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- * ABA testified or submitted statement, letter or amicus brief to Congress, federal agency or court
- ◆ ABA legislative and governmental priority during the first session of the 115th Congress, including issues encompassed in broad priorities.
- † This chart includes issues on which the ABA House of Delegates or Board of Governors has approved association policy.



Subject	Description and Status	ABA Position
<h2>Attorney-Client Privilege</h2>		
◆*Border Searches of Electronic Devices	<p>Department of Homeland Security (DHS) standards permitted U.S. Customs and Border Protection (CBP) (Section 5.2 of CPB Directive No. 3340-049) and Immigration and Customs Enforcement (ICE) (Sections 6.1 and 8.6 of ICE Directive No. 7-6.1) officers to search and review the contents of lawyers' laptop computers, cell phones and other electronic devices at U.S. border crossings without any showing of reasonable suspicion. These devices typically contain client information that is inherently privileged or otherwise confidential. The CBP issued new standards (Section 5.2 of CBP Director No. 3340-049A) on 1/4/18 requiring that, among other modest improvements, the CBP officers consult with the CBP's Associate/Assistant Chief Counsel's Office before searching devices allegedly containing privileged or work product protected information.</p>	<p><i>Urged DHS to revise the directives to clarify the specific standards and procedures that CBP and ICE officers must follow before the contents of a lawyer's electronic device can be searched or seized at the border to protect privileged and other confidential client materials.</i></p>
<h2>Bankruptcy Law</h2>		
*Harmonization of Bankruptcy and Asset Forfeiture Laws	<p>H.R. 1795 would provide key protections to innocent persons whose property is seized under federal civil asset forfeiture laws, including specific notice requirements, representation rights, and a higher burden-of-proof standard. The bill also includes provisions to harmonize certain aspects of the federal forfeiture and bankruptcy laws by requiring the creation of two federal databases to help owners, creditors, lienholders and others with an interest in seized property to better protect their rights in any parallel civil forfeiture bankruptcy proceedings. H.R. 1795 was referred to the House Judiciary, Financial Services, and Energy and Commerce Committees, where there was no action on the bill. There was no comparable Senate legislation.</p>	<p><i>Supports.</i></p>
<h2>Children/Families</h2>		
*Court Improvement Program	<p>S. 2173 and H.R. 4461 would reauthorize the Court Improvement Program (CIP), which provides grants for improving legal processes in the child welfare system and provides the only direct federal funds to child welfare courts throughout the country. S. 2173 was referred to the Senate Finance Committee. H.R. 4461 was referred to the House and Ways Means Committee. There was no action on the bills.</p>	<p><i>Supports.</i></p>



Subject	Description and Status	ABA Position
*Adoption and Foster Care Reporting System	A final rule issued by the Administration on Children and Families went into effect on 1/13/17 to update the Adoption and Foster Care Analysis and Reporting System (AFCARS) to bring welfare data collection in line with requirements under the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Preventing Sex Trafficking and Strengthening Families Act of 2014. The new rule requires state and tribal agencies under Title IV-E of the Social Security Act to collect and report data on children in foster care and those who have been adopted with Title IV-E agency involvement. New requirements include data collection for cases that come under the Indian Child Welfare Act and a new standardized method of collecting information about a child's self-reported sexual orientation.	<i>Generally supports changes made by the final rule.</i>
*Education – Homeless and Foster Children	The House Education and the Workforce Subcommittee on Higher Education and Workforce Development held a hearing on streamlining federal student aid, including changes that might be made to the Free Application for Federal Student Aid (FAFSA) during the upcoming reauthorization of the Higher Education Act. FAFSA currently includes mechanisms added in 2009 that allow students to report their status as homeless or in foster care to ensure they are considered “independent” for purposes of financial aid calculations.	<i>Supports retaining the 2009 mechanism and adding protections to help identify homeless students and those in foster care when they apply for financial aid.</i>
Family First Prevention Services	H.R. 253, the Family First Prevention Services Act, includes numerous provisions to reform the federal child welfare financing structure to support keeping children safely with their families. H.R. 253 was referred to the House Ways and Means Subcommittee on Human Resources, where there was no action on the bill. The House passed the following five bills that include provisions that are part of H.R. 253: H.R. 2742, to require states to adopt an electronic system to help expedite the placement of children in foster care or guardianship, or for adoption, across state lines; H.R. 2857, to support foster care maintenance payments for children with parents in a licensed residential family-based treatment facility for substance abuse; H.R. 2843, to strengthen the grant program that provides funding for state and regional partnerships to prevent child abuse and neglect related to substance abuse; H.R. 2847, to improve services for older youth in foster care; and H.R. 2866, to reduce barriers for relatives to become foster parents. There was no comparable Senate legislation.	<i>Supports.</i>
Violence Against Women Act Funding	H.R. 115-96 (H.R. 1370), fiscal year 2018 continuing appropriations legislation signed 12/22/17, provided funding through 1/19/18 at the fiscal year 2017 level of \$481.5 million for VAWA grant programs, including \$5 million for elder abuse grants and \$45 million for legal assistance.	<i>Supports.</i>



Subject	Description and Status	ABA Position
*Interagency Council on Homelessness	S. 743 would strengthen the U.S. Interagency Council on Homelessness (USICH), which coordinates the efforts of 19 government agencies to combat homelessness. The president's fiscal year 2018 budget proposed the elimination of USICH, but no action was taken to reduce the council's funding. S. 743 was referred to the Senate Banking, Housing, and Urban Affairs Committee, where there was no action on the bill. There was no comparable House legislation.	<i>Supports the legislation.</i>
Civil Rights/Constitutional Law		
*Environmental Justice	S. 1996 and H.R. 4114 would require air and water permitting decisions to consider the cumulative impact to vulnerable communities and would clarify citizens' right to sue. The bills also would establish requirements for federal agencies to follow when addressing environmental justice and codify the existing National Environmental Justice Advisory Council and environmental justice grant programs. S. 1996 was referred to the Senate Environment and Public Works Committee. H.R. 4114 was referred to several subcommittees of the House Energy and Commerce, Transportation and Infrastructure, and Natural Resources Committees. There was no action on the bills.	<i>Supports.</i>
Gender Diversity on Corporate Boards	H.R. 1611 would require the Securities and Exchange Commission to establish a Gender Diversity Advisory Group to study and issue a report with recommendations on strategies to increase gender diversity among the corporate directors of publicly traded companies. The bill also would require each issuer to disclose the gender composition of its board and board nominees. H.R. 970 would require federal contractors to submit data on the diversity of their boards to the General Services Administration. H.R. 1611 was referred to the House Committee on Financial Services. H.R. 970 was referred to the House Financial Services Committee and the House Oversight and Government Reform Committee. There was no action on the bills. There was no comparable Senate legislation.	<i>Urges public companies to diversify their boards to more closely reflect the diversity of society and the workforce in the United States and to adopt plans for achieving diversity.</i>
Japanese-American Internment	H. Res. 143 and S. Res. 70 would recognize the 75th anniversary and the historical significance of the internment of Japanese Americans during World War II and establish a National Day of Remembrance to increase awareness of the event. S. Res. 70 also would express the sense of the Senate that policies that discriminate against an individual based on race, ethnicity, national origin, or religion would be a repetition of past mistakes. S. Res. 70 was referred to the Senate Judiciary Committee. H. Res. 143 was referred to the House Judiciary Subcommittee on the Constitution and Civil Justice. There was no action on the resolutions.	<i>Supports.</i>



Subject	Description and Status	ABA Position
◆Jury ACCESS ACT/ Juror Non-discrimination Act	S. 635 and H.R. 1515 would amend 28 U.S. Code §1862 to include sexual orientation and gender identity in the prohibition against exclusion of potential federal jurors on the basis of race, color, religion, sex, national origin, or economic status. S. 635 was referred to the Senate Judiciary Committee. H.R. 1515 was referred to the House Judiciary Subcommittee on the Constitution and Civil Justice. There was no action on the bills.	<i>Supports.</i>
◆Pay Equity	On 8/29/17, the Trump administration blocked new requirements for federal contractors and private companies with 100 or more employees to report pay data by race, gender and ethnicity on their annual EEO-1 reports to the Equal Employment Opportunity Commission (EEOC). The requirements, approved by the Office of Management and Budget on 9/29/16, would have gone into effect for information collected in 2017 and submitted to the EEOC in March 2018.	<i>Supports the reporting requirement.</i>
◆Paycheck Fairness Act	S. 819 and H.R. 1869 would update and strengthen the Equal Pay Act of 1963 to prohibit an employer from paying unequal wages to male and female workers who perform jobs under similar work conditions that require substantially equal skill, effort and responsibility, unless there is a legitimate reason for the pay differential. The bills also would prohibit employer retaliation against employees who share salary information. S. 819 was referred to the Senate Health, Education, Labor and Pensions Committee. H.R. 1869 was referred to the House Education and the Workforce Committee. There was no action on the bills.	<i>Supports.</i>
Courts/Judiciary		
◆*Bankruptcy Judgeships	P.L. 115-130 (H.R. 2266), signed 10/26/17, creates four new bankruptcy judgeships and extends 14 temporary bankruptcy judgeships for five years. An earlier version of the legislation passed by the House followed the recommendations of the Judicial Conference of the United States that would have made the 14 temporary bankruptcy judgeships permanent and authorized four new bankruptcy judgeships.	<i>Supports.</i>
◆*Class Actions	H.R. 985 would circumvent the Rules Enabling Act and amend Rule 23 of the Federal Rules of Civil Procedure, which govern certification as a class, to mandate that plaintiffs show that they suffered the same type and extent of injury as the named class representative. The House passed H.R. 985. There was no comparable Senate legislation.	<i>Opposes.</i>



Subject	Description and Status	ABA Position
◆Federal Judicial Funding	P.L. 115 -96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, provided funding through 1/19/18 at the fiscal year 2017 level of \$6.8 billion for the federal judiciary.	<i>Supports providing the federal judiciary with sufficient financial resources necessary to carry out its constitutional and statutory duties.</i>
*Federal Rules of Civil Procedure – Prospective Jurors	The ABA recommended an amendment to Rule 47(a) of the Federal Rules of Civil Procedure to require that the parties at trial or their counsel be allowed the opportunity to question prospective jurors directly during the voir dire process under the supervision of the court and subject to reasonable time limits.	<i>Supports.</i>
◆Judicial Compensation	The president issued an executive order on 12/22/17 authorizing an average pay raise of 1.4 percent, with an additional 0.5 percent locality pay, for an average raise of 1.9 percent for civilian employees, including federal judges and administrative law judges.	<i>Supports adequate judicial compensation and periodic review of judicial salary levels.</i>
◆*Judicial Selection/ Vacancies	The White House notified the ABA in March 2017 that it was ending the long-standing practice of requesting that the ABA Standing Committee on the Federal Judiciary evaluate the professional qualifications of prospective nominees to the lower federal courts. The ABA committee continues to evaluate nominees on a post-nomination basis and provides those ratings to the Senate Judiciary Committee. During the first session of the 115th Congress, there were 69 nominations (1 Supreme Court, 19 circuit court, and 49 district court). Nineteen nominations were confirmed (1 Supreme Court, 12 circuit court, and 6 district court), leaving 139 vacancies (17 circuit court, 120 district court, and 2 Court of International Trade). At the end of the first session, 24 nominations were returned to the president, who renominated 21 of the 24 nominees on 1/8/18 after the Second Session convened.	<i>Supports prompt filling of judicial vacancies and urges selection of qualified individuals of racial and ethnic diversity, as well as those with disabilities, at all levels of the federal bench.</i>
◆*Lawsuit Abuse Reduction Act	S. 237 and H.R. 720 would circumvent the Rules Enabling Act to amend Rule 11 of the Federal Rules of Civil Procedure to require the imposition of monetary sanctions against lawyers for filing non-meritorious claims. The bill would roll back critical improvements made to the rule in 1993 that made the imposition of sanctions discretionary and allowed parties and their attorneys to withdraw frivolous claims within 21 days after a motion for sanctions is served. The House passed H.R. 720. The Senate Judiciary Committee held a hearing on S. 237.	<i>Opposes.</i>



Subject	Description and Status	ABA Position
◆*Ninth Circuit Restructuring	S. 295 and H.R. 196 would restructure the Ninth Circuit Court of Appeals by retaining California, Guam, Hawaii and the Northern Mariana Islands in the Ninth Circuit and assigning Oregon, Washington, Montana, Idaho, Nevada and Arizona to a new Twelfth Circuit. H.R. 250 would include Oregon and Washington with California, Guam, Hawaii and the Northern Mariana Islands in the restructured Ninth Circuit. S. 276 would assign Washington to the Twelfth Circuit rather than the Ninth Circuit. The Senate Judiciary Subcommittee on Privacy, Technology and the Law and the House Judiciary Subcommittee on Courts, Intellectual Property and the Internet held hearings on the Ninth Circuit issue.	<i>Opposes.</i>
Tribal Justice-American Indian/Alaska Native	S. 1953 would reauthorize the Tribal Law and Order Act of 2010 and the Indian Law Enforcement Reform Act to provide for advancements in public safety services to Indian communities. The bill includes provisions to improve justice for Indian youth. The Senate Indian Affairs Committee held a hearing on S. 1953. There was no comparable House legislation.	<i>Supports.</i>
<h2>Criminal Law</h2>		
*Asset Forfeiture Due Process	H.R. 1795 would provide key protections to innocent persons whose property is seized under federal civil asset forfeiture laws, including specific notice requirements, representation rights, and a higher burden-of-proof standard. H.R. 1795 was referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, where there was no action on the bill. There was no comparable Senate legislation. See related entry under Bankruptcy Law .	<i>Supports.</i>
◆*Sentencing/Corrections Reform	S. 1917 would narrow the scope of mandatory sentences to focus on the most serious drug offenders and violent criminals, expand the safety valve authority that allows judges discretion in sentencing lower-level non-violent offenders, and ensure retroactive application of provisions in the Fair Sentencing Act of 2010, which reduced disparity in sentencing between crack and powder cocaine offenses. The bill also includes provisions to expand recidivism-reducing prison programs leading to early supervised release; expand compassionate release for older, terminally ill prisoners; end federal juvenile life sentences without parole; ban juvenile solitary confinement; permit juveniles to obtain expungement of certain criminal records; and create a National Criminal Justice Commission. S. 1994 closely parallels the corrections provisions in S. 1917. S. 1917 and S. 1994 were referred to the Senate Judiciary Committee, where was no action on the bills. There was no comparable House legislation.	<i>Supports.</i>



Subject	Description and Status	ABA Position
*Bail Reform	<p>S. 1593 and H.R. 4019 would authorize a \$10 million Department of Justice (DOJ) program for three years to provide grants directly to states, tribal courts, or other eligible entities to fund bail reform programs tailored to individual states' specific needs. H.R. 1437 would prohibit the Byrne Justice Assistance Grant Program from awarding grants to states that use payment of money as a condition of pretrial release and would prohibit the use of bail money for pretrial release in federal criminal cases. S. 1593 was referred to the Senate Judiciary Committee, where there was no action on the bill. H.R. 4019 and H.R. 1437 were referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, where there was no action on the bills. On 12/21/17, DOJ issued a directive rescinding a March 2016 letter sent during the Obama administration that cautioned court personnel about imposing high fines, fees or bail on indigent defendants.</p>	<p><i>Supports bail reform and opposes the DOJ directive rescinding the March 2016 letter.</i></p>
◆Criminal Intent Standards	<p>S. 1902 would set a default <i>mens rea</i> requirement of willfulness for all federal criminal offenses that lack an intent requirement and defines willfulness to mean that the person acted with knowledge that his or her conduct was unlawful. S. 1902 was referred to the Senate Judiciary Committee, where there was no action on the bill. There was no comparable House legislation.</p>	<p><i>Supports mens rea provision as long as it applies only on a prospective basis.</i></p>
◆Fair Chance Act	<p>S. 842 and H.R.1905 would require the federal government and federal contractors to postpone requests for criminal history information for job applicants until the applicants receive a conditional offer of a job, giving individuals with criminal records a fair chance at gaining employment. The Senate Homeland Security and Governmental Affairs Committee approved S. 842. H.R. 1905 was referred to the House Oversight and Government Reform Committee, House Administration Committee, House Judiciary Committee, House Education and the Workforce Committee, and the House Armed Services Subcommittees on Strategic Forces, and Readiness. There was no action on H.R. 1905.</p>	<p><i>Supports.</i></p>
*Gun Violence	<p>S. 446 and H.R. 38 would mandate national reciprocity for concealed-carry permits issued pursuant to state law, requiring any state that allows some form of concealed carry of firearms to recognize a concealed-carry permit issued in another state. H.R. 4477 and S. 2135 seek to help states and agencies enter criminal and domestic convictions into the National Instant Criminal Background Check System (NICS). The House Judiciary Committee approved H.R. 38 and H.R. 4477, and the House passed H.R. 38 with an amendment incorporating provisions from H.R. 4477. The Senate Judiciary Committee held a hearing on S. 2135. S. 446 was referred to the Senate Judiciary Committee, where there was no action on the bill.</p>	<p><i>Opposes concealed-carry legislation. Supports legislation to ensure that NICS is as complete and accurate as possible.</i></p>



Subject	Description and Status	ABA Position
Human Trafficking	<p>S. 1311 would reauthorize the Domestic Trafficking Victims' Fund and institute mandatory restitution for victims, holistic training for federal law enforcement officers, a victim-centered approach to addressing human trafficking, and an end to government partnerships with the commercial sex industry. S. 1312 would improve training for school personnel, enhance the justice system response to human trafficking, and establish an Office of Victims Assistance. H.R. 2480 would allow grants under the Byrne Justice Assistance Grant Program to be used for programs to combat human trafficking. S. 1504 and H.R. 2473 would direct the U.S. attorney general to study issues relating to human trafficking. The Senate passed S. 1311 and S. 1312. The House passed H.R. 2473. S. 1504 was referred to the Senate Judiciary Committee, where there was no action on the bill.</p>	<i>Supports.</i>
◆*Indigent Defense	<p>P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, provided the federal judiciary's Defender Services Program with its fiscal year 2017 funding level of \$1 billion through 1/19/18. S. 328 and H.R. 968 would authorize a federal class action lawsuit against a state for its systemic failures to guarantee the right to effective assistance of counsel. S. 328 was referred to the Senate Judiciary Committee. H.R. 968 was referred to the House Judiciary Subcommittees on Crime, Terrorism, Homeland Security, and Investigations; and on the Constitution and Civil Justice. There was no action on the bills. On 11/2/17, the Ad Hoc Committee to Review the Criminal Justice Act Program completed its report and recommendations after conducting a comprehensive two-year review of the program that included more than 100 hours of public testimony in seven cities.</p>	<i>Supports sufficient funding for the Defender Services Program.</i>
Inmate Calling Services	<p>A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit struck down a Federal Communications Commission (FCC) rule on 6/13/17 that sought to address extremely high phone rates charged to prison inmates for intrastate calls. The court said that the FCC can limit fees on interstate calls.</p>	<i>Supported the rule, which would have brought inmate calling rates more closely in line with ABA standards.</i>
◆*Juvenile Justice	<p>S. 860 and H.R. 1908 would reauthorize and strengthen the Juvenile Justice and Delinquency Prevention Act (JJDP), including provisions to require state juvenile justice plans to take into account the latest scientific research on adolescent development and behavior and recognize the importance of prevention and early intervention, to promote the use of alternatives to incarceration and support the sealing and expunging of juvenile records, to phase out "status offenses," and to encourage states to work to ensure that youth have access to public defenders with juvenile court experience. The Senate passed S. 860. The House passed 1908.</p>	<i>Supports.</i>



Subject	Description and Status	ABA Position
◆*Mandatory Minimum Sentences	S. 45, H.R. 361 and H.R. 3004 would enhance the penalties for illegal entry into the United States and establish new mandatory minimums for illegal reentry into the United States by individuals with prior aggravated felony convictions and prior illegal reentry convictions. The House passed H.R. 3004. S. 45 was referred to the Senate Judiciary Committee, where there was no action on the bill. H.R. 361 was referred to the House Judiciary Subcommittee on Immigration and Border Security, where there was no action on the bill.	<i>Opposes.</i>
◆*National Criminal Justice Commission	S. 573, H.R. 1886, S. 1917 and S. 1994 would establish a National Criminal Justice Commission to undertake a comprehensive 18-month review of all areas of the criminal justice system and develop recommendations for ensuring justice at every step of the process. S. 573, S. 1917 and S. 1994 were referred to the Senate Judiciary Committee. H.R. 1886 was referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. There was no action on the bills.	<i>Supports.</i>
Rapid DNA	P.L. 115-50 (H.R. 510), signed 8/18/17, directs the Federal Bureau of Investigation to issue standards and procedures for the use of fully automated processes, known as Rapid DNA, for analyzing DNA samples to help reduce the backlog of DNA evidence.	<i>No specific policy on Rapid DNA, but supports prompt collecting, testing and interpreting of DNA evidence.</i>
◆*Second Chance Act	H.R. 2899 would reauthorize the Second Chance Act, which provides resources to state and local governments and community-based organizations to improve efforts to help those released from prison and jail to successfully return to their communities. H.R. 2899 was referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, where there was no action on the bill. There was no comparable Senate legislation.	<i>Supports.</i>

Elder Law

Social Security Administration Disability Review Process	The House Ways and Means Committee held a hearing to discuss challenges facing the Social Security Administration in determining eligibility for disability benefits.	<i>Supports improving the Social Security disability review process.</i>
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Subject	Description and Status	ABA Position
*Advance Directives/End of Life Counseling	<p>S. 1334 and H.R. 2797 would enhance advance planning options for patients by offering a person-centered approach to planning for care and treatment of patients with advanced illness and enhancing existing Medicare coverage for end-of-life services to help ensure that the care a patient receives is in line with their values and choices. The bills also would provide \$50 million for grants to promote public and provider education about advance care planning and create a national support center for Physician Orders for Life-Sustaining Treatment (POLST) programs to strengthen documentation and portability of advance care plans. S. 1334 was referred to the Senate Finance Committee. H.R. 2797 was referred to the House Energy and Commerce, and Ways and Means Committees. There was no action on the bills.</p>	<i>Supports.</i>
Caregiver Support	<p>P.L. 115-119 (H.R. 3759), signed 1/22/18, provides for the development of a federal Family Caregiver Strategy by identifying recommended actions that federal, state, and local governments, communities, health care providers, long-term services and support providers, and others are taking, or may take, to recognize and support family caregivers in a manner that reflects their diverse needs.</p>	<i>Supports.</i>
*Elder Abuse	<p>P.L. 115-69 (S. 178), signed 10/18/17, increases data collection and information sharing of elder abuse and fraud cases, increases training of federal prosecutors and investigators, establishes an elder justice coordinator position in both the Federal Trade Commission (FTC) and the Department of Justice, and increases penalties for criminals who target seniors. S. 81 and H.R. 444 would establish offices in the FTC and the Consumer Financial Protection Bureau to prevent fraud targeting seniors. The Senate passed S. 81. H.R. 444 was referred to the House Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection, where there was no action on the bill.</p>	<i>Supports.</i>
*Nursing Home Arbitration	<p>The Centers for Medicare and Medicaid (CMS) issued a proposed rule on 6/5/17 that would authorize the inclusion of mandatory pre-dispute arbitration provisions in long-term care admission contracts, permitting nursing homes to require residents to agree to such arbitration provisions as a condition of admission to the facility. The new proposed rule would replace a final rule that was blocked in November 2016 by a preliminary injunction issued by a federal judge in the U.S. District Court for the Northern District of Mississippi just before it was scheduled to go into effect. The 2016 final rule sought to prohibit nursing homes participating in the Medicare or Medicaid program from requiring pre-dispute binding arbitration to settle disputes over residents' care. The judge ruled that CMS exceeded its legal authority in issuing the rule and that any future ban on nursing home arbitration should be addressed through federal legislation.</p>	<i>Opposes inclusion of pre-dispute binding arbitration agreements in nursing home contracts.</i>



Subject	Description and Status	ABA Position
<h2>Election Law</h2>		
◆Voting Rights Act	<p>S. 1419 and H.R. 2978 would restore protections in the Voting Rights Act (VRA) following the Supreme Court decision in <i>Shelby County v. Holder</i>, 570 U.S. 2 (2013) and provide tools for combating voter disenfranchisement. The bills would institute a new nationwide coverage formula that provides that a state or political subdivision would be subject to preclearance under Section 5 based on a finding of repeated voting rights violations in the preceding 25 years. H.R. 3239 would update the coverage formula for all states based on voting rights violations from the past 15 years. The formula would apply to all states equally and the bills would institute greater transparency and information availability for election administration, including polling dates, locations and times. S. 1419 was referred to the Senate Judiciary Committee. H.R. 2978 and H.R. 3239 were referred to the House Judiciary Subcommittee on the Constitution and Civil Justice. There was no action on the bills.</p>	<p><i>Supports enactment of legislation to address the Shelby decision’s effect on voting rights.</i></p>
<h2>Federal Agency Regulation of Lawyers</h2>		
◆*Fair Debt Collection Practices Act Reform	<p>H.R. 1849 and H.R. 4550 would clarify that the Fair Debt Collection Practices Act does not apply to creditor lawyers engaged in litigation activities and that the existing “practice of law exclusion” in Section 1027(e) of the Dodd-Frank Act of 2010 covers both consumer and creditor lawyers. The House Financial Services Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 1849. H.R. 4550 was referred to the House Financial Services Committee, where there was no action on the bill. There was no comparable Senate legislation.</p>	<p><i>Supports.</i></p>
◆*Department of Labor “Persuader” Rule	<p>The Department of Labor published a notice of proposed rulemaking on 6/12/17 to rescind a final rule published in March 2016 that would have substantially narrowed the longstanding “advice” exemption to the “persuader” reporting rule under Section 203(c) of the Labor-Management Reporting and Disclosure Act of 1959. The final rule, which was prevented from going into effect when the U.S. District Court of the Northern District of Texas issued a nationwide permanent injunction in November 2016, would have required many labor lawyers and law firms representing employers to report confidential client information to the government in violation of the lawyer’s ethical duty to protect client confidentiality under Rule 1.6 of the <i>ABA Model Rules of Professional Conduct</i> and similar binding state rules.</p>	<p><i>Opposes narrowing the “advice” exemption to the “persuader” rule.</i></p>



Subject	Description and Status	ABA Position
◆*Gatekeeper Regulation of Lawyers	<p>The House Financial Services Subcommittees on Financial Institutions and Consumer Credit, and Terrorism and Illicit Finance held a joint hearing on legislative proposals to counter terrorism and illicit finance. The proposals included Section 9 of a draft House bill that would require small companies and many of their lawyers to submit extensive information about the companies' "beneficial owners" to the Treasury Department's Financial Crimes Enforcement Network (FinCEN) and would require FinCEN to disclose the information to many other federal and foreign governmental agencies and financial institutions upon request. H.R. 3089, S. 1717 and S. 1454 contain similar beneficial ownership reporting requirements and would also subject many lawyers and law firms to the anti-money laundering and suspicious activity reporting requirements of the Bank Secrecy Act when they help clients establish companies.</p>	<p><i>Opposes H.R. 3089, S. 1717, S. 1454, and Section 9 of the draft House bill.</i></p>
<h2>Health Law</h2>		
*Children's Health Insurance Program	<p>P.L. 115-96 (H.R. 1370), fiscal year 2018 continuing appropriations legislation signed 12/22/17, included provisions to extend funding through 3/31/18 for the Children's Health Insurance Program (CHIP), which provides health coverage to 9 million children and prenatal care for pregnant women from low-income households. Authorization for the program ended on 9/30/17. Numerous bills were introduced to reauthorize and stabilize the program, but no agreement was reached on long-term extension of the program.</p>	<p><i>Supports.</i></p>
*Medicaid	<p>H.R. 1628 and other proposals to repeal and replace the Affordable Care Act (ACA) included provisions to make major changes in the structure and financing of the Medicaid program, which was expanded under the ACA to provide for health care coverage for millions of low-income Americans. These changes were expected to weaken the entitlement nature of the program and the shared legal obligation that the federal and state governments have to provide comprehensive benefits to all individuals who meet eligibility requirements. The House passed H.R. 1628, but the Senate was unable to garner the votes to pass ACA repeal and replace legislation.</p>	<p><i>Opposes.</i></p>



Subject	Description and Status	ABA Position
<h2>Immigration Law</h2>		
◆*Comprehensive Immigration Reform/ Executive Actions	<p>No action was taken on comprehensive immigration reform legislation, but the president issued numerous executive orders on border security, immigration enforcement, and visa and refugee programs. The president also released an extensive list on 10/8/17 of his administration’s immigration principles and policies. See related entries.</p>	<p><i>Supports comprehensive legislation that provides for new channels for future workers, a path to legal status for much of the undocumented population in the United States, family- and employment-based visa backlog reduction, and enhanced border security.</i></p>
*Deferred Action on Childhood Arrivals	<p>The president announced on 9/5/17 that the Deferred Action on Childhood Arrivals (DACA) program will end in March 2018, giving Congress an opportunity to address the issue legislatively. The DACA program, established through executive action in 2012 during the Obama administration, allows undocumented youth who were brought to the United States as children to stay temporarily in the country if they meet certain criteria. S. 1615 and H.R. 3440, the DREAM Act, would allow individuals who meet certain requirements to earn lawful permanent residence and eventually U.S. citizenship if they meet stringent criteria. S. 1852 would require more conditions to qualify for permanent status and a longer road to citizenship for those who qualify for the program created by the bill. The Senate Judiciary Committee held an oversight hearing on the administration’s decision to end the DACA program. S. 1615 and S. 1852 were referred to the Senate Judiciary Committee, where there was no action on the bills. H.R. 3440 was referred to the House Judiciary Committee Subcommittee on Immigration and Border Security, and the House Education and the Workforce Committee, where there was no action on the bill. The White House released a list of additional immigration requirements that it wants to be part of any DACA legislation. On 1/8/18, a federal judge in California blocked the administration’s order to end DACA and ordered the Department of Homeland Security (DHS) to resume accepting DACA renewal applications.</p>	<p><i>Supports the DREAM Act or similar legislation that includes a path to citizenship for undocumented persons who entered the country as minors and have significant ties to the United States, subject to a moral character requirement and security screenings.</i></p>
◆*Unaccompanied Immigrant Children/ Access to Counsel	<p>Several bills were introduced that would remove protections for unaccompanied immigrant children arriving in the United States, including H.R. 495, which would subject unaccompanied children to additional screening, lengthen the period of time that children may be held in custody, and weaken existing language that facilitates their access to counsel. The House Judiciary Committee approved H.R. 495. There was no comparable Senate legislation.</p>	<p><i>Opposes H.R. 495 and any similar proposals that would revise the statutory framework for unaccompanied alien children in a manner that would diminish the due process and other protections currently available to them.</i></p>



Subject	Description and Status	ABA Position
◆*Detention	<p>The president requested an additional \$1.2 billion in his fiscal year 2018 budget to increase detention capacity for immigration detainees, and Immigration and Customs Enforcement (ICE) in DHS put out a request for information on 10/12/17 to identify new detention sites in various locations around the country. The DHS Office of Inspector General (OIG) issued a report on 12/11/17 identifying problems found by OIG during unannounced inspections of five detention facilities and concluding that the problems undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment.</p>	<p><i>Opposes detention of families and children and other immigration detention except in circumstances where the individual presents a threat to national security or public safety, or is a flight risk. Supports humane alternatives to ensure that individuals appear in court and supports consistent standards for those who are detained to ensure individual rights and humane treatment.</i></p>
◆*Immigration Courts/ Judges	<p>P.L. 115-31 (H.R. 244), consolidated fiscal year 2017 appropriations legislation signed 5/5/17, included \$440 million for the Executive Office for Immigration Review (EOIR), a \$20 million increase that will allow EOIR to add 10 new immigration judge teams to process immigration reviews and address the backlog of pending cases. A list of immigration principles and policies issued by the White House on 10/8/17 includes establishing performance metrics for immigration judges. The U.S. attorney general sent a memorandum to the EOIR on 12/5/17 emphasizing the use of performance measures.</p>	<p><i>Supports measures to improve the immigration court system and due process safeguards, including increasing the number of permanent immigration judges and support staff, and providing access to counsel for those in removal proceedings. Supports judicial model performance evaluations for immigration judges. Opposes metrics based solely on mandatory case-completion quotas.</i></p>
Temporary Protected Status	<p>DHS announced decisions in November 2017, December 2017 and January 2018 to terminate the Temporary Protected Status (TPS) designation for nationals of Nicaragua (5,000), Haiti (60,000) and El Salvador (250,000) who have been allowed to stay legally in the United States when conditions in their countries prevent them from returning. The department is giving the individuals 18 months to arrange for their departure or to seek an alternative lawful immigration status in the United States if they are eligible.</p>	<p><i>Concerned about the fate of the individuals who have lost their TPS designation. Urges them to obtain qualified legal advice from a lawyer or accredited representative and avoid individuals who lack proper credentials to practice immigration law. Urges Congress to enact comprehensive immigration reform.</i></p>



Subject	Description and Status	ABA Position
*Travel Ban	<p>The president issued executive orders on 1/25/17 and 1/27/17 on border security, immigration enforcement, and visa and refugee programs. The executive orders would have suspended entry into the United States of individuals from several majority-Muslim countries for 90 days, indefinitely barred Syrian refugees from entering the country, suspended the U.S. Refugee Admission Program for 120 days, and reduced the number of refugees allowed into the United States during 2017 from 110,000 to 50,000. After federal judges temporarily blocked the executive order that sought to suspend entry into the United States from majority-Muslim countries, the president issued a revised order on 3/6/17. The federal courts also temporarily blocked the revised order. The Supreme Court, however, allowed a refugee ban in the order to go into effect with certain exceptions. The president issued another revised order on 9/24/17, and the Supreme Court allowed the revised order to go into effect on 12/4/17 pending further legal challenges. On 12/22/17, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit ruled against the most recent revised order.</p>	<p><i>Opposes the use of nationality or religion to bar otherwise eligible individuals from entering the United States. Urges the executive branch to ensure that any executive orders concerning border security, immigration enforcement and terrorism respect the bounds of the U.S. Constitution and international legal obligations.</i></p>

Intellectual Property Law

U.S. Patent and Trademark Office (USPTO) Funding	<p>P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, continued funding for the USPTO at the fiscal year 2017 funding level of \$3.23 billion through 1/19/18.</p>	<p><i>Supports adequate funding for the USPTO and opposes diversion of patent fees to fund other programs.</i></p>
*Patent Venue	<p>The Supreme Court ruled on 5/22/17 in <i>TC Heartland LLC v Kraft Foods Group Brands LLC</i>, 581 U.S. ___ (2017), that the special patent venue statute, 28 U.S.C. §1400(b), provides that a corporation will only be deemed to reside where the corporation is incorporated and that patent infringement actions cannot be filed nationwide.</p>	<p><i>Supports.</i></p>
*Trademarks – Registration of Disparaging Marks	<p>The Supreme Court ruled on 6/19/17 in <i>Matal v. Tam</i>, 582 U.S. ___ (2017), that Section 2(a) of the Lanham Act barring registration of disparaging marks violates the Free Speech Clause of the First Amendment.</p>	<p><i>Took no position supporting either party, but filed an amicus brief advising the court on basic propositions of trademark law.</i></p>



Subject	Description and Status	ABA Position
<h2>International Law</h2>		
India Legal Services Liberalization	<p>A dialogue continued during 2017 between the government of India and the legal profession on whether to liberalize the legal services market to allow foreign law firms into the country. The government petitioned the Supreme Court of India to hold hearings on a pending case seeking to prevent foreign lawyers and law firms from offering services in India even on a temporary basis through “fly-in/fly-out.” After putting the case on hold for several years, the Supreme Court held its first hearing on the case in early January 2018.</p>	<p><i>Supports reciprocal treatment of U.S.-licensed lawyers in India similar to the U.S. practice of allowing overseas licensed lawyers to provide legal services in the United States.</i></p>
◆*International Affairs Budget – Rule of Law	<p>The House Appropriations Committee and the Senate Appropriations Committee approved fiscal year 2018 funding bills (H.R. 3362 and S. 1720) that include \$210.5 million for the Democracy Fund, \$2.308 billion for democracy programs, and \$170 million for the National Endowment for Democracy. The Senate bill includes a funding level of \$1.449 billion for Contributions to International Organizations while the House bill includes \$1.074 billion. Both bills also direct the U.S. Agency for International Development (USAID) to implement civil society and political competition and consensus building programs abroad in a manner that recognizes the unique benefits of grants and cooperative agreements, and to expand the language to include programs that develop institutions of an independent judiciary and legal profession.</p>	<p><i>Supports continued funding for organizations and programs that assist in the establishment of the rule of law abroad.</i></p>
*Russia Legal Services Market	<p>The Ministry of Justice of the Russian Federation has proposed revisions to its rules enabling foreign law firms to practice in Russia, including some that would negatively affect the ability of U.S. law firms to operate in the country.</p>	<p><i>Conveyed information to the Ministry of Justice about the U.S. system of lawyer regulation and opposes any restrictive measures that would prevent U.S. law firms from operating in Russia.</i></p>
*State Department Priorities	<p>The ABA president urged that any reforms at the State Department reinforce and strengthen the role that the core values of democracy, human rights and governance play in U.S. diplomacy. Responding to the ABA’s concerns, the secretary of state wrote in a letter that he shared the ABA president’s desire to support those efforts and said that, as part of the State Department’s redesign process, the department and USAID “are working to align our diplomatic and foreign assistance efforts to advance a free, peaceful, and prosperous world.”</p>	<p><i>Urges the State Department to retain its focus on democracy, human rights, justice, and the rule of law.</i></p>



Subject	Description and Status	ABA Position
UNESCO	The State Department announced on 10/12/17 that the United States will withdraw from the United Nations Educational, Science and Cultural Organization (UNESCO) at the end of 2018, citing U.S. concerns about mounting arrears at UNESCO, the need for fundamental reform in the organization, and continuing anti-Israel bias at UNESCO. The statement indicated the United States' interest in remaining engaged with UNESCO as a non-member observer state in order to contribute U.S. views, perspectives and expertise. The United States stopped paying UNESCO dues in 2011 when the organization accepted Palestine as a full member.	<i>Supports U.S. membership in UNESCO.</i>
U.S.-Korea Free Trade Agreement	In July 2017, the president directed the Office of the U.S. Trade Representative to initiate talks with South Korea regarding potential modifications to the U.S.-South Korea Free Trade Agreement (FTA). The FTA includes a provision on legal services which allowed U.S. law firms to open offices in that country for the first time beginning in 2012 and which was supposed to provide a full market opening by 2017. Trade negotiators for the U.S. and South Korea met twice in 2017, and again in January 2018.	<i>Supports a full legal services market opening in South Korea to enable U.S. law firms to establish offices and hire Korean lawyers or to integrate fully with a Korean law firm.</i>
Legal Education		
*Higher Education Act Reauthorization	H.R. 4508, Higher Education Act (HEA) reauthorization legislation, would make substantial changes in the federal student financial assistance system, simplify the Free Application for Federal Student Aid (FAFSA), enhance financial aid counseling, restructure accrediting agencies, and end numerous programs, including the Public Service Loan Forgiveness Program (PSLF). The House Education and the Workforce Committee approved H.R. 4508. The Senate Health, Education, Labor and Pensions Committee held a hearing on HEA reauthorization to examine proposals to simplify FAFSA, but no Senate legislation was introduced.	<i>Supports legislation providing for loan assistance and forgiveness programs and programs to help students experiencing financial hardship.</i>
♦John R. Justice Prosecutors and Defenders Incentive Act	P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, continued funding through 1/19/18 at the fiscal year 2017 level of \$2 million for the John R. Justice Prosecutors and Defenders Incentive Act, which provides student loan repayment assistance for lawyers employed as state prosecutors and as federal and state public defenders.	<i>Supports.</i>



Subject	Description and Status	ABA Position
◆*Public Service Loan Forgiveness Program (PSLF)	H.R. 4508, HEA reauthorization legislation, would end the Public Service Loan Forgiveness Program (PSLF). Under PSLF, individuals are eligible for forgiveness of remaining debt after 10 years of eligible employment at a wide range of public service jobs and 120 timely loan payments. The House Education and the Workforce Committee approved H.R. 4508 after narrowly defeating an amendment that would have preserved PSLF and extended PSLF eligibility to farmers and ranchers. Starting at the end of 2014, the Department of Education began rescinding its prior approvals of some borrowers' employment as eligible for PSLF without explanation. When those letters rescinded approvals of individuals employed with ABA projects, the association filed a lawsuit requesting that the court order the department to restore its interpretation of the law recognizing the ABA, and many other non-profits that have been affected, as eligible until a proper prospective rule-making changes that status. The lawsuit is pending.	<i>Supports PSLF and opposes efforts to make sweeping changes or to undermine the program. Supports restoration of ABA's status as a qualified employer under the program.</i>
◆*Student Loan Interest Deduction	P.L. 115-97 (H.R. 1), tax reform legislation signed 12/22/17, preserves the student loan interest tax deduction, which had been targeted for elimination in an earlier version of the legislation passed by the House.	<i>Supports.</i>

Legal Profession

*Lawyer Advertising	The House Judiciary Subcommittee on the Constitution and Civil Liberties held a hearing to examine the issues raised by attorney advertising that is alleged to harm patients by leading them to discontinue their prescribed medications. The hearing followed a request from the House Judiciary Committee chairman seeking comments from the ABA and 51 state bars regarding lawyer commercials.	<i>A working group of the ABA Standing Committee on Ethics & Professional Responsibility is reviewing the issue of lawyer advertising.</i>
*U.S. Attorneys - Diversity	As of January 2018, out of the current administration's 75 nominees or interim U.S. attorney appointments, only five were women. In comparison, under the previous administration, 19 of these same 75 positions were held by women.	<i>Urges the consideration of diversity in choosing candidates to become U.S. attorneys.</i>



Subject	Description and Status	ABA Position
<h2>Legal Research</h2>		
*Law Library of Congress Funding	P.L. 115-96 (H.R. 1370), fiscal year 2018 continuing appropriations legislation signed 12/22/17, continued funding at the fiscal year 2017 level of \$684 million through 1/19/18 for the Library of Congress (LOC), which houses the Law Library of Congress. The LOC requested a 7.8 percent increase to \$738 million in its fiscal year 2018 budget request.	<i>Supports the LOC's budget request to provide adequate funding for the activities of the Law Library of Congress.</i>
<h2>Legal Services</h2>		
◆*Legal Services Corporation	P.L. 115-31 (H.R. 244), consolidated fiscal year 2017 appropriations legislation signed 5/5/17, included \$385 million for the Legal Services Corporation (LSC). The president proposed elimination of the LSC in his fiscal year 2018 budget blueprint, and his proposed budget included \$33 million to be used to close down the program. The House Appropriations Committee approved \$300 million for the LSC in fiscal year 2018. The Senate Appropriations Committee approved \$385 million in fiscal year 2018 for the program. P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, continued the fiscal year 2017 funding level of \$385 million for the LSC through 1/19/18.	<i>Supports the adequate funding of LSC to increase the effectiveness and efficiency of the delivery of legal services to the poor. Urged Congress to approve increased funding to \$450 million for the LSC.</i>
<h2>National Security</h2>		
◆*Cybersecurity	H.R. 584 would foster the sharing of cyber threat information by requiring the Department of Homeland Security's (DHS) State, Local and Regional Fusion Center Initiative to coordinate with the National Cybersecurity and Communications Center to provide state, local and regional fusion centers with expertise on DHS cybersecurity resources. The House passed H.R. 584. There was no comparable Senate legislation. The president signed an executive order on 5/11/17 requiring agency heads, as an initial step, to immediately use the Framework for Improving Critical Infrastructure Cybersecurity developed by the National Institute of Standards and Technology and to issue risk management reports to the DHS secretary and the director of the Office of Management and Budget.	<i>Supports five principles to be considered by the executive and legislative branches when making policy determinations for improving cybersecurity for the U.S. public and provide sectors. Supports H.R. 584.</i>



Subject	Description and Status	ABA Position
Foreign Intelligence Surveillance Act	P.L. 115-118 (S. 139), signed 1/19/18, reauthorizes the Foreign Intelligence Surveillance Act (FISA) for six years. The new law amends FISA Section 702, which allows the government, without a warrant, to collect private messages from foreigners abroad even if the targets are communicating with Americans. The new law does not include broader reforms proposed in earlier versions of the legislation, but places some new restrictions on when the government may search the FISA Section 702 database seeking information on foreigners that may incidentally include data on Americans.	<i>Supports protecting national security in a manner consistent with constitutional guarantees.</i>
◆ Guantanamo Detainees	P.L. 115-91 (H.R. 2810), fiscal year 2018 defense authorization legislation signed 12/12/17; P.L. 115-31 (H.R. 244), consolidated fiscal year 2017 appropriations legislation signed 5/5/17; and P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, maintained provisions prohibiting the following: the use of appropriated funds for the transfer of detainees at Guantanamo Bay to the United States for any purpose, including prosecution in Article III courts; construction or modification of facilities in the United States to house detainees; the release of detainees to Libya, Somalia, Syria or Yemen; or the use of funds to close Guantanamo. On 1/11/18, a motion was filed in the U.S. District Court for the District of Columbia by attorneys representing 11 Guantanamo prisoners who have been detained without charge for nearly 16 years. The lawyers argued that the petitioners' detentions violate the U.S. Constitution and the Authorization for Use of Military Force. On 1/18/18, the court ordered the Trump administration to respond to the motion.	<i>Supports prosecution in Article III federal courts of detainees at Guantanamo Bay charged with criminal law violations unless the U.S. attorney general certifies that the prosecution cannot take place before such courts. Urges the prompt release or transfer of detainees no longer considered enemy combatants.</i>
Tax Law		
* Internal Revenue Service (IRS) Funding	P.L. 115-96 (H.R. 1370), fiscal year 2018 continuing appropriations legislation signed 12/22/17, continued funding at the fiscal year 2017 level of \$11.2 billion through 1/19/18 for the IRS.	<i>Supports adequate funding for the IRS to fulfill its mission.</i>
◆* Tax Reform Affecting Lawyers – Mandatory Accrual Accounting	P.L. 115-97 (H.R. 1), tax reform legislation signed 12/22/17, does not include previously proposed provisions that would have required all law firms and other personal services businesses with annual gross receipts over \$10 million to switch from the traditional cash method of accounting to the accrual method, which would require payment of taxes on income not yet received.	<i>Opposes mandatory accrual accounting proposals.</i>



Subject	Description and Status	ABA Position
<p>◆*Tax Reform Affecting Lawyers – Pass-Through Tax Relief for Law Firms</p>	<p>P.L. 115-97 (H.R. 1), tax reform legislation signed 12/22/17, allows individual owners of pass-through entities – including law firms and other professional services businesses – to deduct 20 percent of the “qualified business income” they receive from the entity. The new law phases out the deduction for owners of most professional service businesses (including law firms) that earn over \$315,000 (for married taxpayers filing jointly) or \$157,500 (for single taxpayers).</p>	<p><i>Supports applying the same tax benefits to all pass-through entities—including law firms and all other types of professional service businesses – on an equal, non-discriminatory basis.</i></p>
<h2 style="color: blue;">Tort Law</h2>		
<p>◆*Medical Liability</p>	<p>H.R. 1215 would preempt state laws to cap noneconomic damages in medical liability cases at \$250,000 and place limits on contingency fees that lawyers can charge. The bill also would preempt existing state laws that provide for joint and several liability in medical liability cases by creating a “fair share rule” under which each party would be liable for its part of any damages. The House passed H.R. 1215. There was no comparable Senate legislation.</p>	<p><i>Opposes.</i></p>
<h2 style="color: blue;">Veterans</h2>		
<p>Caregiver Assistance</p>	<p>P.L. 115-119 (H.R. 3759), signed 1/22/18, provides for the development of a federal Family Caregiver Strategy. S. 591 and H.R. 1472 would expand eligibility for the family caregiver program of the Department of Veterans Affairs (VA) and expand services to caregivers of veterans under the program to include child care services, financial planning services, and legal services. The Senate Special Committee on Aging and the Senate Veterans’ Affairs Committee held hearings on S. 591, and the bill’s provisions were incorporated into S. 2193, which would improve health care for veterans. The House Veterans’ Affairs Committee approved S. 2193. H.R. 1472 was referred to the House Veterans’ Affairs Subcommittee on Health, the House Armed Services Subcommittee on Military Personnel, the House Oversight and Government Reform Committee, and the House Energy and Commerce Subcommittee on Health. There was no action on H.R. 1472.</p>	<p><i>Supports.</i></p>
<p>◆*Homeless Veterans</p>	<p>S. 1072, H.R. 1993 and H.R. 2703 include provisions to allow the VA secretary to partner with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness. S. 1072 was referred to the Senate Veterans Affairs’ Committee. H.R. 1993 was referred to House Veterans’ Affairs Subcommittee on Health. H.R. 2703 was referred to the House Veterans’ Affairs Subcommittee on Economic Opportunity. There was no action on the bills.</p>	<p><i>Supports.</i></p>



Subject	Description and Status	ABA Position
◆*Pro Bono Assistance for Veterans	The ABA signed an historic Memorandum of Agreement (MoA) on 11/13/17 with the VA, the Veterans Consortium Pro Bono Program, and the National Law School Veterans Clinic Consortium that seeks to improve veterans' access to pro bono legal assistance, including expansion of VA-hosted free legal clinics and medical legal partnerships.	<i>Supports efforts to remove legal barriers that veterans face to access benefits, services and treatment.</i>
◆Veterans Appeals Process	P.L. 115-55 (H.R. 2288), signed 8/23/17, improves notice, clarifies options, and increases the potential for expediency for veterans seeking review of disability decisions by the VA. The law further places new burdens on the VA for providing medical evidence to assist claimants with claims of particular wounds, including post traumatic stress.	<i>Supports steps to improve the disability review process.</i>
◆Veterans Treatment Courts	S. 946 and H.R. 2147 would require the VA secretary to hire additional Veterans Justice Outreach Specialists to provide treatment court services to veterans involved in the justice system. H.R. 4345 would express the sense of Congress that Veterans Treatment Courts are a successful program and direct the Department of Justice (DOJ) to establish a program to provide grants to state circuit court systems that have established Veterans Treatment Courts or intend to establish such programs. The Senate Veterans' Affairs Committee held a hearing on S. 946. The House Veterans' Affairs Subcommittee on Health held a hearing on H.R. 2147. H.R. 4345 was referred to the House Judiciary Subcommittee on Crime, Terrorism, Homeland Security, and Investigations, where there was no action on the bill. P.L. 115-96 (H.R. 1370), continuing fiscal year 2018 appropriations legislation signed 12/22/17, continued funding at the fiscal year 2017 level of \$7 million through 1/19/18 for the current Veterans Treatment Court program under DOJ.	<i>Supports.</i>



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2018 Congressional Schedule Second Session, 115th Congress

Senate

Convenes for business **Jan. 3**

State of the Union Message **Jan. 30**

State Work Period **Feb. 19-24**

State Work Period **Mar 26-Apr 6**

State Work Period **Apr 30-May 4**

State Work Period **May 28-June 1**

State Work Period **July 2-6**

State Work Period **Aug. 6-Sept. 3**

State Work Period **Oct. 29-Nov. 12**

Election Day **Nov. 6**

Senate Work Period **Nov. 19-23**

Target Adjournment **Dec. 14**

House

Convenes for business **Jan. 3**

District Work Period **Jan. 22-26**

State of the Union Message **Jan. 30**

District Work Period **Mar 23-Apr 9**

District Work Period **Apr 30-May 4**

District Work Period **May 25-June 4**

District Work Period **July 2-9**

District Work Period **July 27-Sept. 3**

District Work Period **Sept. 17-24**

District Work Period **Oct. 15-Nov. 12**

Election Day **Nov. 6**

District Work Period **Nov. 19-26**

Target Adjournment **Dec. 13**



The monthly *Washington Letter* reports news of national public interest to the legal profession, including congressional, executive branch and ABA activities concerning the association's legislative priorities. The newsletter is published by the Governmental Affairs Office as a service to ABA members in the national, state and local bar associations. Full text of the newsletter is available [online](#). © 2018 American Bar Association. All rights reserved. Please address correspondence to:

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