

Gray & Oscar LLC

TO: TIM BRINK / JIM GAFFNEY / CATIE SCOTT
FR: MICHAEL OSCAR
DT: 11/15/18
RE: CONGRESSIONAL UPDATE

This Week in Congress: Both chambers of Congress returned to Washington, D.C. for the 2018 Lame Duck Session of Congress after the 2018 Midterm Elections.

2018 LAME DUCK SESSION OF CONGRESS: The 2018 Lame Duck Session of Congress is expected to include funding deadlines, must-pass legislation, along with ample political dramas regarding leadership elections and disagreements over funding. To that end, the major legislative goal of this session will be to complete action on the seven remaining FY19 appropriations bills, the continuing resolution that funds these bills will expire on December 7th. The Homeland Security bill, which is the vehicle to fund President Trump's border wall is one of the remaining funding bills yet to be resolved. The President has stated that he is willing to shut down the government if he does not receive funding for the wall. Senator Schumer stated that the democrats might tie their support for providing funding for the remaining appropriations bills to legislation that would protect special counsel Robert Mueller.

Additionally, the Farm Bill and other legislation with bipartisan support is on the agenda including the reauthorization of the Emergency Plan for AIDS Relief (PEPFAR) and the reauthorization of the Pandemic and All Hazards Preparedness Act. Action is still pending on over 150 nominations, which the Senate would like to clear before the end of the session. It is expected that the Congress will be in session until shortly before the holidays.

NLRB: On November 8th, the NLRB announced that it will be issuing a proposed rule sometime this winter that will address their "blocking charge" policy to pause elections if workers or unions file complaints alleging employers interfered with the elections. Additionally, the proposal will consider the NLRB's rule that workers must wait at least six months before they can file petitions seeking to oust unions that employers had voluntarily recognized as their executive bargaining representatives.

IMMIGRATION REFORM (2019?): It's likely when the Democrats take control of the House starting in January they could consider addressing immigration reform; protecting young, undocumented immigrants from deportation is likely to be high on the list especially with a pending U.S. Supreme Court decision. Also, there could be areas of bipartisanship that lead to a broader bill or set of bills including border security, the agricultural workforce, and the E-Verify electronic employment verification system. However, President Trump has yet to give clear, consistent signals as to what he wants. Stay tuned and the 116th Congress will be split between Democrats controlling the House and Republicans the Senate, with only narrow majorities in each making immigration reform a legislative challenge.

2018 HOUSE LEADERSHIP ELECTIONS: On Wednesday, November 14th, the House Republican leadership elections will be held and it's expected that Rep. McCarthy (R-CA) will be the minority leader. As chief deputy whip, McCarthy played a key role in recruiting the class of Republican candidates that flipped the House in 2010. Steve Scalise is expected to be the minority whip. Liz Cheney is expected to be the House Republican Conference chair and Rep. Tom Emmer is expected to lead the National Republican Congressional Committee.

The House Democratic leadership elections will be held on November 28th and Nancy Pelosi is expected to be the House speaker once again. She currently has no challengers. Steny Hoyer is expected to become the majority leader and Jim Clyburn is expected to be the house majority whip, but he has a challenge from Rep. Diana DeGette; she feels that there needs to be more women to leadership positions. Finally, Cheri Bustos is a favorite to lead the Democratic Congressional Campaign Committee. Reps. Denny Heck, Suzan DelBene and Sean Patrick Maloney are also in the running for that position.

2018 ELECTION UPDATE:

- **Pending** - As of Monday, there are two Senate seats yet to be decided--Mississippi (December runoff) and Florida. In the House, there are still eight undecided seats. Democrats are ahead in three, and Republicans are leading in five of the races.
- **Exit Polls** - NBC Exit 2018 Polls indicated that there was a 23-point gender gap. Democrats won female voters, who made up 52 percent of the electorate, by 19 points. Republicans won male voters by 4 points. Health care was by far the top issue for voters, followed by immigration and the economy. Democrats won independents by 12 points and President Trump was a major factor. Thirty-eight percent of voters said they cast a ballot in opposition to President Trump, while 26 percent said their vote was meant to express confidence in the president.

NORTH AMERICAN SHALE GAS EXPLORATION:

- **U.S. Shale Gas Output Globally Increases:** The International Energy Agency (IEA) claims that almost 75% of global oil production growth and 40% of natural gas supply growth could come from the U.S. in the next six years resulting from the hydraulic fracturing revolution. The IEA predicts "U.S. shale oil production will more than double to 9.2 million barrels daily by the middle of the next decade before leveling and eventually declining by 1.5 million barrels daily in the 2030s."
- **Rolling Back Energy Regulations:** The Trump administration efforts to roll back regulations related to oil and natural gas drilling likely will face increased scrutiny after Democrats take control of the House.