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2024 Congressional Outlook

Implications of Major Legislation for Research,
Education, and Academic Medicine

Prepared by Lewis-Burke Associates LLC
January 9, 2024

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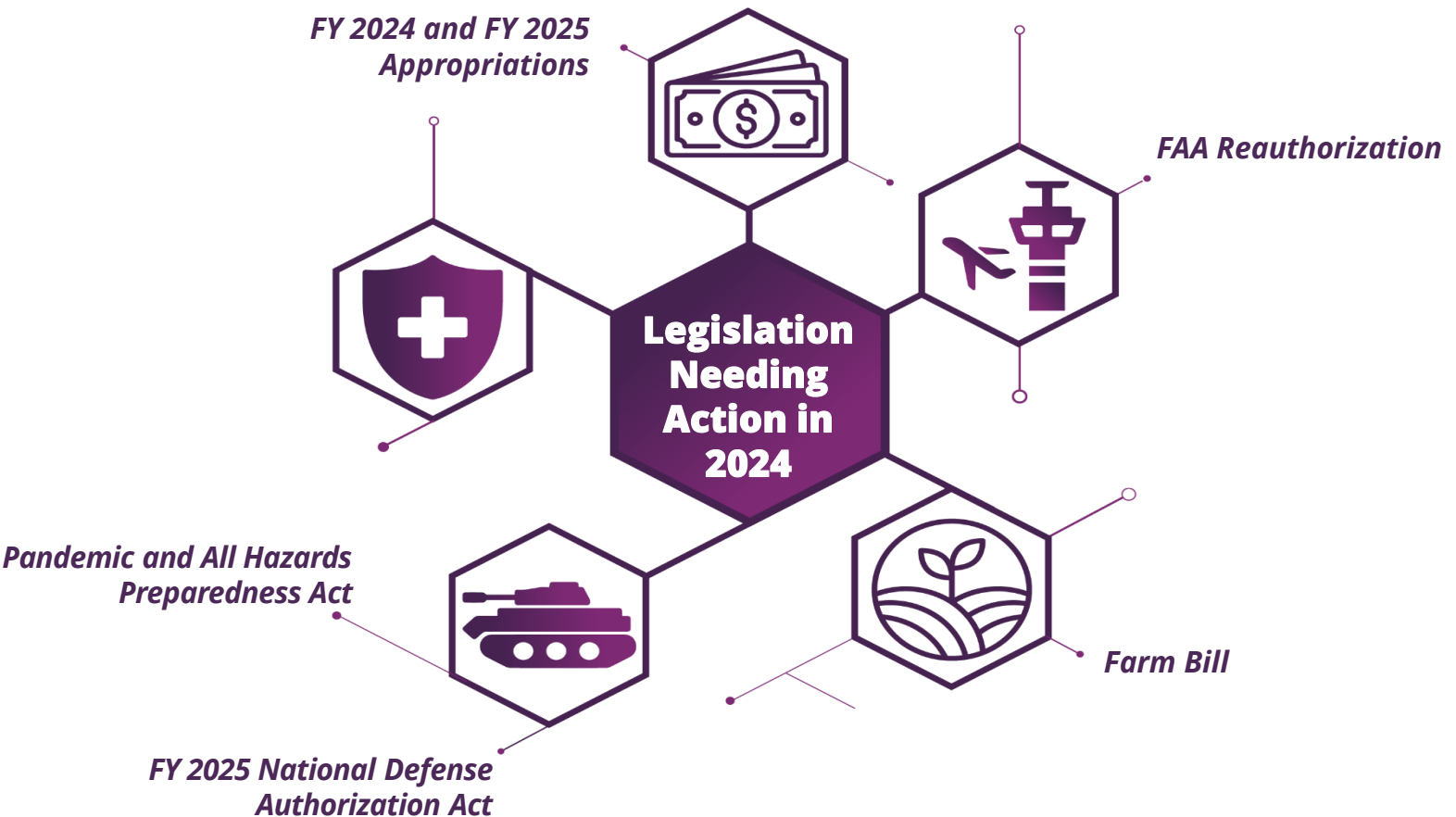
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Executive Summary

This congressional outlook provides an update and future prospects for major legislation in 2024 of most relevance to the research, education, and academic medicine communities.

Congress returns from the holiday recess on January 8 with major deadlines and decisions looming over the first few months of 2024. The graphic below shows major legislation requiring action. While Congress passed into law the FY 2024 National Defense Authorization Act—the annual defense policy bill—in December 2023, it punted on all other major legislation and finished the year as one of the least productive Congress in history with only 24 bills passed into law.

The legislative shortcomings of 2023 stem from myriad factors: a slim House Republican majority of only two votes, House Republicans’ plans to pursue impeachment inquiries into President Biden and Secretary of Homeland Security Alejandro Mayorkas, and eroding trust and comradery between Republicans and Democrats, signaled by the more than 30 House Members who have already announced their retirement. Now, in a Presidential election year, Congress’s ability to rally bipartisan support for the finalization of major legislation has only become more challenging. Lewis-Burke expects Congress to pass only the most necessary legislation, such as FY 2024 appropriations, a supplemental funding package, and the annual National Defense Authorization bill. Other pending legislation, such as the Farm Bill and pandemic preparedness, will likely be punted to 2025.



Congress faces its first major test in only ten days, on January 19, when funding expires for agencies overseen by four of the twelve appropriations subcommittees. Congress has reached a tentative agreement on topline spending levels consistent with the *Fiscal Responsibility Act*, but it needs to work fast to finalize and pass these first four FY 2024 appropriations bills or trigger a partial government shutdown. The remaining eight appropriations bills, which make up more than 80 percent of total discretionary spending, are set to expire shortly after, on February 2. In addition to annual appropriations, Congress is looking for a bipartisan path to pass a national security supplemental spending package, which would provide funding to support Ukraine and Israel, build up defenses in Taiwan and the Indo-Pacific, address border security issues, and underwrite *CHIPS and Science Act* investments to maintain U.S. competitiveness in science and technology. In addition to these upcoming federal funding cliffs, Congress also faces deadlines to finalize or again extend authorities for the Federal Aviation Administration (FAA), Farm Bill authorities covering agriculture and nutrition programs, and critical health programs, such as pandemic preparedness and community health centers.

2024 Deadlines for Government Funding and Key Programs

| January 19 Expirations | February 2 Expirations | March 8 Expirations | September 30 Expirations |
|--|--|---|---|
| <ul style="list-style-type: none"> Funding for four FY 2024 appropriations bills (Agriculture-FDA, Energy and Water, Military Construction-VA, and Transportation-HUD spending bills) Several health programs, including community health centers, the National Health Services Corps, the Teaching Health Center Graduate Medical Education program, and pandemic preparedness authorities Delay in \$8 billion in Medicaid payment cuts to disproportionate share hospitals | <ul style="list-style-type: none"> Funding for the remaining eight FY 2024 appropriations bills (Commerce-Justice-Science, Defense, Financial Services, Homeland Security, Interior-Environment, Labor-HHS-Education, Legislative Branch, and State-Foreign Operations) | <ul style="list-style-type: none"> Federal Aviation Administration authorization | <ul style="list-style-type: none"> Farm bill End of FY 2024, which will require a Continuing Resolution or FY 2025 appropriations bills to avoid a government shutdown Annual National Defense Authorization Act |

There is additional legislation that has been considered by Congress and that impacts the research, education, and academic medicine communities on a broad range of issues, including education, climate and environment, science and technology, healthcare, economic development, and future workforce. Bills on these topics are not likely to pass by the end of the year, but there are ongoing opportunities to shape future legislation.



For example, there is broad interest in updating federal education research and development policy and to address issues related to college cost, accountability, and innovation, and although not likely to pass in the near-term, Congress continues to debate workforce development legislation and advance bills like the National Apprenticeship Act (NAA) and the Workforce Innovation and Opportunity Act (WIOA). Congress also plans to turn its attention to additional environment-related legislation such as the Weather Research and Forecasting Innovation Act reauthorization and the next Water Resources Development Act.



Significantly, the Hamas-Israel conflict has increased attention on higher education, specifically regarding concerns of rising antisemitism and campus safety. Endowments have been the target for several policy proposals, and charges of elitism in higher education have created a climate of hyper-politicization. Institutions of higher education can expect continued scrutiny from policy makers.


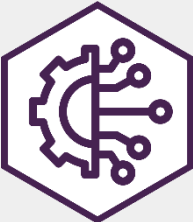
Despite the uncertain political environment, Lewis-Burke forecasts the following outcomes for major legislation in 2024:

- Congress will pass FY 2024 appropriations bills with a supplemental spending package, and these final FY 2024 spending levels will guide future federal agency and program investments into 2026. Existing pandemic preparedness authorities and health programs will be extended, and Medicaid payment cuts will be delayed. FY 2024 ends on September 30, 2024, and, based on historical precedent in Presidential election years, a full-year Continuing Resolution is expected for FY 2025. Other reasons to expect a FY 2025 Continuing Resolution include FY 2025 funding caps, which provide for no new discretionary funding, and a current congressional preference to avoid major confrontation on controversial policy provisions in spending bills.
- Congress will pass the FY 2025 National Defense Authorization Act (NDAA) for the 63rd year in a row. The NDAA is often a vehicle to pass other legislation. If not passed as stand-alone bills, the NDAA may include the National Quantum Initiative Act Reauthorization and artificial intelligence (AI)-related provisions regulating certain aspects of AI. These pieces of legislation will drive innovation and novel applications of technology, mitigate harms and risks associated with AI, and increase STEM education and workforce development.
- Congress will pass the Federal Aviation Administration Reauthorization bill which will include new research and workforce development programs.
- Other legislation with a high probability of passage given bipartisan support include the Weather Act Reauthorization, the Workforce Innovation and Opportunity Act, and the Water Resources Development Act.
- Draft Farm Bills are expected in the House and Senate in the first quarter of 2024, but slim majorities in both chambers will likely mean that final passage is punted to a new Congress in 2025.
- Progress on major science and technology legislation will continue to be a focus in 2024, but passage by the end of the year is not likely. Such legislation includes the National Aeronautics and Space Administration Reauthorization and applied energy programs that are especially focused on hydrogen, bioenergy, and nuclear.

Below is additional information on the status and outlook of major legislation of interest to the research, education, and academic medicine communities.

| Legislation | Prospects and Likely Outcome |
|---|---|
| <p data-bbox="94 485 522 527">Annual Appropriations</p>  | <p data-bbox="574 457 1539 1482">Congress needs to finalize FY 2024 appropriations by early February to avoid a government shutdown. The current Continuing Resolution (CR), which is funding government programs at mostly FY 2023 funding levels, has two fast approaching deadlines—January 19 to fund four FY 2024 appropriations bills and February 2 to fund the remaining eight bills. Congress could pass a full year CR, but there are multiple reasons Congress would prefer appropriations bills. First, under the <i>Fiscal Responsibility Act</i>, a CR would trigger a one percent across-the-board cut to all defense and non-defense programs compared to FY 2023 enacted funding levels. The cut to defense spending would be contrary to the bipartisan FY 2023 National Defense Authorization Act, which passed Congress in December 2023 and authorized \$886 billion in defense spending, a \$29 billion boost in funding that would be cut in a CR. Second, there is bipartisan support to include congressionally directed spending, which deliver funding successes for constituents ahead of congressional elections but are only available through appropriations. For these reasons, the more likely scenario is a final FY 2024 appropriations spending package in line with <i>Fiscal Responsibility Act</i> funding caps. Separately, there are efforts to attach a national security supplemental spending package to fund Ukraine, Israel, and border security provisions. FY 2024 ends on September 30, and, due to the upcoming election, a full-year Continuing Resolution is expected for FY 2025. This puts even greater pressure on Congress to pass an FY 2024 appropriations package.</p> |
| <p data-bbox="123 1535 495 1577">FAA Reauthorization</p>  | <p data-bbox="574 1507 1539 1999">March 8 is the current deadline to renew and extend the nation’s aviation programs through the Federal Aviation Administration (FAA) reauthorization bill. While the House passed its version of the bill in July, the Senate has yet to advance and pass its version of the bill due to outstanding policy disagreements. However, negotiations have restarted, and the bill is likely to pass the Senate in the coming months. This will tee up conference negotiations and the final bill passing by the end of the year. Of interest to the research community, the bill would create a new Office of Innovation at the FAA to support the development of advanced aviation technologies, and the bill would also support new research in different areas such as aviation fuels, improved operational safety, cybersecurity, and additive manufacturing.</p> |

| Legislation | Prospects and Likely Outcome |
|---|--|
| <p data-bbox="228 489 391 527">Farm bill</p>  | <p data-bbox="578 459 1536 835">In November 2023, Congress extended the 2018 Farm Bill from its original September 30, 2023, expiration date, giving itself an additional year to renew and extend the nation’s agriculture, nutrition, and food programs. House and Senate Agriculture Committees are expected to advance their versions of the legislation in the first quarter of 2024, but slim majorities in both chambers will likely mean that final passage is punted to a new Congress in 2025. Of interest to the research community, the bill is an opportunity to shape new agricultural research, extension and education programs and policies.</p> |
| <p data-bbox="151 919 472 1003">National Defense Authorization Act</p>  | <p data-bbox="578 890 1536 1381">The National Defense Authorization Act (NDAA) has been enacted annually for more than 60 years and is considered must-pass legislation because it authorizes military pay raises, shapes weapons programs, and sets national security policy. The FY 2024 NDAA authorized \$886 billion in defense spending, in line with the cap set under the debt ceiling. NDAA negotiations were tense throughout the year, given House provisions to restrict abortion access, block coverage of gender-affirming care, and curtail initiatives on diversity, equity, and inclusion – all of which were ultimately stripped from the final version of the bill. The FY 2025 NDAA process is expected to be just as contentious, with heightened focus on the Israel-Hamas war and other global conflicts.</p> <p data-bbox="578 1446 1536 1745">Nonetheless, the NDAA will likely be one of the few bills that moves this year, given its impact to national and global security. Of importance to the research community, Lewis-Burke expects the FY 2025 NDAA to address growing national security concerns associated with China, including provisions to support cybersecurity, advanced technology, hypersonics, and space policy, while encouraging the Department of Defense to prioritize technology transition and address research security.</p> |

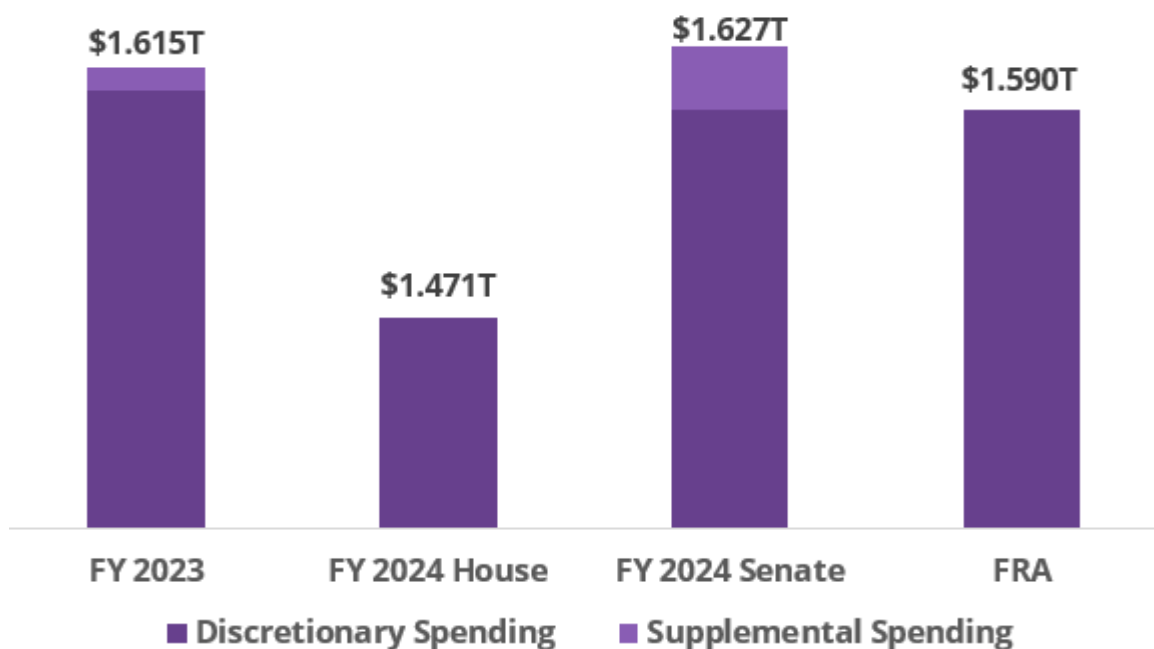
| Legislation | Prospects and Likely Outcome |
|--|---|
| <p data-bbox="94 485 561 569">Pandemic and All Hazards Preparedness Act</p>  | <p data-bbox="613 457 1542 1024">Key provisions of the Pandemic and All Hazards Preparedness Act (PAHPA) were extended in the CR before the prior legislation expired on September 30, 2023. The law aims to address future public health crises by investing in public health programs, promoting public health data and information sharing, strengthening lab security, and pursuing new research. Negotiations over tackling drug shortages have led to an extended delay of the release and consideration of a new reauthorization bill that is agreed to by both chambers of Congress. On December 18, over 115 health care and biotechnology organizations sent a letter to the Senate Health, Education, Labor, and Pensions (HELP) committee urging passage of PAHPA. However, key provisions are expected to be extended through 2024 without passage of a new bill.</p> |
| <p data-bbox="118 1077 537 1161">Quantum and Artificial Intelligence</p>  | <p data-bbox="613 1050 1542 1654">Artificial intelligence (AI) remains a huge interest area for Congress, especially in the Senate. The Senate held numerous forums and meetings in Fall 2023 to gain perspective, and they will likely begin drafting and considering a legislative package on the subject in Spring 2024. Their goal is to help regulate AI applications and uses while also maintaining U.S. leadership. In addition, while not considered “must-pass,” Congress is also prioritizing quantum legislation. Congress made significant progress in Fall 2023 in reauthorizing the National Quantum Initiative Act, which expired at the start of FY 2024. The House Science, Space, and Technology Committee approved its version of the bill in November 2023, and Congress will likely look for avenues to complete consideration and passage of this bill in the first half of this calendar year. Another option will be to attach quantum and AI legislation to the FY 2025 NDAA.</p> |

Federal Funding Outlook

As reported above, the most pressing congressional to-do item is to finalize FY 2024 appropriations. While the House and Senate have advanced a number of FY 2024 appropriations bills—with the House passing seven of 12 appropriations bills and the Senate passing three—no FY 2024 appropriations bills have been passed into law, and there are considerable differences between the chambers' bills.

Despite negotiating and passing the *Fiscal Responsibility Act (FRA)*, which set funding caps for FY 2024 and FY 2025 appropriations, neither the House nor Senate advanced bills that adhered to those caps. The House set topline funding at FY 2022 enacted funding levels—\$185 billion below FY 2023 enacted funding levels and \$119 billion below the FRA. Meanwhile, the Senate set topline funding of \$1.627 trillion, which is \$37 billion above the funding caps. The Senate added \$13.7 billion in emergency spending and used rescissions and other budget maneuvers to find additional defense and nondefense spending. At the end of last year, the House and Senate were \$210 billion apart in overall discretionary spending for FY 2024.

FY 2024 Discretionary Spending



Congress passed two continuing resolutions (CR) in Fall 2023 to avert a government shutdown. These bills funded federal programs mostly at FY 2023 enacted funding levels. The current CR is about to expire, and a partial or full government shutdown looms within the coming weeks with two upcoming deadlines if Congress cannot find a path forward.

On January 19, funding expires for the following four appropriations bills:

- Agriculture, Rural Development, and the Food and Drug Administration;
- Energy and Water Development;
- Military Construction and Veterans Affairs; and
- Transportation, Housing and Urban Development.

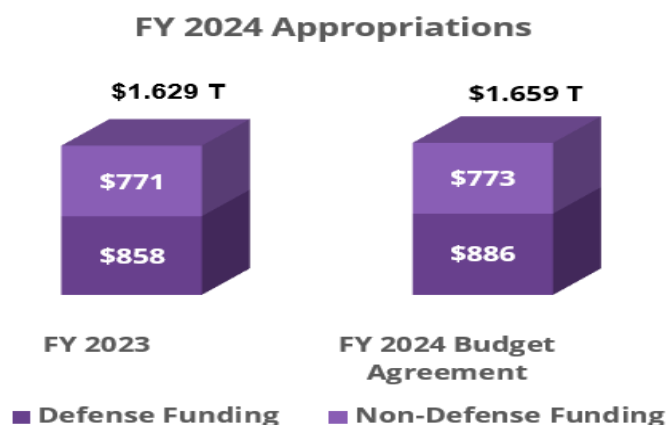
Federal Funding Outlook

On February 2, funding expires for the remaining eight appropriations bills, which make up more than 80 percent of overall discretionary spending:

- Defense;
- Commerce, Justice and Science;
- Financial Services and General Government;
- Homeland Security;
- Interior, Environment and Related Agencies;
- Labor, Health and Human Services and Education;
- Legislative Branch; and
- State and Foreign Operations.

The clock is ticking, and there is less than two weeks before Congress comes up against its first deadline. To avoid a shutdown, Congress must either reach an agreement on final FY2024 appropriations, pass a full year CR, or enact yet another short-term continuing resolution to continue negotiations.

On January 7, House and Senate Republican and Democratic leaders reached a tentative budget agreement to finalize FY 2024 appropriations. The bipartisan topline agreement secured about \$772.7 billion for non-defense discretionary (NDD) funding and \$886.3 billion in defense funding. A topline agreement is essential because it will serve as the framework for the 12 appropriations bills that must be hammered out between now and the shutdown deadlines. Under this topline, defense spending would grow by \$28 billion compared to FY 2023 enacted funding levels and would be consistent with authorized funding levels in the recently passed FY 2024 National Defense Authorization Act. Overall NDD funding would see a \$2 billion increase, essentially flat. This is an important outcome, especially for science, education, healthcare, and other federal programs, because it is \$69 billion more than the base NDD funding level in the FRA. Congress agreed to use a mix of unspent COVID funding, a \$20 billion rescission in funding for the Internal Revenue Service from the *Inflation Reduction Act*, and other budget and funding adjustments to increase overall NDD spending, avoiding major cuts to non-defense programs.



Even with a topline funding agreement, there is still significant work that must be done for bills to pass. Appropriators in both chambers must now agree on allocations for the 12 individual appropriations bills and resolve disagreements regarding divisive policy riders centered around border security and reproductive rights. While progress has been made, it is still unclear if the House and Senate can resolve their differences in time to avert a partial or full shutdown.

Federal Funding Outlook

A year-long CR would be a bad outcome for most federal programs. If Congress passed a “date change CR”—an extension of the current CR – it would trigger sequestration cuts that were included in the FRA. Under this scenario, defense spending would be cut by \$8 billion and lose the \$28 billion increase included as part of the FRA. The impact to nondefense spending would be even more severe, with the Senate Appropriations Committee estimating a \$73 billion or more than 9 percent cut to nonexempt, non-defense federal programs. Based on information provided by federal agencies to Congress, the budgetary impacts of a full year CR could include:

- No increase for the Pell Grant program;
- Hundreds of millions of dollars in funding cuts for the Department of Energy’s Office of Science, including cuts to support for up to 5,000 scientists, students, and technical staff working at national labs and universities;
- Decreased funding for the Food and Drug Administration;
- Delayed or canceled construction of NOAA’s next-generation weather satellite;
- Delaying the Artemis IV Moon mission by at least a year and lay-offs of NASA employees;
- Reduced NSF support for students, graduate students, post-docs and early career faculty and delayed implementation of key emerging technology programs; and
- Cutting hundreds of millions of dollars for clean energy programs at the Department of Energy.

Congress can avoid these steep cuts by enacting FY2024 appropriations bills before April 1, 2024. Alternatively, because Congress created the “sequester” mechanism in the debt ceiling deal, it can also choose to write a provision into a yearlong CR to turn off the sequester cuts.

While the path forward is yet to be determined, Lewis-Burke forecasts that Congress will be able to strike an agreement on end-of-year FY2024 funding. We expect lawmakers to work right up to the CR deadlines. While a brief government shutdown remains possible, we project that any shutdown – either partial or full – will be short lived and would add to the political pressure to enact FY2024 appropriations.

Agriculture

Legislative Purpose

Bill Status

Outlook

Farm Bill

Not yet introduced

The Farm Bill reauthorizes programs in the Department of Agriculture that expire every five years. The Farm Bill includes 12 titles, the largest of which is Title IV, Nutrition. This title authorizes mandatory funding for the Supplemental Nutrition Assistance Program (SNAP) and other programs that provide food to qualifying individuals and families. Title IV is expected to make up 80 percent of the next Farm Bill's spending, which, in total, could top \$1 trillion.

The Farm Bill's other major titles include those dedicated to crop insurance, commodity programs, and conservation programs. The rest of the Farm Bill, including research and extension, forestry, and energy, among others, makes up just one percent of the bill's spending. Nevertheless, the bill represents a rare opportunity to shape agricultural research, extension, and education policy.

If the Farm Bill is not reauthorized or extended beyond September 30, 2024, key programs will begin to expire. For example, most conservation programs would end, and commodity pricing benchmarks would revert to levels from the 1940s. Given the significant consequences, Congress will pass an extension until a new Farm Bill can be negotiated rather than let programs lapse.

The Senate and House Agriculture Committees began holding hearings in late 2022 and through mid-2023. Local listening sessions began in 2023 and are still occurring, especially in states with Members on the Agriculture Committees.

Members of Congress in both chambers have been introducing a steady stream of marker bills for possible incorporation into the draft text.

With respect to Title VII, Research, Extension, and Related Matters, staff are working on policy tweaks to existing programs and are discouraging efforts to authorize new programs.

House and Senate Agriculture Committee staff are preparing draft text that is expected to be released in the first quarter of 2024.

The House and Senate Agriculture Committees have a history of bipartisanship, and their respective Chairs and Ranking Members have similar goals for passing a new Farm Bill.

Although the House and Senate may release draft legislation as early as Spring 2024, the timeline for their passage is unclear. Conservative Republican House Members have threatened to hamstring passage if certain demands for spending reductions are not met. This group has also threatened other "must pass" legislation, which results in less time for the Farm Bill to be considered.

Congress has already passed a one-year extension to the 2018 Farm Bill after it expired in Fall 2023; however, the next Farm Bill may have to wait for passage in the next Congress starting in 2025 if an agreement cannot be reached in the next several months.

Aviation

FAA Reauthorization

Legislative Purpose

S. 1939, H.R. 3925

Multi-year authorizing legislation governs all aspects of the Federal Aviation Administration's (FAA) programs and policy provisions. This includes safety, regulation and oversight over air carriers and aircraft manufacturers and its intramural and extramural research portfolio.

The House and Senate proposals extend existing programs and establish new programs across FAA's R&D and workforce development portfolios. Some relevant provisions include:

- Creating a new Office of Innovation at the FAA to support the development of advanced aviation technologies.
- Creating a National Aerospace Safety and Security Campus to stimulate "technology partnerships with and between industry, academia, and other government agencies.
- Continued support for Centers of Excellence (COE) on unmanned aerial systems, sustainable aviation fuels, and advanced materials.

Bill Status

The House passed its FAA reauthorization bill on July 20, 2023, by a vote of 351-69, but the Senate version has not yet received a vote.

Senator Maria Cantwell (D-WA) and Senator Ted Cruz (R-TX), the respective Chair and Ranking Member on the Senate Commerce, Science, and Transportation Committee and original co-sponsors of the chamber's proposal, originally planned to move their bill through the Committee in Mid-June. However, Senator Cantwell was forced to cancel the Committee's markup of the bill at the last minute after concerns emerged over a proposal to change the current 1,500-hour training requirement for new pilots to allow simulator training for 100 of those hours. Opposition to the change was led by outside aviation safety advocates and pilot unions and championed by Senator Tammy Duckworth (D-IL).

Outlook

FAA's current authorization terminates on March 8, 2024. Given the amount of work still needed to be done in this limited time, Congress will need to pass an extension of the existing authorization.

Although a short-term extension could be attached to a pending appropriations package, House and Senate leadership will be wary of comingling an extension of the "must pass" FAA reauthorization with the brinkmanship around FY 2024 spending.

There has been progress made in finding a compromise solution to the training requirements. Once a final agreement is reached, the bill should move through the Senate relatively quickly. This will provide time for conference negotiations between the House and Senate and passage of the final bill before the end of the year.

Economic Development

Public Works and Economic Development Act (PWEDA)

Legislative Purpose

Not yet introduced

PWEDA is the authorizing legislation for public works programs at the Economic Development Administration (EDA). EDA has not been formally reauthorized in 19 years, but the Agency has long argued that there is a strong need for updated authorities to ensure equitable development and better address challenges like natural disasters.

A reauthorization through PWEDA would not directly impact innovation-facing programs, but it could provide an opportunity to strengthen EDA University Centers and codify programs like the Good Jobs Challenge and Build Back Better Regional Challenge that were launched under the *American Rescue Plan Act*, leveraging PWEDA authorities.

Small Business Administration (SBA) Reauthorization

Not yet introduced

SBA has not been formally reauthorized in roughly two decades. There is limited appetite for new programming given the fiscally constrained environment, but the Committee has demonstrated interest in improving and expanding programs like Small Business Development Centers, I-Corps, and Veterans' entrepreneurship.

Bill Status

The Senate Environment and Public Works (EPW) Committee is leading the charge for PWEDA, having held hearings in Spring 2023 and solicited Member ideas in Summer 2023. There is continued commitment to a bipartisan bill that updates existing programs with limited "new starts."

The House Transportation and Infrastructure Committee had begun consideration of an EDA reauthorization in the previous Congress, but since Republicans have taken the chamber, momentum has stalled.

The Senate SBE Committee held a markup in Summer 2023 which garnered significant member interest in a potential SBA Reauthorization. Since then, Chairman Cardin (D-MD) has moved to head another committee, and Senator Shaheen (D-NH) took over as Chairwoman. The change in leadership stalled momentum on a reauthorization, though committee staff have indicated an interest in pursuing SBA reauthorization once the leadership transition is settled.

Outlook

The Senate EPW Committee hopes to mark up a bipartisan bill in the coming months. However, on the House side, there is little momentum. If the House considers PWEDA in this Congress, it will likely build off the Senate's draft.

The Senate SBE Committee hopes to hold more markups in Spring 2024 to gauge priority areas. There is general bipartisan support to draft a bill, but the timeline is still uncertain. There is little momentum on the House side, and it would likely defer to the Senate draft text.

Education and Workforce

| | Legislative Purpose | Bill Status | Outlook |
|--|--|---|--|
| National Apprenticeship Act of 2023 | H.R. 2851, S. 2122 This bill would codify the Office of Apprenticeship (OA) at the Department of Labor (DOL) and create an interagency agreement between DOL and the Department of Education. The bill would authorize more than \$3 billion over five years for Registered Apprenticeships and other related programs. | A mark-up of the bill by the Senate Health, Education, Labor, and Pensions (HELP) Committee was postponed. It is unclear if the House will take up the bill. | This bill typically has bipartisan support, and interest in workforce development is high. Disagreements over the interplay between Registered Apprenticeships and non-Registered apprenticeships could prevent action on the bill. |
| Workforce Innovation and Opportunity Act (WIOA) | H.R. 6655, A Stronger Workforce for America Act WIOA governs the federal workforce development system, which supports training for youth and adults with significant barriers to employment. WIOA is designed to help job seekers access employment, education, training, and support and to match employers with skilled workers. | The House Committee on Education and the Workforce approved a WIOA reauthorization bill by a vote of 44-1. The bill increases the emphasis placed on training and encourages more partnerships with education institutions. The bill is likely to pass the House but faces an uncertain future in the Senate. | As with the <i>National Apprenticeship Act</i> , workforce development is of bipartisan interest. Recent federal investments in microelectronics, infrastructure, and clean energy will also require significant workforce development efforts. Disagreements over spending levels and labor policy could sink a WIOA reauthorization. |
| Education Sciences Reform Act (ESRA) | S. 3392, Advancing Research in Education Act ESRA authorizes the Institute of Education Sciences (IES) and is the primary federal statute governing federal education research and development programs at the U.S. Department of Education. | The Senate HELP Committee approved its ESRA reauthorization bill in December 2023. The House has not indicated interest in an ESRA reauthorization. | Education continues to be a politicized issue, as evident by the amendments on antisemitism and foreign influence adopted during the Senate Committee's markup of ESRA. Given the lack of interest in the House, however, final passage is unlikely. |

Education and Workforce

Higher Education Act (HEA) Reauthorization

Legislative Purpose

**H.R. 6585, *Bipartisan Workforce Pell Act*;
H.R.5933, *DETERRENT Act***

The *Higher Education Act* (HEA) is the primary legislative vehicle for directing policy on topics including student aid, institutional and program eligibility for federal financial aid programs, and institutional reporting requirements. Nearly all higher education programs and related regulations can operate under an expired HEA, and, as such, the HEA has not been fully reauthorized since 2008 and has long since expired.

A comprehensive HEA reauthorization would authorize several institutional capacity, student service, and foreign studies grant programs, among other topics and regulations. However, current discussions in the 118th Congress have Members leaning against such a comprehensive reauthorization. Instead, it is expected portions of HEA will be considered for reauthorization in a piecemeal fashion.

Bill Status

The House passed H.R. 5933, the *DETERRENT Act*, in November 2023. The bill makes significant changes to HEA Section 117, on foreign gift reporting, and adds significant research security provisions. The House Education & the Workforce Committee approved H.R. 6585, the *Bipartisan Workforce Pell Act*, by a vote of 37-8,. The bill would create a workforce Pell Grant for short-term programs and would be funded by targeting institutions subject to the endowment excise tax. The Senate Health, Education, Labor, and Pensions (HELP) Committee has made no indication of interest in advancing or proposing an HEA reauthorization bill.

Outlook

The House will continue to propose HEA updates and potentially pass additional bipartisan HEA-related bills. With the Senate HELP Committee unlikely to take up HEA reauthorization, final enactment is unlikely. Given HEA proposals can have wide-ranging impacts to college students and institutions, even without likely enactment, HEA will be one to watch for higher education, especially considering the hype- politicization higher education continues to experience.

Energy

Legislative Purpose

Bill Status

Outlook

ADVANCE Act

S. 1111, H.R. 6544

The Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act of 2023 is designed to enhance the development and deployment of advanced nuclear technologies. The ADVANCE Act would reduce regulatory costs for companies seeking to license advanced nuclear reactor technologies, streamline the Nuclear Regulatory Commission's (NRC) review and assessment of advanced nuclear reactor licenses, and empower NRC to qualify and license advanced nuclear fuels.

Despite having wide bipartisan support, the ADVANCE Act was not included in the final NDAA signed into law in December 2023. This was due to lack of time to resolve differences between House and Senate versions advanced by the Senate Environment and Public Works Committee and the House Energy and Commerce Committee.

Negotiations on the procedural differences for the ADVANCE Act are expected to resume in 2024. With continuing bipartisan support for nuclear energy, the House and Senate are likely to pass the legislation and attach it to must-pass legislation, such as the FY 2025 NDAA, a CR, or spending package.

Bioenergy Innovation Act

Not yet introduced

The Department of Energy (DOE) Bioenergy Innovation Act would expand bioenergy research, development, and demonstration activities, including biopower energy systems, biofuels, bioproducts, and biorefineries. The legislation would guide cross-cutting DOE research efforts in support of the bioeconomy and biotechnology.

The House Science, Space and Technology Committee plans to introduce the legislation in 2024. The Senate Energy and Natural Resources Committee then plans to take up similar legislation.

This bill has not yet been introduced but is likely to be marked up and advance through Committee this year. It will likely be part of a larger applied energy bill in the next Congress. There will be opportunities for the research community to shape future research priorities as this bill moves forward.

Carbon Dioxide Removal Research and Development Act

H.R. 5457, S. 2812

The Carbon Dioxide Removal (CDR) Research and Development Act authorizes a 10-year, \$12 billion, multi-agency initiative for carbon dioxide research, development, and demonstration activities. DOE would be the lead federal agency and would partner with USDA, NOAA, and NSF. The legislation would support CDR technologies like direct air capture, biological carbon removal, and ocean-based carbon removal.

The legislation has been introduced in both the House and Senate by Rep. Tonko (D-NY) and Senator Schatz (D-HI), respectively. The House Science Committee is preparing to take up the legislation.

This legislation is likely to advance through the House Science and Senate Energy and Natural Resources Committees in 2024, but it is not likely that this legislation would pass into law on its own. More likely, it would be incorporated into a larger applied energy package in the next Congress.

Energy

Legislative Purpose

Bill Status

Outlook

DOE and USDA Interagency Research Act

H.R. 1713, S. 3301

The DOE and USDA Interagency Research Act would expand cross-cutting and collaborative research between USDA and DOE. Areas of focus would include the energy-water nexus, biofuels and bio-based products, grid modernization, rural technology development, and research infrastructure.

The House passed the bill in December 2023, and a Senate companion bill was introduced in November 2023. The Senate Energy and Natural Resources Committee plans to take up the legislation in 2024.

The DOE and USDA Interagency Research Act is a bipartisan bill led by Senator John Hoeven (R-ND) and Senator Ben Ray Lujan (D-NM). The bill has bipartisan support and is expected to pass both chambers. However, it will need to be attached to a larger legislative package to become law.

DOE and NASA Interagency Research Act

H.R. 2988

The DOE and NASA Interagency Research Act would expand cross-cutting and collaborative research between NASA and DOE. Areas of focus would include R&D for propulsion systems, fundamental high-energy physics, quantum network infrastructure, modeling and simulation, machine learning for mission-related purposes, and fundamental earth and environmental sciences research.

The House passed the bill in December 2023. The Senate has not introduced a companion bill.

The DOE and NASA Interagency Research Act is a bipartisan bill led by Rep. Brandon Williams (R-NY) and four other co-sponsors. Without similar interest in the Senate, this bill will likely not advance this year.

DOE and NSF Interagency Research Act

H.R. 2980

The DOE and NSF Interagency Research Act would expand collaboration between DOE and NSF for a cross-cutting and collaborative R&D program focused on basic plasma science and engineering, fundamental biological and computational science, modeling and simulation, quantum information science, energy materials science and engineering, and microelectronics.

The bill passed the House in December 2023. The Senate has not introduced a companion bill.

This legislation is not likely to advance this year. However, Congress may use report language in FY 2025 appropriations bills to encourage greater collaboration between these agencies.

Environment

Water Resources Development Act of 2024

| Legislative Purpose | Bill Status | Outlook |
|---|---|--|
| <p>Not yet introduced</p> <p>The Water Resources Development Act (WRDA) authorizes key water resource activities and programs at the U.S. Army Corps of Engineers (USACE). WRDA legislation is considered every two years, and so is next due to be enacted in 2024.</p> <p>Because WRDA reauthorization can be an opportunity to add to or change existing authorizations to the USACE, it can provide an opportunity to initiate new projects, programs or pilots; direct research or studies; and modify agency policy.</p> | <p>Congress is in the initial stages of review and consideration, and so no legislation has been introduced. In July 2023, the Senate Environment and Public Works (EPW) Committee held its first hearing to consider stakeholder views for the development of the Act. The House Committee has been accepting stakeholder input through mid-January 2024.</p> <p>Under the 118th Congress, Lewis-Burke expects that WRDA legislation will focus significantly on strengthening the USACE’s ability to respond to climate change and to protect the environment through improvements to water resources and infrastructure. This will include strengthening responses to extreme weather events, such as droughts and floods, but this legislation may also go further and address the needs of disadvantaged communities, spur jobs, and foster economic development.</p> | <p>As WRDA is typically considered on a biennial schedule, the Committees are accepting input in early 2024 and will be drafting text throughout Spring 2024. Committee leadership has been successful in sticking to this schedule over the last few cycles but may struggle for attention given the election year.</p> <p>Those interested in providing Congressional direction on policies, projects, and programs to the USACE by way of WRDA can begin socializing ideas. Importantly, since WRDA is an authorization bill, inclusion of new activities in WRDA alone is insufficient to enable implementation. New authorizations must be paired with appropriations requests to support them in annual Energy and Water Development Appropriations bills.</p> |

Environment

| Legislative Purpose | Bill Status | Outlook |
|---------------------|-------------|---------|
|---------------------|-------------|---------|

Weather Act Reauthorization

H.R. 6093

The Weather Research and Forecasting Innovation Act of 2017, referred to as “The Weather Act,” was passed with the goal of improving National Oceanic and Atmospheric Administration’s (NOAA’s) weather research capabilities through expanding investments in observational, computing, and modeling capabilities, to support improvement in weather forecasting and prediction, and to expand commercial opportunities for the provision of weather data.

The House Bill was introduced and passed unanimously out of the House Science Committee in early December.

Updates to this legislation in the house bill focused on ways that NOAA can expand its coverage and accuracy for all communities. It also emphasized the use of commercial weather data and the enhancement of coordination across agencies to make more efficient use of existing NOAA data and other assets.

A Senate companion bill it is under development but has not yet been released. It is likely to include elements from the House bill and additional emphasis on climate change and disaster-related equity policy.

Updating the Weather Act is a high priority for House Science Committee Chairman Frank Lucas (R-OK), who was the lead drafter the 2017 legislation.

The Senate will likely release their draft in Spring 2024 and will follow with hearings throughout the remainder of the year.

Even if the legislation passes both committees, there is limited floor time and few legislative days in session for this legislation to be prioritized and passed it into law.

Health

Legislative Purpose

Reauthorization of Community Health Center Fund, National Health Service Corps, Teaching Health Centers Graduate Medical Education Program, SUPPORT Act

H.R. 4531, S.3393, H.R. 2559, S.2840

Several programs aimed at supporting the public health workforce, Community Health Centers, teaching hospitals, and substance use disorder prevention and treatment programs expired at the end of FY 2023. Senator Bill Cassidy (R-LA), Ranking Member of the Senate Health, Education, Labor, and Pensions (HELP) Committee introduced legislation to reauthorize funding for Community Health Centers, the National Health Service Corps program, and the Teaching Health Centers Graduate Medical Education (THCGME) programs administered by the Health Resources and Services Administration (HRSA). The legislation would reauthorize THCGME through FY 2029 and both the National Health Service Corps program and Community Health Centers through FY 2025. In addition, the House Energy and Commerce Committee made progress on advancing several pieces of legislation with similar provisions that would reauthorize critical healthcare programs.

A number of provisions included in the *Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act* were extended for a short period at the end of the fiscal year, including grants to medical schools to enhance access to substance use disorder treatment, grants to enhance care for pregnant and postpartum women with substance use disorder, and loan repayment programs for the substance use disorder workforce.

Bill Status

The House Energy and Commerce Committee has made progress in advancing bills to reauthorize healthcare programs. Large differences remain in the Senate over the expansiveness of potential reauthorization legislation.

In September 2023, the Senate Health, Education, Labor and Pensions (HELP) Committee advanced the *Bipartisan Primary Care and Health Workforce Act*, which would provide \$5.8 billion per year for three years for the Community Health Centers program. During the HELP Committee mark-up, Committee Chair Bernie Sanders (I-VT) and Senator Roger Marshall (R-KS) introduced the legislation which garnered bipartisan support. However, HELP Committee Ranking Member Bill Cassidy (R-LA) voiced opposition to the legislation and little progress has been made on a potential compromise.

In July 2023, Ranking Member Cassidy introduced the *Community Health Care Reauthorization Act*. While Ranking Member Cassidy's legislation closely mirrored the bills advanced by the House Energy and Commerce Committee, Chair Sanders' and Senator Marshall's bill is far more expansive in scope and proposed funding.

The House Energy and Commerce Committee and Senate HELP Committee advanced bills reauthorizing *SUPPORT Act* provisions in late 2023.

Outlook

Given the differences between the House and Senate, it is uncertain whether the Community Health Center Fund, National Health Service Corps, and THCGME programs along with *SUPPORT Act* provisions will be extended in a Continuing Resolution or FY 2024 appropriations package, or whether they will be fully reauthorized.

Health

Legislative Purpose

Bill Status

Outlook

NIH Reauthorization

The National Institutes of Health (NIH) was last formally authorized in 2007, with additional authorities provided in the *21st Century Cures Act* of 2016. In the aftermath of the COVID-19 pandemic, NIH has faced congressional scrutiny from many angles, further garnering interest in broadly reauthorizing and reforming the agency making this a potential priority for 2024. Focus areas for an NIH reauthorization bill could include structural and functional changes to the agency, including the grantmaking process, priority setting mechanisms, review framework and the structuring of programs aimed to support the biomedical workforce. Transparency and oversight are also likely to be major themes reflected in an NIH reauthorization bill.

Legislation to reauthorize NIH has not been drafted or introduced. To prepare for a potential reauthorization, Senate HELP Committee Ranking Member Bill Cassidy (R-LA) sought feedback from the community in October 2023 on a wide range of topics, which is likely to be incorporated into future draft legislation.

NIH does not require formal reauthorization to function and there are no time constraints on completing this legislation. Additional opportunities for community feedback, such as hearings or listening sessions, are expected to come in 2024, enhancing the current momentum on this topic.

Health

| Legislative Purpose | Bill Status | Outlook |
|---|--|---|
| <p>Healthcare Extenders: Mitigating Cuts to Payments for Physicians and Medicaid Disproportionate Share Hospitals; Site Neutral Payment Policies; Hospital Price Transparency; Drug Shortages and Price Transparency; Pharmacy Benefit Manager Oversight</p> <p>Throughout 2023, legislators considered bills that combined would make up a large extenders package focused on healthcare delivery. An extenders package may include provisions that:</p> <ul style="list-style-type: none">• Mitigate the 3.4 percent cut to the Physician Fee Schedule (PFS) in the 2024 calendar year (CY),• Delay cuts to payments for Medicaid Disproportionate Share Hospitals (DSH),• Implement site neutral payment policies in the Medicare program that would align payments for services provided in different settings of care,• Enact greater hospital and drug price transparency measures, and• Increase oversight of pharmacy benefit managers (PBMs). <p>Additional PBM oversight is projected to save money for the Medicare program, which could be used to pay for other policy priorities.</p> <p>Congress and the Biden Administration are also expected to focus on drug shortages, especially for cancer drugs and provider price transparency. In her new role as Director of NIH, Dr. Monica Bertagnolli is expected to focus the agency on modernizing clinical trials and making NIH-funded clinical research more inclusive and accessible.</p> | <p>The House Energy and Commerce and Ways and Means Committees, along with the Senate Finance Committee, have considered and passed out of committee multiple pieces of legislation containing provisions that would make up a healthcare extenders package. A consensus full package has not been agreed upon and is subject to ongoing negotiations between committee and congressional leadership regarding the contents of a CR or final FY 2024 appropriations legislation.</p> | <p>Healthcare providers are hopeful that cuts to payments for Medicaid DSH hospitals will continue to be delayed in a CR or final FY 2024 appropriations legislation. Additional provisions are expected to make up a healthcare extenders package and are subject to ongoing negotiations. A larger tax extenders package at the end of 2024 is likely to also include an extension of Medicare policies, a possible fix to the physician fee schedule, and an extension of Medicare’s telehealth reimbursement authorities that expire at the end of this year.</p> |

Health

Legislative Purpose

Pandemic and All-Hazards Preparedness Response Act (PAHPA)

S.2333, H.R.4421, H.R. 4420

This authorizing bill would mark the fourth reauthorization of the *Pandemic and All-Hazards Preparedness Act* (PAHPA), which was first passed in 2006. This reauthorization is also the first to reflect lessons learned during the COVID-19 pandemic.

The bill aims to address future public health crises by investing in public health programs, promoting public health data and information sharing, strengthening lab security, and pursuing new research. PAHPA would reauthorize core public health preparedness programs including the Public Health Emergency Preparedness cooperative agreements, the Strategic National Stockpile, and federal health agencies, including the Biomedical Advanced Research and Development Authority (BARDA). The bill would also support investments for further research on impacts of long COVID, enhancing domestic wastewater surveillance for pathogen detection, and strengthening biosecurity requirements for risky biological research. PAHPA authorizations expired at the end of FY 2023 and many critical provisions were extended in the CR.

Bill Status

After releasing a discussion draft and holding a mark-up in Summer 2023, the Senate Health, Education, Labor and Pensions (HELP) Committee advanced a version of a PAHPA reauthorization bill out of Committee by a largely bipartisan 17-3 vote.

In addition, the House Energy and Commerce Committee advanced two PAHPA reauthorization bills, H.R. 4421 and H.R. 4420, along party lines, with Committee Democrats introducing their own version of the legislation with provisions aimed at addressing drug shortages.

Outlook

Significant differences remain between the House and Senate versions of the bill, mostly on provisions related to drug shortages. Key provisions are expected to be extended again through 2024 without passage of a new bill.

Science and Innovation

Legislative Purpose

Bill Status

Outlook

Quantum

H.R. 6213

Federal R&D programs and centers authorized in the *National Quantum Initiative Act* expired in Fall 2023 and need to be reauthorized.

The National Quantum Initiative Reauthorization Act would renew the authorization for ongoing activities and centers, bring in new agencies, and increase focus in several areas including quantum engineering and translational capabilities, infrastructure, international collaboration, and education and training for the future quantum workforce. Several new centers would be authorized at the National Aeronautics and Space Administration (NASA), National Institute of Standards and Technology (NIST), and National Science Foundation (NSF).

The House Science, Space, and Technology Committee unanimously approved H.R. 6213, its version of the reauthorization, on November 29. Previously the bill was introduced on November 3 and amendments were considered on November 15. The bill has not yet been considered by the full House.

Despite enthusiasm from several Senators, the Senate Committee on Commerce, Science, and Transportation has not made significant progress in advancing a companion to the House bill. Staff turnover is a major factor and the Committee has indicated its intent to move forward. Given House progress, the Senate may look to consider the House bill and make some amendments rather than producing their own version of the legislation.

The House Science, Space, and Technology Committee had hoped to include the NQIA reauthorization as part of the fiscal year (FY) 2024 National Defense Authorization Act, but delays in Fall 2023 scuttled that plan with the NDAA having already passed in December without NQIA reauthorization included.

The NQIA is non-controversial, but it may be challenging to finish without a clear deadline or larger legislative vehicle to ride. Senate champions note the importance of the community to continue to engage on the reauthorization and ensure focus to finish it over the next few months.

Science and Innovation

Legislative Purpose

Bill Status

Outlook

Artificial Intelligence

Not yet introduced

Senate Majority Leader Chuck Schumer (D-NY) has taken a leading role in generating policy ideas for regulating artificial intelligence (AI). Along with Sens. Martin Heinrich (D-NM), Mike Rounds (R-SD) and Todd Young (R-IN) as co-organizers of the forums, Schumer hosted a series of AI Insight Forums in Fall 2023 to educate Senators on the issues and inform legislation. Security, Accountability, Foundations, and Explainability (SAFE) in AI are major areas of focus as the Senate considers policy options that will advance U.S. capabilities in AI, while mitigating unintended consequences for society.

Senator Schumer's proposed legislation is currently in the ideation stage. Now that Insight Forums have been completed, individual Senate committees have been charged with developing their own legislation in the first half of 2024.

The AI Insight Forums were an attempt by Leader Schumer to fast-track the traditionally slow congressional hearing process and enable Senators to engage more candidly with subject matter experts. Interest in AI remains very high, but few committees have made progress on developing legislation so far.

It remains to be seen how legislation that results from these forums will advance through each congressional chamber.

Create AI Act H.R. 5077, S. 2714

The CREATE AI Act is led in the Senate by Senators Martin Heinrich (D-NM), Todd Young (R-IN), Corey Booker (D-NJ), and Mike Rounds (R-SD) and in the House by Representatives Eshoo (D-CA), McCaul (R-TX), Beyer (D-VA), and Obernolte (R-CA). The bill would establish a National Artificial Intelligence Research Resource (NAIRR) as a shared national research infrastructure that provides AI researcher community with access to the resources, data, and tools needed to develop safe and trustworthy artificial intelligence innovations.

Identical, bipartisan companion bills (S. 2714 and H.R. 5077) were introduced in July.

While neither bill has advanced through Committee, there is bipartisan enthusiasm for the bill in the Senate. The bill sponsors intend to attach it to the larger legislation being led by Senator Schumer. House Committee on Science, Space, and Technology leadership is supportive of the measure, but does not have the same sense of urgency to advance legislation.

Space

Legislative Purpose

Bill Status

Outlook

Commercial Space

H.R. 6131

Congress periodically considers legislation governing commercial activities in space. This includes policy, regulations, and oversight governing commercial launch providers, remote sensing companies, and other private space activities and exploration.

Legislation also addresses topics including orbital debris mitigation, federal space situational and space traffic management authorities and activities, and compliance with international treaties and agreements governing US entities actions in space.

The House Science, Space, and Technology Committee majority considered and passed their Commercial Space Act out of committee, along party lines. It is still awaiting a vote on the floor but is expected to pass when at the next opportunity.

Following a hearing late last year, the Senate Commerce, Science, and Transportation Committee began drafting its version of a commercial space bill. Staff hope to circulate a draft in the coming weeks.

The timing of the Commercial Space Act was impacted by the Biden Administration releasing its own proposal for regulating space which differed from the House. This caused the once bipartisan legislation to lose potential democratic support, as they voiced their support of the Administration's proposal.

The Senate is working towards introduction of their version of the bill, with a combination of the House's and Administration's proposals. In addition, any proposal that emerges must be bipartisan to ensure swift "hotline" passage given the limited floor time in the Senate.

This dynamic should allow for productive conference negotiations, resulting in the passage of the legislation by the end of the calendar year.

NASA Re-Authorization

Not yet introduced

NASA authorizations set policy, modify or establish new programs, authorize funding levels for many of NASA's activities, including those of the Science Mission Directorate and Space Technology Mission Directorate.

The *CHIPS and Science Act* contained NASA provisions, although with a more limited scope and no specific funding authorizations.

With progress on the commercial space bill, the House Science Committee have shifted its attention to a NASA authorization bill.

The Senate Commerce Committee will not begin working on a NASA authorization until it approves its version of the commercial space bill.

The House and Senate will continue to ramp up work on the NASA authorization legislation as the commercial space legislation moves toward passage. However, the limited calendar time will likely hinder the ability for a final bill to be signed into law this calendar year. More likely, provisions in this year's NASA Authorization will serve as a starting point for a bill in the next Congress, similar to how the draft NASA Authorization bills of 2015 and 2016 turned into the final NASA Transition Act of 2017, which was signed into law.

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