



# U.S. CHAMBER OF COMMERCE

## U.S. Chamber Policy Priorities for 2017

### THE AMERICAN GROWTH AGENDA

The U.S. Chamber will focus its resources and expertise on advancing the *American Growth Agenda*, a series of policy priorities detailed throughout this document to help revamp our economy, create jobs, lift incomes, and revive the American Dream.

### ANTITRUST

- Secure enactment of the SMARTER Act to address the long-standing desire to align the merger standards and procedures followed by the Federal Trade Commission (FTC) with those of the Department of Justice Antitrust Division.
- Maintain pressure on the FTC over its use of Section 5 authority to enforce against “unfair methods of competition.” The ambiguous standard and its potential scope beyond U.S. antitrust laws is a concern to the U.S. business community.
- Internationally, secure U.S. government leadership to bring about greater antitrust convergence, advance due process in antitrust proceedings, and push back against novel theories of economic harm, poor economic analysis, or misuse of antitrust aimed at achieving industrial policy objectives.

### CAPITAL MARKETS, CORPORATE GOVERNANCE, AND SECURITIES REGULATION

#### Modern Regulatory Systems and Reasonable Systemic Risk Regulation

- **Regulatory Structure**—Promote a forward-looking, coherent regulatory structure that closes gaps, minimizes future systemic risk, and ends duplicative regulation.
- **Regulatory Overreach**—Guard against senseless regulations that wrongly attempt to eliminate all risk taking and innovation from the capital formation process. Work with regulators and Congress as they implement the Dodd-Frank Act and other regulations to ensure a more prudent approach to oversight and enforcement.
- **Systemic Risk**—Support stronger and more comprehensive oversight of the financial system to identify risks that may systemically damage the financial markets and take appropriate actions to mitigate them. Oppose actions by the Financial

Stability Oversight Council (FSOC) that lack due process and transparency in its efforts to designate, formally or informally, specific financial institutions or nonfinancial companies as systemically significant, thereby expanding “too big to fail” policies. Limit the number of nonfinancial companies subject to the systemic risk regime and advocate for more narrowly tailored enhanced standards for systemically important financial institutions (SIFIs).

- **Financial Stability Oversight Council**—Ensure that FSOC only uses its oversight powers to identify and mitigate real threats to the stability of our financial system that are based on factors other than just size. Ensure that FSOC provides a mechanism for coordination among member agencies, rather than creates a duplicative regulatory regime by doubling up on existing efforts of other regulatory agencies. Support efforts to continue increasing the transparency of FSOC.
- **Resolution Authority**—Convert resolution authority into a more bankruptcy-style process, particularly for nonbank SIFIs.
- **Office of Financial Research (OFR)**—OFR should conduct analysis to identify threats to the U.S. financial markets. Ensure that OFR coordinates and streamlines data collection among agencies to prevent the duplicative collection of data. Ensure the confidentiality of proprietary information gathered from data requests and FSOC agency examinations. Support additional accountability for OFR, including requiring that OFR studies and reports be subject to the public notice-and-comment process and subjecting OFR to the appropriations process.
- **International Regulatory Coordination**—Ensure that international regulators do not limit the ability of companies to raise capital formation or manage risk. Also ensure that policies set abroad don’t undermine domestic efforts and vice versa.

## Effective Corporate Governance Policies

- **Executive Compensation and Corporate Governance**—Ensure careful and sensible rulemaking and implementation by the Securities and Exchange Commission (SEC) where needed and preserve the state-based system allowing decisions to be made through directors and shareholders. Reasonable policies must permit pay for performance and promote long-term shareholder value and profitability but not constrain reasonable risk taking and innovation.
- **Special Interests Agenda**—Push back against the activist agenda that seeks to use the corporate governance process to benefit minority shareholders with a political agenda at the expense of a majority of stakeholders.
- **Proxy Advisory Firms**—Create the conditions under which proxy advisory firms, principally Institutional Shareholder Services (ISS) and Glass Lewis, move toward a

more accountable, transparent, and evidence-based policymaking process while eliminating core conflicts of interest.

- **Retail Shareholders**—Urge the SEC to take greater steps to enfranchise retail shareholders, for instance, by giving guidance that would allow them to provide standing instructions to vote their shares.

## **Investor Protection and Opportunity**

- **Retirement Opportunity**—Advance bipartisan support for steps to make it easier for small businesses to offer retirement plans and enable middle class savers to better plan for their future.
- **Fiduciary Duty**—Ensure that the administration delays the implementation date of the Department of Labor (DOL) fiduciary rule, giving time for current litigation to be sorted out and an opportunity for all parties to work together to create a workable rule that protects investors while expanding, rather than unnecessarily limiting, access to investment advice and investment choices.
- **State-Run Retirement Plans**—Advocate for immediate repeal of DOL guidance exempting state-run retirement plans from ERISA obligations. Work with the administration and Congress to clarify that any plan offered to private employees should be covered by ERISA.
- **SEC Reform and Efficiency**—Continue to work with the SEC and Congress to recommend ways to improve the commission’s regulatory oversight and management process to better promote innovation and competitiveness in the capital markets.
- **SEC Enforcement**—Support reforms to combat fraud, increase investor protections, and reinstall confidence in our markets. Urge the SEC to take additional steps to build and maintain a culture of compliance between the commission and regulated entities. Push back against the use of enforcement as backdoor regulation.
- **Financial Transaction Tax**—Oppose legislative actions that would impose a tax on financial transactions. Engage experts to conduct and promote a research study showing how the evolution of our markets has benefited Main Street investors and our broader economy and highlight the negative impact of the tax.

## **Consumer Credit and Choice**

- **Consumer Financial Protection Bureau Reform**—Support legislative reforms of the Consumer Financial Protection Bureau (CFPB) to ensure greater governance and funding accountability. Support CFPB’s efforts to increase the transparency of consumer financial products. At the same time, ensure that businesses have clear

rules to follow that do not limit access to credit in the marketplace for consumers and small businesses or unnecessarily extend new regulations to small and nonfinancial businesses. Support efforts that require CFPB to set standards through the normal notice-and-comment regulation process.

- **Arbitration**—Work with Congress and other policymakers to block or roll back any final rule issued by CFPB that would limit the availability of consumer-friendly arbitration as a dispute resolution alternative to class action litigation.

## Modern Financial Reporting

- **Disclosure Reform**—Advocate for an updated corporate disclosure regime that addresses the challenges that investors face due to the outdated, duplicative, and unclear current system.
- **Auditing Profession**—Help ensure a sustainable environment for the auditing profession by recommending ways to improve auditing and accounting practices and by encouraging a greater focus on long-term performance metrics, rather than on meaningless reforms, such as mandatory firm rotation. Promote the establishment of an international set of auditing standards.
- **Accounting**—Develop accounting standards, domestically and internationally, to accurately reflect economic activity and facilitate efficient capital formation.
- **PCAOB Inspections**—Facilitate a dialogue between public companies and the Public Company Accounting Oversight Board (PCAOB) to address rapidly rising internal control costs resulting from changes in PCAOB’s inspection and enforcement process.

## Business Creation and Growth

- **Capital Formation**—Advocate for and promote legislation and regulations that facilitate capital formation for American businesses. Push back against legislation and regulations that hinder business’ ability to raise capital, mitigate risk, or manage liquidity.
- **Capital, Liquidity, and Leverage** —Ensure that ill-motivated capital, liquidity, and leverage initiatives don’t fundamentally change the capabilities, flexibility, and competitiveness of our markets.
- **Derivatives Regulation**—Support efforts to bring transparency to the over-the-counter (OTC) derivatives market. Implement measures aimed at reducing systemic risk while preserving the ability of commercial end users to employ customizable OTC derivatives at a reasonable price.

- **Financial Technology and Innovation**—Monitor developments in financial technology (FinTech) that can be disruptive to the marketplace and existing regulatory structures.

## **DEFICITS AND DEBT**

- Persuade Congress to pass spending bills consistent with the November 2015 budget agreement.
- Encourage Congress and the administration to elevate the discussion on reforming entitlement programs.

## **EDUCATION AND WORKFORCE DEVELOPMENT**

### **Pre-K-12**

- Support efforts to improve and expand access to quality Early Childhood Education programs through choice, innovation, and robust assurance systems.
- Support implementation of the Every Student Succeeds Act, with an emphasis on encouraging the creation of state accountability systems focused on career readiness, high academic standards, rigorous coursework, end-of-year assessments aligned to standards, as well as closing the achievement gap. Support efforts at the federal and state levels that provide more educational options for parents and students.
- Improve career readiness by leveraging the business community to address challenges involved in managing employer engagement, scaling work-based learning, identifying industry-recognized credentials, securing employer endorsements, and evaluating performance.
- Encourage better alignment between high school graduation requirements, state academic achievement standards, and postsecondary entrance requirements.
- Support efforts to enhance principal leadership and effectiveness through preparatory programs, certification, and training with a focus on increasing teacher effectiveness and student achievement.

### **Postsecondary Education**

- Support efforts to generate more U.S. graduates with a credential in a STEM (science, technology, engineering, and mathematics) field.
- Work to ensure that institutions of higher education (traditional and nontraditional) are held accountable for their performance—both academically and financially—and that they provide transparency to empower students, parents, employers, and policymakers to make informed decisions.
- Advocate for improving financial aid programs and systems, including private sector innovations in higher education finance, that work to improve college access and affordability while incentivizing outcomes.
- Support policies that encourage innovation in higher education as well as in key nontraditional sectors of higher education, including institutions serving historically

underrepresented groups, community colleges, and private sector colleges and universities.

- Advocate for improving the quality of higher education data.
- Support efforts to increase credential completion rates for all learners.
- Advocate for eliminating regulations that diminish choice of providers and deter innovation.

### **Employment and Training**

- Continue to support employment and training systems driven by the needs of employers based on accurate and timely local labor market data.
- Support efforts to reauthorize the Carl D. Perkins Career and Technical Education Act and focus on reforms that strengthen business engagement, promote innovation, enhance accountability, integrate work-based learning, and prioritize credentialing outcomes that better prepare youth and adults for careers aligned with the needs of the economy.
- Advocate for and support scalable and sustainable youth employment strategies that meet the needs of the business community with tailored programs for subpopulations, such as in-school, out-of-school, and opportunity youth.
- Support strategies and programs targeted to build the organizational capability of employers to be more effective partners in the design and performance of education and training systems.
- Promote efforts across programs to build a more demand-driven workforce system where employer-led partnerships—informed by lessons learned from supply chain management—provide training and support resulting in improved employment transitions and upward mobility for students and workers and a more competitive workforce for employers.
- Leverage opportunities under the Workforce Innovation and Opportunity Act (WIOA) to reboot sector-based partnerships that are employer led and advocate for demand-driven workforce development and training programs.
- Develop alternatives to Trade Adjustment Assistance and cultivate new ways of thinking around how to manage the threat of job loss and displacement in a 21st century economy.

## **ELECTIONS AND GRASSROOTS ADVOCACY**

### **Elections**

- Protect the pro-business majorities in the U.S. House and Senate through a robust voter education program.
- Recruit and support candidates for Congress who have demonstrated a commitment to enacting pro-business policies, particularly those who have garnered the support of our state and local federation partners.
- Identify opportunities to engage in open Senate and House seats across the country.

- Recruit federation members in targeted legislative and political states and districts to participate in the political program and partner on independent expenditures and endorsement events.
- Evaluate legislative priorities and identify opportunities where the U.S. Chamber PAC can have an impact on advancing the business agenda in 2017.

### **Grassroots**

- Promote grassroots advocacy on behalf of Chamber policy priorities with a focus on targeted messaging and rapid response.
- Attract and engage new audiences on business issues during the first 100 days of the new administration.
- Increase federation engagement in key policy and political campaigns through coordinated outreach and partnerships with state and local chambers and regional offices.

## **ENERGY AND THE ENVIRONMENT**

- Urge the administration, Congress, and state leaders to adopt the U.S. Chamber's Institute for 21st Century Energy's 64 actionable and achievable energy policy recommendations outlined in its 2014 *Energy Works for US* platform.

### **Offshore Energy**

- Immediately begin the production of a new offshore leasing program that embraces America's offshore energy resources and rescinds 11th hour withdrawals.
- Recraft the offshore well control rule to ensure that safety is not compromised.

### **Onshore Energy**

- Rescind the ban on coal leasing on federal lands.
- Reinitiate oil and gas lease sales on federal lands.
- Recraft Interior's royalty policies to reflect market conditions.

### **Air Quality Regulation**

- Ensure that the Environmental Protection Agency (EPA) evaluates the economic impact and job loss in its regulations, as required by all major environmental laws.
- Oppose efforts to regulate greenhouse gas emissions through existing environmental statutes, including the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act.
- Ensure that the regulation of air emissions is based on sound science and focuses on performance and market-based programs where economically feasible, rather than on command-and-control mandates.
- Participate in major rulemakings involving air quality, solid waste, Superfund and Superfund liability, clean water, ozone, particulate matter, greenhouse gases, coal ash, boilers, and chemicals.

- Support transparency and accountability in the process of setting air quality standards.
- Urge the federal government to take into account the growing impact of air pollution from outside the United States regarding compliance with domestic air quality regulations.
- Advance free trade in environmental goods and services.
- Oppose efforts to prevent oil and natural gas exploration and production through the Clean Air Act, the Clean Water Act, and the Toxic Substances Control Act (TSCA) regulations.

### **Nuclear Power**

- Support the implementation of a licensing regime for, and the licensing of, Small Modular Reactors.
- Work with Congress and the Department of Energy to implement a final disposition for spent nuclear fuel and defense waste.

### **Chemical Management Reform**

- Promote commonsense implementation of TSCA reform legislation signed by the president on June 22, 2016.
- Urge EPA to rely on scientifically valid and peer-reviewed data regardless of their sources.

### **Climate Change**

- Continue to strongly support efforts to improve energy efficiency and develop clean energy alternatives, which will help the nation further reduce greenhouse gas emissions.
- Continue to urge that any comprehensive legislative solution must not harm the economy, recognize that the problem is international in scope, and aggressively promote new technologies and efficiency. Protecting our economy and protecting the environment for future generations are mutually achievable goals.
- Support vigorous efforts to address our environmental challenges, including climate change, by focusing on what has proven to work—energy efficiency and technologies. Support alternatives and renewables along with traditional energy. Work to ensure that a comprehensive international treaty on climate change has the widest possible participation, is credible, implemented fairly, and receives Senate consideration and ratification as required by the U.S. Constitution.
- Oppose EPA efforts to regulate greenhouse gases under the existing Clean Air Act, including the endangerment finding.
- Champion efforts by industry to develop energy efficient and low emissions technologies and export them to the developing world, where the bulk of new greenhouse gas emissions are expected to occur.
- Ensure that large emerging economies share responsibility for addressing climate change.



## **Water Issues**

- Monitor water supply, ownership, and quality concerns, including property rights issues and drought management policy.
- Oppose efforts to implement or enforce the federal Waters of the United States final rule without first clarifying the scope of federal jurisdiction over land and water features and ensuring that all necessary and required regulatory impact analyses are completed by EPA and the Army Corps of Engineers.
- Oppose EPA's efforts to expand the federal Clean Water Act and the Endangered Species Act jurisdiction through rulemaking, including the proposed Stream Protection Rule.
- Promote commonsense modifications and reissuance of the Clean Water Act section 404 nationwide general permits for dredge and fill activities; oppose reissuance without the Army Corps first analyzing the cost and uncertainties associated with the final Waters of the United States rule and ongoing litigation.

## **CERCLA/Superfund**

- Oppose arbitrary requirements that companies provide financial assurance pursuant to CERCLA section 108(b).

# **FOOD AND AGRICULTURE**

## **Food Product Advertising**

- Support efforts of affected stakeholders to ensure that food product advertising regulation does not unduly hinder competition or limit consumer choice and is consistent with all applicable laws and the First Amendment.

## **Food Product Labeling**

- Support food product labeling requirements that are science based and do not unduly burden the food industry or consumers.
- Promote commonsense implementation by the U.S. Department of Agriculture (USDA) of the federal legislation requiring food companies to disclose whether products contain genetically engineered ingredients.

## **Food Safety**

- Ensure that the Food and Drug Administration (FDA) sensibly and effectively implements the Food Safety Modernization Act of 2010 without unduly burdening the food industry, American farmers, and consumers. Support and promote stakeholder and agency efforts to modernize and optimize FDA programs and procedures to promote safety, efficacy, and innovation.

## **Sugar Program**

- Work with affected stakeholders and a broad, bipartisan legislative coalition to reform U.S. sugar price support and production quota programs.

## **Biotechnology**

- Work with Chamber members to advocate for sensible legislation and regulation that promote U.S. leadership in genetic engineering. Block attempts to weaken this critical technology that helps feed our nation and the world.
- Monitor the process to update the Coordinated Framework for Regulation of Biotechnology product approvals. Support efforts to ensure that the update process is transparent and results in a regulatory system that is reasonable, is predictable, supports innovation, and is science based.
- Monitor USDA implementation of the federal genetically modified organisms (GMO) disclosure legislation.

## **Agriculture**

- Monitor the regulatory landscape of food and agriculture to ensure continued domestic production and food security.

## **Technology**

- Support the development and implementation of technology and innovation in the food and agriculture sectors.
- Support data collection and privacy policies that appropriately address data collected through food production, processing, and resource management.

## **GOVERNMENT CONTRACTING**

- Urge federal agencies not to perform functions that are widely available in the private sector and strongly oppose any legislative or regulatory efforts to encourage the insourcing of contracted activities.
- Support acquisition reform initiatives to streamline the federal contracting process and urge a fair and efficient procurement process for goods and services.
- Prevent the implementation of administration regulations to limit contracts that would harm the private sector contractor community by creating more barriers to competition and add costly and unnecessary acquisition requirements.
- Ensure continued access to commercial products and services by the federal government by preventing enactment of legislation and regulations that restrict the procurement of commercial items.
- Oppose legislative initiatives that would impose additional domestic sourcing contracting preferences or impose limitations based on the location of a contractor's corporate domicile.
- Oppose efforts to politicize and otherwise undermine the integrity of the federal government competitive contracting process.

## HEALTH CARE

### **Protect the Employer-Sponsored Health Care System**

- The Chamber has long championed the invaluable benefits that the employer-sponsored health care system provides to both employees and employers, and more than 177 million Americans currently rely on health benefits through their employer. The employer-sponsored system allows employers to customize the benefits offered to best serve the needs of their workforce and manage cost growth in health care.
- In this context, we will counter proposals to cap or eliminate the tax exclusion on employer-sponsored insurance and pursue legislative and regulatory goals to protect the employer-sponsored system as a whole.
- As policymakers focus on health care reform, the Chamber will promote and advance thoughtful legislative and regulatory changes to permit greater flexibility in benefit design and coverage that will improve health, reduce unnecessary costs, and reward high-value care.

### **Legislative**

#### **Repeal the 40% Excise Tax (Cadillac Tax)**

- The ACA's 40% excise tax (Cadillac tax) is imposed on high-value, employer-sponsored coverage above certain thresholds, including benefits like on-site health clinics and employee contributions toward Health Savings Accounts (HSAs) and Flexible Spending Accounts (FSAs). The tax now takes effect in 2020 (following a two-year delay), but it is already having an effect on what benefits employers are offering.

#### **Allow Stand-Alone Health Reimbursement Arrangements (HRAs)**

- In 2013, the IRS issued guidance dictating that all businesses that fail to offer a group health plan, but provide an HRA for their workers, will be fined \$100 per day, per employee (starting July 1, 2015). As a result, employers are no longer allowed to provide stand-alone HRAs to their employees.
- A targeted bipartisan compromise was included in the passage of the 21st Century Cures Act and allows businesses that are not applicable large employers to offer stand-alone HRAs to insured employees. However, the contribution made to the HRA by the employer cannot exceed \$4,950 (or \$10,000 if the HRA also provides reimbursements for an employee's family members), indexed for inflation. While this exception will help small businesses, we will continue to advocate for more extensive changes that permit all employers to provide stand-alone HRAs without qualifications and limitations.

#### **Repeal the Health Insurance Tax (HIT) and the Medical Device Tax**

- ACA's HIT, which originally took effect in January 2014 (recently suspended for 2017), is a fixed-dollar amount levied on health insurance providers, based on net

premiums written, and singles out health insurance policies purchased on the fully insured market, disproportionately affecting small businesses.

- ACA's medical device tax, which took effect in January 2013 (recently suspended for 2016 and 2017), is a 2.3% tax on the sale of medical devices by the manufacturer or importer. The tax weakens the industry's ability to create and maintain well-paying jobs in the United States and hinders the development of breakthrough technologies.

### **Repeal Restrictions on FSAs and HSAs for Over-the-Counter (OTC) Purchases**

- ACA limits employee contributions to FSAs to \$2,500 per year and restricts using FSA and HSA funds to purchase OTC items without a prescription. The Chamber supports consumer-driven products like HSAs and FSAs to make health coverage more affordable by allowing tax-free spending on a wide range of medical expenses, while encouraging more prudent use of services.

### **Simplify and Streamline Reporting Requirements**

- ACA created new information reporting provisions (6055 and 6056) requiring employers and insurers to gather a variety of data points on a monthly basis and report them to the IRS and individuals. The information is intended to verify compliance with the individual and employer mandates and administer premium tax credits and subsidies. These new requirements need to be streamlined and simplified, as well as strengthened to protect employee privacy.

### **Restore the 40-Hour Workweek**

- ACA's employer mandate defines full time as 30 hours per week—increasing the number of employees counted as full time for calculating the employer mandate threshold *and* who must be offered coverage under the employer mandate. This creates a perverse incentive to reduce employee hours to avoid additional costs. Restoring the traditional 40-hour definition of full time would allow workers to benefit from more hours and income and employers to focus on growing their businesses and creating jobs rather than restructuring their workforce.

### **Liability Reform**

- Support reform of the medical tort system to make costs more affordable and predictable. Alternatively, medical cases could be tried in special administrative health courts, similar to bankruptcy courts, and in a wide range of other administrative courts.

### **Regulatory**

#### **Protect Medicare Advantage**

- Medicare Advantage reimbursement rates must be stabilized to preserve a program valued by both seniors and employers. The Chamber opposes reimbursement cuts to the Medicare Advantage program.

- Following the submission of comments in response to the Centers for Medicare & Medicaid Services (CMS) advance notice on 2017 changes to the Medicare Advantage program, CMS issued a final notice that, instead, phases in the bidding process for Medicare Advantage Employer Group Waiver Plans over a two-year period. This change will mitigate the cuts in the first year and may provide an opportunity for further changes.

### **Defend Workplace Wellness Programs**

- The Chamber believes that wellness and chronic disease management programs in the workplace play a critical role in improving the nation's health and productivity. As the largest purchasers of health care, employers are uniquely situated to help provide leadership in the workplace wellness and health promotion space.
- Despite being incentivized under ACA, employer wellness programs have been in a state of limbo. In 2014, the Equal Employment Opportunity Commission (EEOC) filed several high-profile cases against employers alleging that the employers' wellness programs were not voluntary under the Americans with Disabilities Act (ADA). Following Chamber comments, EEOC issued final rules that permit employers to offer financial rewards to employees when the employee's spouse provides information about the spouse's manifestation of disease or disorder as part of a health risk assessment or biometric screening.

### **Ensure State Innovation Waivers Do Not Interfere With ERISA Preemption**

- Starting in 2017, ACA section 1332 permits a state to apply for a State Innovation Waiver to waive major provisions of ACA, including benefit package stipulations and the individual and employer mandates (while retaining the basic protections of ACA). State innovation waivers must not disrupt ERISA preemption protection that enables employers that self-insure to provide a uniform coverage offering across different states.

## **IMMIGRATION REFORM**

### **Legislative Plans**

- Work with Congress on reasonable efforts to bolster the security levels on our nation's southwest border and at our ports of entry, while maintaining the efficiency needed to safeguard legitimate travel and trade to and from Mexico.
- The administration plans to increase fencing, "build the wall," and implement the biometric exit system that has been mandated for more than 20 years. All of these efforts cost money, and the Chamber will work to make sure that these efforts do not impose unrealistic requirements/cost burdens on businesses.
- There will be an effort to move mandatory E-Verify legislation, and the Chamber is ready to ensure that any such legislation contains all the necessary preconditions for our support, along with providing some means/reasonable assurances that agricultural interests in the space are dealt with meaningfully.

- Ensure that the Visa Waiver Program (VWP) remains workable and beat back efforts to eliminate the program.
- Ensure that the EB-5 Regional Center program remains authorized and workable for industry.
- Prevent harmful legislation to the H-1B program from gaining traction in Congress.
- Use the appropriations process to roll back certain changes made to the H-2B program in the most recent rules issued by the departments of Homeland Security (DHS) and Labor (DOL).

### **Regulatory/Executive Plans**

- Respond to initiatives in both high- and low-skilled areas and file comments on new regulations as needed, particularly the H-1B and H-2B visa programs. Oppose any new burdensome requirements on the H-1B program and defend legitimate business practices.
- If major reforms to the EB-5 Regional Center program occur, the Chamber will engage in the regulatory effort to ensure that business interests are properly accounted for as the administration implements the new requirements.
- Work with DHS and DOL on their PERM (permanent labor certification process) modernization efforts, which are a key element of the president's executive actions on immigration.
- Work with DHS to expand the VWP, Global Entry, and Preclearance programs to more countries around the world.

### **Judicial Plans**

- Pursue litigation opportunities, as the Chamber and/or as part of a broader coalition.

## **INTELLECTUAL PROPERTY**

### **Promote high standards for the protection and enforcement of intellectual property (IP) through international policy bodies and trade mechanisms.**

- **Trade:** Set high-standard global rules and precedents for IP through all available trade policy mechanisms; draw on the Global Intellectual Property Center's (GIPC's) multisector expertise to develop the industry vision for the next generation IP agreement.
- **China:** Develop reform-oriented policy initiatives to improve the IP system, monitor implementation to ensure nondiscriminatory application, promote the benefits of building a legitimate marketplace, and focus on long-term restructuring of the counterfeit economy in China.
- **Multilateral Organizations (MLOs):** Address MLOs strategically to promote pro-IP initiatives and prevent contagion of anti-IP activism.
- **Strategic Markets:** Engage in Brazil, India, and South Africa to promote the importance of IP domestically and counter the anti-IP narrative in multilateral

institutions; monitor, inform, and engage members of developments in strategic markets as needed.

**Advocate for appropriate policies to maintain effective IP systems and rights in the United States and abroad.**

- **Domestic IP Reforms:** Support appropriate domestic IP policies, legislation, and regulations to encourage economic growth, innovation, and creative works in IP-intensive industry sectors.
- **Global Enforcement and Internet:** Protect American creators, designers, manufacturers and innovators, and global consumers in the digital economy through effective IP enforcement programs, regulations, and policies.
- **Brands:** Advance policies and legislation that protect brand integrity and consumers and support effective enforcement policies, strategies, and agencies, both domestically and internationally through the Global Brand Council.

**Increase support from policymakers to protect strong IP rights by creating awareness of the correlation between IP and new innovations and job growth.**

- **Domestic:** Promote and defend IP through integrated campaigns, media, third parties, strategic alliances, and the cultivation of congressional champions.
- **International:** Promote the importance of IP in global markets through research, programming, social and traditional media campaigns, and alliance development.

**INTERNATIONAL TRADE, INVESTMENT, AND REGULATORY POLICY**

**Champion the principles of fairness, nondiscrimination, and rule of law as touchstones of U.S. trade and investment policy**

- Ensure that U.S. trade agreements are consistently and faithfully enforced.
- Protect and enforce intellectual property rights.
- Oppose “forced localization” measures that discriminate against American workers and companies and block their access to foreign markets.
- Bar measures that restrict legitimate cross-border data flows or condition commercial access on local investment.
- Protect international investment from expropriation and other unfair treatment, including via international arbitration as a means for investors to settle disputes under investment treaties and trade agreements.
- End unilateral sanctions that close foreign markets only to U.S. exporters.
- Oppose export restraints on energy, raw materials, and other goods at home and abroad.
- Advance regulatory cooperation with significant U.S. trading partners to avoid “behind the border” barriers that shut out U.S. exports.
- Oppose the misuse of antitrust laws and enforcement as a tool of industrial policy.

- Advocate for an open, private sector-driven approach to standards development.
- Oppose the expansion of “buy local” government procurement mandates at home and abroad, particularly as they impact manufactured goods that depend on global supply chains.
- Combat state capitalism and anti-market industrial policies around the world.

**Move forward with trade, investment, and tax agreements that advance the aforementioned principles**

- Use the Trade Promotion Authority law enacted in 2015 to reach new trade and investment agreements that will establish a level playing field for American workers, farmers, and companies.
- Urge the new administration to examine the Trans-Pacific Partnership to determine what improvements are necessary to finalize the agreement and bring it into force.
- Conclude new trade and investment agreements to spur U.S. economic growth, including the Trade in Services Agreement, the Environmental Goods Agreement, and the Transatlantic Trade and Investment Partnership.
- Negotiate a high-standard bilateral investment treaty with China to provide not only market access and strong investor protections but also to address the behavior of state-owned enterprises, domestic preferences, indigenous innovation policies, cross-border data restrictions, and rule-of-law deficiencies.
- Explore a new, closer trade partnership with the United Kingdom as it negotiates its departure from the European Union.
- Eliminate restrictions on trade and travel with Cuba with a view toward lifting the embargo.
- Work to secure ratification of treaties to avoid double taxation with respect to taxes on income with Hungary, Poland, and Chile and protocols amending existing conventions with Switzerland, Luxembourg, Spain, and Japan.
- Win congressional approval of permanent normal trade relations with Kazakhstan and its graduation from Jackson-Vanik.

**Fund and support U.S. government agencies and programs critical to U.S. competitiveness**

- Restore the U.S. Export-Import Bank to its full breadth of operations to counter the aggressive trade finance operations of other countries’ export credit agencies.
- Extend the Generalized System of Preferences beyond its expiration on December 31, 2017.
- Use the reformed Miscellaneous Tariff Bill process to help U.S. manufacturers and other businesses maintain their competitive edge.
- Win long-term reauthorization of the Overseas Private Investment Corporation.
- Build on work to modernize how the Commerce and State departments manage export controls to enhance U.S. national security and competitiveness.
- Support full funding of the federal International Affairs budget to advance U.S. economic interests, national security, and humanitarian values.



## LABOR

- 2017 labor policy priorities will be built around two general areas of activity. The first will focus on correcting the policy mistakes of the last administration, largely centered on repeal or correction of regulations and interpretive guidance. Procedurally, these efforts will occur through the repeal of executive orders, notice of proposed rulemakings, litigation, or resolutions on Capitol Hill under the Congressional Review Act. Necessary changes in case law developments, particularly under the National Labor Relations Board (NLRB), will also be pursued. The second will focus on moving forward on a long-term positive agenda working to achieve targeted, but important, changes to our nation's employment laws. This latter area will change depending on evaluation of ongoing political realities and the views of Chamber members.
- The Chamber has prepared a document titled *2017 Labor Policy Recommendations* ([https://www.uschamber.com/sites/default/files/documents/files/2017\\_labor\\_policy\\_recommendations.pdf](https://www.uschamber.com/sites/default/files/documents/files/2017_labor_policy_recommendations.pdf)), which provide a detailed road map, with specific documentation as to the steps needed and the justifications therefore. The areas covered include the full panoply of employment laws, including the National Labor Relations Act, the Fair Labor Standards Act, the Service Contract Act, the Labor Management Reporting Disclosure Act, the Occupational Safety and Health Act, related federal acquisition regulations, and equal employment opportunity laws.

### Workforce Freedom Initiative

- Educate and mobilize the Chamber's grassroots network to support positive legislative and regulatory changes at the NLRB and the Department of Labor.
- Promote state labor law reforms to improve the business climate; oppose harmful laws and ballot initiatives pushed by organized labor.
- Promote the Chamber's labor agenda through advertising and earned media.
- Publish innovative studies on state and federal labor policies to urge commonsense reforms.

## LEGAL REFORM AND LITIGATION MANAGEMENT

- Continue to implement a comprehensive campaign on overenforcement, which is designed to raise awareness of the overreach of state and federal governments, agencies, and outside plaintiffs' lawyers, leading to meaningful reforms to rein in this overreach.
- Stop asbestos litigation abuses by continuing to expose fraud and abuse by the plaintiffs' trial bar; work to reform and limit abuses associated with Section 524(g) asbestos bankruptcy trusts.
- Support class action reform and mass action litigation reform and oppose efforts to weaken the Class Action Fairness Act.

- Work to prevent expansion of private civil liability under key federal and state laws.
- Oppose the overcriminalization of corporate conduct by federal agencies.
- Fight to stop or scale back litigation-expanding regulatory overreach.
- Seek federal legislation related to foreign judgment recognition and enforcement.
- Build support for changes to the securities litigation system to increase America's global competitiveness while defending against attempts to expand securities litigation.
- Work to address and limit abusive unclaimed property audits.
- Prevent or limit efforts to expand liability under the federal False Claims Act and the Medicare Secondary Payer statutes.
- Pursue a federal data breach notification law preempting the current patchwork of state laws.
- Build the case for positive reform of the federal False Claims Act and state-level analogous statutes.
- Engage in efforts to reform the Telephone Consumer Protection Act.
- Work to reform the Foreign Corrupt Practices Act by supporting changes to enforcement practices.
- Support reform of the medical tort system to make costs more affordable and predictable.
- Oppose, both internationally and in the United States, the expansion of third-party litigation financing and lawsuit lending.
- Fight to preserve the availability of arbitration and other alternative dispute resolution mechanisms.
- Work to ensure that protective orders and motions to dismiss remain available in the context of civil litigation.
- Advocate for reforms to practices by state attorneys general, including retaining outside contingency fee counsel.
- Continue educating the public on important state judicial and attorney general races.
- Support legal reform in key problem states and jurisdictions.
- Fight the spread of class actions and other problematic U.S.-style litigation features abroad.
- Raise public awareness of key legal issues and the impact of lawsuit abuse on the general public.

## **NATIONAL SECURITY AND EMERGENCY PREPAREDNESS**

### **Global Supply Chain, Customs, and Trade Facilitation Initiatives**

- Promote trade facilitation and global customs modernization to enable the efficient movement of goods through the global supply chain.
- Engage Congress to develop supply chain and trade facilitation legislation that includes business solutions to logistics, cross-border, and customs facilitation issues.

- Reverse thickening border trends and promote security cooperation through a multilayered, risk-based approach with our trade partners and ensure that government mandates do not restrain legitimate trade.
- Promote global convergence of cross-border transportation, security, customs processes, and regulation to enhance the efficient transport of trade.
- Aggressively respond to regulations and legislation that restrain supply chain facilitation and trade.
- Engage global businesses and governments to ensure commercially meaningful implementation of the World Trade Organization Trade Facilitation Agreement.
- Ensure public and private sector cooperation when identifying threats and creating appropriate solutions to maximize the impact on security and minimize the impact on business and trade.
- Advance global customs modernization with regional committees and task forces around the globe to facilitate implementation of best practices to achieve transparent and efficient treatment of products in the global supply chain.
- Represent membership interests on the Commercial Operations Advisory Committee (COAC) that advises the secretaries of both the Treasury and the Homeland Security departments on international trade, intellectual property rights, and related issues.

## **Cybersecurity**

### **Educate policymakers on elements of the White House Cyber commission report**

- The presidential Commission on Enhancing National Cybersecurity released its report on securing and growing the digital economy for the Trump administration in December. In 2017, the Chamber will assess the report and educate policymakers on the document's priorities, recommendations, and action items that should advance.

### **Develop an Internet of Things (IoT) security policy statement**

- The National Security Department, working with C\_TEC, will write a policy statement on Chamber principles and objectives for enhancing IoT security.

### **Organize roundtables with local chambers and grow awareness of market solutions**

- Since 2014, the Chamber has organized 11 cybersecurity roundtables with state and local chambers. More roundtables are planned in 2017 beginning with Salt Lake City, Utah, in March. Additional events are being planned in Columbia, South Carolina, Nashville, Tennessee, Denver, Colorado, and Miami, Florida. This national initiative recommends that businesses of all sizes and sectors adopt fundamental internet security practices, including using the NIST Framework or similar risk management tools, engaging cybersecurity providers, and partnering with law enforcement before cyber incidents occur.

### **Align international cybersecurity regimes with the framework**

- Many Chamber members operate globally. Standards, guidance, and best practices relevant to cybersecurity are typically industry driven and adopted on a voluntary basis.

The Chamber will continue to urge the administration to organize opportunities for businesses to participate in multinational discussions.

### **Harmonize cybersecurity regulations**

- Information-security requirements should not be cumulative. The Chamber believes it is valuable that agencies and departments are urged under the 2013 cybersecurity presidential order to report to the Office of Management and Budget (OMB) any critical infrastructure subject to “ineffective, conflicting, or excessively burdensome cybersecurity requirements.”

### **Push a higher level of public-private collaboration**

- The Chamber believes that government—particularly independent agencies—should devote time and resources to assisting resource-strapped enterprises deter, detect, and disrupt cyberattacks, not flex their existing regulatory authority.

### **Raise adversaries’ costs through deterrence**

- The Chamber believes that public- and private-sector stakeholders need to conduct a review of actions—including improved cyber defenses and enhanced attribution capabilities—that can be appropriately and wisely taken by business and government to deter bad actors. In a global security environment characterized by asymmetric threats and an absence of international rules of the road, businesses are typically left to their own devices, which should be unacceptable to U.S. business and political leadership.

### **Manage cyber supply chain risks**

- Ambitious public- and private-sector efforts are under way to manage cyber supply chain risks. The Chamber will continue participating in initiatives like the Software and Supply Chain Assurance Forum, which is being led by the General Services Administration (GSA), among other agencies. The Chamber supports nonprescriptive efforts by policymakers to enhance the security of information technology and communications (ICT) networks and systems.

## **NATIVE AMERICAN ENTERPRISE INITIATIVE (NAEI)**

- *Labor:* Work toward enacting a bill that exempts tribes from National Labor Relations Act (NLRA) and National Labor Relations Board (NLRB) jurisdiction oversight like every other public employer—supporting congressional initiatives such as the Tribal Labor Sovereignty Act (H.R. 511) of the 114th Congress.
- *Housing:* Work toward enacting a comprehensive NAHASDA (the Native American Housing Assistance and Self-Determination Act) reauthorization bill.
- *Energy:* Work toward enacting an Indian Energy Bill (or a provision within a larger energy bill) that achieves the goal of devolving the responsibility and authority for energy development on tribal lands from the Department of Interior to the tribes.
- *Land-Into-Trust:* Work toward enacting a law that respects tribal sovereignty while solving the problem of the Interior Department taking land into trust for the benefit

of Indian tribes that arose from the 2009 Supreme Court's interpretation of the Indian Reorganization Act of 1934 (*Carciari v. Salazar*).

- *Health Care*: Work toward enacting a provision exempting tribal employers from the Patient Protection and Affordable Care Act (PPACA) employer mandate failing a larger fix to the PPACA.
- *Tax Parity*: Work toward passage of a bill similar to H.R. 4943, the Tribal Tax and Investment Reform Act of 2016, to level the playing field for tribal sovereigns vis-à-vis states relative to bonding, pension plans, charities, child support enforcement, and adoptions.

## **PENSIONS**

### **Definition of a Fiduciary**

- Delay the implementation date of the final rule to provide time for the ongoing litigation to be sorted out and to provide an opportunity for interested parties to create a workable rule.

### **State-Sponsored Retirement Plans**

- Clarify that state-sponsored retirement programs that mandate automatic enrollment for private employees are covered under ERISA.

### **Nondiscrimination Testing in Frozen Plans**

- Work toward permanent guidance on discrimination testing in frozen defined benefit plans.

### **Open Multiple Employer Plans (MEPs)**

- Urge Congress to make changes to the multiple employer plan rules to enable expanded use of these plans.

### **Tax Reform**

- Work to ensure that tax incentives for retirement savings are maintained.

### **Pension Benefit Guaranty Corporation (PBGC) Premiums**

- Urge Congress to take PBGC premiums “off-budget” to prevent budget gimmickry since premiums paid by employers that voluntarily provide retirement benefits go directly to the PBGC, not to Treasury.

### **Multiemployer Funding Reform**

- Work with administrative agencies to ensure that regulations properly carry out the goals of congressional legislation.
- Urge Congress and the administration to address the withdrawal liability issue and consider new plan options for multiemployer pension plans.

## **Required Notices and Disclosures**

- Work with Congress and the administration to consolidate and streamline certain notice requirements to ensure that information provided to workers is clear and meaningful.

## **Electronic Disclosure**

- Work with regulators to increase options for electronic disclosures of required notices.

## **Phased Retirement**

- Continue to address the legal, fiscal, policy, and practical barriers to phased retirement.

## **Decumulation Strategies**

- Work with Congress and Chamber members to reach consensus on legislation that will promote useful decumulation strategies pertaining to lifetime income options, long-term care insurance, and other products without overly burdening plan sponsors.

## **Employee Stock Ownership Plans (ESOPs)**

- Support legislation that promotes the formation and maintenance of ESOPs.

## **Small Business Issues**

- Urge policymakers to increase plan sponsorship and participation among small businesses, including the following:
  - Expand the small business tax credit for 401(k) startup costs and make it refundable.
  - Simplify nondiscrimination testing.
  - Add a small business representative to advisory committees at regulatory agencies with jurisdiction over retirement plans.

## **Required Minimum Distribution Rules**

- Eliminate the required minimum distribution rules or, alternatively, enact modifications to the required minimum distribution rules to reflect today's workforce.

## **Pension Accounting**

- Monitor and engage with the Financial Accounting Standards Board (FASB) and the SEC as FASB evaluates and proposes changes to the accounting standards for measuring pension and other benefit costs, obligations, and assets.

## **De-Risking (Lump-Sum Payouts/Risk Transfer)**

- Protect the right of employers to satisfy promises made to workers by allowing both annuity and lump-sum payouts.

### **Retirement Education and Literacy**

- Work with policymakers and regulators to encourage and expand retirement education and literacy, whether provided by employers or others, with appropriate protections that do not expand liability under ERISA.

### **Disability Insurance**

- Educate Congress on the importance of private disability insurance and urge Congress to promote its voluntary use.

### **Social Security**

- Urge Congress to address the Social Security issue as early as possible to avoid more drastic measures later.

## **REGULATORY AFFAIRS**

### **Administrative Procedure Act Reforms**

- Promote commonsense changes to the Administrative Procedure Act (APA) and other relevant laws to ensure accountability, transparency, fairness, and efficiency in the federal regulatory process and to close loopholes in existing law.
- Develop legislative changes to existing law and take other steps, where appropriate, to prevent agencies and others from circumventing procedural safeguards through sue and settle, reliance on guidance documents in lieu of rulemakings, and other actions.
- Promote passage of the Regulatory Accountability Act to modernize the APA, provide for improved federal rulemaking procedures, and enable development of more complete rulemaking records for reviewing courts. Make available effective and efficient congressional review of major rules.
- Ensure that federal agencies rely on sound science in formulating regulations, complete a proper cost-benefit study, and perform job impact studies required by law.

### **Consumer Product Safety**

- Promote the intelligent application of the Consumer Product Safety Improvement Act so that businesses are not overly burdened with onerous regulatory compliance requirements.
- Closely monitor the Consumer Product Safety Commission complaint database. If necessary, promote legislation to address any problems with the database, including excessive burdens on industry and the dissemination of misleading information to consumers.

### **Freedom of Information Act (FOIA) Reform**

- Ensure that federal agencies respond to requests for information under FOIA in a timely, transparent, and accountable manner.

- Advocate for creating an online database to enable the public to track the progress of each FOIA request.
- Call for establishing an ombudsman to hear disputes over FOIA claims.

### **Government Accountability**

- Ensure that federal agencies and programs operate efficiently and within budget and do not issue duplicative or obsolete regulations.

### **Information Quality Act**

- Support efforts by affected stakeholders to ensure that federal agencies subject to the act's provisions comply with all its requirements.
- Seek ways to establish a private cause of action so that there can be judicial review.

### **International Standards Affecting Domestic Regulation**

- Advocate for transparency, accountability, and compatibility in international standards by working through U.S. delegates, Congress, and industry allies.

### **Judgment Fund**

- Support legislation that would provide transparency to the public concerning recipients of payments made from the Judgment Fund.

### **Office of Information and Regulatory Affairs (OIRA)**

- Work with OIRA in the Office of Management and Budget (OMB) to ensure that EPA complies with Executive Order 13563, the Regulatory Flexibility Act (RFA), the Unfunded Mandates Reform Act, the Administrative Procedure Act, and all other applicable laws, orders, and requirements.

### **Paperwork Reduction Act**

- Support efforts to reauthorize this act.
- Reestablish paperwork reduction goals and create better ways to hold agencies accountable for their work under the act.
- Push look-back provisions to promote better estimates of paperwork burden estimates.

### **Regulatory Flexibility Act**

- Work closely with House and Senate committees to address loopholes in the law; conduct meaningful oversight of federal agency compliance with all its requirements.
- Urge federal agencies to conduct periodic reviews of regulations and rules as required under Section 610 of the act.
- Promote legislation that would provide clear and consistent definitions in the Small Business Regulatory Enforcement Fairness Act (SBREFA) so that agencies are not able to avoid the requirements of the law.



## **Regulatory Reform**

- Support efforts in Congress to enact the Regulatory Accountability Act, the Sunshine for Regulatory Decrees and Settlements Act, and the Require Evaluation before Implementing Executive Wishlists (REVIEW) Act.

## **Risk Analysis**

- Support efforts to reform the processes used to evaluate health risks related to chemical and pollutant exposures, which directly influence the stringency of air and water quality standards as well as site cleanups and chemical safety requirements. Agencies need to use procedures that are more transparent, impartial, accountable, and reproducible.
- Support Hill efforts to appropriate funds for Department of Defense/Department of Energy synthesis of low-level radiation studies performed and recommend revisions to the linear no-threshold (LNT) default model in assessing low-level radiation exposure risks. The 1950s vintage LNT model that agencies rely on sets the level of acceptable health risk at zero exposure. Thus, EPA assumes that any exposure to low-level radiation carries a cancer risk. This has been translated into chemical risk, where exposure to one molecule of a chemical carries health risks, even when the agency has data showing that there are no health effects below a specific threshold.

## **Title 28 Consolidation Legislation**

- Work with the House Judiciary Committee to develop legislation to consolidate citizen suit provisions in various statutes into Title 28, thus enabling more effective oversight and uniformity in the management of citizen suits.

## **Unfunded Mandates Reform Act**

- Support efforts to strengthen government compliance with and accountability under this act.

## **Whole-Economy Modeling**

- Support efforts persuading EPA to adopt whole-economy modeling versus partial-economy modeling into formal EPA policy. Requiring the use of whole-economy modeling in cost-benefit analyses would improve the quality of EPA's estimates of the costs and benefits of proposed regulatory actions.

## **Regulatory Analysis**

- *Labor*: Analyze new proposed rules mandating sick leave benefits and implementing the health insurance "Cadillac" excise tax, final rules on investment advice conflicts, Fair Labor Standards Act overtime exemptions, silica dust exposure, and federal contractor labor law compliance reporting requirements.
- *Environment and Energy*: Analyze the accuracy of economic models that estimate climate change economic impact; promote responsible, fact-based analysis; and identify errors that lead to incorrect or exaggerated regulatory benefit claims.

- *Regulatory Parity*: Analyze how regulations disparately impact members of the business community in the same sector and how regulatory burdens can be minimized for all market participants.
- *Regulatory Reform*: Identify systemic errors and omissions in economic cost-benefit analyses by regulatory agencies and assess the adequacy of public comment periods allowed for complex and costly regulations.
- *Regulatory Impacts on Employment*: On a continuing basis, evaluate the job loss and job displacement impacts of federal regulatory programs on specific industries and, to the greatest feasible extent, on the American economy as a whole.

## **TAXES**

- Advocate for comprehensive tax reform legislation to lower tax rates to a level that will enable U.S. businesses to compete successfully in the global economy, attract foreign investment to the United States, increase capital for investment, and drive job creation in the United States.
- Work to prevent excessive regulatory burdens that interfere with the ability of companies to do business and, where necessary, advocate for solutions that lessen the tax regulatory burden on businesses.
- Prevent one-off tax increases on businesses, either to pay for unrelated spending initiatives or as punitive measures.
- Advocate on interstate commerce/tax issues, working to advance mobile workforce and business activity tax legislation, and move to a place of support on legislation addressing the online sales tax collection issue.

## **TECHNOLOGY, TELECOMMUNICATIONS, AND E-COMMERCE**

### **Broadband**

- Oppose applying old monopoly telephone rules to new broadband networks and roll back the classification of broadband providers as common carriers under Title II of the 1934 Telecommunications Act.
- Support public-private partnerships to spur broadband deployment and adoption across the United States.
- Support efforts to streamline zoning laws for broadband infrastructure, including cell towers and antennas.
- Support policies that provide adequate spectrum for 5G technologies while maximizing its use for other sectors of the connected economy.

### **Broadcasting and Mass Media**

- Advocate for federal policies that keep government regulation of broadcasting and other mass media to a minimum, recognize the highly competitive nature of the industry, and promote market-based solutions.

## **Electronic Communications Privacy Act Modernization**

- Support modernizing the Electronic Communications Privacy Act to require, except in emergencies, law enforcement to obtain a warrant to access personal or proprietary emails and other documents stored by third-party service providers that offer cloud-based storage and other services.

## **ICANN**

- Urge the Internet Corporation for Assigned Names and Numbers (ICANN) to ensure that its plan to dramatically increase the number of generic Top-Level Domain (gTLD) names (i.e., the suffixes that go after the dot, such as .com and .org) incorporate sufficient protections for trademark and brand owners. Beyond the costs associated with defensive registrations, there are strong concerns that these new gTLDs could lead to brand confusion, brand dilution, fraud, identity theft, data breaches and other cybercrimes, consumer privacy violations, and other abuses.

## **Privacy and Data Security**

- Advocate for policies recognizing that self-regulation and best business practices that are technology neutral serve as the preferred framework for enhancing innovation, investment, and competition while protecting consumer privacy.
- Support enactment of a truly uniform federal standard for breach notification that is consistent with the best approaches in state law. To be workable and effective, any such legislation must recognize that both consumers and U.S. businesses are victims of crimes that give rise to a data breach. The legislation should contain carefully drafted provisions, including preemption, liability, and enforcement.

## **TCPA Reform**

- Support modernization of the Telephone Consumer Protection Act (TCPA) to ensure that consumers can receive important nonmarketing, time-sensitive information on their mobile devices and that businesses have the ability to provide their customers with this type of information.

## **Telecommunications Reform**

- Advocate for updated federal telecommunications laws and seek to eliminate federal policies that hinder investment in technology.
- Promote legislative efforts that establish greater transparency, public participation, and accountability in the Federal Communications Commission's rulemaking process.

# **TRANSPORTATION**

## **Transportation Infrastructure**

- Help develop and roll out the new administration's infrastructure plan. Advocate for a long-term plan that is sustainable, focuses investment in the areas of most need, does not create new government programs, and provides both increased public and private investment.

## **Highways and Public Transportation**

- Advocate for prompt implementation of the Fixing America's Surface Transportation Act (FAST Act).
- Attain full funding for surface transportation programs in the fiscal year 2017 appropriations process.
- Continue efforts to secure a sustainable funding source for the future surface transportation authorization. Ideally, resources would be ongoing revenue collections (as opposed to one-time offsets), user-fee based, and dedicated to the Highway Trust Fund. However, there may be other approaches to provide certainty and stability that transportation-related businesses need and that enable investment in projects that provide economic benefits.
- Continue efforts to achieve legislative success on critical issues to the trucking industry, including twin 33-foot trailers and the Federal Aviation Administration Act (F4A) Federal Preemption of state meal and rest break laws.

## **Water Infrastructure**

- Attain full funding for navigation needs in the fiscal year 2017 appropriations process, including utilization of the Harbor Maintenance Trust Fund consistent with targets set in the Water Infrastructure Improvements for the Nation (WIIN) Act.

## **Aviation**

- Craft an updated statement that reflects the concerns and focus of our members on the reauthorization of Federal Aviation Administration (FAA) policy, programs, and funding, including the future of the Air Traffic Organization.
- Advocate for reauthorization of FAA policy, programs and funding prior to current law expiration on September 30, 2017.

## **Public-Private Partnerships**

- Advocate for federal policies that encourage private sector investment in public infrastructure as part of transportation and other legislative vehicles.

## **U.S. CHAMBER TECHNOLOGY ENGAGEMENT CENTER (C\_TEC)**

- The Chamber established the Chamber Technology Engagement Center (C\_TEC) to tell the story of technology's role in our economy and advocate for rational policy solutions that drive economic growth, spur innovation, and create jobs.
- C\_TEC cuts across nearly every sector to harness all the good work and aggressive advocacy on behalf of the technology sector already under way and provides a new platform with enhanced prominence to address the emerging tech issues that are on the horizon. C\_TEC gives a full seat at the table for both traditional and nontraditional tech companies. The U.S. Chamber's *Growth Agenda* is just as relevant to technology companies as it is to nontech companies.

## **Primary areas of focus for C\_TEC:**

- **Emerging Issues:** Internet of Things, unmanned aerial vehicles/drones, autonomous vehicles, artificial intelligence, machine learning, augmented reality, shared economy, smart cities, and FinTech.
- **Talent:** immigration, STEM education and workforce preparedness, gender and ethnic diversity.
- **Global Competitiveness:** privacy, open data, internet governance, cross-border data flows, antitrust.
- **Capital and Governance:** cost of capital, barriers to going public, corporate governance, and proxy advisers.

## **Working Groups**

### **Internet of Things (IoT), Autonomous Vehicles (AV), Unmanned Aerial Vehicles (UAV)**

- C\_TEC formed committees focused on specific key issue areas of priority for its members. Each working group meets regularly to engage with policymakers, regulators, and representatives from the administration.

#### **Internet of Things (IoT)**

- Lead a campaign designed to educate policymakers, regulators, the media, and the business community on the benefits of the Internet of Things and the opportunities the data collected by these devices provide. Advocate for legislation such as the DIGIT Act, promote a reduction of regulatory burdens, and champion industry-led solutions to technical, interoperability, privacy, and security issues.
- Continue to conduct further research, events, and member outreach relating to the public's and Congress' perception of IoT to prepare for legislative and regulatory measures related to the debate.
- Communicate the positive economic impact on industry and consumers to federal policymakers and regulators.

#### **Autonomous Vehicles (AV)**

- Lead a campaign to educate policymakers, regulators, the media, and the business community on the benefits of automated technologies and advocate for rational federal requirements that encourage innovation, research and development, and technology growth. Work closely with our federation network of local, metro, and state chambers of commerce. Commission research on the benefits (e.g., safety, universal accessibility, impact on economy/jobs/global competitiveness) of autonomous vehicles and use C\_TEC Intelligence polling to measure public sentiment of this technology.
- Continue monitoring action at the federal level and prevent enactment of divergent laws at the state level that would stifle technology development and potentially harm the safety around these technologies.

- Continue to push for light touch policy approaches to both emerging technologies and engage with agencies such as the National Highway Traffic Safety Administration (NHTSA) and the Federal Aviation Administration (FAA).
- Leverage our Tech Council relationships to address state and local patchwork legislative obstacles to expand these technologies.

### **Unmanned Aerial Vehicles (UAV)**

- Lead a campaign designed to educate policymakers, regulators, the media, the business community, and the public on the potential benefits of unmanned aerial vehicles for a multitude of business sectors. Through our Tech Council, we have the ability to spread the message to state and local governments that a patchwork of UAV legislation is not effective to addressing this emerging technology. Continue to engage with the FAA to ensure that its regulations promote the development of the technology.
- Continue monitoring action at the federal level and prevent enacting divergent laws at the state level that would stifle technology development and potentially harm the safety around these technologies.
- Continue to push for light touch policy approaches to both emerging technologies and engage with agencies such as NHTSA and the FAA.
- Leverage our Tech Council relationships to address state and local patchwork legislative obstacles to expand these technologies.

### **Peer-to-Peer Economy (P2P)**

- Continue to convene discussions with internal and external partners including the House and Senate Education and Workforce committees to explore issues related to independent contractor/dependent contractor status and joint employer standards.
- Explore creation of a sharing economy working group.
- Continue to tell the story of the benefits of these businesses and the private business solutions that are better alternatives to overregulation.

### **Artificial Intelligence (AI)/Machine Learning**

- Continue to advocate for an open environment to enable continuing research and the creation of responsible AI technologies. Work with public- and private-sector leaders to educate the public, the media, the business community, and policymakers on the benefits of AI and machine learning.

### **Financial Technology (FinTech)**

- Urge regulators to avoid regulatory arbitrage and proceed with caution regarding FinTech development and implementation. As with traditional financial services, avoid massive regulatory duplication, unnecessary burdens, and ambivalence to cost-benefit analyses to encourage FinTech innovation.

## Stem Education and Workforce Preparedness

- Work with our members and with legislators to promote education programs that prepare students for jobs of the future.

## U.S. CHAMBER LITIGATION CENTER

- **Arbitration:** Defend arbitration agreements against legal challenges and regulatory action intended to eliminate or restrict arbitration as a faster, cheaper, and fairer alternative to litigation.
- **Capital Markets and Corporate Governance:** Protect the competitiveness of U.S. capital markets by fighting abusive and meritless litigation and directly challenging anti-business regulations, including some imposed under the Dodd-Frank Act.
- **Class Action Abuse:** Oppose efforts by the plaintiffs' bar to expand the abuse of the class action device.
- **Energy and the Environment:** Defend U.S. energy production, distribution, and consumption against unlawful and ill-conceived initiatives by regulators and activists.
- **False Claims Act:** Combat meritless False Claims Act litigation brought against companies in numerous industries, including defense, aerospace, pharmaceutical, health care, and financial services.
- **Federal Preemption:** Use the legal doctrine of federal preemption to defend against the piecemeal, multilayered approach to regulation advanced by overzealous state regulators, attorneys general, and the trial bar.
- **Food and Beverage:** Help food and beverage companies defend against meritless and abusive class actions and other lawsuits brought by the plaintiffs' bar, as well as unlawful regulations imposed by federal, state, and local governments.
- **Forum Shopping:** Relying on legal doctrines such as personal jurisdiction and extraterritoriality, fight efforts by the plaintiffs' bar to bring cases in plaintiff-friendly courts that have no meaningful connection to the defendants, plaintiffs, or conduct giving rise to the case.
- **Government Litigation:** Urge the courts to rein in governmental agencies imposing new rules through "guidance" and other informal means that subvert the process required for regulating the private sector.
- **Labor, Immigration, Employment, and Benefits:** Defend the interests of business against baseless and abusive litigation and regulation concerning federal and state labor, immigration, wage-and-hour, employment discrimination, employee benefits, and other similar laws.
- **Overcriminalization:** Ensure that due process and fairness are observed in the criminal justice system and challenge efforts by investigators and prosecutors to circumvent statutes of limitations and water down mens rea standards.
- **Punitive Damages:** Restrain excessive awards of punitive damages in both federal and state courts.
- **Privacy, Technology, and Intellectual Property:** Through the courts, ensure that governments adhere to the limits on their authority regarding privacy, data, and innovation and that the plaintiffs' bar does not misuse inapplicable statutes.

- **Regulatory Litigation:** On behalf of the U.S. Chamber as a party, challenge unlawful regulations and other actions by federal and state governments that are harmful to the economy and stifle job growth.
- **Tax:** Urge the courts to interpret and apply tax laws clearly and consistently to foster investment, capital formation, economic growth, and job creation.

*January 2017*