

Gray & Oscar LLC

TO: TIM BRINK / JIM GAFFNEY / CATIE SCOTT
FR: MICHAEL OSCAR
DT: 10/5/18
RE: CONGRESSIONAL UPDATE

This Week in Congress: The House has recessed until November 13th, returning after the midterm elections. The Senate debated the nomination of Brett Kavanaugh to be a Supreme Court justice.

SCOTUS (Kavanaugh Nomination): Per the New York Times, FBI has already interviewed the four witnesses on its original list, and began reaching out to others. The list of four consisted of Mark Judge, Kavanaugh's high school friend, who Dr. Christine Ford says was in the room as he sexually assaulted her; two others whom Ford identified as having attended the party that night, Patrick J. Smyth and Leyland Keyser; and Deborah Ramirez, a Yale classmate of Kavanaugh's who accused him of exposing himself to her at a college party.

SCOTUS (New Term): This week the Supreme Court started its new term and the cases set for oral argument included: how age discrimination applies to small public employers, and a federal sex-offender registration case that could reshape how much power Congress can delegate to federal agencies. The court so far has not placed any big cases or politically heated disputes on its docket for this term, which ends at the end of June. Justices could decide not to take up more controversial cases because of the political heat of Kavanaugh's confirmation process, legal experts say, but also because they are ideologically split 4-4. A case where the justices deadlock means the lower court's decision stands, as if the Supreme Court never heard the case at all.

TRADE AGREEMENT: A new trade deal with Canada and Mexico was reached this week including intellectual property provisions that call for minimum biologic drug data protection of ten years, which would increase the current Canadian and Mexican patent terms; and specific chapters on regulatory clarity and compatibility for medical devices and pharmaceuticals. Trump indicated his desire to sign the agreement next month, which would trigger a special legislative process, expected to begin next year, which requires action by both the House and the Senate.

FAA AUTHORIZATION BILL: On Wednesday, the Senate overwhelmingly passed (93-6) H.R. 302, otherwise known as the FAA Reauthorization Act. The bill authorizes appropriation funding for the 2018-2023 period for the Federal Aviation Administration and the Department of Transportation for activities related to civil aviation. The legislation provides \$3.35 billion in mandatory contract authority for the Airport Improvement Program. Also, the bill includes is \$1.68 billion for Hurricane relief. H.R. 302 was passed by the House last week by a margin of 398-23. The bill now goes to President Trump's desk for signature.

NORTH AMERICAN SHALE GAS EXPLORATION: *EIA – U.S. Natural Gas Exports Doubled in 2018 -* Per the Energy Information Administration (EIA), on average U.S. net natural gas exports were 0.87 billion cubic feet per day in the first six months of 2018. This is more than twice the average 0.34 billion cubic feet per day during all of 2017. The increase was largely driven by new facilities for liquefied natural gas with exports of the fuel rising 58% from the first half of 2017 to average 2.72 billion cubic feet per day.