of proposals to reduce health care costs through regulatory reform. Expanding telehealth, eliminating certificate-of-need laws, and price transparency are all on the menu.

Tech: The Legislature’s Economic Affairs Interim Committee is studying ways to incentivize broadband expansion and legislation could result from their work. Additionally, the Transportation Interim Committee is studying establishing regulations to govern the use of self-driving vehicles.

Nebraska

The Nebraska State Legislature will convene on January 6. Republicans control the state Senate, the unicameral body’s only chamber. The Governor is Republican Pete Ricketts.

Key issues:

Criminal justice reform: There are several criminal justice reform issues on the table, led in part by Sen. Justin Wayne. With that said, there are also proposals to strengthen penalties for protests that include property damage, violence or blocking roadways.

Budget: Nebraska expects revenues to dip but is encouraged by the state’s cash reserves and influx of federal dollars. Additionally, the state passed an online sales tax last year which was fortuitous in these pandemic times.

Broadband: After a broadband task force was convened a few years ago, the Legislature is focused on addressing unserved and underserved communities.

Nevada

The 2020 election cycle concluded in Nevada the same way as many other competitive states: controversial but conclusive. Joe Biden won decisively over President Donald Trump, but that victory did not appear to come with coattails. Heading into the election, Democrats controlled the State Senate and the State Assembly by 13-8 and 29-13, respectively. When the dust finally settled, Democrats had lost seats in both chambers, settling on 12-9 and 26-16 in the Senate and Assembly respectively. While the party is still firmly in control, the slimmer margins give Republicans more negotiating power, particularly as it pertains to issue of taxation, which require two-thirds of both chambers to pass.

The Legislature meets for 120 days every other year. Its primary role, like all legislative bodies, is to pass a budget that funds the essentials of government until it meets again. In 2021, this will be difficult. The pandemic has hit Nevada hard due to the state’s over-reliance on hospitality and tourism, which have suffered greatly. As legislators work to resolve deep cuts to some of the state’s most basic programs, such as education and health care, pressure will mount for expanded or new revenue sources.

Key issues:

Education: A perennial battle in most state capitals, public education is widely perceived to be substantially underfunded, and Nevada is no exception. Budget cuts will surely test the mettle of education advocates as the economy continues to languish.

Health care: Another perennial bone of contention, health care is the largest state expenditure next to education. The state’s Medicaid program, already one of the lowest reimbursed programs in the country, will face continued pressure against a backdrop of budgetary constraints. A recent boost in the public’s impression of health care due to the pandemic will not be able to offset the issue. We expect to see the Patient Protection Commissions’ bills on telemedicine and payer transparency gain steam as well.

Economy: The Legislature will reach for solutions to help get people back to work. We’d expect any discussion on the economy to include gaming and given the virtual nature of the world today, virtual gaming may be ripe for review.

Cannabis: This industry is blooming, and Nevada leads the pack. The Governor’s Cannabis Compliance Board, with a full year under its belt, will likely arrive at the 2021 Legislature with a list of recommended changes for the industry. Not all of them will be popular, as one might imagine, and the Legislature may struggle with the topic, especially given the hit to tax collections and the boon that cannabis tax revenue is perceived to be.

Redistricting: Due to the late arrival of census data and the severe nature of the budget crises in Nevada, it is likely that redistricting will be pushed off to a special legislative session post the regular session. That said, we expect the political posturing associated with redistricting decisions to weigh on the regular session.

New Hampshire

Republicans control both houses of the General Court of New Hampshire, the state legislature, as well as the Governor's mansion. The new power for Republicans is a result of the November elections. The legislature is scheduled to convene on January 6.

Key issues:

School funding: Going into a budget year many legislators will be focused on funding primary and secondary education, especially in the wake of the COVID-19 pandemic. There will also be bills relating to school vouchers.

Fish and Game Commission: The legislature is likely to take up a bill regarding qualifications to serve on the Fish and Game Commission.

COVID-19: The legislature will be dealing with the fallout of COVID-19 and is not at present even sure the session will open on time or how all members can be present safely at any single time. They are discussing alternative voting procedures.

New Jersey

New Jersey is a Democratic trifecta. The party holds a 25-15 majority in the Senate, a 52-28 majority in the House, and Gov. Phil Murphy is a Democrat.

Key issues:

Cannabis: Both the Democrats in the State Legislature and Gov. Murphy are pushing to pass a bill formalizing recreational marijuana. However, there are differences of opinions on the specifics.

Budget: After legislators were forced to pass stopgap budget legislation, state Democrats will have to grapple with a new economic outlook post-COVID-19.

Social justice: There are a few pieces of legislation combatting systemic racism and addressing criminal justice reform that will be carried over into the 2021 legislative session after not passing in 2020.

New Mexico

The New Mexico Legislature, both chambers of which are controlled by Democrats, is scheduled to convene on January 19.

Key issues:

Cannabis: After several opponents of recreational cannabis legalization were defeated in November, advocates are targeting the 2021 session to pass new bills. Rep. Javier Martinez plans to introduce a legalization bill this session.

Budget: Even through budget projections have improved dramatically since June, legislators will have to operate in an environment in which there is no excess money to play with.

COVID-19: Finally, the Legislature will have to deal with a host of COVID-19-related issues, starting with how to safely operate the Legislature.

New York

Election day in New York ended with numerous races that were too close to call and awaiting the counts from the absentee and mail-in ballots. With all the elections now certified, the Democrats control 43 of the 63 Senate seats, thus giving them a supermajority with the ability to override the Governor. The Assembly has held a supermajority for many years, but having both chambers controlled by Democratic supermajorities is a dynamic Albany has never been seen before.

The other notable result of the election were the victories in the Assembly of some very progressive candidates over

some long-time members. This has the potential to cause issues for leadership as they begin the legislative session with a much more diverse membership, ranging from downstate progressives backed by the Democratic Socialists of America and Working Families Party to Blue Dog Democrats from upstate New York.

In the Senate, there are now 19 members of the majority from outside of New York City, which will keep some of the most progressive policies from passing. But we will have to wait and see how this session plays out. The upcoming legislative session is going to have many new policy initiatives because of the new political dynamic, the rapidly growing budget deficit due to the pandemic and the economic turmoil facing the citizens of New York. The State Legislature plans to take up some extreme measures.

Key issues:

Progressive agenda: We expect to see a tax on the rich in the form of a millionaires or billionaires tax, increased unemployment insurance costs, increased paid family leave and other tax proposals that are being introduced by the progressive caucuses.

Cannabis: We also expect the Legislature to legalize recreational cannabis and mobile sports wagering to increase tax revenue.

Health care: There will be proposals to move to a single-payer health system, cut costs of prescription drugs and promote coverage for telehealth services.

Criminal justice and housing

protection: We expect to see proposals on criminal justice reform and housing protections for all tenants in New York, but especially in the New York City area, to avoid evictions and inflated rents.

There will be many more progressive proposals floated in the Legislature due to the election of numerous progressive candidates, but we expect

their influence to be balanced out by the increase in upstate and suburban Democrats in both houses.

North Carolina

The North Carolina General Assembly, the state legislature, officially convenes for its long session on January 13, 2021, for an organizational day to officially elect leaders before disbanding and then returning to Raleigh on Wednesday, January 27, to begin its legislative work.

Republicans remain in charge of both legislative chambers, though they won't have a veto-proof majority in either the House or Senate. November's election resulted in a 4-seat gain for Republicans in the House and a 1-seat gain for Democrats in the Senate. In 2021, House Republicans will have 69 seats; the House Democrats 51. Senate Republicans will hold a 28-22 edge over Democrats.

Without a veto-proof supermajority, it will be nearly impossible for Republicans to override gubernatorial vetoes, as they learned in the 2019-20 session, which ended without an enacted budget. The biggest unknown for the 2021 session is whether Republicans will be able to build a strong enough consensus with Democrats on budget items to allow the Governor to sign it or, failing that, a strong enough consensus with the Democrats to join them in overriding a vetoed budget should that occur again.

Two main issues will consume the legislature's time. One is the state budget. While no hard numbers have been made public yet, the consensus among legislative leaders and the administration is that the state will be dealing with some sort of deficit, albeit not one as severe as many other states are facing. Due to the lack of a budget being enacted in the 2019-20 session, there is unspent revenue that can be used to supplement revenue for the upcoming session. The other issue is redistricting. In the last redistricting, North Carolina was embroiled in a number of lawsuits that

resulted in a court-ordered redrawing of Congressional and state legislative districts. The redistricting process in 2021—for state legislative districts, the existing 13 congressional districts and at least one new congressional seat due to population growth—should be similarly contentious.

Democratic Gov. Roy Cooper's priority remains expansion of Medicaid. However after Republican legislators blocked the effort in his first term, the Governor convened a high-powered bipartisan commission tasked with proposing measures to improve health care access through consensus legislation. The commission will finish its work by the end of January, when the General Assembly begins its session in earnest. The goal is to provide recommendations on where consensus is possible, or at least some agreed-upon path forward.

Key issues:

COVID-19 Relief: Would include allocation of additional federal funds, but may also include changes to the state's unemployment system.

Education: Will include dealing with failures in remote learning due to lack of connectivity, school reopening plans and teacher pay.

Redistricting: Will include mapping all 170 state legislative districts and the 13 existing, and any additional, congressional districts.

Rural economic development: Will include further discussion of rural-versus-urban economic development priorities; focus will likely be on bringing broadband access to underserved areas.

Election law changes: Will likely include a change to who is in charge of administering future elections, even though the state's election turnout was a record 75 percent of registered voters, including more than 1 million people who voted by mail. Early reports state that the Republican-controlled legislature will propose an oversight

board for the State Board of Elections. Other election law changes could be included as well.

Criminal justice reform: Will include discussion of legislative and municipal recommendations from the Task Force for Racial Equity in Criminal Justice convened by Gov. Cooper following the George Floyd protests. Turning the recommendations into reality will require cooperation from all levels of government and support will have to be bipartisan. Democrats control most of the state's biggest cities and counties. Republicans control the legislature. And the courts are separate from either.

North Dakota

North Dakota is one of four states in which the legislature meets biennially in odd-numbered years. The 2021 session is set to begin January 5, 2021. All 13 statewide offices are held by Republicans, as well as 40 of the 47 Senate seats and 80 of the 94 House seats. With a supermajority in both houses, the Governor will have to work closely with legislative leadership to advance his 2021-23 budget proposals.

Key issues:

2021-23 biennial budget: Gov. Doug Burgum unveiled his \$15 billion budget proposal for the next two years. It includes \$700 million for infrastructure revolving loans for political subdivisions and another \$323 million for transportation, bridge and community grant projects. General budget coffers have remained stable during the pandemic and oil industry slowdowns. However, there is much uncertainty about state revenues going into 2021 and beyond. Legislators in both houses are gearing up for another battle with the Governor, mainly focused on executive powers and authority (legislative vs. executive), giving the Governor's budget and his second term a rocky ride.

Legacy Fund: The state's Legacy Fund, which was created by constitutional amendment in 2010 and directs 30 percent of monthly oil and gas

tax revenue to a savings account, now totals more than \$7 billion. The earnings (\$400 million biennium) are automatically directed into the state's General Fund. There will be many bills and proposals directing where the Legacy Fund earnings should go, including COVID-19-related programs, infrastructure bonding and UAS development incentives, among others.

Oil and gas update: Nearly half of North Dakota tax collections are attributed to the oil and gas industry. Even with the pandemic and the global slowdown of oil consumption, North Dakota produces more than 1.2 million barrels of oil per day and the energy industry remains a large part of the state's economy.

Ohio

The Ohio General Assembly, the state legislature, is scheduled to convene on January 4. Republicans handily control both the House and Senate as well as the Governor's office. Expect Republicans to coalesce around a few specific issues.

Key issues:

Education funding: Lawmakers are pushing hard to revamp the state's education funding system. Last session, the House passed a measure to amend the funding formula but it died before the Senate could come to an agreement. All sides expect to take up the issue this year.

COVID-19: A group of state legislators are wary about additional lockdowns even as cases and deaths rise. Gov. Mike DeWine may impose additional lockdowns which could cause infighting at the Statehouse. The legislature may also look at additional economic stimulus.

Budget: The legislature will begin work on its next two-year operating budget, due next summer. The pandemic may necessitate significant cuts and a dip into the state's rainy day fund, a contrast to the budget passed in 2019, when legislators got to brag about cutting taxes and increasing education funding.

Oklahoma

The Oklahoma Legislature will convene on February 1. Republicans have firm control of both the House of Representatives and the Senate. Gov. Kevin Stitt is also a Republican. The partisan trifecta is likely to hash out several policy proposals before bringing them to the floor.

Key issues:

Medicaid expansion: The Legislature will be debating how to fund a Medicaid expansion in the state. This is the top-line issue on the agenda given it was approved by voter referendum.

COVID-19: As cases continue to rise in the state, Gov. Stitt has issued new executive orders relating to social distancing in restaurants and late evening bar closures. The Legislature is likely to debate how to respond to COVID-19 as well, most immediately how to operate safely at the Capitol.

Budget: The Legislature is required to pass a state budget. And with lawmakers bracing for a hefty budget shortfall, caused by the pandemic's impact on the economy paired with a downturn in the oil and gas industry, the process will likely be more contentious than usual. Notably, the Governor will not support tax increases, which means cuts are coming.

Oregon

The Oregon Legislative Assembly, the state legislature, is convening on January 11 under control of a Democratic trifecta. Democrats hold single-digit seat advantages in both the House and the Senate in addition to holding the Governor's office.

Key issues:

COVID-19: After closing the Oregon State Capitol to lobbyists and the public during the most recent special session and paying a political price for it, Democratic leadership are working on how to conduct sessions safely. Additionally, many legislators are looking at ways to support small businesses and the hospitality sector.

Budget: The recent revenue forecast was significantly better than expected. As a result, the 2021 legislature will not have to further rebalance the state budget before the current fiscal period ends June 30.

Health care: Several health care measures will come up for debate specifically to address equity issues. One such measure would create a public option.

Pennsylvania

The COVID-19 pandemic, which has resulted in unpredictable public revenues and uncertain spending needs, compelled the Pennsylvania General Assembly, the state legislature, to return to a rare *sine die* session this past November to complete an appropriations plan for the remainder of the 2020-21 fiscal year.

Key issues:

Election Code: Major changes to the Election Code are rare in Pennsylvania. The state saw significant changes to its Code in 2019 and 2020, including an end to straight-ticket voting and the institution of no-excuse mail-in ballots. Errors, inconsistency in the ways in which counties implemented mail-in balloting, questions regarding guidance issued from the Department of State, partisan arguments regarding auditing of the 2020 elections, and rampant litigation have resulted in legislative leaders in both chambers of the General Assembly publicly announcing that Election Code clarification will be a major priority in the first quarter of 2021.

Regional Greenhouse Gas Initiative: Pennsylvania's Environmental Quality Board voted in September 2020 to adopt a regulatory package backed by Gov. Tom Wolf that would allow the state to become a signatory to a compact known as the Regional Greenhouse Gas Initiative (RGGI). Backed by environmentalists as a limiter of carbon emissions and a method to reinvest in communities and green energy technology, RGGI has been roundly criticized as destructive to traditional energy producers, the

workers who rely upon them, and the ratepayers who would bear the brunt of the additional costs. A public comment period for the Environmental Quality Board's regulatory package closes in January 2021. Gov. Wolf vetoed a bill in September 2020 that would have required legislative authorization to join RGGI; further legislative activity is anticipated in the first quarter of 2021.

Transportation: Despite an infusion of new revenue from a Tax Code change in 2013, the Pennsylvania Department of Transportation in 2020 announced a major revenue shortfall and requested authorization to borrow \$600 million prior to state budget negotiations this past November to safeguard the cash flow needed to maintain public transit and highway/road construction projects. The State Treasurer has pledged to float the needed revenue to maintain the Motor License Fund's cash flow through fiscal year 2020-21, but a long-term solution for sustaining Pennsylvania's transportation funding needs will be a major priority for the General Assembly in 2021.

Rhode Island

On January 5, 2021, the State of Rhode Island General Assembly will begin its legislative session. 2020 was an election year for all 113 members of the legislature. The Democratic Party will hold supermajorities in both chambers; the 38-member Senate has 33 Democrats and 5 Republicans, and the 75-member House has 65 Democrats and 10 Republicans. House Speaker Nicholas Mattiello was defeated in the general election by his Republican opponent. Incumbent Majority Leader Joseph Shekarchi has the endorsement of the House Democratic Caucus to be the next Speaker. The vote will take place on the first day of the 2021 session.

Key issues:

Financial outlook: The Governor and House leadership are expecting to have to close a \$275 million deficit for fiscal year 2022. The budget gap is

being driven by a continuing structural deficit and the effects of the pandemic on an economy heavily weighted in the service/hospitality/tourism industry. Budget deficits have become a perennial problem in Rhode Island, where state spending is now about \$12 billion annually, including federal funding.

Health care: The pandemic has been a major financial challenge for both of Rhode Island's biggest hospital groups. Rhode Island Hospital parent Lifespan posted a \$21 million profit for the 2019-20 fiscal year, bolstered by almost \$190 million in federal and state CARES Act funding, enough to more than offset its pandemic-related losses. Care New England, the state's second-largest health care system, reported a \$13 million loss for 2019-20, due in part to the fact CARES Act dollars were less likely to go to specialty hospitals, such as its Women & Infants Hospital of Rhode Island. Lifespan and Care New England continue talking merger, with the goal of reaching a definitive agreement by the end of January.

Cannabis: Last year, Gov. Gina Raimondo included in her proposed state budget the legalization of recreational marijuana. Ultimately, the General Assembly, which has yet to enact the fiscal year 2021 budget, will not include this in the current budget deliberations. The new leadership in the House and the current leadership in the Senate have both indicated that they intend to take up the legalization issue in January for the fiscal year 2022 budget. Gov. Raimondo has indicated that she will again propose a plan to legalize marijuana in the upcoming 2021 legislative session.

South Carolina

The South Carolina General Assembly, the state legislature, will return to work on January 12 to begin the first year of the two-year session and, like many other states, will face challenges conducting legislative business while managing COVID-19 contagion risks. Legislative leaders indicate there will be

fewer in person committee meetings, pushing consideration of lower-priority issues into 2022.

Key issues:

State budget: With the state operating under a continuing resolution since last session, one of the top priorities will be passing a 2021 state budget. Although the large budget surplus from 2019 has been depleted, the state's economy and fiscal situation has fared better than most through the pandemic. Current budget forecasts show continued revenue growth and there remains a surplus of non-recurring revenue in excess of \$900 million.

Santee-Cooper: The future of the state-owned electric utility was not resolved in 2020 and will likely be taken up by the House early in this session. The options on the table include restructuring Santee-Cooper's current management, selling it to an investor-owned utility or hiring another utility company to manage it. Gov. Henry McMaster (R) and the House leadership have been critical of the company's management and are open to a sale, while the Senate has yet to reach a consensus on the issue.

Rural and broadband expansion:

Expanding access to broadband in rural and other unserved communities remains a top priority for lawmakers in both parties, education leaders and the business community. Legislation providing statutory clarity for electric cooperatives to provide broadband service and establishing a statewide framework for 5G deployment for cities passed last session and were signed into law.

COVID-19 business liability

protection: Both the House and Senate are expected to take up legislation that would provide temporary liability protection for companies operating during the COVID-19 pandemic. Although this has been a top priority for business and industry, the trial lawyer lobby was able to stall passage of a bill during the shortened 2020 session.

Fetal heartbeat legislation: An expanded Republican majority in both chambers will push for legislation restricting abortions. Opponents predict a court fight will follow the passage of any legislation.

Medical marijuana: The Compassionate Care Act began gaining support in the House and Senate last session and will likely be taken up again in committee this session. However, with vocal opposition from both the Governor and state and local law enforcement, passage is still an uphill climb.

Redistricting: There are nearly 600,000 additional people who have moved to the state since the last census, auguring some major changes in legislative and congressional districts, particularly along the coastal regions and the counties below Charlotte, where the state has seen the bulk of its population growth. The time-consuming map-drawing process will occupy much of the late session months.

Hate crime legislation: South Carolina is one of only three states that does not have hate crime legislation on the books. The South Carolina business community and Chamber of Commerce are backing legislation that has been pre-filed to address this.

South Dakota

The South Dakota Legislature is scheduled to convene on January 14. Republicans hold supermajorities in both houses and also control the governorship. The following are three issues likely to come up this year.

Key issues:

Mental health: The Mental Health Delivery Services Task Force has several proposals to bring in 2021. One promising proposal is a Virtual Crisis Care pilot program. It would equip South Dakota law enforcement and court service officers in 23 counties with the ability to communicate with individuals through video conferencing through Avera eCare, a leading

telehealth network based in Sioux Falls, SD, in order to de-escalate in moments of crisis.

Taxes: Even in the midst of a pandemic, there are those at the state capitol, especially representatives of the agricultural industry, that aim to lower taxes, specifically property taxes

Maternal health: The record number of women joining the ranks of the legislators will bring a new focus to “women’s issues,” including maternal health equity.

Tennessee

The first session of the 112th General Assembly will feature many items left on the table in 2020 after the legislature’s focus shifted to the pandemic. Following the November elections, Republicans maintained their supermajorities in both chambers with no significant changes in leadership posts.

Key issues:

Criminal justice reform: Republican Gov. Bill Lee’s administration is likely to again pursue legislation that would reform parole and probation eligibility. Such a proposal is expected to promote alternatives to incarceration, such as recovery courts, and limits on the state’s ability to revoke supervision for minor violations of release conditions. The bill may also mandate reentry supervision, and not just for prisoners released on parole but also those who serve their full sentence.

Early childhood literacy: A stalled initiative to move Tennessee’s schools to phonics-based reading standards will be revived. The new legislation will likely include provisions and funding for aligned curriculum and instructional materials, professional development for current and future teachers, and recurring assessments for early elementary students.

Health care: Longstanding disputes among health care stakeholders are likely to come to the forefront again. Those items include proposals to reform

the state’s certificate of need program, the permitting process for establishing or modifying healthcare facilities and services, and modifications to “balance billing” by out-of-network providers.

Texas

The Texas Legislature begins its 140-day biennial session on January 12, 2021. Capitol leaders are still considering how to conduct the session and manage access during COVID-19. The House will quickly vote on a new Speaker to replace retired Speaker Dennis Bonnen. Republicans will have an 83-67 majority in the Texas House and an 18-13 majority in the Senate. State Rep. Dade Phelan (R-Beaumont) is the presumptive Speaker. First elected in 2014, Phelan, a fourth-generation commercial real estate developer, is a former legislative staffer and current chairman of the powerful State Affairs Committee.

Texas lawmakers have two must-dos for 2021: passing a balanced two-year state budget and redistricting. Texas has no state income tax, instead relying on sales, business franchise, and oil and gas taxes. State revenues have been hit by both COVID-19 and depressed energy prices. In May, all state agencies were instructed to reduce their budgets by 5 percent. Sales tax revenues fell by 4.8 percent in the second half of 2020 and other sources, such as taxes related to alcohol, hotel occupancy, and oil and gas, were down more than 40 percent in the same period this year.

Key issues:

Budget: Texas is facing a \$4.6 billion shortfall in the current 2020-21 budget and billions more heading into the 2022-23 budget cycle. The Texas economy has rebounded some since the summer and Texas has a rainy day fund approaching \$10 billion. Ongoing budget drivers include an \$11.6 billion public education bill, enacted in 2019, which includes new public school spending and property tax relief.

Liability reform: Look for Texas to take up liability protection for COVID-19 as well as tort reforms to address a rise in trucking-related lawsuits.

Broadband: Broadband and IT modernization will be priorities as a result of recent challenges around working from home, online school instruction and the Spring 2020 crash of the state's unemployment insurance computer servers.

Criminal justice: Lawmakers have filed a number of police and law enforcement reform bills for 2021.

Cannabis: To help the state address revenue shortfalls, look for legislation aimed at legalizing, or seeking voter approval to legalize, cannabis.

Utah

Utah will have a new governor, with Lt. Gov. Cox (R) replacing current Gov. Gary Herbert (R). We expect significant changes in department/agency leadership. Gov. Herbert served as Lt. Governor to former Gov. Jon Huntsman Jr for five years (2005-09), completed Huntsman's second four-year term and ran twice (for election and re-election). Many current department/agency heads and their subordinates have significant ties to the Huntsman and Herbert administrations, but some are retiring and others have served in one to three administrations and will likely be replaced by Gov. Cox to add fresh blood.

Meanwhile in the Utah State Legislature, the House and Senate maintained veto-proof Republican majorities. The House only saw one seat flip. There were none in the Senate. (Utah also flipped one seat (to Republican) in the US Congress, so all of the state's federal delegation are Republicans.)

It is currently unknown whether Utah's 2021 general session will be conducted live or virtually. The session starts January 29 and ends on March 5. Most legislation is not yet numbered. There are bill requests of which the titles are public and others whose titles are currently protected and may not be known until they are numbered and publicly released.

Key issues:

Based upon what is currently known, there will be legislation concerning data privacy, election processes, pandemic issues ranging from stimulus programs to vaccine-related issues to price-controls during emergencies, air quality, education reform and funding, and numerous tax matters—although a major tax reform package does not currently appear to be on the table.

Vermont

The Vermont General Assembly, the state legislature, is set to convene on January 6 and to wrap in early May, although there is some talk of starting remotely, suspending the session for a time and then coming back and continuing in person later in the year when things are "safer." The Democrats lost a couple of seats in the House and one in the Senate but still have solid, veto-proof majorities. The 2021 session will open with new leadership, including a new Lt. Governor, Speaker of the House, House Majority Leader, Senate President Pro Tem, Senate Majority Leader and Chair of the House Ways and Means Committee—all of whom are women.

Key issues:

COVID-19/Budget: Issues number one, two and three will be COVID-19, COVID-19 and the state budget. Because the legislature will be operating remotely at the beginning of the session, it is expected that lawmakers will avoid delving into controversial issues that require lots of testimony in order to focus on budget and revenue challenges.

Taxes: Property taxes will be an issue this year. The drop-off in tax collections from visitors to the state has created a \$30 million hole in the education fund that will need to be filled.

Workforce: The pandemic has exacerbated Vermont's serious workforce crisis and despite the minimum wage increases that were passed last year, we can expect other workforce-related legislation this year.

This is particularly so in the health care sector, where there is a critical shortage of nurses and other frontline workers, but it also includes IT workers, manufacturing workers, delivery drivers, you name it. There is hardly a business sector that isn't seeing some level of labor shortage.

Climate change: Last session, the legislature passed—and then the Governor vetoed—a Global Warming Solutions Act. The legislature promptly overrode the veto and all eyes will be on the implementation of this bill. In the meantime, legislators will likely seek to enhance the state's weatherization efforts.

Transportation and Climate Initiative (TCI): Supported by the legislature and designed to create a cap-and-invest program that puts a price on the carbon emissions from transportation, the initiative is on the Governor's desk. If the administration does not sign on to it, expect some legislators to try and force his hand.

Virginia

Democrats control both chambers in the state's General Assembly, holding an eight-seat majority in the House of Delegates and a two-seat edge over Republicans in the Senate. The 2021 session is scheduled to start Jan. 13 and to end 30 days later. All 100 House seats and three statewide offices will be decided in November.

Before heading into the 2021 election season, Democratic Gov. Ralph Northam and his party's majority in the legislature will look to build on policy victories secured in the 2020 session.

Key issues:

Criminal justice: Multiple proposals aiming to reform the commonwealth's bond, parole and capital punishment systems have been filed. Democratic legislators have pushed for easing prison terms, particularly for juvenile and geriatric offenders; eliminating cash bail for misdemeanors that carry a potential jail term; and eliminating the death penalty for state crimes.

Marijuana legalization: Gov. Northam has joined numerous Democratic legislators in expressing support for legalizing marijuana.

Redistricting: A constitutional amendment recently approved by voters will require legislative leaders to delegate the actual drawing of districts to designees on a newly constituted commission.

Budget: Legislators are likely to face ongoing pandemic-related pressure on revenue and spending plans in the commonwealth's two-year budget plan.

Washington

The Washington State Legislature will convene on January 11. Democrats hold majorities in both the House and Senate and Gov. Jay Inslee is a Democrat.

Key issues:

COVID-19: The State of Washington has been proactive in supporting its citizens amid the pandemic. When 100,000 people lost unemployment benefits due to inaction by the federal government, the state stepped in with \$54 million to fill the gap.

Taxes: Gov. Inslee has proposed several tax changes in his 2021-23 budget, including a capital gains tax at the state level. The taxes will be used to fund a host of pandemic-related proposals, including business grants and unemployment services.

Budget: The House Appropriations Committee has begun its work on the budget after Gov. Inslee released his proposal. According to a committee staff member, over 90 percent of the budget is allocated to seven areas, the largest being public schools, which accounts for over 50 percent.

West Virginia

Key issues:

Education: In recent years, the West Virginia Legislature has been very proactive in reforming education and newly minted Republican supermajorities in both chambers

are poised to continue those efforts. In recent years there have been two statewide teachers' strikes which, coupled with very large failed political efforts by unions during the 2020 elections, will lead to efforts by the Legislature to authorize education savings accounts (ESAs), which set aside taxpayer dollars for students who are leaving public school for private schooling, and further expand the state's charter school law to allow additional authorizing authorities.

Budget: West Virginia's state budget has weathered the COVID-19 crisis quite well in comparison to initial expectations and other states' difficulties. Revenue projections in the state continue to exceed monthly estimates placing the state in decent fiscal health leading in to the 2021 legislative session. West Virginia will not see the massive budget crunches expected in many state capitols around the country.

Tax reform: Ideas are being floated about various ways to reform the state's personal income and business tax structures. The state is continuing to flirt with the idea of eliminating its personal income tax but specific plans on how to implement that have yet to surface. There will be another effort to repeal the state's machine and inventory tax as West Virginia is one of the only remaining states to have that tax. The Legislature is considering efforts to place various tax-related matters on the ballot to take specific taxes out of the state constitution and into the hands of the Legislature.

Court reform: After several previous attempts at creating an intermediate appellate court system, the Legislature will have a friendlier environment with Republican supermajorities when it again attempts this structural reform. The creation of the intermediate court will be a top priority for legislative leadership.

Relaxation of government

restrictions: West Virginia was under Democratic control for many generations but recent successes by

Republicans at the ballot box will lead to an overarching theme: the relaxation of broad government restrictions on a variety of fronts. The Legislature will continue looking at matters related to COVID-19 mandates, occupational licensing reforms, repealing an existing mandate that casinos with table games also offer greyhound racing, and every other conceivable area where the government plays a role in restricting businesses and personal liberties.

Wisconsin

Wisconsin's political environment for the 2021-22 legislative session is nearly identical to the 2019-2020 session, with strong Republican majorities in both chambers and Democratic Gov. Tony Evers in the second half of his four-year-term.

Key issues:

Budget: Although Wisconsin is in better financial condition than many states, ending the current biennium with over \$1.3 billion in general revenue available and \$.75 billion in the state's rainy day fund, the state could face a nearly \$2 billion structural budget deficit at the end of the 2021-23 biennium if revenue projections don't improve. Gov. Evers plans to introduce his biennial budget on February 16, 2021. The budget will then be sent to the Republican-controlled Joint Finance Committee which has two new co-chairs for the first time in four budget cycles, with Sen. Howard Marklein (R-Spring Green) and Rep. Mark Born (R-Beaver Dam). Gov. Evers' has said his budget will focus on COVID-19 recovery and that health care, education and infrastructure are going to be the cornerstones of the recovery.

Election Reform: Republicans have begun holding public hearings on concerns that the Wisconsin Election Commission and clerks mishandled the 2020 election. A package of election reform initiatives is expected early in 2021.

Appointments: Only nine of Gov. Evers' fifteen major cabinet appointees were confirmed in the first legislative session

of his four-year term. One nominee, former Secretary-designee of the Department of Agriculture, Trade & Consumer Protection Brad Pfaff, was not confirmed by the Senate, and was subsequently elected to that body. He begins in January. Gov. Evers fired his Secretary of Workforce Development for failing to fix a problem of backlogged unemployment insurance checks. Six cabinet secretaries are

currently serving unconfirmed, including the Secretaries of the Department of Health Services and the Department of Transportation.

Wyoming

The Wyoming Legislature will convene in January only to swear in new members and determine when and how to kick off the session in February or March.

Key issues:

Budget: In a likely shortened session, addressing Republican Gov. Mark Gordon's budget and proposed \$500 million in cuts will be its top priority.



Legislative Dates to Watch

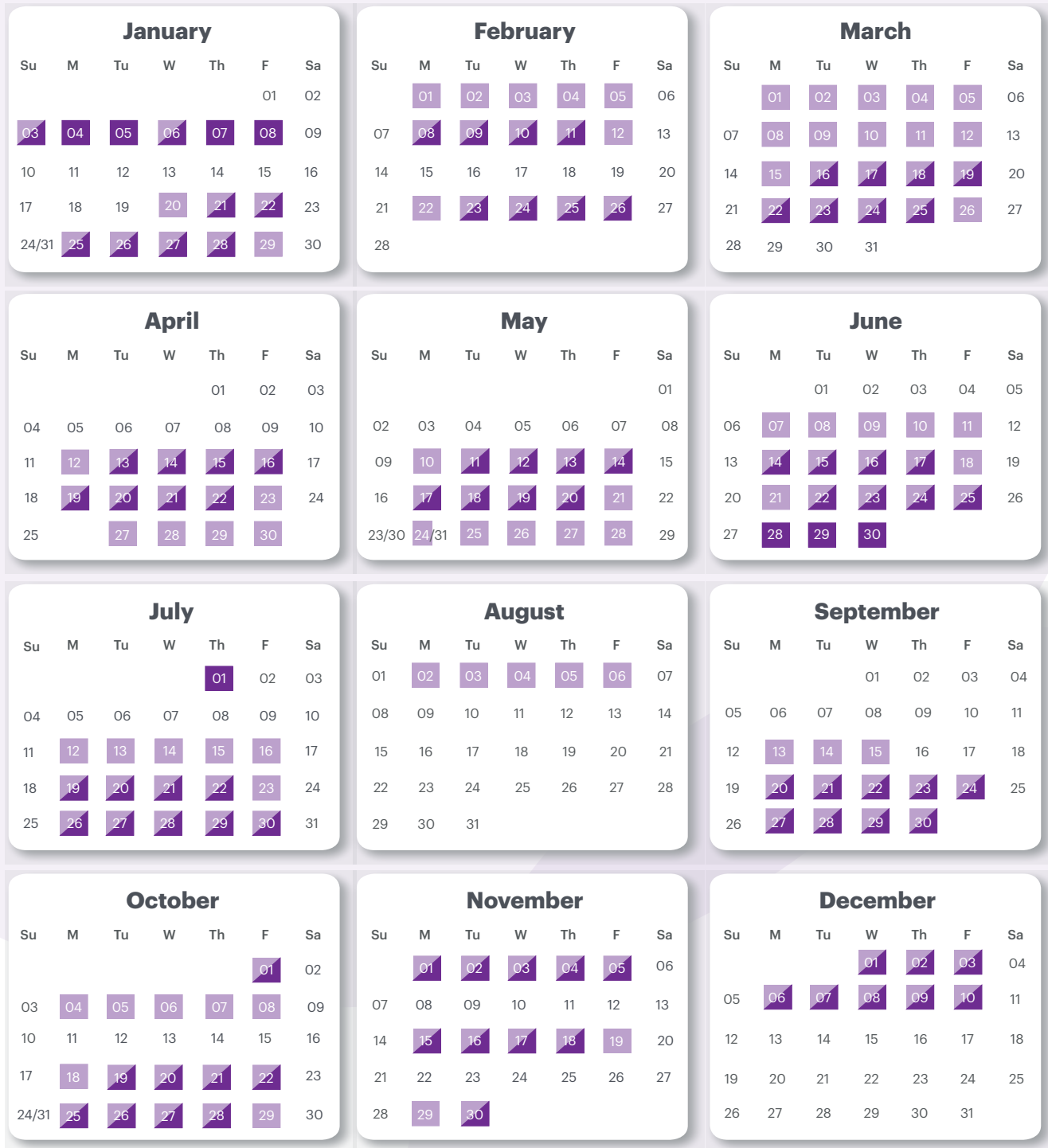
SEVERAL COVID-19 RELIEF PROGRAMS EXPIRE EARLY THIS YEAR

End date	Program
Jan. 31	Student loan repayment and interest accrual suspension expires Eviction moratorium expires
Feb. 1	Statutory deadline for president to submit budget proposal to Congress – often missed
Mar. 14	Extra \$300 per week federal pandemic unemployment benefit expires, along with: <ul style="list-style-type: none"> • Pandemic Unemployment Assistance benefits, which are available for as long as 50 weeks • Pandemic Emergency Unemployment Compensation program available for 24 weeks • An additional \$100 weekly jobless benefit to eligible self-employed individuals • Full federal funding to qualifying states for the Extended Benefit and work-sharing programs
Mar. 31	Several coronavirus responses measures expire, including: <ul style="list-style-type: none"> • Paycheck Protection Program • Suspension of Medicare sequestration • Employer tax credits for providing emergency sick leave and family leave • Federal contractor reimbursements for paid leave

OTHER 2021 KEY DEADLINES AND EXPIRATIONS

End date	Program
Jun. 30	5% benefit increase for Supplemental Nutrition Assistance Program ends
Jul. 1	Employee retention tax credit expires
Aug. 1	Debt limit comes back into effect
	Treasury Department can use "extraordinary measures" to extend deadline
Sept. 30	Fiscal 2021 funding and other major programs expire, including: <ul style="list-style-type: none"> • Surface transportation authorization (FAST Act) • National Flood Insurance Program • Transportation Security Administration • Temporary Assistance for Needy Families
Dec. 31	<ul style="list-style-type: none"> • Several tax extenders, including for energy and mortgage insurance premiums, expire • \$300 above-the-line individual charitable deduction expires • Availability of Covid-19 pandemic emergency rental assistance funds expires • 3.75% increase in Medicare physician fee schedules ends • Spending deadline for state and local governments that received CARES Act payments • Payment deadline for workers who had federal payroll taxes deferred due to pandemic

Legislative Calendars



Senate scheduled to be in session
 House scheduled to be in session
 House and Senate scheduled to be in session

NEED THESE DATES IN OUTLOOK?

To download the entire 2021 US Policy Scan congressional calendar and key dates directly into your Microsoft Outlook calendar [click here](#).



State Legislative Calendar

AS OF DECEMBER 22, 2020

REGULAR SESSION			REGULAR SESSION			REGULAR SESSION		
State	Convene	Adjourn	State	Convene	Adjourn	State	Convene	Adjourn
Alabama	February 2	May 18	Maryland	January 13	April 12	Rhode Island	January 5	*
Alaska	January 19	April 19	Massachusetts	January 6	*	South Carolina	January 12	*
Arizona	January 11	April 23	Michigan	January 13	*	South Dakota	January 12	March 29
Arkansas	January 11	March 12	Minnesota	January 5	May 17	Tennessee	January 12	May 6
California	January 11†	September 10	Mississippi	January 5	March 15	Texas	January 12	May 31
Colorado	January 13	May 13	Missouri	January 6	May 30	Utah	January 19	March 5
Connecticut	January 6	June 9	Montana	January 4	April 28	Vermont	January 6	May 15
Delaware	January 12	June 30	Nebraska	January 6	June 10	Virginia	January 13	February 27
Florida	March 2	April 30	Nevada	February 1	June 1	Washington	January 11	April 25
Georgia	January 11	April 2	New Hampshire	January 6	June 28	West Virginia	January 13	April 10
Hawaii	January 20	May 9	New Jersey	January 12	*	Wisconsin	January 12	*
Idaho	January 11	April 2	New Mexico	January 19	March 20	Wyoming	January 12	March 4
Illinois	January 13	*	New York	January 6	*	American Samoa	TBD	TBD
Indiana	January 4	April 29	North Carolina	January 13	July 30	District of Columbia	January 2	December 31
Iowa	January 11	April 30	North Dakota	January 5	April 28	Guam	January 11	*
Kansas	January 11	May 14	Ohio	January 4	December 31	Northern Mariana Islands	TBD	TBD
Kentucky	January 5	March 30	Oklahoma	February 1	May 28	Puerto Rico	January 11	*
Louisiana	April 12	June 10	Oregon	January 19	June 28	Virgin Islands	January 11	*
Maine	December 2	June 16	Pennsylvania	January 5	December 15			

*Legislature meets throughout the year

†California's session was supposed to convene on Dec. 7 but was postponed due to COVID-19

Source: National Conference of State Legislatures

Dentons Dialogue

US Policy Perspectives

Dynamic conversations on front burner policy issues

Dentons' Public Policy practice is pleased to debut Dentons Dialogue: a weekly series of dynamic conversations breaking down front burner policy issues around the US.

Bringing together key political and industry leaders, these fast-paced perspectives will provide coverage from various viewpoints to keep you up-to-speed on key sectors and issues.

Each webinar will focus on a different topic, dialing-in on the surrounding policy issues. A schedule of our upcoming Dentons Dialogue sessions may be found on this page.

Stay in touch

We hope to see you during future installments in the Dentons Dialogue series. To stay in touch and receive updates directly to your inbox, please use the link below.

We value your feedback and encourage you to also submit questions and suggested topics of interest for consideration in future programs.

[Stay in touch](#)

Dentons Dialogue: US Policy Perspectives

Join us Fridays from 3 -4 pm ET for our weekly Dentons Dialogue segments

Date	Time	Topic
1/15/2021	3-4 pm ET	Federal Overview
1/22/2021	3-4 pm ET	State of Politics
1/29/2021	3-4 pm ET	COVID-19
2/5/2021	3-4 pm ET	Climate and Energy
2/12/2021	3-4 pm ET	Health Care
2/19/2021	3-4 pm ET	Technology
2/26/2021	3-4 pm ET	Smart Cities and Infrastructure
3/5/2021	3-4 pm ET	Financial Services and Housing

[Register here](#)



PUBLIC POLICY

Dentons' national team includes lawyers and professionals with experience in federal, state and local government with specialists in public policy, law, business, and public affairs. We help clients to anticipate, mitigate, and leverage matters of government through innovative, holistic public policy and regulation strategies. Our team blends core regulatory, legislative, and political experience across key industry sectors with practical guidance and a balanced perspective on domestic and global policy and regulatory initiatives that are important to you and your business.

KEY CONTACTS

For more information about key dates in the year ahead or to discuss your strategic planning for 2021, please contact any member of Dentons' Public Policy team, or your Dentons lawyer or professional.



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*Davis Brown is expected to combine with Dentons and become Dentons Davis Brown in the near future.



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