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Key Legislative Developments Affecting Your Human Resources

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Winding Down: Focus on Government Spending Bill and Leadership Positions

With few days left before government funding runs out, lawmakers spent recent days considering how to avert a government shutdown and jockeying for leadership positions.

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Government Funding

With the 2017 fiscal year well underway, Congress has yet to agree to a funding bill for government spending beyond December 9. Last week, lawmakers grappled with whether to extend the current continuing resolution (CR) to a date beyond March 2017. Recognizing that the Senate will be bogged down with confirmation proceedings for President-elect Trump's Cabinet nominees, members of both chambers indicated that a longer-term CR may be necessary. Under consideration is a CR that would extend through April, or even September 30, the last day of the federal government's 2017 fiscal year. A draft CR is expected to be released later this week.



House Leadership

Rep. Paul Ryan (R-WI) easily won his party's nomination to continue as Speaker of the House. He is expected to win the election when the newly elected Congress convenes on January 3, 2017.

Comment. Speaker Ryan is the architect of the GOP House report called A Better Way. The report, a blueprint of Republican policies, provides insight into the changes that the party may pursue in 2017. Among these changes are the dismantling of the Affordable Care Act (ACA), the expansion of HSAs and HRAs, and capping the tax exclusion for employer-sponsored health care insurance. (See our [June 27 Legislate](#) for additional information.)

Rep. Nancy Pelosi (D-CA) was re-elected by her party as the highest ranking Democrat in the House. Although Rep. Pelosi was successful, it was not smooth sailing, with a challenge launched by Sen. Tim Ryan (D-OH). In response to

the challenge, she and her caucus agreed to rule changes for filling other leadership positions. Going forward, the Democrats' communication and campaign leadership posts will be filled via election, rather than appointment.

Senate Leadership

Sen. Mitch McConnell (R-KY) will continue as the Senate Republican (majority) leader, as Sen. Chuck Schumer (D-NY) becomes the Senate Democratic (minority) leader (following Sen. Harry Reid's retirement).

Comment. It will be interesting to see how the two Senate leaders navigate discussions to repeal and replace, or maintain and revise, the ACA. Perhaps they will work collaboratively, despite their divergent views, as both seek to protect the middle class. Indeed, Sen. McConnell has stated that he's looking for "solutions" for what he describes as the "countless middle-class families" hurt by the law. Sen. Schumer will have on his leadership team Sen. Richard Durbin (D-IL), Sen. Patty Murray (D-WA), Sen. Bernie Sanders (I-VT), Sen. Tammy Baldwin (D-WI), and Sen. Joe Manchin III (D-WV) — each of whom, as noted by Sen. Schumer, has "devoted their lives to fighting for the middle class and those struggling to get there."

Cabinet Positions, Musical Chairs and the ACA

The music has not stopped playing, and thus we don't know (yet) who will be nominated to the president-elect's Cabinet. Nevertheless, as we await his nomination for some key positions including secretary of labor, President-elect Trump has said he will nominate Rep. Tom Price (R-GA) to be secretary of HHS.

A physician by training, Rep. Price is the sponsor of comprehensive legislation to repeal and replace the ACA — Empowering Patients First Act of 2015 ([H.R. 2300](#)). Although the bill will not advance in the lame-duck session, it is likely to be reintroduced by the newly elected Congress. (Additional information about the bill can be found in this [summary](#); also see our [June 6 Legislate](#) for an overview of Congress' effort to repeal and replace the ACA.)

Looking Ahead

We may be surprised, but it's unlikely that this Congress will complete the year and the term with a government shutdown. As such, Congress is expected to finalize and present President Obama with a CR for signature on or before Friday, December 16, providing plenty of time for the lawmakers to return home to their districts for the holiday season.

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