

JANUARY–AUGUST 2017

U.S. CHAMBER POLICY ACCOMPLISHMENTS



U.S. CHAMBER OF COMMERCE



U.S. CHAMBER OF COMMERCE

The U.S. Chamber of Commerce is the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations.

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ANTITRUST

Regulatory Reform

- Secured passage of H.R. 659—The SMARTER Act by the House Judiciary Committee. The Chamber has been the driving force behind the legislation to align the Federal Trade Commission’s merger review procedures with those of the Department of Justice.

CAPITAL MARKETS, CORPORATE GOVERNANCE, AND SECURITIES REGULATION

- The Chamber’s Center for Capital Markets Competitiveness (CCMC) testified before the House Committee on Financial Services, the Subcommittee on Capital Markets, Securities, and Investment, and at the Consumer Financial Protection Bureau’s small business data collection field hearing in Los Angeles; sent 49 comment letters to regulators and Congress; and hosted 21 meetings and 18 member calls. CCMC also took part in 36 events, hosting 6.

Highlights:

FINANCIAL REGULATION

- **House passes Commodity End-User Relief Act:** In January, the House passed the Commodity End-User Relief Act. The bill reauthorizes the Commodity Futures Trading Commission (CFTC) and implements critical agency reforms. Key provisions advocated by the Chamber and the Chamber-led Coalition for Derivatives End-Users include relief for inter-affiliate derivatives transactions, requirements for rigorous economic analysis in CFTC rulemakings, and the prevention of an automatic decrease in the de minimis threshold for swap dealer registration.
- **Margin relief for inter-affiliate derivatives transactions:** In July, the House Appropriations Committee reported out of committee the fiscal year 2018 Agricultural Appropriations bill, which included a policy rider to exempt inter-affiliate derivatives transactions from initial margin requirements. The Chamber worked with appropriators to secure this amendment, which passed the full committee on a voice vote.
- **Congressional action on legislation to facilitate capital formation:** A number of Chamber-supported bills that would improve the ability of businesses to raise capital, contribute to stronger economic growth, and provide certainty for market participants passed the House and Senate Banking committees.
- **President signs into law a bill that reverses Department of Labor (DOL) rule on municipal retirement plans:** This rule would have allowed states and municipalities around the country to establish government-run retirement plans that would directly compete with private sector plans. It would have threatened the ability of individuals to save for retirement and further strained public finances in the U.S.

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- **President signs into law a bill that eliminates the SEC resource extraction rule:** The Chamber had been a vocal critic of the rule that would have compelled disclosures for public companies resulting in a loss of competitive advantage by U.S. companies.
- **House passes Congressional Review Act (CRA) resolution for Consumer Financial Protection Bureau's (CFPB's) anti-arbitration rule:** The House overwhelmingly passed a resolution to overturn the CFPB's anti-arbitration rule. The Chamber has led the efforts to repeal the rule to ensure that consumers have access to consumer-friendly arbitration as a dispute resolution alternative to class action litigation.
- **House passes the Financial CHOICE Act:** The Chamber supported this legislation, which included a large number of Chamber priorities such as repeal of the Volcker Rule, repeal of authority to designate nonbank entities as systemically important financial institutions, and a host of provisions that would facilitate capital formation and help grow the economy.
- **Treasury reviews FSOC process:** In April, the president directed the secretary of the Treasury to undertake a comprehensive review of the Financial Stability Oversight Council's (FSOC's) process for designating nonbank financial companies as systemically important financial institutions (SIFIs). The president further directed the secretary to refrain from any further SIFI designations during the course of this review. For years, the Chamber has been a leading advocate for critical reforms to FSOC operations and the SIFI designation process.
- **CFPB amends Complaint Database reports:** In January, following requests made by the Chamber, the Bureau stopped publishing specific names of companies that receive the most complaints in their monthly reports.
- **Portions of Department of Labor's Fiduciary Rule set to be delayed.** In August, the Department of Labor announced in a court filing that it intends to delay the January 1, 2018, effective date of the most onerous provisions of the Fiduciary Rule. The Chamber consistently called for this compliance date to be delayed due to the unworkability of the provisions set to go into effect and the need for DOL to coordinate with other agencies such as the Securities and Exchange Commission (SEC) on the matter.
- **Released report highlighting the damage of the DOL Fiduciary Rule:** In May, the Chamber released a report that compiled a number of surveys and data that had been collected to show how the Fiduciary Rule is harming the very people it is intended to protect. The report was part of our ongoing efforts to, at a minimum, have fundamental changes made to the Fiduciary Rule.
- **Released recommendations to improve shareholder proposal system:** In July, the Chamber released a set of recommendations to reform the broken rules that govern shareholder proposals at public companies. The current system has allowed special interest activists to foist their agendas upon a company's proxy materials, which comes at a significant cost to other shareholders and the capital markets at large.

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CHAMBER TECHNOLOGY ENGAGEMENT CENTER (C_TEC)

- C_TEC testified before the House Energy and Commerce Committee on autonomous vehicle legislation, sent 5 comments/letters on policy impacting the Chamber and C_TEC members, and hosted 30 meetings to advance the policy priorities of the Chamber and C_TEC members.

Highlights:

Transportation/Technology

- C_TEC **testified** before the House Energy and Commerce Committee on autonomous vehicle (AV) legislation.



- The AV bill unanimously passed the House Energy and Commerce Committee on July 27.

Technology

- C_TEC's technology efforts included the following:
 - Attended a White House meeting during the administration's Technology Week focused on tax reform and technology's role in modernizing government. Secretary of Treasury Steven Mnuchin, National Economic Council Director Gary Cohn, and Director of Strategic Initiatives Chris Liddell participated in the meeting.
 - Named co-chairs for three working groups focused on autonomous vehicles (Intel, Inrix, and Allstate), unmanned aerial vehicles (Measure and Lockheed Martin), and Internet of Things (Verizon and Target).
 - Released a report highlighting the economic benefits of data centers.
 - Hosted a TecTalk focused on broadband infrastructure with the chairman of the House Energy and Commerce Committee's Subcommittee on Communications and Technology.

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ECONOMIC POLICY (Taxes/Contracting/Deficits and Debt)

Taxes

- On April 21, President Trump signed [Executive Order \(EO\) 13789](#), Identifying and Reducing Tax Regulatory Burdens, seeking feedback on regulations that impose an undue financial burden on American taxpayers, add undue complexity to federal tax laws, or exceed statutory authority of the Internal Revenue Service.
 - In response, the Chamber filed [this letter](#), calling for action on 12 regulatory projects.
 - On July 7, the Treasury Department released [Notice 2017-38](#), which identified regulations that would undergo review for burden reduction as specified by EO 13789. Of the regulations Treasury said it would review, 7 of the 8 selected were ones the Chamber asked for action on in this letter. In October, Treasury released a final report indicating the disposition of those projects.
- In addition to [Notice 2017-38](#), in July, Treasury issued [Notice 2017-36](#), delaying the documentation requirements of the §385 regulations until 2019. The rules would have originally been effective in 2018, and the Chamber had asked since their issuance in proposed form for this delayed effective date.

Federal Contracting

- On March 27, H.J. Res. 37 was signed into law. It vitiated Executive Order 13673, Fair Pay and Safe Workplaces, which would have undermined the existing suspension and debarment system by requiring contractors and agencies to create duplicative and burdensome new compliance regimes.
- On April 6, the Chamber filed [comments](#) in response to the Construction of Pipelines Using Domestic Steel and Iron *Federal Register* notice of March 16, in which the Chamber asserted the imposition of domestic source mandates upon privately funded commercial projects would be unprecedented.
- On June 2, the Procurement Council hosted Maj. Gen. David Thompson, vice commander of Air Force Space Command, on the role of the commercial sector in future national security space programs.

Deficits and Debt

- Ensured that the pressing need for fundamental entitlement reform remains on the nation's policy agenda by continuing to advocate and support viable entitlement reform legislation, such as the bipartisan Save Our Social Security Act to restore Social Security to fiscal health.

Regulatory Reform

- Provided economic analysis input to other Chamber divisions in support of Congressional Review Act (CRA) resolutions that were successful in rescinding two major regulations (Department of Labor or DOL blacklisting rule and OSHA Volks rule). Provided data input and analysis that contributed to administration actions to review and reconsider DOL's Fiduciary Rule and the Fair Labor Standards Act Exemptions Salary Test Rule (overtime pay).

U.S. CHAMBER POLICY ACCOMPLISHMENTS

EDUCATION, EMPLOYMENT, AND TRAINING

- The Chamber sent 4 letters to Congress, 1 letter to Secretary Betsy DeVos and the Department of Education, and testified before the House Education and Workforce committee.
 - The Chamber sent a letter to members of the Senate Health, Education, Labor and Pensions Committee outlining our long-standing priorities for education and training and encouraging the committee to act swiftly on the nomination of Betsy DeVos as secretary of Education. Secretary DeVos was approved by the full Senate.
 - The Chamber applauds House passage of H.R. 2353, Strengthening Career and Technical Education for the 21st Century Act, which aims to improve and expand CTE and align workforce skills with labor market needs.
 - The Department of Education continued delaying the Borrowers Defense to Repayment (BDTR), a success for the Chamber.
- The Higher Education Act (HEA) Working Group convened to discuss and outline priorities for the reauthorization of HEA, as it presents a critical opportunity for the business community, students, and the nation.
- The Center for Education and Workforce (CEW) released a new report, Workforce of Today, Workforce of Tomorrow: The Business Case for High-Quality Childcare at a national conference on June 21. The event was attended by more than 150 people and served as the launch for the Foundation’s new initiative on high-quality early education and care.
- CEW hosted a fourth installment of the Every Student Succeeds Act (ESSA) Institute, bringing together chamber representatives from across the country to discuss implementation priorities and messaging to ensure that the business community’s voice is represented as states are finalizing their state education plans.
- The curriculum for Talent Pipeline Management, the CEW’s signature workforce development initiative, was publicly released at the national conference America Working Forward on October 16.

ENERGY

- Successfully advocated in support of President Trump’s issuance of Executive Order 13783, Promoting Energy Independence and Economic Growth, which initiated a wholesale review of U.S. energy policy and regulations.
- Successfully advocated in support of the president’s issuance of Executive Order 13795, Implementing an America-First Offshore Energy Strategy, which, among other things, initiated the drafting of the new Outer Continental Shelf Leasing Program and repealed previous presidential withdrawals of Arctic acreage.
- Successfully advocated for the regulatory withdrawal of the Office of Natural Resources Revenue Royalty’s Valuation Rule on April 4.
- Successfully advocated for the regulatory withdrawal of the Bureau of Land Management’s Hydraulic Fracturing Rule on July 25.
- Successfully advocated the nomination and confirmation of two Federal Energy Regulatory commissioners, bringing the commission back to quorum level and enabling final approval of dozens of energy infrastructure projects

U.S. CHAMBER POLICY ACCOMPLISHMENTS

ENVIRONMENT, TECHNOLOGY, AND REGULATORY AFFAIRS

Agriculture and Food Safety

- Successfully advocated for the commonsense implementation of the Toxic Substances Control Act (TSCA) reform legislation signed into law last year. Submitted comments on three key framework rules based on scientifically valid and peer-reviewed data and for use of the best science in determining prioritization and risk evaluation during implementation. Joined a coalition letter to congressional Appropriations leaders requesting full funding of TSCA for fiscal year 2018.
- Successfully advocated in support of the administration's decision to review and rescind the 2015 revised definition of Waters of the United States. Joined other industry associations on a coalition letter to President Trump in support of Executive Order 13778, Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule.

Environment

- Successfully advocated for passage and the president's signing of H.J. Res. 38, a bill that invalidated under the Congressional Review Act (CRA) the Department of the Interior's Stream Buffer Rule.
- Successfully advocated for using the CRA to disapprove of the Bureau of Land Management's Planning 2.0 rule, which shifted land use authority of large swaths of federal lands from state and local jurisdiction to federal authorities.
- The Chamber and coalition partners advocated for passage of the Ozone Implementation Act of 2017, H.R. 806/S. 263. The act would harmonize implementation of the 2008 and 2015 ozone rules and add significant flexibilities to the timing and implementation of future rules. H.R. 806 passed the House on July 18 by a vote of 229-199, and S. 263 was introduced in the Senate on February 1.
- On June 9, the EPA administrator signed a final rule to delay the implementation of the Final Amendments to the Risk Management Program (RMP) Rule until February 19, 2019. The Chamber and other trade associations had advocated for a delay of the rule while the agency reviews a petition for reconsideration of the rule filed by the Chamber and other groups.
- The Chamber and coalition partners advocated for passage of the Transparency and Honesty in Energy Regulations Act (THERA) of 2017, H.R. 3117/S. 1512, which prohibits federal regulatory agencies from using estimates of the social cost of carbon and other greenhouse gases in regulatory actions. H.R. 3117 was introduced in the House and S. 1512 was introduced in the Senate on June 29.
- The Chamber and coalition partners worked with the executive branch to advance withdrawal (and replacement as appropriate) of EPA's carbon dioxide regulations on electric power plants (Clean Power Plan and New Source Performance Standards).
- Successfully advocated for repeal of National Environmental Policy Act (NEPA) guidance expanding permitting reviews to consider and mitigate for upstream and downstream greenhouse gas emissions.

Regulatory Reform

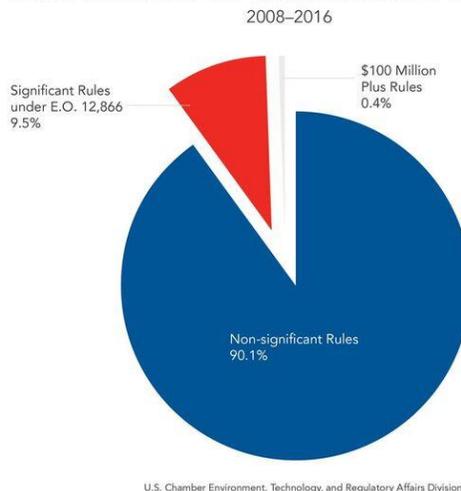
- In March, the Chamber released the report *Taming the Administrative State: Identifying Regulations That Impact Jobs and the Economy*. The report shows that if enacted the Regulatory Accountability Act (RAA) would only apply to 20—30 regulations each year, thereby minimizing additional analytical burden on federal agencies. It would require additional transparency on the regulations that truly need it

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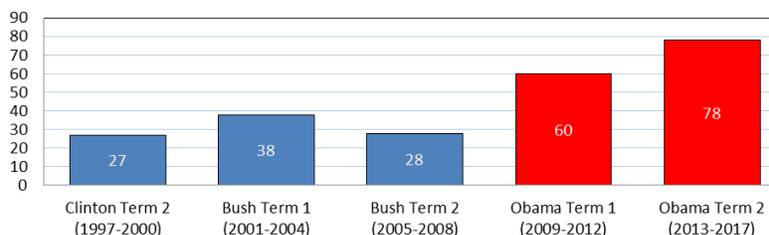
and direct the agency to establish the need for the most costly regulations and that benefits exceed costs.

THE PERCENTAGE OF REGULATIONS BY CATEGORY



- In May, the Chamber updated its 2013 study of sue and settle by releasing a new report entitled *Sue and Settle: Damage Done 2013—2016*, which highlights how sue and settle tactics by advocacy groups and regulatory agencies actually increased under the Clean Air Act after the release of the first Chamber report that shined a light on the practice.

Clean Air Act Sue and Settle Cases: 1997 to 2017



- The Chamber and coalition partners advocated for the passage of the Regulatory Accountability Act (RAA) of 2017, H.R. 5/S. 951. H.R. 5, which contained the RAA as part of a package of regulatory reform bills, passed the House on January 11 by a vote of 238-183. S. 951 was introduced in the Senate with bipartisan co-sponsorship on April 26. On February 6, the Chamber sent a multiassociation letter, with 616 signatures, to Senate leadership urging it to take up and pass S. 951, which has been reported out of committee and is awaiting a floor vote.
- To get the RAA passed by Congress and signed into law, the Chamber launched state-specific coalitions in 13 states to urge key Democrat and Independent senators to co-sponsor the legislation.
- In March, filed a response to the U.S. Department of Commerce’s request for input on burdens on domestic manufacturing and infrastructure permitting. The Chamber focused its response on the permit

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streamlining improvements achieved through Title 41 of the FAST Act and the importance of continuing to implement FAST-41 and the Federal Permitting Improvement Steering Council.

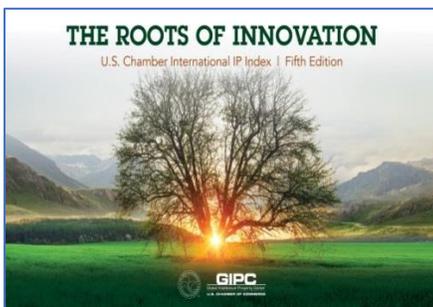
- In May, filed comments with EPA in response to the agency's request for public input on its review of existing regulations in compliance with Executive Order 13777. The Chamber's comments outlined recommendations with respect to specific key environmental regulations, such as the Clean Power Plan, the 2015 ozone NAAQS, the methane rule for new oil and gas sources, and the risk management program rule.
- The House and Senate introduced legislation the Chamber advocated for to address the sue and settle issue on January 12. H.R. 469/S. 119, the Sunshine for Regulatory Decrees and Settlements Act of 2017, would require agencies to give the public notice of pending and filed citizen suits and interested parties—including states—an opportunity to participate in settlement discussions.

Technology

- Successfully advocated for passage and the president's signing of S.J. Res. 34, a bill that invalidated under the CRA the Federal Communications Commission's (FCC's) broadband privacy rule.
- Successfully advocated for passage in the House of H.R. 387, the Email Privacy Act, which would amend the Electronic Communications Privacy Act to require the government to obtain a warrant for all electronic communications stored by third parties.
- Worked with the FCC to initiate its Restoring Internet Freedom rulemaking to undo the 2015 classification of broadband under the public utility-style regulatory framework of Title II of the 1934 Communications Act.
- The FCC under Commissioner Ajit Pai removed the commission's proposed set-top box rulemaking from its agenda after opposition from the Chamber to the rule.
- Submitted comments to the FCC requesting that it preempt local communications licensing laws that charge unreasonable fees to site communications equipment on public rights of way.

INTELLECTUAL PROPERTY (IP) AND INNOVATION POLICY

The Chamber's Global Intellectual Property Center (GIPC) issued a series of influential reports, new initiatives, and achieved policy successes:



- U.S. Chamber International IP Index/5th Edition ranks 45 economies on IP systems
- Media coverage in 15 countries and events in 7 countries
- 75K social media impressions and 11K website views
- D.C. events with 35 embassy officials, the U.S. government and the EU Amchams
- Two in-depth reports, one on licensing and one on Canada

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- As NAFTA negotiations launched on August 16, GIPC worked closely with U.S. negotiators to prioritize key IP chapter modernization objectives.
- In October, China adopted pro-innovation reforms in the biopharmaceutical sector in line with GIPC's yearlong project on *Establishing System of Linking New Drug Application and Patent Protection*. GIPC's launch of its 2016 *U.S.-China IP Cooperation Dialogue* report was webcasted to over 60,000 people.
- A Canadian court held in favor of pharmaceutical innovation by reversing a long-standing government policy, the Patent Utility Doctrine, which had adversely affected patentability.
- GIPC launched its groundbreaking anticounterfeiting initiative *The Real Conversation: Restructuring the Counterfeit Economy in China* in Barcelona at the International Trademark Association (INTA) conference.
- In advance of India's Prime Minister Modi's visit to the U.S. in June, GIPC engaged in a media campaign to highlight key changes needed to improve India's IP regime.
- Reacting to the U.S. government's reconsideration of its financial contribution to the World Intellectual Property Organization (WIPO), GIPC led the effort of 20 associations to write to the U.S. secretary of State on the critical role WIPO plays in protecting U.S. innovation and the need for the U.S. to remain a voting member.
- Following a GIPC-led delegation to the United Nations in Geneva, the World Health Organization member states chose not to endorse the UN High Level Panel on Access to Medicines, an entity attempting to dismantle international IP rights.

GIPC actively engaged on Domestic IP reform:

- Domestic IP-related legislation has made positive progress. The Register of Copyrights Selection and Accountability Act of 2017 was passed by the House with overwhelming, bipartisan support.
- Submitted testimony to the Senate Judiciary Committee hearing on *IP, Driver of Innovation, Making Our Lives Healthier, Safer & More Productive*.
- Continued its annual appropriations program for fiscal year 2018 and participated in meetings with congressional staff to advocate for IP-related funding.
- Hosted an IP 101 briefing for 50 congressional staff and an event on World IP Day featuring key members of the House and Senate.
- Led congressional discussions in Washington, D.C., the Consumer Electronics Show (CES), and South by Southwest Interactive Conference (SXSW).
- GIPC board members were invited to the White House to brief key officials in charge of trade and IP policy in the administration.

INTERNATIONAL TRADE, INVESTMENT, AND REGULATORY POLICY

Canada and Mexico: Modernizing the North American Free Trade Agreement (NAFTA)

- Led business community efforts to frame negotiations to modernize the agreement around several core principles, pressing the three governments to first, do no harm as they seek a seamless transition to a modernized, trilateral agreement, and, in the case of the U.S. administration, to adhere closely to the 2015 Bipartisan Congressional Trade Priorities and Accountability Act (known as TPA) at all stages.

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- Through an ambitious congressional, grassroots, and strategic communications program, advocated for specific business priorities on digital trade, intellectual property, agriculture, customs, state-owned enterprises, regulatory and technical barriers to trade, investment, energy, procurement, and rules of origin, among others.

China: Modest Progress in 100-Day Action Plan

- The Chamber's China Center advocated successfully for commitments by China across a number of sectors in the 100-Day Action Plan of the U.S.-China Comprehensive Economic Dialogue to (1) allow imports of U.S. beef into China on conditions consistent with international food safety and animal health standards; (2) conduct science-based evaluations of 8 pending U.S. biotechnology product applications that concluded with 4 new approvals; and (3) issue further necessary guidelines and allow wholly U.S.-owned suppliers of electronic payment services to begin the licensing process.

Colombia: Safeguard Data Flows

- Successfully advocated for the Colombian government to include the U.S. as an eligible country for data transfers under its privacy framework after a proposed draft revision in February excluded the U.S. The Chamber submitted letters during open consultations and met repeatedly with senior officials to point out deleterious effects of the draft circular in U.S. industry and bilateral commerce.

India

- **Unmanned Aerial Vehicles:** Successfully advocated for the U.S. administration to offer to sell India Missile Technology Control Regime Category I Unmanned Aerial Vehicles worth more than \$2 billion. Vice President Mike Pence announced this at the leadership conference of the Chamber-affiliated U.S.-India Business Council (USIBC).
- **Goods and Services Tax (GST) Implementation:** Conducted a major program to assist U.S. companies during the implementation phase of India's GST introduction beginning on July 1. Elements of the USIBC program included webinars with the Government of India and the U.S. Department of Commerce to discuss technical aspects of reporting system.

Indonesia: Patent Law and Insurance Sector

- Successfully advocated for the Indonesian government to take into account industry concerns in its patent law, enabling a delay for comment. Also argued successfully for a continuation of 80/20 foreign ownership in Indonesia's insurance sector, amid parliamentary efforts to lower this threshold. Separately, achieved a related "grandfathering" for foreign insurance companies whose equity exceeds 80%.

U.S. Tariff Programs

- Supported members in the process of submitting requests for tariff suspensions under the new Miscellaneous Tariff Bill process, leading to the introduction of an omnibus bill to the House for the first time in years.
- Alongside coalition partners, successfully advocated for the inclusion of travel goods in the Generalized System of Preferences program for all beneficiary countries.

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International Programs and Activities

- Launched new bilateral business councils focusing on trade and investment ties with Argentina, Colombia, Mexico, and the United Kingdom (bringing to 15 the number of Chamber-affiliated bilateral business councils) as well as a new leadership committee focused on Vietnam.
- Hosted 13 foreign heads of state or governments and dozens of foreign officials of minister rank.
- Chamber witnesses testified on international policy issues in 6 U.S. congressional and administration hearings, submitted comments on more than 24 occasions to foreign governments and multilateral agencies, and issued 12 major reports on international trade, investment, regulatory, and antitrust issues.

LABOR, IMMIGRATION, AND EMPLOYEE BENEFITS

- The Labor, Immigration, and Employee Benefits Division testified 4 times before congressional committees or the administration, submitted 20 comment letters, sent 60 letters to Capitol Hill, prepared 32 blog posts, and hosted 18 significant conferences and meetings. The [2017 activities report](#) provides a detailed review of this work.

Labor

- Congressional Review Act (CRA) resolutions: Led successful effort to repeal under the CRA the past administration's sweeping blacklisting regulation, which would have potentially debarred federal contractors for unproven allegations of wrongdoing, and the OSHA Volks regulation, which would have expanded from 6 months to 5 years the statute of limitations for record-keeping violations. Both of these resolutions were key voted ([H.J. Res. 37](#), [H.J. Res. 83](#)) by the Chamber and supported by strong grassroots efforts. For more information, see [Labor and Employee Benefits Congressional Review Act Resolutions Signed into Law](#).
- Led business plaintiffs in getting a final ruling from the U.S. District Court for the Eastern District of Texas invalidating the Obama administration's overtime rule and permanently setting it aside.
- Achieved passage of the Working Families Flexibility Act (H.R. 1180) in the House. The bill was [key voted](#) and [testified on](#) by the Chamber.
- Obtained appropriations riders in applicable House legislation addressing the Equal Employment Opportunity Commission's (EEOC's) expanded EEO-1 form and the National Labor Relations Board (NLRB) *Specialty Healthcare* (micro unions) and *Browning Ferris* (joint employer) decisions.
- Obtained rescission of the OSHA "union walk around" letter of interpretation and revocation of the defective Fair Labor Standards Act (FLSA) interpretations changing guidelines regarding independent contractor and joint employer status.
- Obtained reopening of rulemakings on the overtime and persuader regulations.
- Achieved repeal of revised EEO-1 Form through [testimony at EEOC](#) and [appeal to OMB under the Paperwork Reduction Act](#).
- Issued a white paper critical of the Office of Federal Contract Compliance Programs (OFCCP) and proposing thorough policy and procedural changes: [OFCCP: Right Mission, Wrong Tactics: Recommendations for Change](#).
- Issued a lengthy study titled [The Record of the National Labor Relations Board in the Obama Administration: Reversals Ahead?](#)

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- Created a new Human Trafficking Task Force to coordinate employer responses to legislation and create best practices model.
- Held a major event titled [Global Disability Employment Summit: Leading Corporate Practices on Disability Inclusion](#), on July 27 to showcase best practices on accessibility, supplier diversity, and government regulations related to hiring people with disabilities outside the U.S.

Workforce Freedom Initiative

- Published *[Restoring Common Sense to Labor Law: Ten Policies to Fix at the National Labor Relations Board](#)*.
- Produced and aired an ad supporting the right-to-work law in Virginia.
- Hosted a members-only regulatory discussion with White House and Department of Labor officials.
- Supported passage of joint employer legislation in Alabama, Arkansas, Missouri, and North Dakota.
- Supported passage of property protection legislation in Arkansas.
- Supported passage of the Safe Access for Employees bill in Arkansas and the reintroduction of a similar bill in Michigan.
- Promoted the development of a labor peace bill in Wisconsin.

Health Care

- Achieved passage of the American Health Care Act of 2017 (H.R. 1628) in the House on May 4. Chamber [key voted](#) and supported passage with a strong grassroots campaign.
- Successfully worked for a continuation of Cost Sharing Reduction payments, made in April, May, June, July, and August, which were critical for continued stability of the individual market. This was an ongoing, lengthy effort in the face of difficult opposition. Several letters were sent to both [the Hill](#) and the [administration](#), backed up by intense lobbying.
- Held the annual workplace wellness event, [Innovations in Workplace and Community Wellness: A New Era](#), on April 6, highlighting trends in workplace and community wellness.

Immigration

- Pushed the Department of Homeland Security (DHS) to expand the Global Entry Program to allow nationals from the following countries to participate as trusted travelers to the U.S.: Argentina, Colombia, India, Singapore, and Switzerland.
- Created U.S. Chamber Entry-Exit Task Force to ensure that the implementation of a biometric exit system in the U.S., particularly at land ports of entry, does not unreasonably burden legitimate travel and trade.
- Obtained language in the Consolidated Appropriations Act of 2017, which authorized DHS to issue additional H-2B visas above the statutorily authorized cap of 66,000. The Chamber has continued to pressure the administration during subsequent rulemaking.
- Prevented a lapse of the EB-5 Regional Center Program's authorization and obtained an extension of the program's authorization through the end of fiscal year 2017.

Retirement

- Congressional Review Act (CRA) resolutions: Achieved passage of two resolutions under the CRA overturning similar but separate regulations promulgated by the Department of Labor that would have

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allowed states and cities to create mandatory private sector retirement savings requirements not governed by ERISA. The Chamber [key voted](#) both pieces of legislation and organized strong grassroots in support of the resolution. For more information, see [Labor and Employee Benefits Congressional Review Act Resolutions Signed into Law](#).

- Released a white paper on January 25 titled [State Auto-IRAs: The Wrong Answer](#), outlining how state auto-IRAs will hurt the small business workers they are intended to help and highlights how workers benefit from strengthened and expanded employer-provided plans.
- The Chamber’s Retirement Security Council issued [Securing America’s Retirement: A Legislative Roadmap](#), which includes legislative recommendations that can be inserted into any moving pension bill or potential vehicle. The paper was released at a February 3 event, [The Shifting Paradigm of Retirement: What it Means for Employers, Workers, and Retirees](#).
- Achieved issuance of a proposed rule to delay implementation of the Fiduciary Rule until July 1, 2019. A Chamber white paper, [The Data Is In: The Fiduciary Rule will Harm Small Retirement Savers](#), helped lay the groundwork for this delay, along with numerous comments.

LEGAL REFORM

House Passed Major Legal Reform Initiatives

- On March 9, secured House passage of H.R. 985, a bill that combined the Fairness in Class Action Litigation Act and the Furthering Asbestos Trust Transparency Act, by a largely party line vote of 220 to 201. The bill gained even stronger support from Republicans than in the previous Congress.
- Secured House passage of the Innocent Party Protection Act (H.R. 725) and the Lawsuit Abuse Reduction Act (H.R. 720) on March 9 and 10, respectively, largely along party lines.
- On February 7, secured House Judiciary Committee passage, along party lines, of the Stop Settlement Slush Funds Act, which forbids government agencies from directing settlement funds to politically charged third-party groups.
- On July 25, secured House passage of the CRA resolution disapproving the Consumer Financial Protection Bureau’s anti-arbitration rule.

Asbestos

- Secured enactment of asbestos trust transparency legislation in Iowa, North Dakota, South Dakota, and Mississippi.

Congressional Oversight

- Worked with the House Judiciary Committee to increase congressional oversight on the expansion of class action litigation utilizing the Telephone Consumer Protection Act, as well as highlighting the problems associated with trial lawyer advertising and its effect on public health.

Overenforcement

- Continuing the Chamber’s long-standing efforts to highlight the problems associated with the Foreign Corrupt Practices Act (FCPA), the Department of Justice decided to extend a well-received FCPA pilot program that offers clear incentives to companies that detect, report, and remediate potential misconduct.

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- Supported a Federalist Society symposium titled Beyond the Yates Memo: A New Era of Enforcement?

International

- Pushed back on trial lawyer efforts to increase class action litigation in Europe by releasing a study on collective redress, or class action models, in 10 EU member states. The study found that member states have accelerated the introduction of policies to facilitate lawsuits and suggesting minimum safeguards for collective redress and third-party litigation funding (TPLF) to protect consumers and defendants.

State Reforms

- Secured Texas passage of hail storm litigation reform legislation.
- Secured Arkansas Legislature passage of a constitutional amendment limiting damages and capping attorneys' fees, which will appear on the 2018 ballot.
- Secured Arizona enactment of legislation allowing businesses to address Americans with Disabilities Act (ADA) violations before being sued.
- Missouri passed several Chamber-supported legal reform-related bills dealing with expert evidence rules, collateral source reform, and insurance bad faith litigation. Kentucky joined the movement by lowering its judgment interest rate and enacting medical malpractice reform, and West Virginia reformed the state Consumer Credit Protection Act.

NATIONAL SECURITY AND EMERGENCY PREPAREDNESS

Cybersecurity

- Helped enhance three major pieces of legislation:
 - [H.R. 1224](#), the NIST Cybersecurity Framework, Assessment, and Auditing Act of 2017, concerning cyber metrics that would have negatively impacted businesses.
 - [S. 1157](#), the Protecting Our Ability to Counter Hacking Act (PATCH Act), stipulating that the federal government should only [share vulnerability information with vendors](#).
 - [S. 770](#), the MAIN STREET Cybersecurity Act of 2017, removing potential regulatory elements in the bill and helping [provide concise cyber resources to small and midsize businesses](#).
- In June, the Chamber board approved new policy on the [Internet of Things and cyber](#). The policy statement informed the [Chamber's response](#) to the National Telecommunications and Information Administration's request for comments on Promoting Stakeholder Action Against Botnets and Other Automated Threats.
- Engaged the administration by hosting cybersecurity conferences in [Salt Lake City, Utah](#); [Columbia, South Carolina](#); and [Nashville, Tennessee](#) bringing together administration and law enforcement officials with the private sector to shape best practices for mitigating cyber risks and educate small and midsize businesses on the cyber threat landscape.
- In May, led a cyber delegation to Tallin, Estonia; Berlin, Germany; and Brussels, Belgium where the Chamber released the [Transatlantic Cybersecurity](#) report pushing for convergence between the U.S. and the EU on cybersecurity frameworks, global data protection rules, and responses to international threats.

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- Sent comment letters to the European Commission on [IoT Cybersecurity](#), to the State Department on the Office of the Cybersecurity Coordinator, to Vietnam on its draft cybersecurity law, and to the [Financial Stability Board](#) on its cyber regulation assessment.

Global Supply Chain and Trade Facilitation

- The World Trade Organization's (WTO's) [Trade Facilitation Agreement](#) (TFA) entered into force in February following its ratification by two-thirds of the WTO membership. The Chamber was active during the drafting and advocacy of the TFA during its ratification.
- Helped influence [H.R. 2825](#), the Department of Homeland Security Authorization act of 2017, concerning the Air Cargo Advance Screening (ACAS) program and a third-party canine program; U.S. Customs and Border Protection's (CBP's) withdrawal of a [Jones Act reinterpretation](#) that would have prohibited foreign flag ships from servicing oil drilling platforms in the Gulf of Mexico; and the drafting of legislation reauthorizing the Customs-Trade Partnership Against Terrorism (C-TPAT) program.
- The Chamber, the U.S.-India Business Council (USIBC), and the Federation of India Chambers of Commerce and Industry (FICCI) jointly developed the [U.S.-India Roadmap](#), which lists our members' recommendations for India's implementation of the TFA. This achievement resulted from our successful participation in a workshop that occurred in New Delhi in October 2016.

NATIVE AMERICAN ENTERPRISE INITIATIVE

Labor

- Secured markup and reporting of H.R. 986 and S. 63, the Tribal Labor Sovereignty Act[s] of 2017.

POLITICAL, FEDERATION, AND GRASSROOTS

- Launched multifaceted voter education campaigns in four special elections: GA-06, KS-01, MT-AL, and SC-05. Efforts included television, digital, radio, and print advertising campaigns; endorsement events; voter mobilization initiatives; and grassroots engagement.
- Mobilized grassroots assets to strengthen the business community's collective efforts in support of key legislative priorities—including the confirmation of Justice Neil Gorsuch to the U.S. Supreme Court and overturning onerous regulations through the Congressional Review Act.
- Welcomed more than 3,000 individuals either as part of 60 policy briefings with state and local chamber members or on the Chamber's biweekly legislative update call *State of Play*.
- Led a group of state and local chamber leaders to Israel to drive international engagement and commerce at the state level.

SMALL BUSINESS

- In January, the Chamber ramped up its engagement with small business. Chamber President and CEO Tom Donohue's annual State of American Business address framed the Chamber's top priorities of regulatory relief, pro-growth tax reform, and free trade by describing the impact of these issues on the small business community.

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- That January speech served as a call to action for the Chamber’s advocacy strategy and forecasted the yearlong effort under way to meet small business owners where they live and work, listen to their concerns, and provide them with resources that may grow their businesses to the next level.
- The Chamber’s multi-city #LetsGrow and Small Business Series tours fulfilled the promise of listening to small businesses and delivered resources in Chicago, Baton Rouge, Atlanta, Detroit, Dallas, and Minneapolis. In the second half of 2017, the Chamber’s National Small Business Summit in Washington, D.C., and its Small Business Series in Tampa and Phoenix will follow the same model and prepare the Chamber for more robust engagement with small businesses in 2018.
- Small business is ever present in the Chamber’s legislative advocacy work. From cybersecurity to legal reform to free trade, the Chamber’s “faces of ...” campaigns, featuring small business owners, helped personalize several Chamber legislative priorities. The Chamber’s Small Business Council has weighed in specifically on regulatory relief and tax reform, with expected victories on the horizon.
- The Small Business Council formally sought to influence Congress 8 times between January and July. That engagement included testimony before House and Senate committees and letters in support of legislation designed to help small businesses and advance the Chamber’s growth agenda.
- The Small Business Council and the Middle Market Business Council harnessed the Chamber’s experience in convening business leaders and assembled stakeholder groups around the topics of access to capital, government contracting, council administration, and the middle market policy priority of infrastructure.
- The Small Business Council wrote letters to the House and Senate and presented testimony before the House Small Business Committee on the importance of regulatory reform to the small business community. Research on the crushing burden of regulation faced by small businesses was finalized by the U.S. Chamber Foundation and helped convince Congress to take action.

Comprehensive Tax Reform

- In July, Small Business Council chair Maxine Turner wrote a letter to the House Ways and Means Committee and summarized small businesses’ need for a less burdensome tax code and lower rates. She said, “When dealing with the tax code, the cost of compliance has been estimated at \$100 billion, with small businesses bearing almost two-thirds of the cost.” Further, she explained, “Ninety-six percent of America’s 29 million small businesses pay taxes as individuals. Those small businesses face a marginal rate [that is] even higher than the anti-competitive 35 percent rate faced by C corporations.”



Maxine Turner, founder of Cuisine Unlimited and Small Business Council chair, testified before the House Small Business Committee on March 22, 2017.

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TRANSPORTATION INFRASTRUCTURE

- Secured House Transportation and Infrastructure Committee approval of H.R. 2997, the 21st Century Aviation Innovation, Reform, and Reauthorization (AIRR) Act. Awaiting full House action.
- Secured Senate Commerce Committee approval of S. 1405, the Federal Aviation Administration Reauthorization Act of 2017. Awaiting full Senate action.
- Secured Senate Appropriations Committee approval of the fiscal year 2018 Transportation, Housing and Urban Development Appropriations bill, including provisions on FAAA, or F4A, federal preemption of trucking state meal and rest break laws.
- Secured House Appropriations Committee approval of the fiscal year 2018 Transportation, Housing and Urban Development Appropriations bill, including provisions on FAAA, or F4A, federal preemption of trucking state meal and rest break laws.
- Testified on March 8 before the Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies on Investing in America: Funding our Nation’s Transportation Infrastructure Needs.
- Launched a strategic transportation infrastructure initiative with Morning Consult, which includes polling data and advocacy pieces for grassroots and advocacy on Capitol Hill.
- Created the Public-Private Partnership Working Group to develop principles on increased private investment in transportation infrastructure.
- Hosted the Infrastructure Week 2017 Kickoff Event, with over 250 attendees, at Chamber headquarters to address the importance of infrastructure and advocate for action in 2017.

U.S. CHAMBER LITIGATION CENTER

- Between January and August, the U.S. Chamber Litigation Center filed more than 100 *amicus curiae* briefs on behalf of the Chamber in courts around the country at every level of the judicial system. The Litigation Center is also litigating in 20 cases where the Chamber is a plaintiff, petitioner, or intervenor in legal challenges to federal, state, or local regulatory action that violates the rights of businesses. Here are some highlights from the Litigation Center’s cases in the U.S. Supreme Court and in federal and state courts:
- **Personal Jurisdiction & Forum-Shopping:** The Supreme Court held that the Constitution’s Due Process Clause bars a state court from hearing out-of-state claims that have no meaningful connection to the state. The decision is a blow to state court litigation magnets cultivated by the plaintiffs’ bar. The Litigation Center filed 7 amicus briefs over the life of the lawsuit. (*Bristol-Myers Squibb Co. v. Superior Court of California*)
- **SEC Disgorgement:** The Supreme Court held that in SEC enforcement actions, disgorgement operates as a “penalty” and is therefore subject to the five-year statute of limitations applicable to enforcement proceedings seeking civil penalties. The ruling should provide businesses with greater protection against government action seeking to penalize long past conduct. The Litigation Center filed in support of certiorari and at the merits stage. (*Kokesh v. SEC*)
- **Class Actions:** The Supreme Court held that federal courts of appeals lack jurisdiction to review an order denying permission to plaintiffs to continue a class action after the named plaintiffs have

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voluntarily dismissed their claims with prejudice. The decision will help close an appellate loophole that the plaintiffs' bar has tried to develop to continue meritless class-action litigation. The Litigation Center filed in support of certiorari and at the merits stage. (*Microsoft v. Baker*)

- **Arbitration:** The Supreme Court struck down a rule applied by Kentucky courts that a power of attorney does not allow an agent to enter into a contract to arbitrate unless the power of attorney agreement expressly mentions arbitration. The decision confirms that the Court will continue to police state courts that invent new tests to give effect to their hostility to arbitration. The Litigation Center filed at the merits stage. (*Kindred Nursing Centers L.P. v. Clark*)
- **False Claims Act (FCA):** The Fourth Circuit and the D.C. Circuit held that the first-to-file bar is to be applied at the time of filing. Accordingly, an FCA claim that relates to a pending claim at the time of filing must be dismissed even if the related case has been resolved by the time of decision. The Litigation Center filed amicus briefs in both cases. (*United States ex rel. Carter v. Halliburton Co.*; *United States ex rel. Shea v. Celco Partnership*)
- **Fighting Back Against Regulatory Overreach:** The Litigation Center has brought dozens of lawsuits challenging regulations issued by the Obama administration, including EPA's Clean Power Plan Rule for Fossil Fuel Power Plants, EPA's Waters of the United States Rule, DOL's Fiduciary Duty Rule, OSHA's Reporting and Anti-Retaliation Rule, and the IRS's Section 7874 Inversion Rule. The Trump administration may ultimately rescind or substantially revise these rules, many of which were stayed by the courts. But if it takes no action, the Litigation Center will continue to urge the courts to invalidate them.
- **Seattle Labor Ordinance:** The Litigation Center filed a lawsuit in the U.S. District Court for the Western District of Washington to challenge a City of Seattle ordinance that authorizes union organizing of for-hire drivers working as independent contractors, highlighting that the ordinance will burden innovation, increase prices, and reduce quality and services for consumers. The district court granted the Chamber's motion for a preliminary injunction, an appeal of which is pending in the Ninth Circuit. (*U.S. Chamber of Commerce v. City of Seattle*)



U.S. CHAMBER OF COMMERCE

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