100 Days of Congress

An overview of key congressional actions in the first 100 days of the 116th Congress

April 2019

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Roadmap

- Congressional productivity
- Prescription drug pricing
- Green New Deal
- Mueller report
- Look ahead
Congress voted on 116 bills in their first 100 days, but only 13 became law

Number of bills by final status

They’ve been busy here in the first part of the Congress sending us things that have — shall I say — no potential in the Senate. And I understand that there’s a new majority. They want to lay out, you know, how they feel about things.”

– Senate Majority Leader Mitch McConnell (R-KY)

From passing the #ForThePeopleAct to introducing to make affordable health care available to 13 million people, @HouseDemocrats have put the issues facing American families at the heart of our first #100DaysForThePeople – and there’s only more to come.”

– Speaker of the House Nancy Pelosi (D-CA-12), on twitter

The Senate has focused on confirming Trump’s nominees and has not taken up a number of House bills for a vote

Senate confirmations of nominees in the first 100 days of each Congress

- The Senate voted 51-48 on a rule change in April to speed up confirmations of sub-Cabinet level nominees and district court judges.
- Previous rules required at least 30 hours of debate after cloture was invoked for nominees, and the recent vote to change the rules reduces the post-cloture debate time to two hours.
- Only two Republican senators voted against the rules change – Sen. Susan Collins (R-ME) and Sen. Mike Lee (R-UT).
- Senate Majority Leader Mitch McConnell (R-KY) has stated that his biggest priority in the Senate is to confirm as many of Trump’s federal judicial nominees as possible.

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In its first 100 days, Congress has held health care hearings and passed Medicaid extenders legislation

**Hearing:**
**March 6th:** Strengthening our health care system: legislation to lower consumer costs and expand access

**Who:**
House Committee on Energy and Commerce Chair Frank Pallone (D-NJ) introduced a hearing to discuss legislation that could take steps to lower health care costs and protect consumers with pre-existing conditions.

**Key takeaways**

**Legislation:**
Rep. Pallone’s Medicaid legislation became law before the start of February

**H.R. 259: Medicaid Extenders Act of 2019**
Sponsor: Rep. Frank Pallone, Jr. (D-NJ-6)
- Makes appropriations for FY2019
- Reduces the federal medical assistance percentage for states that have not implemented asset-verification programs for determining Medicaid eligibility
- Reduces funding available to the Medicaid Improvement Fund beginning in FY2021


Paige Wulff | Slide last updated on: March 27, 2019
Comparison of S. 64 and H.R. 1499 — two plans that aim to increase generic drug competition

### Bill comparison

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<tr>
<td>Targets brand-name and generic companies</td>
<td>✓</td>
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<td>Penalizes pay-for-delay deals</td>
<td>✓</td>
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<td>Enforced by the Federal Trade Commission</td>
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<td>Fines up to three times the value of the deal</td>
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<td>Enforcement must occur within 6 years of the deal</td>
<td>✓</td>
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<tr>
<td>Retroactive enforcement</td>
<td>✓</td>
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Sources: Congress.gov; House Committee on Energy and Commerce.
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Green New Deal resolution was introduced in February 2019

The nonbinding resolution envisioned an expanded federal role in cutting emissions and providing economic support. Provisions included:

1. Achieving net-zero US greenhouse gas emissions
2. Transitioning vulnerable communities and workers to the new system in a ‘fair and just’ manner
3. Creating millions of jobs
4. Decarbonizing major segments of the economy, such as power, manufacturing, buildings and transportation
5. Investing in climate-friendly infrastructure
6. Establishing universal health care and job guarantees

S.J. Res. 8: A joint resolution recognizing the duty of the Federal Government to create a Green New Deal
Sponsor: Sen. Mitch McConnell (R-KY)
• Calls for net-zero greenhouse gas emissions and investment in green infrastructure
• Proposes a 10-year plan to build smart power grids, make buildings more efficient, clean hazardous waste sites, and expand social benefits

Reactions from key presidential contenders

The GND highlighted climate change as a key issue for the 2020 Democratic presidential primary

"Senator Warren has been a longtime advocate of aggressively addressing climate change and shifting toward renewables, and supports the idea of a Green New Deal to ambitiously tackle our climate crisis, economic inequality, and racial injustice."

-A Senate aide for Sen. Warren

"We must enact bold solutions to save our planet from the disastrous effects of climate change by passing the Green New Deal to save the planet and create millions of new jobs."

- Sen. Sanders, on Twitter

"The Green New Deal is a bold plan to drastically shift our country to 100% clean and renewable energy. We will repair our country’s crumbling infrastructure, upgrade buildings across the nation, and dramatically cut greenhouse gas emissions."

- Sen. Harris

"We cannot wait another day. I urge all of my colleagues to fight with me for a Green New Deal that puts Americans to work to solve this extraordinary challenge."

- Sen. Gillibrand

Proposed Green New Deal alternatives

Despite the failure of the Senate Green New Deal resolution, the legislature will continue to consider climate change and clean energy issues

**Climate Action Now Act (H.R.9)**
- Sponsored by Rep. Kathy Castor (D-FL-14), Select Committee on the Climate Crisis Chair, on March 27, 2019
- Would require that the US meet its nationally determined contribution under the Paris Agreement
- Seeks to cut emissions by at least 26% by 2025, confirm that other parties to the agreement fulfill obligations, and prohibit federal funds from being used to withdraw from the agreement

**Green Real Deal**
- Plan proposed by Rep. Matt Gaetz (R-FL-1) on April 3, 2019
- Would use technological innovation and free markets to address climate change
- Calls for increased investment in clean energy technology to create millions of US jobs

**New Manhattan Project for Clean Energy**
- Plan proposed by Sen. Lamar Alexander (R-TN), Senate Energy Appropriations Subcommittee Chair, on March 25, 2019
- Would double federal funding for energy research, with a focus on creating new sources of clean, affordable energy
- Outlines “Ten Grand Challenges” for the next five years as the US transitions to clean energy

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The Democratic-controlled House has focused on oversight of Attorney General William Barr and the Mueller investigation

**Hearing:**
**January 15-16: William Barr confirmation hearing**

**Who:**

Then-nominee William Barr testified before the Senate Judiciary Committee for confirmation to be attorney general. Democratic senators on the committee used the hearing to ask questions about whether or not Barr would protect the Mueller investigation.

**Key takeaways**

During the confirmation hearing, Barr came under fire for a memo he wrote to the Justice Department in 2018 criticizing the Mueller investigation. Barr pledged to proceed with the special counsel investigation and reiterated that his goal was to be as transparent as possible with the public.

**Hearing:**
**April 9th: Department of Justice Budget Request for Fiscal Year 2020**

**Who:**


**Key takeaways**

The hearing centered around the recently finalized Mueller report, with AG Barr testifying that the redacted report would be made available to the committee within a week, but that an unredacted version would not be given.

House Democrats have threatened to subpoena the full report if AG Barr refuses to release the unredacted version

House Judiciary Chair Jerry Nadler (D-NY) has focused on obtaining the complete report

“But if we cannot reach an accommodation, then we will have no choice but to issue subpoenas for these materials. And if the department still refuses, then it should be up to a judge – not the president or his political appointee – to decide whether or not it is appropriate for the committee to review the complete record.”

– Rep. Jerry Nadler (D-NY)

The fight for the Mueller report

Barr indicated that he would release the full Mueller report to Congress, although it would be redacted. He stated that he would not ask a judge to release grand jury information to Congress.

The House Judiciary Committee voted to authorize Nadler to issue a subpoena in order to obtain the full, unredacted report on Mueller’s findings as well as any “underlying evidence collected, materials prepared, or documents used by” Mueller’s office.

Nadler has decided to wait to issue a subpoena after he has reviewed the version delivered by the Justice Department. Nadler told reporters, “We’re just making every effort to show the court that we’re making every effort to reach an accommodation.”

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Drug pricing

After several drug pricing hearings led by the Senate Finance committee, Congress is continuing to work on legislation to lower drug costs through methods such as increasing access to generic alternatives and ending rebates for pharmacy benefit managers.

Green New Deal

- The Green New Deal will likely not be considered further in Congress, but it has galvanized interest around energy and the environment.
- Both Democrats and Republicans are releasing plans to address climate change, and environmental issues will play a role in the democratic presidential primary.

Mueller report

- The redacted Mueller report will be delivered to Congress in April, setting up a potential subpoena battle for the unredacted version.
- House Judiciary Chair Nadler has indicated that if Attorney General Barr will not work with Congress to release more information, he will issue subpoenas.