

Alert | Government Law & Policy



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Rep. Mike Johnson Elected House Speaker: Where He Stands on Major Policies

On Oct. 25, the House elected Rep. Mike Johnson (R-LA) Speaker of the House of Representatives by a 220-209 vote. All present House Republicans voted in favor of Speaker Johnson, while all present Democrats voted for Minority Leader Hakeem Jeffries (D-NY). There were four lawmakers not present for the vote including three Democrats and one Republican.

Now that a Speaker has been elected, Congress is on the clock to come up with a plan to avoid a government shutdown that will occur if they fail to pass a spending plan or a continuing resolution (CR) before the current CR expires, which goes through Nov. 17. This also comes as President Joe Biden recently sent Congress an approximately \$100 billion request for assistance in Israel, Ukraine, Taiwan, and U.S.-Mexico border security. Majority Leader Chuck Schumer (D-NY) has expressed that he wants the Senate to move quickly with the President's request, but some House Republicans have expressed skepticism in the past over combining the aid with Ukraine.

This election caps a chaotic three weeks after Rep. Kevin McCarthy's (R-CA) removal as House Speaker by a vote of 216-210 on Oct. 3.

This GT Alert provides a high-level overview of Speaker Johnson's views on the following major policy areas:

Budget and Appropriations | Select Committees | Agriculture and Food Policy |
Antitrust, Privacy, and Technology | Cryptocurrency | Defense & Foreign Policy |
Energy and Environment | Environmental, Social, and Governance (ESG) | FARA Reform |
Government Investigations/Impeachment Inquiry | Health Care | Immigration | Tax | Trade |
Transportation and Infrastructure | China

Budget and Appropriations

On June 3, the Fiscal Responsibility Act was signed into law to extend the federal debt limit, and it included statutory amounts for FY24 programs. House Republicans interpreted the spending levels as a ceiling, not a floor; total base discretionary spending for FY24 capped at \$1.59 trillion (\$886 billion for defense; \$704 billion for nondefense).

On Sept. 30, House Republicans introduced a “clean” CR. Ultimately, 126 House Republicans and all but one House Democrat voted to pass it. The legislation extended FY23-level funding through Nov. 17 and added \$16 billion in disaster assistance.

Prior to the Speaker vacancy, the House Appropriations Committee approved 10 of the 12 regular appropriations bills, which were below the levels agreed upon in the Fiscal Responsibility Act. The House passed four of the 12 bills on the floor, including Defense, Homeland Security, Military Construction-Veteran Affairs, and State-Foreign Operations. The Senate Appropriations Committee has approved 12 of the 12 regular appropriations bills, with all measures fulfilling the levels negotiated by the debt limit deal. None of the Senate appropriations bills have been passed on the floor. The Senate is working to advance a reported three-bill “minibus” appropriations package in the coming days.

With Nov. 17 just over three weeks away, Speaker Johnson will need to move quickly to jumpstart negotiations in order to avoid a shutdown next month.

- Speaker Johnson voted against the CR. He previously supported Jim Jordan (R-OH) for Speaker and said in the lead up to the Speaker vote that FY24 appropriations legislation was “must-pass” and that he would prioritize moving forward on passing spending bills.
- On Oct. 23, he sent a letter that included plans to pass the remaining bills each week by the Nov. 17 deadline. Soon after his election on Oct. 25, he restarted consideration of the House Energy and Water Development bill.
- In the letter, he suggests that if an additional CR is needed, that it run through Jan. 15 or April 15 “to ensure the Senate cannot jam the House with a Christmas omnibus.”

Agriculture/Food Policy

The 2018 Farm Bill expired Sept. 30, 2023. While some programs are designated to operate through the end of 2023 and into 2024, the 2018 Farm Bill potentially could be extended before the end of the year, with a timeline for a new Farm Bill uncertain. Some Senate leaders have expressed their preference for a yearlong extension of the 2018 Farm Bill.

- Speaker Johnson’s district has a strong agricultural base. He has hosted conversations with the agriculture industry in his district over the past several years.
- Speaker Johnson has expressed support for small businesses and farmers, while also wanting to cut back on welfare programs in the Farm Bill.

Speaker Johnson will need to focus foremost on the appropriations process. House Agriculture Committee Chair GT Thompson (R-PA) has warned that the Farm Bill's fate is generally uncertain due to the Speaker situation.

Antitrust, Privacy, and Technology/Artificial Intelligence (AI)

- Speaker Johnson has expressed interest in regulating large technology companies through consolidating the antitrust jurisdiction to the Department of Justice.
- Speaker Johnson recently held a spot on the House Judiciary Committee, Subcommittee on the Administrative State, Regulatory Reform, and Antitrust.
- Speaker Johnson supports protecting the privacy of consumers and has expressed concerns about large tech companies taking advantage of personal data.

There are several legislative proposals in the House focused on addressing the rise of AI in the United States. One such proposal, the "Creating Resources for Every American to Experiment with Artificial Intelligence Act," would establish the National Artificial Intelligence Research Resource as a common, widely accepted research infrastructure for training AI models. The House has convened a series of hearings designed to understand and address the threats and opportunities created by AI. However, the path forward is not clear, as Energy and Commerce Committee Chair Cathy McMorris Rodgers has said that data privacy and protection legislation is needed before the House can act on AI.

Cryptocurrency

- Federal cryptocurrency policy has not been a priority of Speaker Johnson, making it difficult to predict whether he would push for the passage of crypto legislation.

Defense and Foreign Policy

- In a Oct. 2023 letter circulated to colleagues prior to his election, Speaker Johnson outlined his plans to support the passage of the National Defense Authorization Act (NDAA). NDAA negotiators are aiming to have a final version of the bill by Thanksgiving.
- Speaker Johnson is an outspoken supporter of Israel and said the House must "take all necessary action to end Hamas forever."
- In his letter to House Republican colleagues, he noted a need to pass House Foreign Affairs Committee Chairman Michael McCaul (R-TX)'s bipartisan resolution condemning Hamas. And in one of his first actions as Speaker, this resolution was passed on Oct. 26.
- In light of recent events, he may prioritize bills that would deliver additional funding toward Israel's defense.
- He voted in support of the House-passed FY24 NDAA.

Energy and Environment

- Speaker Johnson supports increasing domestic production of oil and gas to increase America's energy independence and create jobs.
- In 2021, he criticized the Biden administration's efforts to recommit the United States to the Paris Climate Accords and reverse course on the planned Keystone Pipeline, saying that "President Biden

has already ensured that he will raise energy prices, eliminate energy jobs and make our country more dependent on foreign oil.”

Environmental, Social, and Governance (ESG)

- Speaker Johnson was critical of the Department of Labor’s December 2022 rule, which permits plan fiduciaries to consider ESG factors in investment decisions. He cosponsored H.J. Res. 30, which would have nullified that rule. It was ultimately vetoed by President Biden.

Immigration

- Speaker Johnson supported a variety of legislation that would strengthen U.S. border security and reform asylum policies. In February, he introduced the Asylum Reform and Border Protection Act, which would require migrants to more clearly demonstrate their fear of persecution in their home countries, terminate asylum in the United States for those who return home, and allow the Department of Homeland Security to move migrants to “safe third countries” from which they can apply for asylum.
- In May, he voted in support of House Republicans’ Secure the Border Act.
- Considering the above, we do not expect Speaker Johnson to support business immigration reform to amend the current immigration system to be more open to additional workers from abroad when businesses cannot find workers in the United States.

Transportation and Infrastructure

- Speaker Johnson voted against the Infrastructure Investment and Jobs Act in 2021.
- In 2020, he introduced two bills that would fast-track local infrastructure projects, specifically targeting the expansion of the Red River’s navigation lanes from Shreveport, Louisiana into Arkansas. The bills would authorize two now-expired pilot programs from the Water Resources Reform and Development Act.
- In his letter outlining a timeline of his upcoming priorities, he sets May-July 2024 as a deadline to complete House consideration of the Water Resources and Development Act of 2024.

FARA Reform

A number of bipartisan legislative proposals in the House would significantly alter the Foreign Agents Registration Act (FARA) disclosure and compliance landscape. One of those proposals, supported by a bipartisan group of members that includes Select China Committee Chairman Mike Gallagher (R-WI) and Ranking Member Raja Krishnamoorthi (D-IL), was included in the House-passed FY24 NDAA. That amendment, based on the bicameral Retroactive Foreign Agents Registration Act, would clarify the original intent of FARA to ensure registration and compliance from all who have acted on behalf of a foreign principal, even if their work on behalf of the foreign principal has ended. While further amendments may not make it into the FY24 NDAA, it is possible that members bring standalone FARA reform bills to the full House. For example, the Senate recently passed by unanimous consent two bills aimed at FARA. These bipartisan bills would amend the Lobbying Disclosure Act (LDA) to (1) require LDA registrants to identify on their registration if they are exempt under FARA’s LDA exemption; and (2) require LDA filers to identify any connection they have with a foreign government or political party that plans, supervises, directs or controls any effort of the lobbyist, regardless of if they receive financial

compensation from those entities. The latter essentially would require FARA registration if the filer affirmatively identifies a foreign government or political party. Speaker Johnson did not cosponsor FARA-related legislation this Congress, but FARA reform has been a priority of his in the past. He sponsored, along with Chuck Grassley (R-IA) in the Senate, the Disclosing Foreign Influence Act of 2017, a comprehensive FARA reform bill that passed the House Judiciary Committee in 2018. It is possible Speaker Johnson could consider FARA legislation on the floor this Congress, especially if FARA continues to receive the increased media and DOJ scrutiny it has been subject to in recent years.

Government Investigations/Impeachment Inquiry

- Speaker Johnson is a supporter of the impeachment inquiry into President Biden. Notably, he was also on the impeachment defense team of former President Trump.
- He has also called for oversight of the aid that the United States is sending to Ukraine, saying that “we should not be sending another \$40 billion abroad when our own border is in chaos, American mothers are struggling to find baby formula, gas prices are at record highs, and American families are struggling to make ends meet, without sufficient oversight over where the money will go.”
- Speaker Johnson has been an active member of the House Judiciary Committee, including the investigations it conducts. He recently questioned witnesses about Hunter Biden and has noted his decades of experience as a litigator before joining Congress.
- In his role as Chairman of Judiciary’s Subcommittee on the Constitution and Limited Government, he had jurisdiction to conduct oversight on such issues as constitutional rights, constitutional amendments, federal civil rights, voting rights, claims against the United States, non-immigration private claims bills, ethics in government, tort liability, federal charters of incorporation, and other matters.
- Speaker Johnson has also been a member of other subcommittees under the Judiciary Committee, including the Select Committee on the Weaponization of the Federal Government, that hold investigative hearings and target issues for investigation.

Health Care

While some health care programs were given short-term extensions under the CR, Congress is working to reauthorize other major health programs that expired Sept. 30 and have been halted by a variety of factors, including the Speaker race. These expired reauthorizations include the Pandemic and All Hazards Preparedness Act (PAHPA), Opioid Recovery and Treatment (SUPPORT Act) and International AIDS Relief (PEPFAR).

- As a member of the Republican Study Group, Speaker Johnson is likely to be aligned in the Study Group’s opposition to a “single-health care plan” and supports sustainable and reduced spending for Medicare and Medicaid. In addition, the Republican Study Group has raised concerns about the Affordable Care Act and its breadth and impact on individuals and families.
- He opposes abortion, saying “there is no right to abortion in the Constitution; there never was.” He has opposed federal funding for abortions; in 2021, he cosponsored the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act, which would have prohibited any use of federal funds in health coverage that provides abortions. He also chaired the House Judiciary Subcommittee on the Constitution and Limited Government hearing on gender-affirming health care for minors.

Tax

- Speaker Johnson historically has been against tax increases. After the initial House passage of Build Back Better, which was eventually scaled down to become the Inflation Reduction Act, he said that “House Democrats forged ahead today to pass their 2,100 page reckless tax-and-spend spree, which will clearly drive consumer prices even higher, make job growth even harder, and cause unprecedented damage to the U.S. economy.”
- In January 2023, he praised House Republicans’ reforms to the House, specifically highlighting a rule that there would be no tax increases without a 3/5 majority vote.

Trade/Sanctions

- Speaker Johnson believes that “free markets and free trade agreements allow for innovation” and that “competition should be encouraged, and government intervention and regulation should be limited.”
- In 2019, he cosponsored the Global Trade Accountability Act, which would require congressional approval of any defined “unilateral trade actions” by the executive branch, including trade prohibitions, duties and tariffs, suspension of trade agreements, and more.

China

- Speaker Johnson previously said that “it is a matter of common sense” that the COVID-19 pandemic originated in a lab in Wuhan, China.
- In Sept. 2023, Speaker Johnson introduced H.R. 5488, the Protecting Our Courts from Foreign Manipulation Act of 2023. In his press release regarding the bill, he referenced China as an example of a foreign actor that this legislation would prevent from financing malicious lawsuits and meddling in our justice system.

Authors

This GT Alert was prepared by:

- Robert C. Jones | +1 202.331.3183 | Bob.Jones@gtlaw.com
- Demetrius G. McDaniel ‡ | +1 512.320.7203 | mcdanield@gtlaw.com
- Hon. Rodney Frelinghuysen ^ | +1 202.331.3171 | frelinghuysenr@gtlaw.com
- Hon. Charles F. Bass ˇ | +1 202.331.3132 | bassch@gtlaw.com
- Hon. Albert Wynn † | +1 202.530.8531 | wynna@gtlaw.com
- Robert Mangas | +1 202.530.8507 | mangasr@gtlaw.com
- Kara M. Bombach | +1 202.533.2334 | Kara.Bombach@gtlaw.com
- Laura Foote Reiff ‡ | +1 703.749.1372 | reiff@gtlaw.com
- Michael R. Sklaire | +1 703.749.1308 | Michael.Sklaire@gtlaw.com
- Nancy E. Taylor | +1 202.331.3133 | taylorne@gtlaw.com
- Pamela J. Marple | +1 202.331.3174 | Pamela.Marple@gtlaw.com
- Michael L. Rogers ˇ | +1 202.331.3177 | Mike.Rogers@gtlaw.com

* Special thanks to Caroline McKinley, Emma Powell, and Stephen Richardson for their valuable contributions to this GT Alert.

‡ Admitted in Texas. Not admitted in the District of Columbia.

^ Not admitted to the practice of law.

˘ Not admitted to the practice of law.

‡ Admitted in Maryland. Not admitted in the District of Columbia.

‡ Admitted in the District of Columbia and Maryland. Not admitted in Virginia. Practice limited to federal immigration practice.

˘ Not admitted to the practice of law.

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