



CONGRESS, THE EXECUTIVE, AND THE JUDICIAL BRANCHES: CHALLENGES OF MAKING PUBLIC POLICY

Presented to Sioux Falls Estate Council

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UNITED STATES CONGRESS



U.S. HOUSE OF REPRESENTATIVES

House Republicans

- 219 Republicans (3 Vacancies as of January 22nd)
- Speaker: Mike Johnson [LA]
- Majority Leader: Steve Scalise [LA]
- Majority Whip: Tom Emmer [MN]
- Republican Conference Chair: Elise Stefanik [NY]
- Republican Policy Committee Chair: Gary Palmer [AL]
- National Republican Congressional Committee: Richard Hudson [NC]

House Democrats

- 213 Democrats
- Minority Leader: Hakeem Jeffries [NY]
- Minority Whip: Katherine Clark [MA]
- Democratic Caucus Chair: Pete Aguilar [CA]
- Assistant Minority Leader: Jim Clyburn [SC]
- Democratic Congressional Campaign Committee Chair: Suzan DelBene [WA]

UNITED STATES SENATE

Senate Democrats

- 51 Democrats [48 Democrats & 3 Independents]
- President of the Senate: Vice President Kamala Harris
- President Pro Tempore: Patty Murray [WA]
- Majority Leader: Chuck Schumer [NY]
- Majority Whip: Richard Durbin [IL]
- Assistant Leader: Debbie Stabenow [MI]
- Democratic Policy Committee Chair: Amy Klobuchar [MN]
- Democratic Senatorial Campaign Committee Chair: Gary Peters [MI]

Senate Republicans

- 49 Republicans
- Minority Leader: Mitch McConnell [KY]
- Minority Whip: John Thune [SD]
- Republican Policy Chair: Joni Ernst [IA]
- Republican Conference Vice Chair: John Barrasso [WY]
- National Republican Senatorial Campaign Committee Chair: Steve Daines [MT]

THE WHITE HOUSE



PRESIDENTIAL POLICY PROCESS

Presidential Tools

- Executive Orders
- Presidential Memorandum
- Proposed & Final Rules
- Regulatory Guidance Notices
- Interpretive Rules
- Presidential Policy Decisions
- Presidential Nominations
- State of the Union Address
- Cabinet: Departments & Agencies

Executive Office of the President

- Office of the Vice President
- Office of Management and Budget [OMB]
 - Office of Information and Regulatory Affairs
- National Security Council
- Council of Economic Advisors
- Domestic Policy Council
- National Economic Council
- Council on Environmental Policy
- United States Trade Representative
- Office of Public Engagement

INDEPENDENT AGENCIES

KEY INDEPENDENT AGENCIES

- **Federal Reserve Board**
- **Federal Trade Commission**
- **Securities and Exchange Commission**
- Consumer Product Safety Commission
- **Commodity Futures Trading Commission**
- **Federal Deposit Insurance Corporation**
- **Consumer Financial Protection Bureau***
- Equal Employment Opportunity Commission
- Social Security Administration
- **Office of Inspectors General**
- National Archives and Records Administration
- National Labor Relations Board
- National Credit Union Administration
- United States Postal Service
- Tennessee Valley Authority
- Federal Election Commission
- Amtrak

JUDICIAL BRANCH



U.S. SUPREME COURT: KEY CASES

- **Chevron Doctrine:** Requires federal courts to defer to a federal department/agency's reasonable interpretation of ambiguous statutory provisions the department/agency administers.
 - Chevron framework based on 1984 U.S. Supreme Court case, *Chevron U.S.A. v. Natural Resources Defense Council*, which sets a two-step process for determining whether a court must defer to department/agency's statutory interpretation.
 - Chevron doctrine applies if Congress has given a department/agency the general authority to make rules with the force of law.
 - ***Loper Bright Enterprises et al. v. Raimondo et al* and *Relentless, Inc. v. Department of Commerce***
 - Plaintiffs raise three constitutional claims: (1) Chevron violates Article III by shifting interpretive authority of federal law from the courts to the executive branch; (2) Violates Article I when it functions to permit departments/agencies to formulate policy, because Article I vests Congress with all lawmaking power; and (3) Violates due process by tipping the scales in favor of the federal government in litigation with private citizens.
- Consumer Financial Protection Bureau funding
- Trump Presidential Immunity
- 14th Amendment, Section 3, Insurrection Disqualification Issue
- January 6th Defendants on Obstruction of Congress Conviction Appeal

ECONOMIC INFORMATION/DATA & POLICY ISSUES

KEY ECONOMIC INFORMATION & DATA

- Employment
 - Unemployment
 - Job Creation
 - First Time Unemployment Filers
 - Labor Force Participation
- Consumer Price Index
- Producer Price Index
- Job Openings
- Labor Turnover
- Gross Domestic Product
- Consumer Debt
- Student Debt
- Labor Issues

2023-2024 PUBLIC POLICY OUTLOOK

DEBT LIMIT LAW

- The Fiscal Responsibility Act, P. L. 118-5, passed the House (314-117) and Senate (63-36) with strong support from Democrats and Republicans and reflects compromise among voting blocs of both parties. The legislation is wide-ranging and includes budgetary, policy, and regulatory measures that President Joe Biden signed into law on June 3rd
- Temporarily suspends the debt ceiling through January 1, 2025 and establishes statutory caps on discretionary funding for fiscal years 2024 and 2025 that would be enforced by sequestration.
 - FY 2024: Defense (\$886.35 billion); Nondefense (\$703.65 billion)
 - FY 2025: Defense (\$895.21 billion); Nondefense (\$710.69 billion)
 - \$69 billion side deal
- Rescinds roughly \$27 billion in unobligated COVID-19 balances appropriated by various laws since 2020.
- **Imposes a 1%, across-the-board discretionary spending cut if all 12 appropriations bills are not enacted by year-end and a Continuing Resolution (CR) is in place on January 1, 2024 or January 1, 2025—effective May 1, 2024.**

Further Continuing Appropriations and Other Extensions Act, 2024 [P. L. 118-22]

January 19, 2024 [March 1, 2024]:

- Agriculture, Rural Development, Food and Drug Administration
- Energy and Water Development
- Military Construction, Veterans Affairs
- Transportation, Housing and Urban Development
- Extends the authorizations for Community Health Centers, National Health Service Corps, and Teaching Health Centers that operate GME programs.
- Medicaid Disproportionate Share payment cuts are postponed until January 19, 2024, as well as extension of the Medicare floor for the work geographic index.

February 2, 2024 [March 8, 2024]:

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

OTHER POST-DEBT LIMIT POLITICS & POLICY MATTERS [2]

House of Representatives

- Biden Impeachment Inquiry
- Homeland Security Secretary Alejandro Mayorkas Impeachment Process
- Oversight
 - Hunter Biden
 - Internal Revenue Service
 - COVID-19 & Dr. Fauci
 - Israel, Ukraine & Taiwan Support Funding

Senate

- Judicial Nominations
- Israel, Ukraine & Taiwan Support Funding
- Immigration
- Future Military Nominations
- Department of Labor Secretary Nomination

2024 ELECTION ISSUES

- NY-3 Special Election February 13th
 - Former Rep. Tom Suozzia [D]
 - Nassau County Legislator Mazi Melesa Pilip [D/R]
- Trump Legal Matters
 - New York, NY: Manhattan Criminal Indictment
 - New York, NY: Civil Case against Trump Properties
 - Atlanta, GA: Indictment
 - Washington, DC: Federal Indictment Election Interference
 - Washington, DC: Civil Case—Georgia Election Workers
 - Miami, FL: Federal Indictment on Classified Documents
- CA-20 Special Election May 21, 2024
- OH-6 Special Election June 11, 2024
- Republican Presidential Candidates
- Presidential Candidate Age Issue
- Third Party Candidates?
- Biden House Impeachment Inquiry
- Hunter Biden Indictment
- Immigration

OTHER POLICY & POLITICAL ISSUES

- **Social Security (2033) and Hospital Trust Fund (2026) Deficits**
- China
 - Taiwan
 - Trade/Tariffs [Exemptions]
- Countries Under Stress
 - Ethiopia
 - Lebanon
 - South Africa
 - Syria
 - Brazil
 - Sudan
- **Israel/Gaza**
 - Israel Supreme Court Matter
 - Israel-Hamas Conflict
 - Yemen's Houthis
- Ukraine/Russia War
- Iran
- Immigration
- Environmental Policy
- North & South Korea
- Other National Intelligence/Security Issues
- **Unknown**

QUESTIONS & ANSWERS?



JULIUS W. HOBSON, JR.

- **Julius W. Hobson, Jr.** is Senior Policy Advisor, Polsinelli, where he concentrates on assisting clients with legislative and regulatory advocacy concerning health care, appropriations, budget, taxes, financial services, and various other public policy issues. With more than 50 years' experience working with the U.S. Congress, the Federal Executive Branch, and local governments, he has served as Director, Division of Congressional Affairs, American Medical Association (AMA) where he managed the AMA's interaction with the Congress. Mr. Hobson previously served on the staff of Senator Charles Robb [D-VA] and the Committee on the Budget. While working in the Senate, he was responsible for appropriations, budget, financial services, taxes, and other economic issues. He previously served in the Executive Office of the District of Columbia Mayor where he was responsible for coordinating the City's relations with the Congress and the Federal Executive Branch. Mr. Hobson served in the U.S. House of Representatives as a subcommittee Staff Director and as Chief of Staff to a Member of the House. While serving in the House in 1985, Mr. Hobson was the principal staff person responsible for preparing the Congressional Black Caucus alternative budget. He also handled Congressional and Federal Affairs for Howard University. He previously served as a Member, Vice Chair, and Chair of the Board for the District of Columbia Health and Hospitals Public Benefit Corporation [governing board for the City's former D.C. General Hospital and Public Health Clinics]. Mr. Hobson served a four-year term as an elected member of the D.C. Board of Education. He is currently Adjunct Professor, Graduate School of Political Management, The George Washington University, where he has taught the graduate course on lobbying since 1994 and he also teaches Legislative Writing and Research. Mr. Hobson previously taught Advanced Strategy Lobbying, Fundamentals of Political Management, and Electoral and Legislative Processes. He is also an Adjunct Professor at The Washington Campus. Mr. Hobson is a graduate of Howard University (BA, History) and The George Washington University (MA, Legislative Affairs).

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