

大成 DENTONS

# US Policy Scan 2019



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# US Policy Scan 2019

As we once again publish our annual Policy Scan, the federal government, to the surprise of some and the chagrin of most, remains in a partial shutdown that has now lasted almost two weeks because of President Trump's refusal to sign a continuing resolution that would have funded, at least on a short-term basis, those departments and agencies that have not already been funded for Fiscal Year 2019.

While the President insists that he will not sign any funding bill that does not provide \$5.6 billion in funding for a border wall, starting today his leverage will decline considerably as Democrats now control the House of Representatives by a margin of 235-199, or 36 seats (with control of one seat, in North Carolina's 9th congressional district, yet to be determined) and will continue to control the House for the next two years. Congressional Democrats have offered \$1.3 billion in additional border security money, but they do not support, and will not agree to provide, any funding for construction of a border wall with an estimated total cost of \$25 billion.



## **The effects of divided government on legislation, oversight and the 2020 presidential election**

While Republicans expanded their control of the Senate by two seats (53 Republicans, 45 Democrats and 2 independents who caucus with the Democrats), the Democratic takeover of the House means that it will be more challenging than ever for Congress to produce legislation on matters of consequence that stands a chance of passing in both chambers and also gaining the President's signature. In the sections that follow, we will seek to point out areas where the greatest potential exists for enactment of meaningful legislation and to identify elements of the House Democratic Caucus whose influence could increase as part of an effort to craft legislation that could attract bipartisan and bicameral support. That said, it is not our intention to sugar-coat our belief that the prospects for enactment of truly significant legislation in the next two years are limited.

Given the poor prognosis for legislative accomplishments, how else will the 116th Congress exercise its Article I powers? We believe that two central themes will be dominant.

First, House Democrats have a long Trump oversight to-do list. Having raised many issues over the past two years that the White House and Congressional Republicans have chosen to ignore, Democrats made no secret about their intention to subject the actions of the Trump administration to wide-ranging and vigorous oversight and investigation.

Second, given the fervor of Democratic opposition to this President, we believe that politics will play an even larger role than usual in influencing and driving Democratic policy priorities over the next two years. With a huge field of Democrats—including senators, House members and, possibly, former Vice President Biden—expected to announce their presidential candidacies in the coming months, we believe that much of 2019 will involve the test-marketing of themes and legislative initiatives by the candidates to determine how best to take on President Trump in the 2020 election.



### What today will look like in the House

Shortly after the House convenes at noon today, the Democratic leader, Rep. Nancy Pelosi of California, is expected to be elected Speaker of the House. With Democrats having gained control of the chamber, the House will then debate and adopt a Democratic Rules package that will specify the jurisdiction of the committees for the 116th Congress. That package will include a rule for immediate consideration of two Democratic bills to fund government operations and end the partial shutdown

While House Democrats had intended their first legislation in the 116th Congress to be an ethics and election reform package, the partial government shutdown has somewhat reordered their legislative agenda. We believe that within hours of the opening gavel, House Democrats will pass two funding bills designed to reopen the federal government: a bill that funds for FY 2019 all of the not-yet-funded departments except for the Department of Homeland Security, and a bill providing a continuing resolution through February 8th for Homeland Security funding. This bill will provide some additional funding for border security but it will not include any funding for a border wall.

Republican Senators say that they will not consider and pass any bill that the President will not sign, and they could make it time-consuming and procedurally difficult for the Senate to take up the House Democratic bill. However, we believe that, rather than amend and “ping-pong” the bill back to the House, eventually the Senate could take up the House bill and possibly even pass it. If the Senate passes the House Democratic bill, the questions then become: Will President Trump veto the bill and, if he does veto it, do the votes exist in both the House and Senate to override his veto?

If the President does not veto the bill, the shutdown crisis will be resolved, at least until the continuing resolution for Homeland Security funding expires. If the President vetoes the House bill, and his veto is not overridden; or the Senate refuses to take up the House bill the partial government shutdown will continue, likely for several more weeks, most likely until the pain that federal workers experience from not being paid and the inconvenience the public experiences from the halt in government services becomes intense enough that they demand that the White House and the Congress arrive at a solution.



# Welcome to Congress

## Meet the New Freshmen in Congress

### 11 NEWLY ELECTED (OR APPOINTED) SENATORS



Rosen (NV)



Sinema (AZ)



Smith (MN)



Blackburn (TN)



Braun (IN)



Cramer (ND)



Hawley (MO)



Hyde-Smith (MS)



Romney (UT)



Scott (FL)



McSally (AZ)\*

\*Appointed in December 2018 to replace Sen. Jon Kyl in filling the seat of the late Sen. John McCain

### 100 NEWLY ELECTED REPRESENTATIVES



Allred (TX 32)



Axne (IA 3)



Brindisi (NY 22)



Case (HI 1)



Casten (IL 6)



Cisneros (CA 39)



Craig (MN 2)



Crow (CO 6)



Cunningham (SC 1)



Davids (KS 3)



Dean (PA 4)



Delgado (NY 19)



Escobar (TX 16)



Finkenauer (IA 1)



Fletcher (TX 7)



Garcia (IL 4)



Garcia (TX 29)



Golden (ME 2)



Gomez (CA 34)



Haaland (NM 1)



Harder (CA 10)



Hayes (CT 5)



Hill (CA 25)



Horn (OK 5)



Horsford (NV 4)



Houlahan (PA 6)



Kim (NJ 3)



Kirkpatrick (AZ 2)



Lamb (PA 17)



Lee (NV 3)



Levin (CA 49)



Levin (MI 9)



Luria (VA 2)



Malinowski (NJ 7)



McAdams (UT 4)



McBath (GA 6)



Morelle (NY 25)



Mucarsel-Powell (FL 26)



Neguse (CO)



Ocasio-Cortez (NY 14)



Omar (MN 5)



Pappas (NH 1)



Phillips (MN 3)



Porter (CA 45)



Pressley (MA 7)



Rose (NY 11)



Rouda (CA 48)



Scanlon (PA 5)



Schrier (WA 8)



Shalala (FL 27)



Sherrill (NJ 11)



Slotkin (MI 8)



Spanberger (VA 7)



Stanton (AZ 9)



Stevens (MI 11)



Tlaib (MI 13)



Torres Small (NM 2)



Trahan (MA 3)



Trone (MD 6)



Underwood (IL 14)



Van Drew (NJ 2)



Wexton (VA 10)



Wild (PA 7)



Armstrong (ND)



Baird (IN 4)



Balderson (OH 12)



Burchett (TN 2)



Cline (VA 6)



Cloud (TX 27)



Crenshaw (TX 2)



Curtis (UT 3)



Estes (KS 4)



Fulcher (ID 1)



Gianforte (MT)



Gonzalez (OH 16)



Gooden (TX 5)



Green (TN 7)



Guest (MS 3)



Hagedorn (MN 1)



Hern (OK 1)



Johnson (SD)



Joyce (PA 13)



Lesko (AZ 8)



Meuser (PA 9)



Miller (WV 3)



Norman (SC 5)



Pence (IN 6)



Reschenthaler  
(PA 14)



Riggleman (VA 5)



Rose (TN 6)



Roy (TX 21)



Spano (FL 15)



Stauber (MN 8)



Steil (WI 1)



Steube (FL 17)



Taylor (TX 3)



Timmons (SC 4)



Waltz (FL 6)



Watkins (KS 2)



Wright (TX 6)



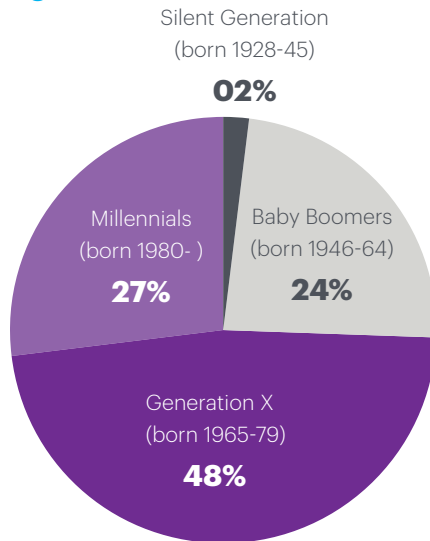




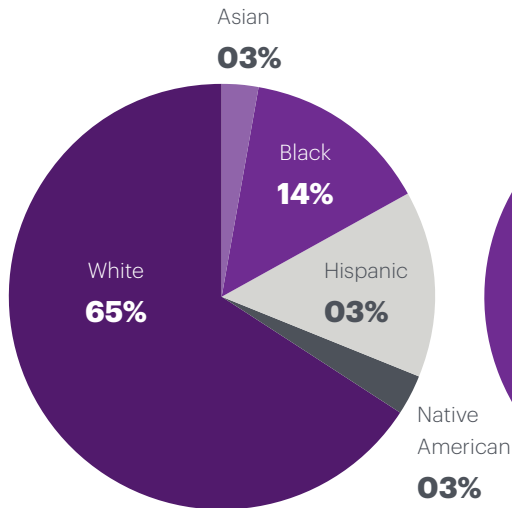
# Freshman Class info

**The incoming House Democratic class will be among the youngest and most diverse yet**

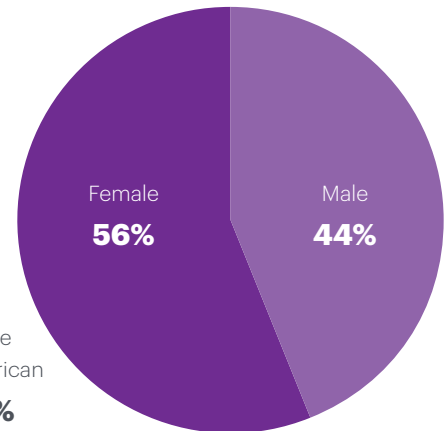
## Age



## Race/ethnicity

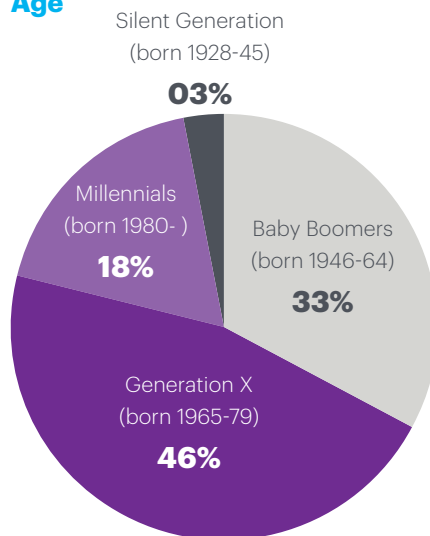


## Gender

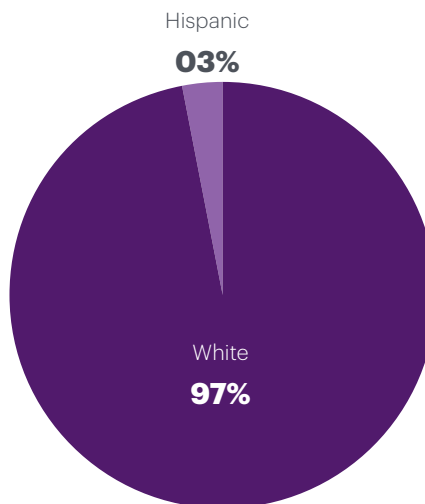


**The incoming House Republican class is less racially diverse than the previous House Republican class**

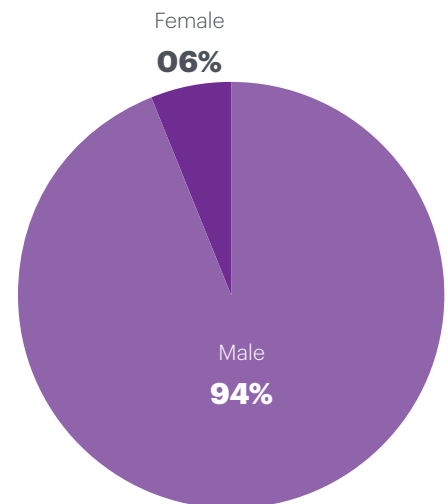
## Age



## Race/ethnicity



## Gender



75 senators are men, and 25 are women, the highest number of female senators ever. For the first time in history, both senators from six states are women, including California, Washington, Nevada, Arizona, Minnesota, and New Hampshire. Additionally, thirteen states are represented by one male and one female senator, while 31 states are represented by two male senators. 91 senators are white,

4 are Hispanic, 2 are black, 2 are Asian, and 1 is both black and Asian. 2 identify as LGBTQ+.

333 members of the House of Representatives are men, and 102 are women. 372 members are white, 48 are black, 11 are Asian, and 4 are Native American. 8 identify as LGBTQ+.

# A look at the House Democratic Steering and Policy Committee

So...you are one of the 63 new Democratic House members elected to serve as a member of the House Democratic majority in the 116th Congress that convenes at noon on January 3, 2019. You have selected your office for the next two years; many of you have also selected a chief of staff, legislative director, press secretary and district director, and have begun the process of assembling the remainder of your Washington, DC, and district office, staff.

So what's next? Committee assignments. But how do you get them? Welcome to the Byzantine and highly political world of the House Democratic Steering & Policy Committee and the committee assignment process! It's quite a remarkable rodeo; one that almost defies description if you haven't been through it.

The primary purpose of the House Democratic Steering & Policy (S&P) Committee is to assign fellow party members to House committees. While membership on a few select committees, such as Rules, the House Administration and Intelligence, is granted at the discretion of the Democratic leader (in this case, Speaker-designate Nancy Pelosi) and while the chair of the Budget Committee is selected by the full House Democratic Caucus (HDC), the vast majority of committees are filled by the S&P Committee. It is not uncommon for the S&P Committee to receive several hundred member letters, including in support of other members, by the time the process is done. While members have the opportunity to request committee assignments, they can only propose. It is the S&P Committee that disposes.

## **The House committee process and committee ratios**

To encourage the development of subject-matter expertise among members and because it would be impossible for every member to devote his or her attention to every subject the House considers, the House conducts its work through standing and special committees. In one of the first acts of a new Congress, the House debates and then adopts a Rules package for that Congress which specifies the committees and the subjects over which they have jurisdiction. (Certain subjects fall within the domain of multiple committees.)

The House currently has 21 committees, 20 standing committees and 1 select committee. All but three, Budget, Ethics and House Administration, are subdivided into subcommittees, of which there are a total of 95, each with its own leadership. Surely, several of the committees and subcommittees will be reconfigured for the next Congress. Speaker-designate Pelosi has already expressed her intention to create a select committee on climate change and a task force on election reform.

Not every committee or subcommittee is of equal importance. Appropriations, Energy & Commerce, Financial Services, Rules and Ways & Means—the exclusive, so-called “A” committees—are seen by members and the public as more important than, say, the Science or Small Business Committee. Thus, the “A” committees are in greater demand than other committees and members who serve on an “A” committee cannot serve on other committees unless (1) a vacancy exists on a non-A committee and (2) the member receives a waiver permitting him or her to serve on more than just the A committee.

Before the 116th Congress convenes, the leadership of the two parties will meet to determine, in light of the election results, the committee ratios, i.e., how many members of each committee will be Democrats and how many will be Republicans? Final decisions on committee ratios are indispensable to the S&P Committee's completion of its work as it cannot know how many seats to fill until the ratios are determined. While it is possible that the committee ratios will change modestly in response to the election results, it also seems possible that the party leaders will decide to go with the current committee ratios, but with the parties simply flipped. Should that be the case, there will be a large number of Democratic vacancies on a number of the committees. Also, given the number of Republican retirements and Republican candidates who were defeated for re-election, it's possible that on some committees, a Republican member may lose his or seat because the flipped ratios will not accommodate the member.

## Who is on the S&P Committee?

The S&P Committee is chaired by the party leader in the House, which, since 2003, has been Nancy Pelosi, in her capacities as minority leader (2003–2007, 2011–present) and House speaker (2007–2011), when the Democrats held the minority and majority of seats in the House, respectively. The party leader also historically has appointed two co-chairs to assist her on the committee. Rosa DeLauro has been co-chair for Steering since 2003 and Eric Swalwell has been co-chair for Policy since 2017.

On November 28, 2018, Pelosi, the likely speaker in the 116th Congress, announced that, in recognition of what she described as “the historic size, energy and diversity of the new Democratic majority,” she was expanding the number of S&P Committee co-chairs to three; and that Oakland, CA, Congresswoman Barbara Lee, who was narrowly defeated by fellow Congressional Black Caucus (CBC) member Hakeem Jeffries from New York in the race for HDC chairman for the next Congress, will serve with DeLauro and Swalwell.

The statutory members of the S&P Committee include the full caucus leadership and chief deputy whip team, and the chairs or ranking members (depending on the party’s majority or minority status, respectively) of the five A committees: Appropriations, Budget, Energy, Financial Services, Rules, and Ways and Means. Additional members are either elected or directly appointed by the caucus leader (the House speaker or minority leader, depending) to serve as regional representatives or as a representative of the freshman class. S&P is now a very large committee, consisting of about 60 Democratic members.

As of the 115th Congress, Democratic representatives are currently grouped into the following 12 regions.\*

\*Note that the composition of the regions will likely change for the 116th Congress to reflect changes in the number and geographic distribution of Democratic members.

Region 1	Southern California (Districts 21–53)
Region 2	Alaska, American Samoa, Guam, Hawaii, Northern California (Districts 1–20), Northern Mariana Islands
Region 3	Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin
Region 4	Illinois, Indiana, Kansas, Missouri, Oklahoma
Region 5	Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming
Region 6	Arizona, Texas, New Mexico
Region 7	Alabama, Arkansas, Louisiana, Mississippi, Tennessee, North Carolina, Puerto Rico, South Carolina, Virgin Islands
Region 8	Georgia, Florida
Region 9	Delaware, District of Columbia, Maryland, New Jersey, Virginia
Region 10	Kentucky, Ohio, Pennsylvania, West Virginia
Region 11	New York
Region 12	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont



## How does the S&P Committee conduct its work?

Within hours of the November election results, party members begin to send letters to Steering in which they make their case to lead or to serve on particular committees. Steering begins its work by making recommendations for party leadership positions and committee chairs. Once Steering arrives at its recommendations, the full HDC votes on its recommendations. (The HDC rules provide procedures for members not recommended for leadership or a chairmanship to run for election against the member recommended by Steering.) The candidate approved by the full HDC is then announced to the full House by the HDC chairman on the first day of the next Congress.

The S&P Committee and the full HDC have now selected the leadership and committee chairs for the next Congress. The only position that is subject to a vote by the whole House during the first day of the 116th Congress is the vote for speaker of the house. While Pelosi decisively won the HDC's vote to be designated as its candidate for speaker of the house, because she needs to win a majority of those members who cast a vote for a speaker candidate so long as a quorum is present, Pelosi has spent weeks negotiating with members and members-elect who were opposed to her becoming speaker again, and has made various concessions to win enough votes to ensure her election.

Now that the leadership and committee chairs are done, the S&P Committee is turning its attention to member committee assignments. Throughout January, and perhaps as late as early February, the S&P Committee will consider members' committee preference letters and make recommendations to the HDC as to which members should serve on which committees. While, theoretically, the HDC has the power to ignore or overturn Steering's recommendations, it is unheard of for the HDC to do so. Thus, as a practical matter, S&P Committee members control the committee assignment process.

## What factors does the S&P Committee consider when making its committee assignment recommendations?

There are a number of factors members of the S&P Committee consider when making committee assignment recommendations. Which factor depends on the committee to which a member is being assigned. For some important committees, seniority may also be an important factor, or one's congressional district, to ensure that every region is represented. The S&P Committee also want to make sure that members, especially freshman members, are assigned to committees whose work is important to the needs and interests of the members' constituents, thereby helping their chances of re-election. A member's expertise may come into play. Thus, a doctor or a nurse is likely to be assigned to a health-related committee, or a veteran to end up on the Veterans Affairs or Armed Services Committee. Conversely, it is highly unlikely that a member who comes from an urban area and has no experience with, or background in, agriculture will be assigned to the Agriculture Committee.

Historically, and especially when Democrats are in the majority, freshman members who come from highly competitive districts have sometimes received assignments to committees such as Financial Services, which is seen as a valuable platform for fundraising purposes. (With many incoming freshman members refusing to accept campaign contributions from corporate PACs, instead choosing to rely on small-dollar contributions and crowdfunding, this factor may prove to be less relevant than in other cycles.)

Given the House speaker's dominance of the S&P Committee, including her ability to control its size and composition, it behooves members to develop and maintain a close relationship with the Speaker-designate Pelosi, as well as with other members of the Democratic leadership if they hope to have their committee assignment preferences honored. Similarly, as committee chairs have a vital interest in who will serve on their committee and be most supportive of their agenda, developing a strong rapport with committee chairs is also key to being assigned to committees of one's choice.



# House and Senate Leadership

## SENATE



**President**  
Mike Pence (R)

## REPUBLICAN LEADERSHIP



**Majority Leader**  
Mitch McConnell



**Majority Whip**  
John Thune



**Conference Chair**  
John Barrasso



**Conference Vice Chair**  
Joni Ernst



**Campaign Committee Chair**  
Todd Young



**Policy Committee Chair**  
Roy Blunt



**Steering Committee Chair**  
Mike Lee



**Chief Deputy Whip**  
Mike Crapo



## DEMOCRATIC LEADERSHIP



**Minority Leader/  
Caucus Chair**  
Chuck Schumer



**Minority Whip**  
Dick Durbin



**Assistant Leader**  
Patty Murray



**Policy Committee  
Chair**  
Debbie Stabenow



**Caucus Vice Chair**  
Mark Warner



**Caucus Vice Chair**  
Elizabeth Warren



**Steering  
Committee Chair**  
Amy Klobuchar



**Outreach Chair**  
Bernie Sanders



**Policy Committee  
Vice Chair**  
Joe Manchin



**Caucus Secretary**  
Tammy Baldwin



**Campaign  
Committee Chair**  
Catherine Cortez  
Masto



**Chief Deputy Whip**  
Jeff Merkley

## HOUSE OF REPRESENTATIVES



**Speaker**  
Nancy Pelosi (D)

## DEMOCRATIC LEADERSHIP



**Majority Leader**  
Steny Hoyer



**Majority Whip**  
Jim Clyburn



**Assistant to the  
Speaker**  
Ben Ray Luján



**Caucus Chair**  
Hakeem Jeffries



**Caucus Vice Chair**  
Katherine Clark



**Campaign  
Committee Chair**  
Cheri Bustos



**Policy and  
Communications  
Committee Chair**  
David Cicilline



**Policy and  
Communications  
Committee Co-Chair**  
Matt Cartwright



**Policy and  
Communications  
Committee Co-Chair**  
Debbie Dingell



**Policy and  
Communications  
Committee Co-Chair**  
Ted Lieu



**Steering and  
Policy Committee  
Co-Chair**  
Rosa DeLauro



**Steering and  
Policy Committee  
Co-Chair**  
Barbara Lee



**Steering and  
Policy Committee  
Co-Chair**  
Eric Swalwell



**Assistant to the  
Majority Whip**  
Cedric Richmond



**Senior Chief  
Deputy Whip**  
John Lewis



**Senior Chief  
Deputy Whip**  
Jan Schakowsky



**Chief Deputy Whip**  
Pete Aguilar



**Chief Deputy Whip**  
G.K. Butterfield



**Chief Deputy Whip**  
Henry Cuellar



**Chief Deputy Whip**  
Dan Kildee



**Chief Deputy Whip**  
Shelia Jackson Lee



**Chief Deputy Whip**  
Debbie Wasserman  
Schultz



**Chief Deputy Whip**  
Terri Sewell



**Chief Deputy Whip**  
Peter Welch

**REPUBLICAN LEADERSHIP**



**Minority Leader**  
Kevin McCarthy



**Minority Whip**  
Steve Scalise



**Conference Chair**  
Liz Cheney



**Conference Vice Chair**  
Mark Walker



**Conference Secretary**  
Jason Smith



**Policy Committee Chair**  
Gary Palmer



**Campaign Committee Chair**  
Tom Emmer



**Chief Deputy Whip**  
Drew Ferguson



# Chairs and Ranking Members

## SENATE

### Agriculture, Nutrition and Forestry



**Pat Roberts (R-KS)**  
Chair



**Debbie Stabenow (D-MI)**  
Ranking Member [16]



**Richard Shelby (R-AL)**  
Chair



**Patrick Leahy (D-VT)**  
Ranking Member [16]



**Jim Inhofe (R-OK)**  
Chair



**Jack Reed (D-RI)**  
Ranking Member [16]

### Banking, Housing and Urban Affairs



**Mike Crapo (R-ID)**  
Chair



**Sherrod Brown (D-OH)**  
Ranking Member [16]



**Mike Enzi (R-WY)**  
Chair



**Bernie Sanders (I-VT)**  
Ranking Member [16]



**Roger Wicker (R-MS)**  
Chair



**Maria Cantwell (D-WA)**  
Ranking Member [16]

### Energy and Natural Resources



**Lisa Murkowski (R-AK)**  
Chair



**Joe Manchin (D-WV)**  
Ranking Member [16]



**John Barrasso (R-WY)**  
Chair



**Tom Carper (D-DE)**  
Ranking Member [16]



**Chuck Grassley (R-IA)**  
Chair



**Ron Wyden (D-OR)**  
Ranking Member [16]

### Foreign Relations



**Jim Risch (R-ID)**  
Chair



**Bob Menendez (D-NJ)**  
Ranking Member [16]



**Lamar Alexander (R-TN)**  
Chair



**Patty Murray (D-WA)**  
Ranking Member [16]



**Ron Johnson (R-WI)**  
Chair



**Gary Peters (D-MI)**  
Ranking Member [16]

### Appropriations

### Armed Services

### Budget

### Commerce, Science and Transportation

### Environment and Public Works

### Finance

### Health, Education, Labor and Pensions

### Homeland Security and Governmental Affairs

#### Judiciary

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**Lindsey Graham (R-SC)**  
Chair



**Dianne Feinstein (D-CA)**  
Ranking Member [16]



**Roy Blunt (R-MO)**  
Chair



**Amy Klobuchar (D-MN)**  
Ranking Member [16]



**Marco Rubio (R-FL)**  
Chair



**Ben Cardin (D-MD)**  
Ranking Member [16]

#### Veterans' Affairs

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**Johnny Isakson (R-GA)**  
Chair



**Jon Tester (D-MT)**  
Ranking Member [16]



**Susan Collins (R-ME)**  
Chair



**Bob Casey (D-PA)**  
Ranking Member [16]



**Johnny Isakson (R-GA)**  
Chair



**Chris Coons (D-DE)**  
Ranking Member [16]

#### Aging (Special)

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#### Ethics (Select)

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#### Indian Affairs (Permanent Select)

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#### Intelligence (Select)

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#### International Narcotics Control (Permanent Caucus)

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**John Hoeven (R-ND)**  
Chair



**Tom Udall (D-NM)**  
Ranking Member [16]



**Richard Burr (R-NC)**  
Chair



**Mark Warner (D-VA)**  
Ranking Member [16]



**Chuck Grassley (R-IA)**  
Chair



**Dianne Feinstein (D-CA)**  
Ranking Member [16]

# Chairs and Ranking Members

## HOUSE

### Agriculture

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**Collin Peterson (MN)**  
Chairman



**Mike Conaway (TX)**  
Ranking Member



**Nita Lowey (NY)**  
Chairman



**Kay Granger (TX)**  
Ranking Member



**Adam Smith (WA)**  
Chairman



**Mac Thornberry (TX)**  
Ranking Member

### Appropriations

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### Armed Services

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### Budget

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### "Education and Workforce (to be renamed?)"

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### Energy and Commerce

---



**John Yarmuth (KY)**  
Chairman



**Steve Womack (AR)**  
Ranking Member



**Bobby Scott (VA)**  
Chairman



**Virginia Foxx (NC)**  
Ranking Member



**Frank Pallone (NJ)**  
Chairman



**Greg Walden (OR)**  
Ranking Member

### Financial Services

---

### Foreign Affairs

---

### Homeland Security

---



**Maxine Waters (CA)**  
Chairman



**Patrick McHenry (NC)**  
Ranking Member



**Eliot Engel (NY)**  
Chairman



**Michael McCaul (TX)**  
Ranking Member



**Bennie Thompson (MS)**  
Chairman



**Mike Rogers (AL)**  
Ranking Member

### Judiciary

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### Intelligence

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### Natural Resources

---



**Jerry Nadler (NY)**  
Chairman



**Doug Collins (GA)**  
Ranking Member



**Adam Schiff (CA)**  
Chairman



**Devin Nunes (CA)**  
Ranking Member



**Raul Grijalva (AZ)**  
Chairman



**Rob Bishop (UT)**  
Ranking Member

#### Oversight and Govt. Reform

---



**Elijah Cummings (MD)**  
Chairman



**Jim Jordan (OH)**  
Ranking Member



**Jim McGovern (MA)**  
Chairman



**Tom Cole (OK)**  
Ranking Member



**Eddie Johnson (TX)**  
Chairman



**Frank Lucas (OK)**  
Ranking Member

#### Rules

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#### Science, Space and Technology

---

#### Small Business

---

#### Transportation and Infrastructure

---

#### Veterans Affairs

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**Nydia Velazquez (NY)**  
Chairman



**Steve Chabot (OH)**  
Ranking Member



**Peter DeFazio (OR)**  
Chairman



**Sam Graves (MO)**  
Ranking Member



**Mark Takano (CA)**  
Chairman



**Phil Roe (TN)**  
Ranking Member

#### Ways and Means

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**Richie Neal (MA)**  
Chairman



**Kevin Brady (TX)**  
Ranking Member



# POLICY OVERVIEW FOR THE 116TH CONGRESS

## H.R. 1

The new Congress promises to be a noisy one on issues relating to campaign finance, voting and ethics reform, although it's unlikely that any legislation making substantive changes will be passed into law. The incoming Democratic majority in the House of Representatives has promised to make such reform its number one priority. In fact, the coalition has vowed to introduce H.R. 1 immediately upon kicking things off in January. Senate Democrats are planning to introduce a companion bill of their own, which reportedly will be modeled on the We the People Democracy Reform Act of 2017 sponsored by Senator Tom Udall (D-NM). Reports indicate that the House version will incorporate aspects from a number of reform bills that were introduced in the last Congress. Both reform bills are expected to face fierce Republican opposition in both chambers, and while the House Democrats may pass their bill, it will probably be dead on arrival in the Senate and, most assuredly, in the White House. However, some pieces of the bill could be moved simultaneously in smaller bills that could generate bipartisan support from Republicans in the Senate.

### Campaign finance

Democrats have been clamoring for campaign finance reform ever since the Supreme Court's landmark *Citizens United* ruling in 2010 which, among other things, spawned the creation of "Super PACs" in the country's federal elections and paved the way for increased funding of "dark money" organizations—nonprofit organizations that are not required to disclose their donors to the public via the IRS and do not automatically qualify for disclosure under Federal Election Commission (FEC) regulations. Additionally, recent Russian interference in the 2016 election has intensified the debate over foreign involvement in our country's federal elections and the amount of transparency that should accompany online political advertisements. As a result, expect H.R. 1 to focus on these issues as the top priorities.

The likely vehicle will be inclusion of much of the DISCLOSE Act, originally sponsored by Rep. David Cicilline (D-RI) and Senator Sheldon Whitehouse (D-RI), and the

Honest Ads Act, introduced by Senators Amy Klobuchar (D-MN) and Mark Warner (D-VA). Key features of the DISCLOSE Act include: added donor disclosure obligations for Super PACs and certain nonprofit groups that receive contributions of more than \$10,000 from a single source during an election cycle; a requirement that corporations and other organizations identify their top five donors at the end of sponsored television ads; and more stringent restrictions on the ability of certain US subsidiaries of foreign corporations to donate to federal elections. The Honest Ads Act would require, among other things, that companies such as Twitter and Facebook maintain a public file of all political advertisements purchased on their platforms that includes the identity of the ad purchaser and related information about the target audience, number of commercial views, etc.

### Ethics

The lobbying industry is preparing for anticipated backlash from Democrats as the party positions itself as anti-corruption stalwarts. House Democratic leader Nancy Pelosi has laid claim to the phrase "drain the swamp," a powerful rallying cry during Donald Trump's presidential campaign that was previously a slogan central to House Democrats' 2006 takeover during President George W. Bush's second term. That Democrat-led Congress passed the Honest Leadership and Open Government Act (HLOGA) of 2007, which serves as the basis for the current lobbying disclosure rules and strengthened restrictions on gifts for members of Congress and their staff. However, Democrats in the 116th Congress view their House majority as an opportunity to clean up some of the perceived shortcomings of HLOGA.

While no specifics of H.R. 1 have been released regarding lobbying reform, the bill's chief sponsor, Rep. John Sarbanes (D-MD), is sure to draw from the Curtailing Lobbyists and Empowering Americans for a New Politics (CLEAN Politics) Act, which he co-sponsored in 2018. That bill attempted to curtail the "shadow lobbying" loophole of HLOGA by requiring former congressional members and staff who provide strategic advice in support of lobbying activities to register as lobbyists. Lobbyists would also no longer be able to solicit campaign contributions when Congress is in session and would be

prohibited from soliciting or providing large dollar campaign contributions for or to congressional candidates. Any lobbying reform in H.R. 1 would likely also target foreign agent issues, including the possibility of removing the Lobbying Disclosure Act (LDA) exception to the Foreign Agents Registration Act (FARA), thereby bringing greater scrutiny to lobbyists for foreign entities.

## Voting

Congressional Democrats will also likely use H.R. 1 as a vehicle for rectifying perceived deficiencies in the nation's voting laws, especially those they perceive as directly tied to the Supreme Court's 2013 Shelby decision striking down a portion

of the Voting Rights Act. H.R. 1 is also expected to mount an attempt at tackling the issue of partisan gerrymandering in federal elections and to prohibit voter registration maintenance activities that the Democrats view as "purging" voter rolls, despite the mandatory nature of such activities under current federal election law and regardless of the Supreme Court's recent decision upholding such activities in Ohio. The bill would also create a national Automatic Voter Registration platform and promote additional early voting and online registration measures. Given the recent Russian interference in elections security, the bill will also likely require additional security measures for voting systems, a policy that could generate bipartisan support as a standalone bill.



## THE ACA

It is not too much to say that Democratic control of the House is a result of voters' concerns regarding the threat to the Affordable Care Act (ACA) and, in particular, the ACA's provision prohibiting insurers from excluding people with preexisting conditions from being covered or imposing exceptionally high premiums for such coverage. While this provision may have garnered significant voter support for candidates committed to protecting the imposition of preexisting condition exclusions; the Administration's actions regarding other provisions of the ACA are widely viewed by the incoming majority as purposefully undermining building blocks of Obamacare.

With regard to protecting the preexisting condition coverage, a very early action by the incoming House majority will be to seek to intervene in *Texas v. US*, where a federal district court judge, in a highly criticized decision, found the entire ACA unconstitutional. While House Democrats are expected to argue that the judge's decision, in which he found that one provision of the ACA is unconstitutional therefore the entire ACA must be unconstitutional, is erroneous, much of the argument in the court of public opinion will focus on the consequences of permitting insurers to exclude those with preexisting conditions.

But other provisions of the ACA, and the Administration's actions regarding them, will draw oversight from committees with health care jurisdiction, Ways & Means and Energy & Commerce, as well as the Oversight Committee. Of particular interest will be Administration actions allowing states to impose work requirements on Medicaid enrollees, the significant reduction in funding to educate eligible individuals regarding the availability of health insurance, often with subsidies, through state and federal ACA health insurance market places, and the erosion of "minimum essential benefits" and other actions which undermine the fundamental structures of the ACA.

## AGRICULTURE

President Trump signed the 2018 Farm Bill into law on December 20th, 2018, culminating a two year process during the 115th Congress to extend the bill that sets the general framework for federal agriculture policy administered by the Department of Agriculture. How to deal with the Supplemental Nutrition Assistance Program (SNAP), commonly called the Food Stamp program was the primary source of controversy in the bill and a major sticking point between House Republicans and Democrats, and Senate. The House Republican bill had included significantly enhanced work requirement for recipients of SNAP to

remain eligible for assistance. Democrats uniformly opposed the tougher standards, and many Senate Republicans also opposed the changes. The Senate bill did not make major changes in the SNAP eligibility requirements and the final legislation signed by President Trump dropped the controversial House language. To counter conservative criticism, the Trump Administration is developing new federal regulations that would tighten the rules under which states could be granted waivers from the existing work requirements in the SNAP statute and implementing regulations. Those proposed regulations will be the focus of public scrutiny and comment in the first quarter of 2019 and will likely be the subject of hearings in the House Agriculture Committee, and possibly the Senate Committee in 2019.

Implementation of the new Farm Bill will be the major focus of USDA and the Congressional Ag Committees in 2019.

Senator Pat Roberts (R-KS) and Senator Debbie Stabenow (D-MI) will remain the Chairman and Ranking Minority of the Senate Agriculture, Nutrition and Forestry Committee. On the House side, Congressman Collin Peterson (D-MN) will resume the role as Chairman of the Committee that he held from 2007-2011. Mike Conaway (R-TX) will continue to serve as the senior Republican and Ranking Minority Member on the Committee. The fight in the 115th Congress over the SNAP program highlighted the increasingly partisan opinions of the majority and minority members of the House Agriculture Committee, a departure from its historical bipartisan activity. The Senate Committee remains one of the more bipartisan Committees in Congress.

President Trump's trade agenda and the imposition of tariffs on steel and aluminum and various other Chinese products has had a major impact on U.S. agriculture and the amount of U.S. agricultural commodities shipped abroad. For example, since China retaliated with tariffs on U.S. soybeans in response to U.S. tariffs on Chinese products, shipments of U.S. soybeans have dropped to China by over 90%. Likewise, Mexico imposed a 20% tariff on certain pork products in response to the steel and aluminum tariffs, significantly impacting pork shipments to Mexico. Other commodity groups, including corn, dairy and beef have been impacted by the tariff wars. In the summer of 2018, leading up to the midterm elections, President Trump and Secretary of Agriculture Sonny Perdue announced a new subsidy program to make direct payments to farmers hurt by the Trump tariffs. In December 2018, a second round of \$4.9 billion in potential payments for farmers of nine commodities was announced to blunt the impact of the tariffs. Commodity groups generally remain critical, however of the trade wars and continue to encourage the Trump Administration

to reach some type of cooling off in the trade kerfuffle, especially with China. Commodity groups were generally complimentary that the U.S. did agree to a new trade agreement with Mexico and Canada.

The Ag Committees in Congress will focus their hearing schedules in 2019 on the implementation of the Farm Bill, economic development initiatives in rural America, the roll out of the Administration's new \$600 million loan and grant program for rural Broadband, agricultural trade with Cuba, and Secretary Perdue's controversial proposal to transfer two units of USDA, the Economic Research Service and the National Institute of Food and Agriculture to a state or states outside of Washington D.C.. In particular, the higher education research community has been concerned about the negative impact such a move might have on the agriculture research programs of USDA and the ability of researchers to collaborate on research initiatives with other federal research agencies. States and communities were asked to submit proposals in October to USDA to become the new home for ERS and NIFA and their personnel. More than 100 proposals were received. A decision about whether these subcabinet agencies will proceed toward a departure from Washington D.C. will be keenly watched by Congress and the agriculture policy community during 2019.

With the recent horrific forest fires in California, federal policy in regard to management of Forest Service and other public lands will be a major issue for review by the House and Senate Committees. Emergency funding for fighting forest fires has been a significant headache for USDA for many years. The recent hurricanes devastating farms and agribusinesses in Texas, Florida and Georgia, and federal disaster assistance for these areas will also be at the forefront of Congressional review in the new 116th Congress.

## BUDGET

Ironically, the congressional appropriations process in FY 2019 was supposed to be "easy" because Congress had previously agreed to top-line funding levels for defense and non-defense.

While Congress did enact 5 of the 12 appropriations bills before October 1 (i.e., on time), it punted on the rest. Congressional leaders who then helped negotiate the seven remaining bills reported that they in December that were close to finalizing them but that proved to be wishful thinking. This led to the House and Senate passing different stopgap spending bills. The stalemate over how much to spend and how to spend it led to the partial government shutdown that began on December 22, 2018.

The major dispute causing the shutdown was President Trump's proposal for \$5 billion in the Homeland Security appropriations bill to construct a wall on the US-Mexico border. Congress will likely address the shutdown and a temporary stopgap spending bill on January 3, its first day in session.

Once Congress completes the FY 2019 appropriations bills in calendar year 2019, it will have to grapple with the FY 2020 bills, which will likely not be easy because the Congressional top-line appropriations agreement has expired, which means that a Democratic House, a Republican Senate and the Trump administration will have to agree on top-line numbers for FY 2020 or the process will likely be worse than it was FY 2019.

They will also have to confront the reemergence of sequestration, which originally came about in response to a budget and appropriations impasse in 2011 between Speaker John Boehner and President Obama.

Unless Congress cancels sequestration by passing a statute, an automatic sequester will return for FY 2020 and FY 2021 and will cut defense and non-defense discretionary spending by roughly 8 percent per year. This means that defense and non-defense spending will fall by \$125 billion between 2019 and 2020.

The threat of this occurring will likely mean Congress and the President will make a deal to avoid these cuts, but it could take until the end of 2019 or later to do so.

## CANNABIS

Cannabis advocates secured several notable victories in 2018 at the federal and state levels. The 2018 Farm Bill contained a provision to legalize the cultivation of industrial hemp under a shared state-federal regulatory framework governing hemp cultivation and production. To date, 33 states and D.C. have legalized marijuana for medical purposes, and 10 states have legalized recreational use. Additionally, Marijuana legalization advocates collectively exhaled when former Attorney General Jeff Sessions resigned in November 2018. In the wake of the departure of the staunchly anti-cannabis Sessions, the marijuana lobby, and especially medical marijuana industry stakeholders, are cautiously optimistic that the Department of Justice will take a more progressive approach to federal marijuana policy in 2019.

A Democratic majority in the House of Representatives will likely lead to increased congressional focus on cannabis issues. An issue that will garner more attention, and likely more bipartisan support, during the 116th Congress, is the use of federal funding for medical marijuana research, including research related to the use of marijuana in the treatment of veterans with post-traumatic stress disorder



(“PTSD”) and chronic pain. Further, although they have expired as a result of the ongoing partial government shutdown, medical marijuana protections under the so-called Rohrabacher-Blumenauer Amendment are expected to be extended in any final agreement to end the current federal funding impasse. The provision, which has been federal law since 2014, protects medical marijuana providers and patients from federal prosecution so long as they remain compliant with state laws governing the legal use and distribution of medical marijuana.

Despite the uncertainty over the federal status of state laws legalizing medicinal and recreational marijuana, the legal marijuana industry had a record year in 2018. The rapid growth and acceptance of the cannabis industry in the financial and cultural mainstream have created a complicated legal and regulatory minefield across state and federal jurisdictions. A priority concern that cannabis industry stakeholders hope to resolve this year is the existing inability of most cannabis-based businesses to access financial institutions. Any action to increase the ability of cannabis businesses to open bank accounts and access financial markets would likely originate in the House Financial Services Committee.

## CLIMATE

Climate change is expected to receive significantly more congressional attention with House Democrats holding a majority for the first time since 2010. But there remains disagreement over the path forward to reducing greenhouse gas (GHG) emissions. Representative-elect Alexandra Ocasio-Cortez (D-NY) and some environmental groups are calling for a “Green New Deal” that would establish a target of making the US economy carbon-free by 2030. While the details of the proposed economic stimulus program remain unclear, the plan is gaining support among progressives and potential 2020 Democratic presidential candidates, such as Senator Cory Booker (D-NJ). With the new Congress, 2019 is likely to see more details emerge regarding this plan.

Other stakeholders are advocating for the Energy Innovation and Carbon Dividend Act, which would impose a fee of \$15 per metric ton of CO<sub>2</sub> emissions that would increase by \$10 annually. The legislation would also establish a moratorium on Environmental Protection Act (EPA) Clean Air Act regulations of CO<sub>2</sub> emissions from stationary sources. The Treasury Department would return the revenue from the carbon tax to US citizens in monthly dividend checks. This legislation is based in part on a proposal by the Climate Leadership Council, led by a group of former senior Republican officials,

including James Baker and George Schultz. Several leading oil and gas companies are stating that they will lobby in support of the Climate Leadership Council’s proposal.

Representative Paul Tonko (D-NY), who is projected to chair the House Environment and the Economy Subcommittee, may also introduce climate change legislation. Over the past year, Tonko has been holding stakeholder listening sessions on potential climate change legislation. With a compromise reached by Rep. Nancy Pelosi (D-CA), who is expected to serve as House speaker, Tonko’s subcommittee is expected to retain legislative authority over climate change, but a new select committee on climate change, supported by Ocasio-Cortez, may garner more press attention.

In addition to considering climate change legislation, House Democrats are also expected to ratchet up oversight of the Trump administration’s climate change policies. The presumptive chairmen of the House Committees on Energy and Commerce, Natural Resources, and Science, Space and Technology have all announced that they will hold hearings in early 2019 on climate change.

In the Senate, leading Republicans increasingly are acknowledging the risks associated with climate change. However, their solutions are less aggressive than Democrats would like, or are yet to be known. Senate Energy and Natural Resources Committee Chairwoman Lisa Murkowski (R-AK) has stated that Congress needs to address global warming, but she has not said what specific policies she might support. And Senate Environment and Public Works Committee Chairman John Barrasso (R-WY), in a recent op-ed in the New York Times come out against “punishing regulations, restrictive laws and carbon taxes” and in favor of nuclear energy and broader adoption of new carbon-capture technologies to reduced greenhouse gas emissions without significant costs to businesses and consumers.

## DEFENSE

From reaching agreement on a top-line defense spending level for fiscal year 2020 (FY20) in the face of possible reimposition of defense and non-defense budget caps, to maintaining military readiness in an era of big power competition while engaged on multiple continents in the global fight against terrorism, to selecting and confirming a new Secretary of Defense, the Trump administration and Congress will grapple with a host of complex defense-related policy issues in 2019.

Following Secretary of Defense Jim Mattis' resignation in December 2018, Deputy Secretary of Defense Patrick Shanahan, a former Boeing executive, is serving as acting secretary and on the short list of possible permanent replacements for Mattis, along with Senator Tom Cotton (R-AR), retired Army General Jack Keane and Director of National Intelligence Dan Coats, among others. The long-term job may turn out to be Shanahan's by default, as President Trump stated, during a surprise trip to Iraq last month, that he has no plans to tap a successor for Mattis anytime soon.

With Shanahan safely ensconced at the helm of the Pentagon for the indefinite future, a priority issue for defense lawmakers in both chambers of Congress will be reaching consensus on the total amount of the military's FY20 budget request, the details of which are scheduled to be submitted to Congress on February 4. This past October, Pentagon policymakers were hard at work developing a \$733 billion request when the President surprised DoD leadership, as well as lawmakers in his own party, by stating that the DoD should cut its FY20 request by \$33 billion. Following the announcement (and a subsequent decision by the Pentagon to draft budget requests for both \$733 billion and \$700 billion), concerned members of the Republican leadership, including incoming Senate Armed Services Committee (SASC) Chairman Jim Inhofe (OK), made a beeline for the White House and came away claiming to have convinced the President that DoD's budget should be increased to \$750 billion. That said, the final figure is expected to be between \$733 billion and \$750 billion, a level that will please many GOP defense hawks.

However, with the House of Representatives now under Democratic control, Rep. Adam Smith (D-WA), former House Armed Services Committee (HASC) ranking member turned chairman, will have increased leverage during negotiations on the top-line defense spending level, which is expected to be a key sticking point during consideration of the FY20 National Defense Authorization Act (NDAA), Congress' massive annual defense policy bill. Smith is on record stating that the \$750 billion is excessive and the Pentagon can and should do more with less. Whatever the final FY20 topline defense spending level, prioritizing modernization over growth, including greater investment in technology and the national security innovation base, will be a core theme of both the Pentagon's budget request and NDAA.

Also dominating debate among lawmakers in 2019 will be issues at the intersection of defense, national security and foreign policy. Driven by grave concerns with Trump's recent decisions to withdraw American military personnel from Syria and draw down troops in Afghanistan voiced by

defense policy thought leaders on both sides of the aisle, Republican and Democratic leaders on the HASC and SASC will use the hearing process to investigate and evaluate the administration's rationale, its strategy going forward and the implications for US national security interests and geopolitical stability.

Other topics set to take center stage in the defense policy arena include:

- Next-generation missile defense systems and offensive capabilities, such as hypersonic weapons
- Improvement of the military's space-based platforms and creation of a US Space Force (USSF) as a separate branch of the US Armed Forces
- Integration and strengthening of DoD's defensive and offensive cyber capabilities

## DRUG PRICES

Although the fate of the ACA will be the biggest health policy issue in the coming year, 2019 will also see a continuation of the drug pricing debate. House Democrats are expected to make drug prices a top priority, and Sen. Chuck Grassley (R-IA), the incoming chairman of the Senate Finance Committee, is likely to pursue drug pricing reform as well. Meanwhile, the Department of Health and Human Services (HHS) plans to continue implementing the Trump administration's Blueprint to Lower Drug Prices.

In an effort to reduce drug prices, the administration has already proposed dramatic changes to how Medicare pays for drugs. One proposal would establish a large-scale demo under which participating providers would no longer buy and bill drugs to Medicare Part B. Instead, selected vendors would negotiate drug prices with manufacturers, supply drugs to providers, and be reimbursed at Part B rates based on drug prices in other countries. Another proposal would create new exceptions to the general requirement that Part D sponsors include in their formularies all drugs within six protected classes, including permitting a sponsor to exclude a protected class drug from its formulary if the drug's price increases more quickly than the rate of inflation. Both proposals have come under heavy fire by the pharmaceutical industry and patient groups.

Although the Republican members of the House that were among the most vocal critics of the 340B federal drug discount program are no longer in power, 340B will likely remain hot topic given how much attention policymakers have paid to the program in recent years. In just the last year, Congress conducted several hearings regarding the program, and multiple 340B-related bills were introduced, some of

which would significantly change 340B hospital eligibility and how the program operates. 2018 began with a significant Medicare Part B payment cut for 340B drugs, but a federal court recently ruled that HHS exceeding its authority in making the reduction. After multiple delays, HHS decided to implement a long-anticipated regulation that establishes civil monetary penalties for pharmaceutical manufacturers that knowingly and intentionally overcharge providers for 340B drugs. The Administration has expressed interest in making additional changes to the program.

## EDUCATION

### House

Few committees in the House will have a more significant change in point of view than the House Committee on Education and Workforce. During the 115th Congress, the committee has been chaired by Congresswoman Virginia Foxx (R-NC), a hard-charging conservative with past experience as a college administrator and community college president. She was very critical of many of the actions of the Department of Education (ED) during the Obama administration and has applauded many of the actions of current Secretary of Education Betsy DeVos to unwind many Obama-era policies and regulations. The new chairman of the committee will be Congressman Bobby Scott (D-VA) a courtly member with a quieter style of leadership and a completely different agenda for the committee.

With a Democratic majority in the House, the Education and Workforce Committee will be tasked with taking the lead in challenging many of the actions that have been taken by Secretary DeVos to revamp the student loan program, including collection procedures; reorganize and streamline the ED; eliminate or significantly change regulations regarding the for-profit education section; and change how higher education accreditation agencies are approved and alleged violations of civil rights in various school settings are handled. The ED's recently revamped Title IX regulatory guidance for dealing with incidents of school-based sexual assault drew immediate fire from Democrats and many in the grassroots community. It is expected that the committee will hold numerous hearings on ED actions taken during the first two years of the Trump administration as well as future actions.

Early indications are that House Democrats plan to move quickly in 2019 to address gun violence and hope to pass a package of bills dealing with broader registration requirements and other gun control measures. An important part of this effort will include legislation dealing with how elementary and secondary schools address gun violence and improvements in school safety.

The Education and Workforce Committee will be the committee assignment of many new members of the 116th Congress, as there are numerous vacancies on both sides of the aisle.

### Senate

On the Senate side, the announcement just before Christmas by Senator Lamar Alexander (R-TN), the chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee, that he will not run for reelection in 2020 has major implications for the consideration of education issues in the 116th Congress. Alexander, a former secretary of education under President George H.W. Bush, governor of Tennessee and president of the University of Tennessee, has been the leading voice in Congress for common sense federal education policies that support state efforts but do not interfere with what he sees as state independence on many education issues, particularly at the elementary and secondary school levels. He successfully worked across the aisle with Democrats in 2015 to pass the Every Student Succeeds Act (ESSA), an update of the 2002 landmark No Child Left Behind Act. ESSA is the primary federal law that governs federal programs and how federal taxpayer dollars are spent in support of elementary and secondary schools. Alexander's leadership in crafting ESSA to passage was widely applauded as one of the most important achievements of the 114th Congress.

Chairman Alexander must now, during the last two years of his chairmanship, turn his attention forging a middle ground between House Democrats and the Republican majority in the Senate on provisions of a Higher Education Act (HEA) reauthorization. During the most recent Congress, Representative Virginia Foxx (R-NC) led her House Committee Republicans to approve a rewrite of the HEA that contained some sections that had broad appeal in the higher education community, but others that were so controversial she was never able to get the House Republican leadership to schedule a floor vote on her bill—the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act—because of fear that it would fail on the House floor. In response to the Foxx bill, ranking Democrat Bobby Scott (D-VA) introduced an alternative, the Aim Higher Act, just before the summer congressional recess to set forth Democratic priorities for an HEA reauthorization. While Chairman Alexander set forth some obvious changes that he supports in a HEA update, such as reform of the Free Application for Federal Student Aid (FAFSA) form, he never introduced his own version of an HEA reauthorization bill. His good working relationship with Senator Patty Murray (D-WA), the ranking Democrat on the HELP Committee, was strained by some Senate nomination and confirmation fights. Consequently, Alexander found that Senate Democrats weren't in a mood to discuss an HEA rewrite

when it might be more advantageous to wait until the 116th Congress and a Democratic majority in the House. Now that that has occurred, it will be interesting to see how Alexander and other Senate Republicans attempt to navigate differences with the Democrats in the House and Senate in an effort to pass a HEA reauthorization before Alexander leaves the Congress at the end of 2020. Clearly any legislation that will have a chance of getting 60 votes in the Senate and a majority in the House will need to be a different and more moderate bill than the one approved by House Education and Workforce Committee Chairwoman Foxx.

## ENERGY

The 116th Congress will mark Senator Lisa Murkowski's (R-AK) last term atop the Senate Energy and Natural Resources Committee, and her last opportunity to pass comprehensive energy legislation. Over the past two Congresses, Murkowski and Ranking Member Maria Cantwell (D-WA) have introduced comprehensive energy legislation. In the 116th Congress, Murkowski will have a different Democratic counterpart in Senator Joe Manchin (D-WV), but the two are expected to work well together.

With new Democratic leadership, the substance of any comprehensive energy bill may change but the measure could include efficiency, infrastructure and supply titles—similar to previous incarnations of Murkowski's comprehensive bill. Given the importance of coal to West Virginia, Manchin could push for expanding the Department of Energy's (DOE's) efforts regarding carbon-capture technology. Consistent with previous energy bills, next year's bill could focus on hydropower, including provisions streamlining the permitting process and amending the federal definition of "renewable energy" to include hydropower. Democratic committee members may continue to push for provisions on grid modernization and energy storage. Senator John Barrasso (R-WY) is also advocating for legislation to expedite the DOE's consideration of LNG export applications.

As for comprehensive energy legislation, the key question will be the House's interest in pursuing this type of package. In 2015, House Republicans passed their own comprehensive energy bill, but negotiations with the Senate on reconciling the two chambers' bills ultimately failed. With Democrats controlling the House, any energy bill may include more climate-related measures, which could, in turn, complicate its prospects for passage in the Senate. Another key question is whether lawmakers will pursue a standalone energy bill or attach an energy title to a broader infrastructure package, given that infrastructure is one issue where there is an opportunity for bipartisan cooperation between the Trump administration and congressional Democrats.

The Senate Energy and Natural Resources Committee will also oversee the confirmation process for President Trump's nominee to replace former Interior Secretary Ryan Zinke, who resigned at the end of 2018. Committee Democrats are likely to challenge whoever is nominated on the administration's efforts to expand offshore oil and gas development, including opening up the Arctic National Wildlife Refuge (ANWR) for oil and gas leasing. The committee may also have the opportunity to consider a new Federal Energy Regulatory Commission (FERC) nominee, with Democratic Commissioner Cheryl LaFleur's term ending on June 30, 2019.

House Democrats are also expected to pursue increased oversight of the Trump administration's energy policies. House Natural Resources Committee Raúl Grijalva (D-AZ) has signaled that he will focus oversight on the administration's energy policies with respect to federal lands. The Democrat-controlled House Energy and Commerce Committee may increase oversight of FERC, particularly with the recent confirmation of Bernard McNamee, who worked on the DOE's Notice of Proposed Rulemaking that would have allowed certain struggling baseload power plants to recoup their costs of service.

Both Republicans and Democrats on the House Energy and Commerce Committee have expressed an interest in reforming the Renewable Fuels Standard (RFS). Last November, John Shimkus (R-IL), departing chair of the House Environment and the Economy Subcommittee, introduced a discussion draft to overhaul the RFS. Committee Democrats criticized some provisions in the measure but indicated that they were willing to work with committee Republicans on this issue.

Outside of Congress, FERC will have a full complement of five members and is expected to have a full agenda. FERC is currently reviewing its policies related to interstate natural gas pipelines amidst growing disputes as to how the commission is analyzing the lifecycle greenhouse gas emissions associated with such projects and handling landowner disputes. In addition, FERC is re-examining its policies on the Public Utility Regulatory Policies Act (PURPA). While the commission cannot enact the type of sweeping changes to PURPA some Republican lawmakers are calling for, it could make limited changes to the 1978 statute, for example re-examining its "one-mile" rule, which is used to assess whether multiple facilities of a single power producer are part of the same site in determining whether they constitute a "qualifying facility." FERC's grid resiliency docket also remains open as policymakers and stakeholders continue discussions on whether to compensate baseload power plants for their resiliency attributes.



Related to this is the Trump administration's draft proposal to use the Federal Power Act and other statutes to bail out certain baseload power plants. The proposal stalled in 2017 due to concerns within the White House regarding its legal and economic justification. Yet with coal and nuclear facilities still facing a tough economic reality in the US, the President could resurrect the proposal, and the use of the Federal Power Act could bring the issue before FERC on how to set rates for qualifying baseload resources.

The Department of the Interior is also projected this year to finalize the environmental impact statement for oil and gas leasing in ANWR and its 2019-2024 Outer Continental Shelf Oil and Gas Leasing Plan. Both actions, once finalized, are likely to be challenged by states and environmental organizations.

### Smart Cities

With Democrats seizing control of the House, there will be increased focus on efforts to promote clean energy, sustainability and technology in cities and communities. Infrastructure legislation could serve as a vehicle for provisions to bolster smart cities and communities. Senate Minority Leader Chuck Schumer (D-NY) has proposed that any infrastructure bill include measures that invest in smart grids and micro-grid technology and resilient transportation, water, waste, and sewer infrastructure, among other recommendations. Other Democrats have proposed legislation that would bolster support for adoption of electric vehicles. At the same time, the President and Senate Environment and Public Works Committee Chairman John Barrasso (R-WY) have called for eliminating the current tax credit for electric vehicles.

Energy efficiency has also historically been an issue where there has been bipartisan cooperation exemplified by legislation authored by Senator Rob Portman (R-OH) and Senator Jeanne Shaheen (D-NH). In 2019, there could be renewed interest on energy efficiency legislation, including bills to promote energy savings performance contracts and federal-building energy-efficiency requirements.

2019 could also see new discussions on the best ways to regulate autonomous vehicles. Last year, legislation to define the federal government's role in overseeing this emerging industry stalled, but lawmakers could resume discussions on the measure and addressing some of the lingering concerns of Senate Democrats. The Trump administration is also making up to \$60 million in grant funding available for autonomous vehicle demonstration projects.

## FINANCIAL SERVICES

2019 will bring many changes that will impact how financial services issues are considered, including new leadership at the House Financial Services Committee, the Consumer Financial Protection Bureau (CFPB), the Federal Housing Finance Agency (FHFA) and a slew of additional Democratic members on the Financial Services Committee, even if the committee ratios do not change.

There will be a sea change in the leadership and the policy agenda of the Financial Services Committee, with the very liberal Rep. Maxine Waters (D-CA) replacing Jeb Hensarling (R-TX) as the committee chair and Rep. Patrick McHenry (R-NC) serving as the committee's ranking member. While Rep. Waters is well known for her fiery rhetoric and her harsh criticism of President Trump, she has also, over the years, built a reputation in the business world as a savvy dealmaker who knows how to get to yes when she is inclined to do so.

Chairwoman Waters sees it as her mission "[t]o bring accountability to the Trump administration and the regulatory agencies under the Committee's jurisdiction, including the Consumer Financial Protection Bureau" (CFPB). She is a strong proponent of the Community Reinvestment Act and tremendously hostile to the efforts of the Treasury Department's Office of the Comptroller of the Currency's (OCC) to change the Act's metrics and focus. She surely will utilize aggressive oversight hearings as the committee's primary vehicle for achieving accountability (including on the topics discussed in the oversight hearings section of this document). But overturning the many changes made at the CFPB and at the financial regulators since Trump's inauguration would require passage of legislation that will prove virtually impossible to become law given the president's veto power and Republican control of the Senate.

Similarly, House Democrats under Chairwoman Waters' leadership will surely ignore former Acting CFPB Director Mick Mulvaney's requests that the CFPB be funded through the appropriations process, or that the director be answerable to the President. (Ironically, given the fact of Republican leadership at the CFPB, some Democrats could be more amenable to requiring legislative approval of major rules as Mulvaney requested.) Kathy Kraninger, the recently confirmed director of the CFPB who is largely a blank slate with respect to the issues within the CFPB's purview, will likely be spending lots of quality time before Chairwoman Waters and the committee exploring what many Democrats see as the CFPB's abandonment of its enforcement mission and its new and controversial policy on no-action letters.

While the leadership of the Senate Committee on Banking, Housing and Urban Affairs (the Banking Committee) will remain the same as in the last Congress, with Mike Crapo (R-ND) as chair and Sherrod Brown (D-OH) as ranking member, incoming Senator Kyrsten Sinema (D-AZ) and Senator Tina Smith (D-MN) will join the committee, filling positions that became open when Democratic Senators Heidi Heitkamp of North Dakota and Joe Donnelly of Indiana lost their reelection bids. Meanwhile, Nevada Senator Dean Heller's election loss and Tennessee Senator Bob Corker's retirement opened up two Republican seats on the committee that have yet to be filled.

Chairman Crapo's agenda will continue his focus on increasing access to capital, promoting more initial public offerings and implementing the Treasury's many Trump-driven recommendations for reforming the financial services sector and reducing its regulatory burden. While Chairman Crapo has periodically expressed support for housing finance reform, he did not actively pursue such legislation in the last Congress and it's not yet clear how much of a priority, if any, he is prepared to give to the issue of ending the Fannie and Freddie conservatorships. However, the Trump's nomination of Mark Calabria, a strong opponent of the Fannie and Freddie conservatorships, to be the next director of the FHFA is likely to increase the focus of the administration and congressional Republicans on this issue.

Even though the Banking Committee's membership will change only modestly in 2019, there are two Democratic senators on the committee who have expressed interest in seeking their party's nomination for president in 2020—Ranking Member Sherrod Brown (D-OH) and Elizabeth Warren (D-MA). Brown and Warren could end up engaging in their own battle to win the support of progressives, a fight that could push them even further to the left as they seek to outdo each other, thereby increasing the difficulty of Chairman Crapo obtaining the Democratic support required to bring financial services legislation to a final passage floor vote in the Senate. Given these realities, and with 60 votes still needed to break a legislative filibuster, it is unlikely that the 116th Congress will enact, or President Trump sign, anything except truly noncontroversial financial services legislation.

While it will certainly be a challenge to identify legislative initiatives of consequence that can win the support of both bodies and get to the President, there are a few subjects that warrant consideration nonetheless, including: a long-term flood insurance reauthorization that deals with both unresolved policy and funding issues for the program; fintech and cybersecurity regulations; data privacy protections; an Export-Import Bank reauthorization; a Terrorism Risk Insurance Act (TRIA) reauthorization; and housing finance reform legislation resolving the status of Fannie Mae and Freddie

Mac, especially if coupled with funding to promote the availability of affordable low-income housing. Accomplishing housing finance reform would be a huge achievement, but it would require addressing and resolving the tremendous costs associated with recapitalizing Fannie Mae and Freddie Mac, as well as the many questions about the potential impact changes to the housing finance system would have on the cost and availability of 30-year mortgages.

If the current committee ratios are maintained for the next Congress, there will be 13 more seats for Democrats to fill on the Financial Services Committee and, even with Republican losses in November and Republican members of the committee who did not run for reelection, it is possible that some current Republican committee members could end up losing their seats on the committee. As she works with the House Democratic Steering and Policy Committee to arrive at a slate of Democrats who will join the committee, Chairwoman Waters will surely be looking to add members who share her progressive values. She will also place a special emphasis on ensuring that the new members reflect the diversity of the House Democratic Caucus.

As it is one of the largest committees in the House, the Financial Services Committee is the target of periodic proposals to reduce its number of members. However, this is unlikely to ever happen, especially because membership on the committee has proven to be very helpful for fundraising. Recent reports indicate that, because a number of incoming Democratic members refuse to take campaign contributions from PACs, seeking membership on the committee has become less popular than in prior Congresses. Nonetheless, it's expected that there will be no shortages of Democratic takers to join the committee.

Especially when there is divided government, congressional leaders and chairs frequently have to answer the question: Are you just looking to make a point or looking to make a law? It is likely that most of the financial services bills that the more liberal Democratic House will pass in the next two years will go nowhere in the Senate because they can't achieve the 60 votes required to overcome filibusters by the Senate Republican majority. Likewise, any controversial financial services legislation that comes from the more conservative Senate will, in most instances, not be able to attract sufficient House support.

Chairwoman Waters has, over the years, repeatedly demonstrated that she knows how to make a point. But given her highly contentious relationship with President Trump, and in such a partisan climate, it will take exceptional skills and a very deft touch to show that she can also make laws.

## FOREIGN POLICY

Predicting the Trump administration's foreign policy will continue to be a challenge in 2019, because it is so unconventional. But after two years, some clear themes have emerged as to how the President approaches international matters. He prefers solving problems by dealing one-on-one with other world leaders. He shuns foreign alliances or treaties that hem him into conventional approaches. He has no reluctance to meet and work with authoritarian leaders who other presidents would have avoided. And above all else, he views international relations in transactional terms, placing value on actions he believes will decrease US trade deficits or bring other economic returns to the US, regardless of the partner.

### Middle East and Iran

The President surprised everyone, even his top advisors, when he decided to pull US troops out of Syria. That decision, along with his reported interest in drawing down troops from Afghanistan, cements his resolve to disengage the US from previous commitments in the Middle East and from taking sides in the region's many thorny conflicts. The decision also portends a widening of the divide between the President and the Pentagon, a schism that runs far deeper than the accelerated dismissal of Jim Mattis following defense secretary's resignation and very public rebuke of Trump's worldview.

The decision to leave Syria highlights a contradiction in Trump's Middle East approach. Removing troops will actually help Iran, but a hardline on Iran has been the President's most consistent policy on the Middle East. For instance, Trump withdrew the US from the Iran nuclear deal and the US has now restored the full menu of secondary sanctions covering major sectors of the Iranian economy, including finance and banking, energy and shipping. Look for growing friction with Iran, including the possibility of the regime retaliating in some manner for the sanctions.

Under Trump, the US has continued supporting the Saudi-led conflict in Yemen, which is also part of his anti-Iranian agenda. This and recent statements show that Trump will resist allowing the Khashoggi murder to dampen his ties to Saudi Arabia and its crown prince. But Congress may force the President to take some further action against Saudi Arabia and may also make it more difficult for him to carry on support for the war in Yemen.

It remains to be seen how the scaled-back US military presence in the Middle East will impact the region, particularly with regard to US relations with Russia and Turkey, both of whom are making clear signs that they will fill the gap left by American withdrawal.

There has been no significant progress with regard to the Israel-Palestine conflict—even though President Trump promised the “deal of the century”—nor any sign that steps are being taken toward such a deal in 2019.

### Central and South America

The President's foreign policy focus regarding Latin America has been on immigration and trade. Given his stance on the Honduran caravan in the 2018 midterm election, look for the President to continue to gin up his base by pushing for tough measures to deter immigration from Central America.

The economic and political conditions in Venezuela and Nicaragua also are likely to remain a top concern of the administration, which has imposed economic sanctions on the countries and financial sanctions on Venezuelan President Maduro and Nicaraguan President Ortega and their first ladies and top advisors.

Other than those issues, the main focus of the administration in Latin America will be trade and improving trade deals.

### US-China trade war

The US and China are in a period of strained relations due to trade disputes, economic competition and China's growing global and regional influence. As a result of these and other actions perceived as threatening to the US, the US seems to be moving from a friendship with China to a rivalry. Not just the Trump administration, but politicians, corporations and academic organizations are pulling out of or discontinuing existing cooperative programs and agreements that involve education, trade, investment and military activities. Yet at the presidential level, Trump maintains a positive view of President Xi Jinping. So, do not expect any significant action by Trump against Chinese interests and keep in mind that a deal that relieves the trade dispute is more possible with two friendly leaders at the negotiating table.

### North Korea

President Trump has expressed a desire for a second summit with North Korean leader Kim Jong Un. Since the first summit in June 2018 in Singapore, negotiations focused on getting North Korea to give up nuclear arms have faced difficulties. In fact, recent reports suggest there has been no actual follow-through on Kim Jong Un's alleged promise to denuclearize.

It seems unlikely that North Korea will relinquish its nuclear arsenal without substantial concessions from the US, and there is no indication that Trump will make such concessions, or that it would be wise for him to do so. This crisis could heat up again in 2019.

## Russia

There is rising congressional opposition to President Trump's efforts or announced desire to improve US relations with Russia. Set against the backdrop of strained US-Russia relations is the ongoing investigation by Special Counsel Robert Mueller into allegations of collusion between the Trump campaign and Russia during the 2016 US presidential elections. As Mueller lays out the evidence he has collected, there will be renewed scrutiny of Russia.

Trump will nevertheless likely blaze his own path with Russia, trying to find points for collaboration. But even as he talks about improving relations, the US has significantly expanded sanctions against Russia through both congressional and executive actions. At the same time President Trump has threatened to withdraw the US from the 1987 Intermediate-Range Nuclear Forces Treaty (INF Treaty), claiming the Russians are violating the bilateral pact. The administration has given Russia 60 days from December 4 to comply with the terms of the agreement or the US will start the withdrawal process.

## Africa

The US military presence in Africa has been expanding as the US focuses on peacekeeping and counter-terrorism operations in the region. The US has national security interests in Africa, especially with respect to assisting regional partners in fighting terrorist groups like ISIS, Al-Qaeda and Boko Haram. However, as the US increases its military presence in Africa, it has decreased diplomatic and economic engagement. The 2019 proposed budget seeks to reduce funds for the US Department of State and the US Agency for International Development. It is unclear yet whether Congress will pass the budget, but reduced funding for the State Department and USAID will likely have an impact on development aid and investment activities in the region.

## Europe

Tensions between the US and Europe over trade, climate change and defense are at a post-World War II high, stemming from the divergent perspectives of President Trump and European leaders. Nevertheless, the President has reluctantly participated in summits in Europe and hosted leaders such as German Chancellor Angela Merkel and French President Emmanuel Macron.

Europe is also at odds with the US over our pullout from the Iran nuclear deal and renewal of sanctions against Tehran. In a move opposed by the administration, European countries are seeking to devise mechanisms to shield European companies doing business with Iran from US sanctions.

In 2019, expect to see greater divergence between Europe and the US on a host of policies. There is a prevalent feeling that the honeymoon period between the two sides is over; that European leaders have come to realize they cannot bend Trump's views toward theirs and, more and more, are going it alone on the critical issues of the day. At the same time, several countries have turned more nationalist, emulating the trend that elected Trump. Look for Trump to continue to focus on one-on-one deals with European countries, including those with newly minted nationalist governments.

## HOMELAND SECURITY/ CYBERSECURITY

As of this writing, a partial government shutdown is in its second week, driven exclusively by disagreement over funding for President Trump's long-sought US-Mexico border wall. The President and members of the conservative House Freedom Caucus are insisting on the inclusion of \$5 billion in border wall funding in the fiscal year 2019 (FY19) Department of Homeland Security (DHS) Appropriations Act, while Democrats in both chambers of Congress have drawn the line at \$1.3 billion for fencing at designated locations. The impasse will likely be resolved when Democrats regain control of the House, thereby eliminating much of the remaining leverage held by Republicans in negotiating an end to the stalemate. But regardless of how the border wall funding issue is resolved for FY 2019, it will remain a bone of contention on Capitol Hill and between the Democrat-led House and the Trump administration when FY20 funding for DHS is taken up.

Another open question in 2019: How much longer will Secretary of Homeland Security Kirstjen Nielsen serve in the post. With the departure of Chief of Staff John Kelly, Nielsen's leading champion in the White House, and a history of strained relations with the President, Nielsen is not expected to lead the cabinet department through 2019. Two potential replacements, both of whom would be subject to the Senate confirmation process, are US Customs and Border Protection Commissioner Kevin McAleenan and Transportation Security Administration head and former US Coast Guard Vice Commandant David Pekoske.

Despite their stark disagreement on border wall funding, Republicans and Democrats, lawmakers will likely find common ground on some other key legislative priorities in the homeland security and cybersecurity arenas. Powered by bipartisan agreement on the threat to US national security interests posed by Chinese technology companies, the 116th Congress will focus on legislation to strengthen the US information technology supply chain and better protect American intellectual property from theft by foreign entities.



And in today's era of great-power competition, Congress' collective watchful eye will continue its focus on Russia's malign cyber activity, including information warfare via US social media platforms such as Facebook, Twitter and YouTube in pursuit of election interference and other destabilizing ends. In connection with this, major American technology companies/social media platform owners will also continue to be the subject of executive branch and congressional scrutiny, their executives summoned to Capitol Hill to face questions about their Russian contacts and explain their content screening and removal policies, data privacy and security practices, and other issues.

## INSURANCE

In addition to a reauthorization of the National Flood Insurance Program (NFIP) and the Terrorism Risk Insurance Act (TRIA), Congress could consider a wide range of issues impacting the scope of insurance coverage, advice standards, international insurance and capital requirements, and how insurance is delivered.

As part of congressional Democrats' efforts to protect and shore up coverage under the Affordable Care Act (ACA) and to ensure thereby that fewer workers are underinsured, House Democrats could offer legislation, possibly even a resolution of disapproval under the Congressional Review Act (CRA), to overturn or narrow the June 2018 Department of Labor final rule that broadens eligibility for participation in association health plans and allows such plans to not comply with the ACA's "essential health benefits" mandate.

Similarly, given House Democrats' concerns about what they see as an erosion of investor protection resulting from judicial rejection of the Department of Labor's fiduciary rule and the SEC's ongoing consideration of a "best interests" fiduciary type of rule to govern the investment relationship, a number of House Democrats may seek to legislate an expansion of the definition of who is a fiduciary when offering investment advice.

The Dodd-Frank Act created a Federal Insurance Office (FIO) within the Department of Treasury and Congress



gave it a role in considering international insurance issues in conjunction with state insurance regulators. While the federal role in insurance has expanded modestly over the years, Congress has repeatedly made clear that the states and the National Association of Insurance Commissioners (NAIC) are the primary regulators of insurance. Accordingly, congressional Democrats have expressed great skepticism and concern about any federal legislation that would interfere with or preempt state regulation of insurance.

However, in light of a burgeoning number of data-breach incidents, widespread cybersecurity shortfalls and rapid technological advances in such high-risk fields as artificial intelligence and autonomous vehicles, legislation could well be offered that will, if not specify, at least set minimum standards regarding the nature and extent of required insurance coverage for these types of risk.

In the Economic Growth, Regulatory Relief and Consumer Protection Act (P.L. 115-174) that became law last June, Congress directed the Treasury, Federal Reserve and the FIO Director to support transparency in international insurance fora and to “achieve consensus positions with State insurance regulators ... when taking positions in such fora.” The law also directs Treasury and the Federal Reserve to study and report on the impact of proposed international capital standards prior to agreeing to such standards. In the most recent Congress legislation was offered setting forth various requirements for consideration of international insurance standards and insurance covered agreements. These issues are likely to receive renewed interest in this Congress.

Finally, given House Democrats’ interest in preventing discriminatory acts, such as redlining, and given the expanding diversity of the House Democratic Caucus, legislation requiring the collection of automobile insurance data to determine whether there are disparities in premium costs and claims payments based on how many racial minorities reside in a particular area is likely to be of heightened interest. Similarly, some House Democrats could pursue legislation prohibiting insurers from using factors such as education, occupation, employment status, home ownership, credit score and previous insurance purchase as factors in offering personal auto insurance or setting rates.

## TAX

Like last year, the tax policy agenda of 2019 will be dominated by implementation of the tax reform legislation enacted at the end of 2017, popularly known as the Tax Cuts and Jobs Act (the Act).

From a regulatory standpoint, the first half of 2019 will be key. Much of the Act became effective in 2018, and the IRS has been developing new forms and revising old forms to reflect the changes in the law. It’s been a generation since the IRS has faced a tax-filing season of this magnitude, and the combination of new forms, new rules, IRS budget cuts and partisan budget fights guarantee problems, both expected and unexpected. Because the IRS is one of the few institutions less popular than Congress, members of Congress are expected to pounce on every misstep, actual and perceived. Thus, both congressional proponents and opponents of the new law will be scrutinizing the IRS’s actions and taxpayers’ experiences filing returns.

The first half of the year will also be busy from the standpoint of published guidance. The Internal Revenue Code permits tax regulations to be retroactive to the date of enactment of the underlying statute as long as the regulations are issued within 18 months of enactment. The Treasury Department spent much of 2018 developing proposed regulations to provide guidance to taxpayers on a myriad of provisions in the new Act. To meet the 18-month deadline, the Treasury will be moving full throttle to publish new proposed regulations and finalize previously-issued proposed regulations before June 22, 2019. Given the number of regulations, their complexity and the short period of time left to finalize regulations, the ability of taxpayers to digest and comment on the proposed regulations and of the Treasury to respond to those comments will be limited. Thus, even though tax regulations now have to endure the same “notice and comment” and OMB-approval process that other regulations must go through, both taxpayers and the tax authorities will have limited time and bandwidth to effect significant changes to proposed regulations. For those hoping for regulatory relief, finding sympathetic regulators may not be enough—the compressed schedule may mean that many meritorious changes will not make it into final regulations.

With divided control of Congress, enactment of tax legislation will be difficult. Still, Congress will be busy on tax issues, even if they are not sending bills to President Trump for signature. As the attempts to pass tax legislation at the end of 2018 demonstrated, Republicans have not lost their interest in enacting further tax reductions. Legislative fixes to various parts of the Act are needed, but Democrats in the House and the Senate have made clear their lack

of interest in perfecting what they view as imperfect legislation. On the other hand, Democrats lack the votes in the Senate to make the kind of significant changes the new Democratic majority in the House may pass. In light of the likely legislative stalemate, “message” bills and votes will likely be the order of the day.

Increased oversight is also likely, especially in the House. The new chairman of the Ways and Means Committee, Richard Neal (D-MA), has announced his interest in holding extensive hearings on the new Act. The Senate Finance Committee is likely to have its own oversight hearings, especially given Chairman Chuck Grassley’s (R-IA) previous stint as Finance Committee chairman, albeit with a different focus than the House. Chairman Neal has also stated his interest in examining President Trump’s tax returns. The partisan brawl that fight engenders will color much of interaction between the House tax-writing committee and the administration.

## TELECOMMUNICATIONS

The Federal Communications Commission will kick off 2019 at full strength for the first time since May 2018, when former Democratic Commissioner, Mignon Clyburn, departed the agency. The Senate confirmed Democrat Geoffrey Starks, an assistant chief in the Commission’s Enforcement Bureau, to serve the remainder of Clyburn’s five-year term ending in June 2022. Starks’s nomination was paired with that of Republican Commissioner Brendan Carr, who was confirmed to a second term at the agency. Carr, who overcame two holds on his nomination, is expected to continue leading the FCC’s 5G efforts. In his confirmation hearing, Starks indicated that his priorities would include bridging the digital divide and advancing telemedicine.

One proceeding that is sure to attract attention in 2019 is the FCC’s review of T-Mobile’s buy of Sprint, which was filed with the agency in June of 2018. At the close of the year, the Committee on Foreign Investment in the U.S. signed off on the deal. Team Telecom, comprised of the Department of Justice, the Department of Homeland Security and the Department of Defense also notified the FCC that they have reviewed the deal for potential national security, law enforcement, and public safety issues and have no objection to grant of the parties’ license transfer applications.

In other merger news, the FCC will be tasked with reviewing Nexstar Media Group’s proposed \$4.1 billion buy of Tribune Media following the agency’s effective rebuke of Tribune’s merger with Sinclair in 2018. Also in 2019, the FCC will be reviewing media ownership rules with the intention to repeal or modify those regulations the agency determines to be no longer in the public interest.

Such a review may make it possible for Big Four broadcast networks to own more than one broadcast station in the same market.

Remaining big ticket items include the agency’s continued oversight of the nation’s transition to 5G technology and efforts to combat robocalls. 5G, which promises faster speeds, greater reliability, and possibly more attractive pricing, has the potential power smart cities, self-driving vehicles, artificial intelligence and the ever-expanding universe of devices commonly-referred to as the Internet of Things. The FCC took several steps in 2018 to make it easier to deploy the infrastructure necessary to support 5G and will follow up on those efforts in 2019. You can expect the FCC follow its current auction of millimeter wave spectrum with additional auctions in 2019 as well as deregulation to support more fiber deployment. Critical to getting the necessary infrastructure in place will be cooperation between the federal government and localities to minimize the number of reviews companies must go through to get approval for new infrastructure deployments.

On the robocall front, the FCC is expected carry over its intense focus on the issue into the new year. In March, the U.S. Court of Appeals for the D.C. Circuit told the agency to revisit its definition of an “autodialer,” among other questions. Since then, two other appeals courts have split on whether such a definition should be broad enough to encompass most technologies on the market. Resolving this split will be a critical piece of the agency’s comprehensive strategy to curb unwanted calls.

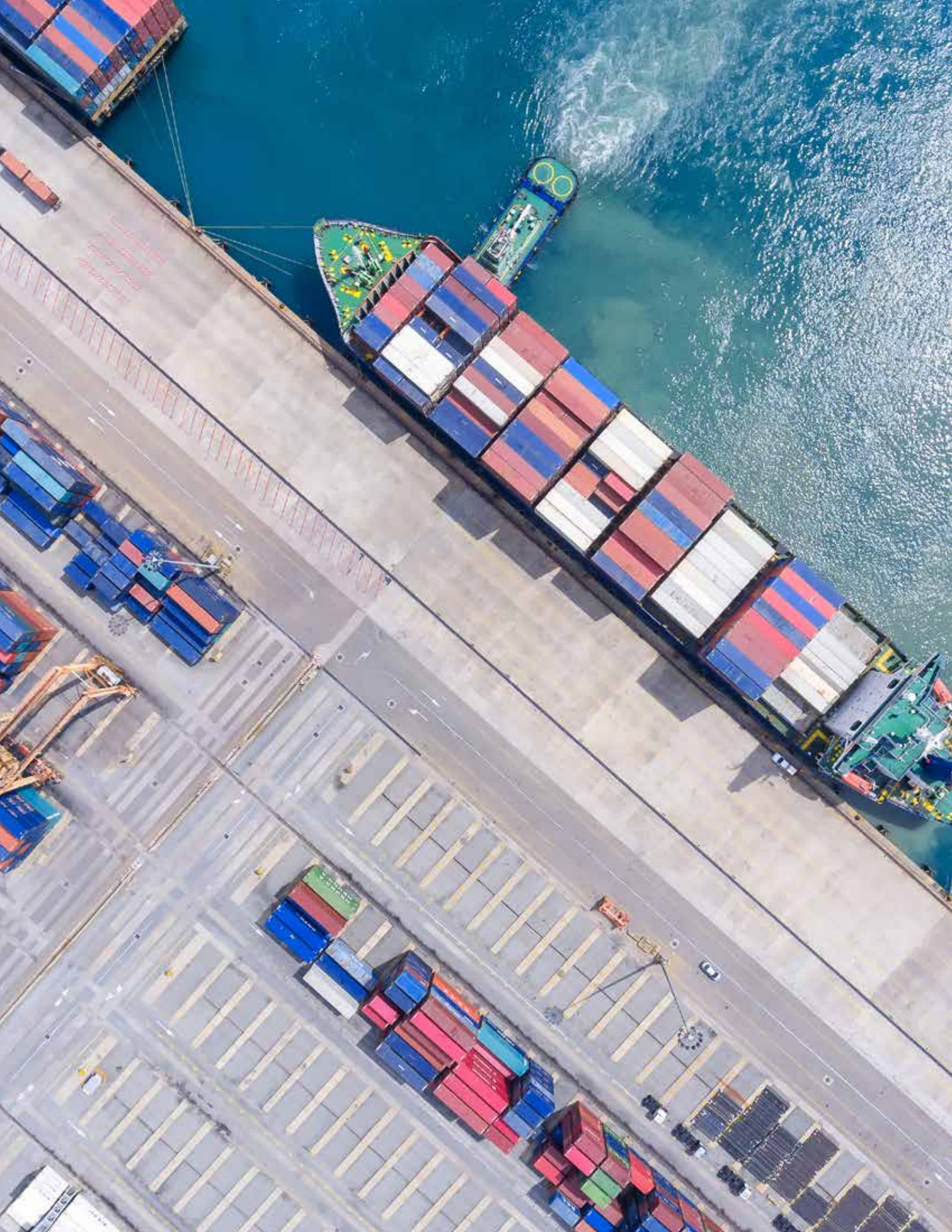
Finally, with Democrats taking over the House of Representatives, expect the new leadership of the Energy and Commerce Committee to pursue aggressive oversight of the FCC, including regular hearings on key consumer concerns. Incoming Chairman of the Committee, Frank Pallone, cites protecting net neutrality and providing meaningful Internet privacy protections among his top issues.

## TRADE

In 2018, the US, Canada and Mexico signed NAFTA 2.0, formally called the US-Mexico-Canada Agreement or USMCA. President Trump had indicated that he will push Congress hard in 2019 to ratify the new agreement. In fact, he recently said he would withdraw from the 25-year-old deal in an effort to push the House and Senate to act faster on passing the new pact. Republican congressional leaders strongly urged him not to do so.

The Democratic takeover of the House will now complicate passage of USMCA. Expect Speaker Pelosi to try to extract







concessions from congressional Republicans and President Trump in return for House Democratic support of the deal. Pelosi and Democrats could argue for policy changes in the USMCA agreement itself; for changes in policies related to trade, such as increasing Trade Adjustment Assistance; for concessions on policies unrelated to trade, such as increasing the federal minimum wage or ensuring the Affordable Care Act's preexisting condition protections; or some combination of all three.

While President Trump has spared no superlatives in touting the benefits of USMCA, calling it a "historic transaction" and "the most important trade deal we've ever made, by far," trade experts argue that the changes to what is currently in place are negligible and will have no measurable effect on economic, job growth or wage growth in the US, or the US trade deficit with Mexico.

In the meantime, expect congressional Republicans, some Democrats and the business community to continue pushing the President to pull back the steel and aluminum tariffs, especially for Canada and Mexico in light of the new USMCA.

President Trump also appears likely to continue escalating the trade battle with China in an effort to get China to the bargaining table to reach a new bilateral trade agreement. The administration has already slapped tariffs on \$250 billion worth of Chinese imports, citing economic losses from intellectual property theft and forced technology transfer.

In late 2018, Trump and Chinese President Xi Jinping agreed to a 90-day pause on tariffs at the G-20 Summit in Buenos Aires. While the administration subsequently said that the 90-day deadline could be extended if talks with China show signs of progress, US Trade Representative Robert Lighthizer since stated that unless the talks wrap up successfully by March 1, 2019, new tariffs will be imposed.

## TRANSPORTATION

President Trump campaigned on a \$1 trillion upgrade to the nation's infrastructure system but has not yet been unable to deliver on his promise. His ambitious infrastructure plan may actually see daylight in 2019, after the 116th Congress is gavelled in, but the question of how to fund such a large investment lingers. President Trump and his Republican colleagues had previously pursued a path of a public private partnership (P3 model) for funding, which was loudly opposed by the left. Democrats such as Oregon Rep. Peter DeFazio, the new chairman of the House Transportation Committee, has said that private funding would not be a viable solution but that he hoped to work with the President on an alternate way to get a package funded. Specifically,

Chairman DeFazio would like to see a federally funded package and has suggested a gas tax as a possible source of revenue.

The Trump administration has not released any new formal plans for funding an infrastructure bill, but early conversations have revealed that the President might be willing to compromise on a deal to include new major federal funding. Compromise has not been President Trump's forte in the past, but it could actually help his infrastructure plan gain some momentum. Over at the Dirksen Senate Office Building, Sen. Susan Collins (R-ME), who heads a key appropriations subcommittee for funding such projects, has said she believes "that an infrastructure package could be an avenue for bipartisanship." What may result from negotiations is a hybrid that would require securing federal funding along with raising new money at the local level. While the path forward may not be exactly clear at this time, the desire to get something done appears to have real energy and support in town. Chairman DeFazio, for his part, has said he hopes to get something passed in the first six months of 2019 and if there is anything our President enjoys, it's ambitious deadlines.



## TRIBAL

The recent departure of Secretary of the Interior Ryan Zinke was widely anticipated, as is the expectation that current Deputy Secretary (and veteran of the George W. Bush administration) David Bernhardt will fill Zinke's shoes on an interim basis. Bernhardt's substantial experience in energy and natural resources development, both within government and as a lawyer/lobbyist for the likes of Halliburton, Cobalt International Energy, Samson Resources and the Independent Petroleum Association of America, aligns with the Trump Administration's general "American energy dominance" priorities.

Bernhardt's appointment as Acting Secretary of the Interior bodes well for tribal and non-tribal entities that are interested in facilitating energy development on tribal lands. Interior offices with oversight in these areas, including the Office of Indian Energy and Economic Development's Indian Loan Guaranty Program (which facilitates access to capital and loan financing in Indian country), will have a renewed attention and focus. However other issues of importance to tribes, including the protection of sacred sites, trust land acquisition and gaming-related economic development, may continue to receive a lower priority.

President Trump has yet to formally announce a nominee to replace Zinke on a permanent basis, although rumored contenders include outgoing House Natural Resources Chairman Rob Bishop (R-UT), outgoing Nevada Republican Senator (and close Zinke confidante) Dean Heller, Congresswoman Cathy McMorris Rodgers (R-WA), Congressman Raúl Labrador (R-ID) and Congressman Jeff Denham (R-CA). Each of these candidates either counts tribes among their constituents or has served on a congressional committee with jurisdiction over Indian affairs—although if selected their positions on tribal issues are not expected to stray far from those of the Trump administration.

The greatest impact for Indian affairs in the newly divided Congress will be felt in the House. Newly elected Democrats Deb Haaland (NM), a citizen of the Pueblo of Laguna, and Sharice Davids (KS), a citizen of the Ho-Chunk Nation, will be the first Native women ever elected to Congress. Rep.

Raúl Grijalva (D-AZ) will assume the chairmanship of the House Natural Resources Committee. Like other Democratic committee chairmen, Rep. Grijalva is expected to ramp up the committee's oversight role, which in his case means closely scrutinizing the activities of Interior officials as well as private sector entities or individuals seeking to do business on tribal or federally-controlled land, particularly in the natural resources-related areas noted above. Rep. Grijalva has a history of sensitivity to and appreciation for tribal issues, and is expected to prioritize tribal legislation, whether through the Committee directly or through its Indian affairs-specific subcommittee.

At the other end of the Hill, the Senate Indian Affairs Committee will retain its current leadership, with North Dakota's Republican Senator John Hoeven continuing to serve as chair and New Mexico's Democratic Senator Tom Udall as vice chair. The Indian Affairs Committee has a proud tradition of bipartisanship, although how this bipartisanship will translate in practice in terms of shared governance with its House counterpart remains to be seen.

# POTENTIAL HOUSE DEMOCRATIC INVESTIGATIONS IN THE 116TH CONGRESS

Saying that the Trump administration's free ride in the House is over, House Democrats have made it clear they will pursue a robust oversight and investigations agenda in the 116th Congress. House Democrats are expected to look into such matters as healthcare policy, environmental compliance, foreign policy, payments received by the Trump Organization from foreign governments, prescription drug prices, disaster relief efforts, national security policies, and election security practices. As key House Democrats believe that President Trump has violated the Constitution's emoluments clause, they are also expected to investigate President Trump's business practices and seek his tax returns. Overhanging many of these requests is the question of whether a basis exists to pursue an impeachment of the President, a step that the House Democratic leadership is actively discouraging at least for now, but about which a number of Democrats are passionate.

There are literally hundreds of Republican and Democratic information requests made in the last Congress that the Trump White House refused even to respond to, and House Republicans refused to pursue, which House Democrats will aggressively pursue now that they have subpoena power. These unanswered requests are expected to provide the starting point for House Democrats' oversight efforts. On December 19, 2018, Democratic Congressman Elijah Cummings of Maryland, the incoming Chairman of the House Oversight and Government Reform Committee sent more than 50 letters seeking documents on a wide range of subjects, including such topics as the Trump administration's policy of family separations at the border, its handling of Hurricane Maria in Puerto Rico and the Trump administration's email and records retention practices. Here is an overview, organized by committee, of some of the topics that House Democrats are likely to cover:

Committee	Topic
<b>Agriculture</b>	<ul style="list-style-type: none"> <li>Investigate the Impact of the Trump Tariffs on Farm prices</li> </ul>
<b>Appropriations</b>	<ul style="list-style-type: none"> <li>Investigate requiring cabinet secretaries and agency heads testifying before the Committee to certify they are in full compliance with their Ethics Agreement or explain why not</li> <li>Investigate the financial impact of the House Republican budget request and the need to raise the spending caps rather than cut domestic discretionary spending</li> <li>Oversight of Emergency Hurricane assistance for New Jersey, Texas, Louisiana, Alabama, Georgia,, the Carolinas, Virginia, U.S. Virgin Islands and Puerto Rico</li> <li>Oversight of wildfire assistance for California</li> <li>Oversight of funding to address the opioid crisis</li> <li>Investigate the efforts of Congressional Republicans and the Trump White House to interfere with the Special Counsel's investigation</li> <li>Investigate the financial uses and misuses of the Overseas Contingency Operations (OCO) account</li> <li>Hearing on the use of federal funds to implement the Trump administration's family separation policy.</li> <li>Hearing on the failure of Congressional Republicans to fund election security grants</li> <li>Investigate the impact of a government shutdown</li> </ul>

Committee	Topic
<b>Armed Services*</b>	<ul style="list-style-type: none"> <li>Investigate the impact on national security of Russian interference in the U.S. elections</li> <li>Hearing re: Department of Defense Guidance on Emoluments Clause Violations</li> <li>Hearing re: warnings given to former White House Counsel Don McGahn about Mike Flynn's false statements concerning his communications with the Russian Ambassador</li> <li>Investigate the justification and plan for the deployment of National Guard Troops and the military on the US-Mexico border and the military's extended deployment</li> <li>Oversight of the Trump White House's Nuclear Posture Review to Determine its impact on the United States' defense posture</li> <li>Investigate the issue of excess DOD infrastructure capacity and whether a new Base Realignment and Closure (BRAC) should be authorized</li> <li>Investigate the impact on NATO and other historical US defense alliances of President Trump's extraordinary and unprecedented outreach toward President Putin</li> <li>Oversight to determine whether the armed forces or US coalition partners violated federal law or Department of Defense policy while conducting operations in Yemen</li> </ul> <p>*New HASC Chairman Adam Smith has openly discussed the possibility of eliminating the Committee's Oversight and Investigations Subcommittee for the 116th Congress.</p>
<b>Budget</b>	<ul style="list-style-type: none"> <li>Oversight re: the misuse of the Overseas Contingency Operations (OCO) budget designation to fund activities unrelated to war activities</li> <li>Oversight to ensure correction of financial system problems identified in the Pentagon's first department-wide audit thereby protecting taxpayer dollars from poor spending</li> </ul>
<b>Education and Workforce</b>	<ul style="list-style-type: none"> <li>Investigate the impact of student loan servicing on borrowers' financial security</li> <li>Examine how restructurings and plant closings impact American workers' pensions and health benefits</li> <li>Examine the Trump White House's efforts to sabotage ACA open enrollment</li> <li>Investigate the need for a \$15 minimum wage</li> <li>Examine the impact on students and taxpayers of the Department of Education's suspension of the Borrower Defense to Repayment and Gainful Employment regulations</li> <li>Examine the impact of the repeal of the CFPB rule banning forced arbitration clauses</li> <li>Investigate the impact of legislation narrowing the definition of a joint employer under the National Labor Relations Act (NLRA) and the Fair Labor Standards Act (FLSA)</li> <li>Examine the issue of whether the Education Secretary and the federal government have the power to preempt state consumer protection laws for student borrowers</li> <li>Examine the White House's school safety proposals including the President's proposal to arm teachers and harden schools</li> </ul>



Committee	Topic
<b>Energy and Commerce</b>	<ul style="list-style-type: none"> <li>• Investigate the Trump White House's efforts to sabotage ACA open enrollment including the Department of Health and Human Services management of the 2018 enrollment period</li> <li>• Investigate the reasons for rising prescription drug costs and the failure of Congress and the White House to address the problem</li> <li>• Investigate the White House's efforts to undermine fuel efficiency standards</li> <li>• Investigate the EPA's management of toxic chemicals</li> <li>• Hearing re: the NIH's discontinuance of gun violence research and re: gun safety proposals</li> <li>• Oversight re: how internet platform decisions about data and content with an eye toward maximizing web traffic impact consumers</li> <li>• Investigate the drug supply chain's impact on the costs of prescription drugs and the value that such supply chains bring to patients and consumers</li> <li>• Investigate the impact that Medicaid section 1115 waivers are having on access to critical health care for millions of Americans</li> <li>• Examine the systematic submission of fake comments intended to impact various forms of notice and comment rulemaking</li> <li>• Examine the impact of climate change on the environment and the White House's unwillingness to acknowledge the reality of climate change let alone address the issue</li> <li>• Follow up on family separation to examine the adequacy of the Trump White House's efforts to track, care for and reunite children still in its custody</li> </ul>



Committee	Topic
<b>Financial Services</b>	<ul style="list-style-type: none"> <li>Investigate President Trump's financial ties to Russia, including his tax returns</li> <li>Investigate Deutsche Bank's unsafe and unsound money laundering practices, its lack of internal controls and its ties to President Trump, his family members and associates</li> <li>Investigate Wells Fargo's millions of unauthorized account openings and its "needs to improve" Community Reinvestment Act rating</li> <li>Investigate the National Flood Insurance Program's debt crisis and the Trump White House's proposal to charge more fees to policyholders</li> <li>Investigate the Equifax data breach, its failure to protect consumer data, its data privacy practices and the overall state of the credit reporting system</li> <li>Investigate Deutsche Bank's unsafe and unsound money laundering practices, its lack of internal controls and its ties to Jared Kushner</li> <li>Investigate the OCC's proposed changes to the CRA and its weakening of Community Reinvestment Act enforcement</li> <li>Investigate the impact on consumers of forced arbitration clauses and class action waivers in mortgages, loans and other commercial instruments</li> <li>Investigate the Trump White House's efforts to starve the Consumer Financial Protection Bureau (CFPB) of resources and its shutdown of important consumer protection offices</li> <li>Investigate the impact of the Trump Administration's failure and refusal to enforce sanctions against Russia</li> <li>Investigate impact of "valid when made" doctrine requiring states to accept loan interest rates that violate a state's law if the rate was valid in the state where the loan was made</li> <li>Investigate the connections between former CFPB Acting Director Mulvaney and lobbyists</li> <li>Investigate the background, experience and policy views of the CFPB's new Director Kathy Kraninger</li> <li>Investigate the process that led to the OCC's decision to approve new fintech bank charters</li> <li>Investigate the reasons for the Trump Administration's failure to address the status of Fannie Mae and Freddie Mac or to act on housing finance reform generally</li> <li>Investigate the reasons for the CFPB's failure to protect student loan borrowers and the Bureau's suppression of unfavorable information about its student loan practices</li> <li>Investigate the Trump White House's efforts to weaken the Dodd Frank Act including the CFPB's failure to enforce the Military Lending Act and other consumer protection laws.</li> </ul>
<b>Foreign Affairs</b>	<ul style="list-style-type: none"> <li>Hearing on legislative proposals to sanction Russian and any other foreign interference with a US election</li> <li>Investigate why the Administration has failed to use all of the available sanctions to combat Russian interference with our elections</li> <li>Examine the reasons for the Administration's termination of temporary protected status for Haitians, Guatemalans, Hondurans, Salvadorans and others</li> <li>Investigate the President's National Security Strategy and its adverse impact on America's longstanding alliances</li> <li>Investigate the reasons for the President's rejection of the conclusions of the US intelligence community and his decision instead to credit the positions of Russia</li> <li>Investigate reports of violations of personnel policies, including demotions and political retribution against State Department employees for alleged insufficient loyalty to the President</li> <li>Investigate the reasons for the Trump Administration's decision to resume sending detainees to Guantanamo Bay</li> <li>Examine the White House's reversal of position on ZTE and whether the Trump Organization leveraged the office of the President to advance its private interests.</li> <li>Examine the status and strength of the US relationship with Saudi Arabia and whether the White House's posture is allowing the Saudis to take unfair advantage of the United States</li> <li>Investigate the nature, extent and rationale for US military involvement in Yemen</li> </ul>

Committee	Topic
<b>Homeland Security</b>	<ul style="list-style-type: none"> <li>• Examine the conclusions of the House Democratic Task Force on Election Security</li> <li>• Investigate the federal hurricane response in Puerto Rico and the US Virgin Islands</li> <li>• Examine the Trump administration's rationale for a border wall and the GAP Report that the wall will waste billions, not secure the border and provide no measurable benefit</li> <li>• Examine Democratic proposals to address domestic terrorism</li> <li>• Hearing to consider the state of election security and proposals to improve such security</li> <li>• Examine the Department of Homeland security's proposal to establish a Media Monitoring Service</li> <li>• Investigate why the President directed the Commerce Department to help ZTE 'get back into business fast' despite the concerns of the intelligence community and DOD about ZTE</li> </ul>
<b>House Administration</b>	<ul style="list-style-type: none"> <li>• Review the operations and the financial status of the Election Assistance Commission</li> <li>• Consider the recommendations of the House Democratic Task Force on Election Security and the refusal of the Trump White House to implement these recommendations</li> <li>• Investigate cybersecurity risks including the vulnerability of state election systems to hacking</li> <li>• Evaluate state procedures for removing voters from the voter rolls to ensure that voters are not removed from the rolls simply for failing to vote</li> <li>• Investigate the status of foreign adversary efforts to attack America's voting systems including their misuse of social media platforms in an attempt to suppress voting</li> </ul>
<b>Intelligence</b>	<ul style="list-style-type: none"> <li>• Hearings on the use of social media platforms to interfere with US elections such as Facebook and Twitter to interfere with US elections</li> <li>• Once various witnesses are sentenced and their cooperation with Special Counsel Mueller concludes, hearings with these witnesses about what they know about Trump and Russia</li> <li>• Issuance of subpoenas for testimony and documents from witnesses the House Republicans refused to subpoena (Donald Trump, Jr. Michael Cohen, Jeff Sessions, Hope Hicks, etc)</li> <li>• Hearing on the status of the Russia investigation</li> </ul>



Committee	Topic
<b>Judiciary</b>	<ul style="list-style-type: none"> <li>• Investigate the efforts of the President and Congressional Republicans to interfere with Special Counsel Mueller’s investigation and the need for legislation to protect that investigation</li> <li>• Evaluate the effectiveness of the National Instant Criminal Background Check System (NICS) and consider legislation to improve NICS</li> <li>• Hearing on the President’s use of the pardon power and to consider whether there are any limits on its use</li> <li>• Investigate whether the President’s conduct violates the Foreign Emoluments Clause of the Constitution</li> <li>• Oversight hearing to consider the President’s attacks on the FBI and the Department of Justice</li> <li>• Hearings on gun violence prevention legislation</li> <li>• Investigate the status of the Deferred Action for Childhood Arrivals (DACA) program and the need for an immigration legislative solution for Dreamers</li> <li>• Investigate the status of the immigration asylum system to determine whether individuals are being denied by the President’s actions their right to effectively make claims for asylum</li> <li>• Investigate whether the Trump Administration’s decision to include a question about citizenship in the 2020 Census is a voter suppression tactic</li> <li>• Investigate Cambridge Analytica’s social media efforts through Facebook and other platforms to target and discourage specific groups from voting</li> <li>• Investigate the impact of the President’s “zero tolerance” immigration policy and the status of the President’s family separation policy</li> <li>• Consideration of legislation to restore voting rights to ex-offenders</li> <li>• Hearing to investigate the recent wave of hate crimes and domestic terrorism</li> <li>• Hearing on ending the use of forced arbitration clauses to deny workers the right to pursue work-related claims in court</li> </ul>
<b>Natural Resources</b>	<ul style="list-style-type: none"> <li>• Hearings to assess the effects of climate change and the need for action</li> <li>• Examine the conflicts of interest of Deputy Secretary Bernhardt and examine how Interior political appointees make policy decisions and who they consult with</li> <li>• Investigate the potential impact of a repeal of the CA on Indian Country</li> <li>• Examine the effects of the White House’s decision to withdraw from the Paris Climate Change agreement</li> <li>• Investigate the status of Puerto Rico and US Virgin Islands hurricane recovery efforts, including the state of the electrical grid in Puerto Rico and its adverse impact on residents</li> <li>• Investigate the White House’s giveaway of natural resources and public lands to special interests</li> <li>• Investigate the status and potential impact of proposed changes to the tribal recognition process</li> <li>• Investigate the national monuments designation process</li> <li>• Investigate funding for the national parks and the White House proposal to increase entrance fees</li> <li>• Investigate the impact of Republican proposals to end or limit environmental standards and change the review process purportedly in the name of infrastructure development</li> <li>• Examine the impact of the White House’s repeal of the methane waste rule</li> <li>• Investigate the Flint water crisis and the current state of funding for clean water infrastructure</li> <li>• Investigate the loss of environmental protections in communities along the border between the US and Mexico</li> <li>• Hearing on sexual harassment and other types of workplace harassment at the Department of Interior</li> <li>• Examine the impact of efforts to gut the Endangered Species Act</li> </ul>



Committee	Topic
<b>Oversight</b>	<ul style="list-style-type: none"> <li>• Hearings on foreign interference in US elections and meetings between Trump aides and Russians, hearings on election security</li> <li>• Trump and Family Conflicts of Interests, Trump's refusal to divest, various Emoluments Clause issues and Trump Organization's treatment of foreign government payments</li> <li>• review of proposals to slow the revolving door between Wall Street and Washington</li> <li>• Hearing with Mike Flynn re: his involvement with the Russians</li> <li>• Examination of prescription drug price increases, the role of prescription drug distributors, and whether allowing prescription drug importation would lower prices without patient danger</li> <li>• Gun violence prevention measures and review of gun safety legislation</li> <li>• Review the sexual harassment allegations against President Trump and whether he violated federal law by concealing his payment to Stormy Daniels</li> <li>• Investigate the Trump White House's Security Clearance Process</li> <li>• Examine the Trump White House's hurricane response in Puerto Rico and the US Virgin Islands</li> <li>• Investigate Potential Campaign Law Violations by Cambridge Analytica</li> <li>• Hearings on Russian cyberattacks against state election systems</li> <li>• Hearings on the Trump family separation immigration policy</li> <li>• Hearings on Trump loyalty oaths for public servants</li> <li>• Hearing on what led to the inclusion of a citizenship question in the 2020 census</li> <li>• Hearings on waste, fraud and abuse</li> <li>• Hearing on the Equifax breach and the need for stronger laws to prevent future cyber attacks</li> </ul>
<b>Science</b>	<ul style="list-style-type: none"> <li>• Investigate the Trump Administration's threats to scientific integrity in the various departments and agencies, including White House internal directives to ignore science</li> <li>• Investigate the scientific foundation for concerns about climate change and concerns about the United States' withdrawal from the Paris Climate Change agreement</li> <li>• A review of Russia's soft cyber influence operations and election security including the Cambridge Analytica scandal</li> <li>• Oversight of American blockchain technology research and other emerging technology including artificial intelligence</li> <li>• Foreign theft of US academic research</li> <li>• review of Electric Grid Cybersecurity risks</li> <li>• review the impact of the reversal of the Obama Clean Power Plan</li> <li>• What Congress should do to prevent a recurrence of the Equifax Data Breach</li> </ul>
<b>Small Business</b>	<ul style="list-style-type: none"> <li>• Review of the adequacy of the SBA Disaster Loan Program and SBA's Disaster Response</li> <li>• Broadband in remote areas</li> <li>• How to strengthen the small business lending program</li> <li>• Examine the impact of the rollback of the Deferred Action for Childhood Arrivals (DACA) program on small businesses</li> <li>• Examine how to expedite disaster relief for small businesses</li> <li>• Measures to help small businesses in Puerto Rico to obtain a larger share of federal contracts</li> <li>• The impact of the Trump infrastructure plan on small businesses</li> </ul>

Committee	Topic
<b>Transportation &amp; Infrastructure</b>	<ul style="list-style-type: none"> <li>• The Democratic proposal to invest in infrastructure including roads, bridges, transit systems, ports, airports contrasted with the White House's approach</li> <li>• How to address the funding shortfall for infrastructure including the FAA's work to modernize the Nation's aviation infrastructure and air traffic control</li> <li>• Evaluating US airline customer service</li> <li>• The case against the Trump proposal for air traffic control system privatization and questions about the proposal's constitutionality</li> <li>• Review of the Old Post Office lease agreement with the Trump Organization</li> <li>• Speeding up Positive Traction Control (PTC) Implementation and Improving Rail Safety</li> <li>• Examining the Gaps in DOT's Drug and Alcohol Testing Program</li> <li>• The EPA'S Unlawful Slowing of Enforcement of the Clean Water Act</li> </ul>
<b>Veterans</b>	<ul style="list-style-type: none"> <li>• Review of proposals impacting the VA's capacity to process veterans' claims and help tackle the claims backlog</li> <li>• Review of proposals to increase accountability at the VA and improve VA customer service</li> <li>• Patient safety concerns at VA medical centers</li> <li>• Review of the status of the modernization project to create a single, compatible electronic health record for use by both the DOD and the VA</li> <li>• Examine the state of VA health care in rural areas and proposals to improve VA health care access and quality in rural areas</li> <li>• Examine the Trump White House's attack on programs to combat veterans homelessness</li> <li>• Review of VA privatization proposals and their potential impact on veterans care</li> <li>• Medical cannabis as alternative therapy for wounded veterans</li> <li>• Hearing on veterans suicide prevention</li> </ul>
<b>Ways &amp; Means</b>	<ul style="list-style-type: none"> <li>• Examine White House efforts to sabotage the implementation of the ACA and ACA enrollment</li> <li>• Examine various tax reform proposals including House Democratic middle-class tax reform principles and how they would impact middle class incomes and wealth</li> <li>• Examine the impact of the Republican tax cut on Medicare and Medicaid</li> <li>• Review the state of social security solvency</li> <li>• Immediate action on foreign trade practices that cost US jobs</li> <li>• The impact of funding shortfalls on IRS taxpayer service</li> <li>• Examine the taxpayer experience with the IRS</li> <li>• Hearing on US trade policy and the impact of tariff increases on the US economy and jobs</li> <li>• Review proposals to control prescription drug prices including negotiation of drug prices by Medicare</li> <li>• The US retirement crisis and review of proposals to protect the solvency of the Pension Benefit Guaranty Corporation</li> <li>• Hearing on the status and direction of US-China trade discussions</li> <li>• Hearing on the importance of maintaining health care protections for people with pre-existing conditions</li> <li>• Demand production of President Trump's tax returns and then conduct hearings thereon</li> </ul>

# ADMINISTRATION

Fresh off a blue wave election in the House, as President Trump begins to turn his attention to his 2020 re-election campaign, he must decide how best to deal with an invigorated, newly powerful House Democratic Caucus that is in control of the House for the first time in years, anxious to investigate the President's finances and his connections to Russia and poised to block virtually all of his legislative agenda, at least domestically.

With House Democrats in charge, the Republicans' seemingly endless attempts to repeal Obamacare are now dead, nor are there likely to be additional tax cuts for corporations and the wealthy or further legislative efforts to reduce the powers of the CFPB, the EPA or the FDA. While last year's tax cut bill is likely to survive in this Congress, some observers nonetheless believe that the corporate tax cuts could prove to be less than permanent and that funds generated by the legislative termination of these cuts could be redirected by House Democrats to provide more middle-class tax relief.

The impact on consumers and businesses from new tariffs on imports of steel, aluminum, lumber and other goods, and from the additional federal borrowing required as a result of last year's tax cuts also could undermine last year's tax bill's benefits by making credit more expensive and less available for the private sector.

The new reality of divided government that begins today raises the following key questions, among others, about what the next two years will look like:

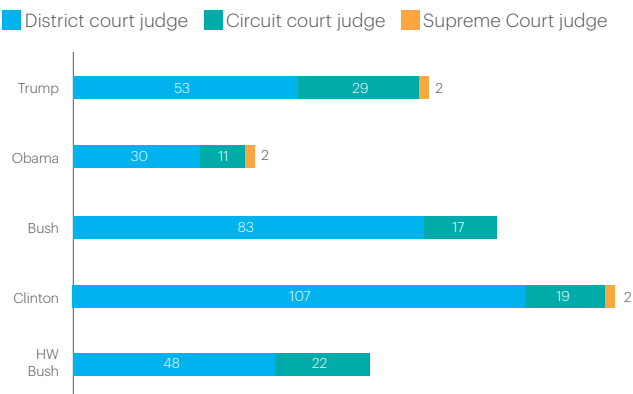
- Given the many obstacles to successful implementation of his domestic agenda, will the President choose to focus primarily on foreign policy issues for the remainder of his term where he has more ability to ignore or sidestep what he sees as Congressional meddling in matters involving our country's relationships with Russia, North Korea, Syria, Afghanistan, Israel, Iran and the Middle East generally?
- Notwithstanding the likelihood of legislative gridlock as a result of divided government, will the President make a determined effort to come up with some legislative achievements or will he focus solely on partisan messaging simply as a prelude to running for re-election against what he will term as Democratic obstruction by Speaker Pelosi and Democratic Leader Schumer?

- What impact will President Trump's trade policies have on business investment, particularly as the economy starts to slow down from the expiration of the fiscal stimulus provided by last year's tax cut bill and increased federal spending?
- How large a role will confirmation of more federal trial and appellate judges play in seeking to achieve the President's policy goals? Will the Senate manage to continue its comparatively brisk pace of confirming the President's judicial nominees? Will the President have a chance to nominate any more persons to serve on the Supreme Court? Will the selection of judges and the composition of the courts become a major issue in the 2020 elections?
- How much of the President's efforts to roll back various rules as part of his broader deregulatory agenda will be accomplished in 2019 and how much of the substance of these new rules and the process for adopting them will survive the scrutiny of the courts? Will the Trump White House figure out how to improve on its poor track record in defending deregulatory actions that are challenged in the courts?



Trump has had more circuit judges confirmed than the average of recent presidents at this point

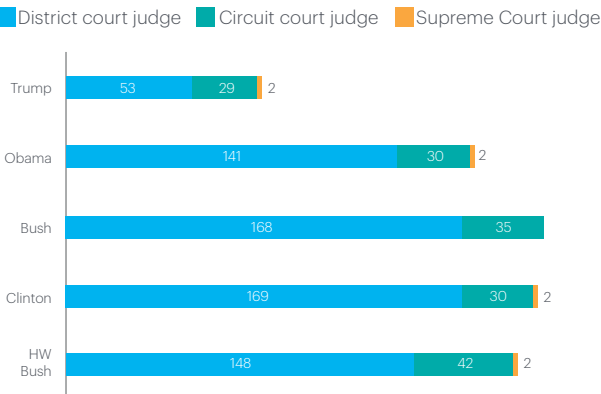
Number of federal judges nominated and confirmed  
By December 6 of each President's second year in office



Sources: Federal Judicial Center

In under two years, Trump has confirmed almost the same number of circuit judges as prior presidents in four years

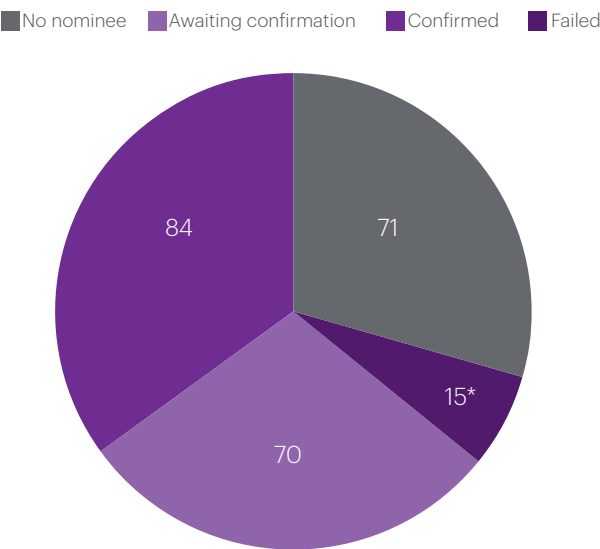
Number of federal judges nominated and confirmed  
In each President's first term in office



Sources: Federal Judicial Center

Trump has had 84 federal judges confirmed while 71 seats remain vacant without a nominee

Status of key positions requiring Senate confirmation  
As of December 6, 2018



President Trump inherited **108** federal judge vacancies

As of December 6, 2018:

**111** judiciary positions have opened up during Trump's presidency and remain vacant

Total: **216 potential Trump nominations**

\*All of President Trump's nominees were returned in January 2018, but all judicial nominations were resubmitted

Sources: United States Courts; Federal Judicial Center

Pending Federal Circuit Court Nominees

Circuit Court	Nominee	Date nominated
2nd Circuit	Joseph Frank Bianco	13-Nov-18
2nd Circuit	Michael H. Park	13-Nov-18
3rd Circuit	Paul Matey	12-Apr-18
3rd Circuit	Vacant	n/a
4th Circuit	Allison Jones Rushing	27-Aug-18
5th Circuit	Vacant	n/a
6th Circuit	Eric Murphy	18-Jun-18
6th Circuit	Chad Readler	18-Jun-18
8th Circuit	Jonathan Kobes	11-Jun-18
9th Circuit	Daniel Paul Collins	11-Nov-18
9th Circuit	Kenneth Kiyul Lee	13-Nov-18
9th Circuit	Vacant	n/a
9th Circuit	Patrick Joseph Bumatay	13-Nov-18
9th Circuit	Bridget Bade	27-Jul-18
9th Circuit	Eric Miller	19-Aug-18
DC Circuit	Neomi Jehangir Rao	14-Nov-18



- Will the President pursue any bipartisan legislation, such as a comprehensive infrastructure package or some sort of an immigration fix, in 2019, or will he opt to offer an agenda solely of messaging bills, such as another tax cut to be pushed by Senate Republicans?
- Given the recent economic slowdown and the importance of economic growth to the President's re-election prospects, will he continue to focus on attacking the Fed for raising interest rates or can he reach some sort of a truce or understanding with Fed Chairman Powell that builds public confidence in monetary policy by reinforcing the Fed's independence?
- Will there be any more consistency in the President's approach to legislative issues or will he continue to change positions on the drop of a dime and frequently distort the facts?
- How does the President find a face-saving way to end the partial government shutdown given the refusal of Congressional Democrats to provide any funding whatsoever for his proposed border wall? Will the White House and Congress agree to raise the current spending caps? How will they address the need to raise the debt limit this spring?

and finally

- Will the President seek to find common ground with the Democrats, or will the President Trump of 2019 somehow be even more unconventional, disruptive and combative than the one we have seen in his first two years in the Oval Office?

### **An Infrastructure Package, If Adequately Funded, Could be One of the Few Bipartisan Legislative Achievements of 2019**

Both Republicans and Democrats regularly decry the poor condition of the nation's roads, bridges, railroads and energy grid, viewing the nation's shoddy infrastructure as a serious threat to both the economy and public safety. One would therefore think that a comprehensive legislative infrastructure proposal would be an ideal candidate for bipartisan cooperation. Yet despite candidate Trump repeatedly promising during the 2016 election campaign to pass a \$1 trillion upgrade of the nation's road, rail and energy infrastructure if elected, the Trump administration did not aggressively pursue adoption of an infrastructure bill in the last Congress, offered no viable suggestions for how such a plan could be funded at the federal level and made no real progress on the issue.

With the Democrats now in charge of the House, it will be far easier to pass an infrastructure plan with robust federal funding than when Republicans controlled the House and the President may be willing to offer far more federal funding than before, even if he must substantially increase the deficit in order to do so. The unanswered question is whether the President will support such an infrastructure plan unconditionally or seek instead to tie his approval to poison pills for Democrats such as funding for a border wall.

### **Resolution of Trade Issues and of Concerns about The Overall Quality of the US-China Relationship are Crucial to President Trump's Prospects in the next two years**

There are many hot spots currently in the relationship between China and the US, including their pending disputes over tariffs and trade generally. How these challenges are addressed is critical to President Trump's prospects for success in the next two years and for re-election. In addition to their trade disputes, the U.S. and China also have sharp differences over human rights and over military activities in the South China Sea regarding China's claims to this territory. China's policies to acquire U.S. technology, some of which have military applications, often through theft of intellectual property or through conditioning access to Chinese markets on the transfer of such technology, is also a subject of great concern for both the US business community and the US government.

The President appears to believe that U.S. trade deficits amount to the loss of American wealth. China has an annual surplus in merchandise trade with the United States of \$375 billion. The Trump administration has placed tariffs on \$250 billion of Chinese imports to address the imbalance, and China has retaliated with its own levies on U.S. exports. President Trump has levied tariffs on solar panels, washing machines, steel, aluminum and much of what the U.S. imports from China, triggering widespread retaliatory tariffs.

While in early December, China and the U.S. agreed to a cease-fire, with the U.S. postponing plans to increase tariffs further, the President set a very short window of as little as 90 days for the two countries to negotiate many difficult issues as yet unresolved. Thus, large increases in tariffs could be on the horizon within a few months, as soon as March 2019. Many U.S. companies are also paying more for steel and aluminum due to tariffs imposed by President Trump and they could face additional hurdles if the U.S. puts more duties in place. The outlook for 2019 will depend heavily on whether and how these trade disputes are resolved or if President Trump's hawkish stance ends up producing a full-scale trade war.





# DEPARTURE LOUNGE

Name	Title	Announcement date	Note
<b>Jim Mattis</b>	Secretary of Defense	Resignation announced Dec. 20, 2018	Mr. Mattis resigned a day after Mr. Trump announced plans to withdraw troops from Syria.
<b>Ryan Zinke</b>	Secretary of Interior	Resignation announced Dec. 15, 2018	A key figure in the president's sweeping plan to reshape the nation's environmental framework, Mr. Zinke left his post at the end of the year. His departure comes amid numerous ethics investigations into his business dealings, travel and policy decisions.
<b>Nick Ayers</b>	Chief of Staff to Vice President	Resignation announced Dec. 9, 2018	Mr. Ayers declined President Trump's offer to be his new chief of staff and announced that he would leave the administration at the end of the year.
<b>John F. Kelly</b>	White House Chief of Staff	Resignation announced Dec. 8, 2018	President Trump announced that Mr. Kelly, who had been brought in last year to impose order on the West Wing, would step down by the end of the year.
<b>Jeff Sessions</b>	Attorney General	Fired Nov. 7, 2018	After months of verbal abuse by Mr. Trump, the president fired Mr. Sessions the day after midterm elections that handed control of the House to Democrats.
<b>Nikki Haley</b>	U.N. Ambassador	Resignation announced Oct. 9, 2018	The departure of Ms. Haley, who had been an early and frequent critic of Mr. Trump, will mean one less moderate Republican voice on the president's foreign policy team.
<b>Donald F. McGahn II</b>	White House counsel	Resignation announced Aug. 29, 2018	Mr. McGahn's upcoming departure was announced by Mr. Trump on Twitter. Mr. McGahn is a key witness to whether the president tried to obstruct the investigation into Russian election interference.
<b>Scott Pruitt</b>	E.P.A. Administrator	Resignation announced Jul. 5, 2018	Mr. Pruitt had been hailed as a hero among conservatives for his zealous deregulation, but he could not overcome the stain of numerous ethics questions about his alleged spending abuses, first-class travel and cozy relationships with lobbyists.
<b>Joseph W. Hagin</b>	Deputy Chief of Staff	Resignation announced Jun. 19, 2018	Mr. Hagin, who previously served for 14 years under Presidents Ronald Reagan, George Bush and George W. Bush, has more experience on the White House staff than nearly any other person in modern times.
<b>Maj. Gen. Ricky Waddell</b>	Deputy National Security Advisor	Resignation announced Apr. 12, 2018	The White House said Mr. Waddell "will stay on board for the immediate future to help ensure a smooth and orderly transition."
<b>Nadia Schadlow</b>	Deputy National Security Advisor for Strategy	Resignation announced Apr. 11, 2018	Lt. Gen. H. R. McMaster asked Ms. Schadlow to join his staff as a deputy assistant to the president for national security strategy in March. She took over for Dina H. Powell as deputy national security adviser for strategy in January.

Name	Title	Announcement date	Note
<b>Thomas P. Bossert</b>	Homeland Security Adviser	Forced out Apr. 10, 2018	Mr. Bossert's resignation coincided with the arrival of John R. Bolton as the president's national security adviser, and was an unmistakable sign that Mr. Bolton is intent on naming his own people.
<b>Michael Anton</b>	National Security Council Spokesman	Forced out Apr. 8, 2018	The White House announced Mr. Anton's plans to leave the administration the day before Mr. Trump's third national security adviser, John R. Bolton, formally took his post.
<b>Rex W. Tillerson</b>	Secretary of State	Firing announced Mar. 13, 2018	Mr. Tillerson learned he had been fired when a top aide showed him a tweet from Mr. Trump announcing that he would be replaced by Mike Pompeo, the C.I.A. director.
<b>Hope Hicks</b>	White House Communications Director	Resigned Mar. 29, 2018	Ms. Hicks, one of Mr. Trump's most trusted advisers, announced in early March that she would resign in the coming weeks.
<b>David J. Shulkin</b>	Secretary of Veterans Affairs	Fired Mar. 28, 2018	After weeks of uncertainty, Mr. Trump said he planned to replace Mr. Shulkin with his White House physician, Dr. Ronny L. Jackson, a rear admiral in the Navy.
<b>Lt. Gen. H. R. McMaster</b>	National Security Adviser	Resignation announced Mar. 22, 2018	General McMaster resigned under pressure after it became clear that Mr. Trump wanted him out. He was replaced by John R. Bolton, a hard-line former United States ambassador to the United Nations.
<b>Andrew McCabe</b>	F.B.I. Deputy Director	Fired Mar. 16, 2018	Mr. McCabe was fired after the Justice Department rejected an appeal that would have let him retire. He is accused in a yet-to-be-released internal report of failing to be forthcoming about a conversation he authorized between F.B.I. officials and a journalist.
<b>Rick Dearborn</b>	White House Deputy Chief of Staff	Resigned Mar. 16, 2018	Mr. Dearborn had been overseeing a broad cross section of departments, including the political department.
<b>John McEntee</b>	President Trump's Personal Aide	Forced out Mar. 12, 2018	Mr. McEntee, who served as President Trump's personal assistant since Mr. Trump won the presidency, was forced out of his position and escorted from the White House after an investigation into his finances caused his security clearance to be revoked.
<b>Gary D. Cohn</b>	Director of White House National Economic Council	Resignation announced Mar. 6, 2018	The announcement of the resignation of Mr. Cohn, Mr. Trump's top economic adviser, came as Mr. Cohn seemed poised to lose an internal struggle over the president's plan to impose large tariffs on steel and aluminum imports.
<b>Rachel L. Brand</b>	Associate Attorney General	Resigned Feb. 9, 2018	The No. 3 official at the Justice Department stepped down after nine months to take a job as the global governance director at Walmart.
<b>David Sorensen</b>	White House Speechwriter	Forced out Feb. 9, 2018	Mr. Sorensen resigned after a news report detailed accusations from a former wife who said he had abused her during their marriage.
<b>Rob Porter</b>	White House Staff Secretary	Forced out Feb. 7, 2018	Mr. Porter resigned one day after his two former wives accused him in interviews of physical abuse during their marriages.

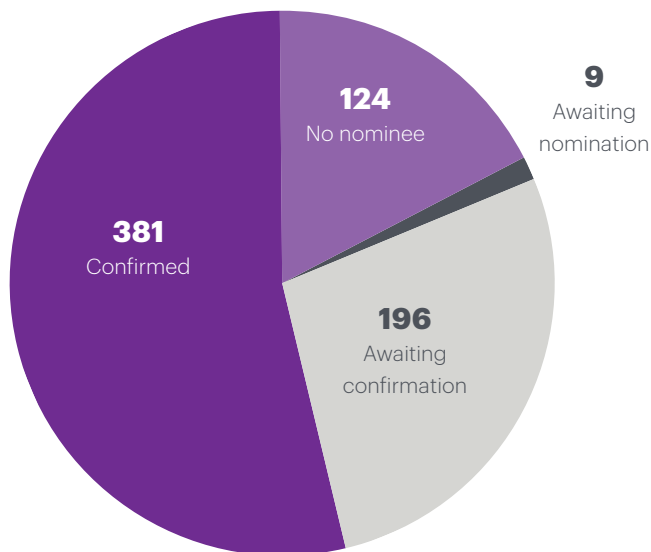


Name	Title	Announcement date	Note
<b>Brenda Fitzgerald</b>	Director of Centers for Disease Control and Prevention	Forced out Jan. 31, 2018	Ms. Fitzgerald resigned over troubling financial investments in tobacco and health care companies that posed potential conflicts of interest.
<b>Carl Higbie</b>	Chief of External Affairs for Corporation for National and Community Service	Forced out Jan. 18, 2018	Resigned under pressure after CNN surfaced disparaging remarks he had made in the past about black people, Muslims, gays and veterans with post-traumatic stress disorder.
<b>Omarosa Manigault Newman</b>	Director of Communications for the White House Office of Public Liaison	Fired Dec. 13, 2017	A former contestant on Mr. Trump's reality TV show "The Apprentice," Ms. Newman was fired by Mr. Trump's chief of staff, John F. Kelly.
<b>Dina H. Powell</b>	Deputy National Security Advisor for Strategy	Resignation announced Dec. 8, 2017	One of the most influential women in the Trump administration, Ms. Powell is returning to Goldman Sachs.
<b>Tom Price</b>	Secretary of Health and Human Services	Forced out Sept. 29, 2017	Mr. Price resigned under pressure after racking up hundreds of thousands of dollars in travel bills for chartered flights.
<b>Keith Schiller</b>	Director of Oval Office Operations	Resigned Sept. 20, 2017	Mr. Trump's longtime aide and former bodyguard decided to leave the White House soon after Mr. Kelly arrived.
<b>Sebastian Gorka</b>	Adviser	Forced out Aug. 25, 2017	Mr. Gorka was forced out shortly after Mr. Bannon left the White House.
<b>Stephen K. Bannon</b>	Chief Strategist	Forced out Aug. 18, 2017	Mr. Trump's populist chief strategist was pushed out shortly after Mr. Kelly took over as chief of staff.
<b>George Sifakis</b>	Director of White House Office of Public Liaison	Resignation announced Aug. 18, 2017	Mr. Sifakis stepped down soon after Reince Priebus, Mr. Trump's first chief of staff, was forced out.
<b>Anthony Scaramucci</b>	White House Communications Director	Fired Jul. 31, 2017	Mr. Scaramucci was fired on Mr. Kelly's first day in the White House. His dismissal came days after he unloaded a crude verbal tirade against other members of the president's staff in a conversation with a reporter for The New Yorker.
<b>Reince Priebus</b>	White House Chief of Staff	Forced out Jul. 28, 2017	Mr. Priebus was forced out after a stormy six-month tenure.
<b>Sean Spicer</b>	White House Press Secretary	Resigned Jul. 21, 2017	Mr. Spicer resigned after telling Mr. Trump he vehemently disagreed with his appointment of Mr. Scaramucci as his new communications director.
<b>Mike Dubke</b>	White House Communications Director	Resigned Jun. 2, 2017	Mr. Dubke told colleagues he was resigning for reasons that were "personal."
<b>K. T. McFarland</b>	Deputy National Security Adviser	Forced out May 19, 2017	Lt. Gen. H. R. McMaster pushed Ms. McFarland out after he took over for Michael T. Flynn, Mr. Trump's first national security adviser. She was nominated as ambassador to Singapore but withdrew her nomination after it stalled in the Senate.

Name	Title	Announcement date	Note
<b>James B. Comey</b>	F.B.I. Director	Fired May 9, 2017	Mr. Trump said on national television that he fired Mr. Comey because he was frustrated over the F.B.I.'s investigation into Russia's meddling in the 2016 campaign and its possible contacts with Mr. Trump's advisers.
<b>Katie Walsh</b>	White House Deputy Chief of Staff	Forced out Mar. 30, 2017	Ms. Walsh was forced out by Jared Kushner, the president's son-in-law and a top White House adviser, and other West Wing officials.
<b>Michael T. Flynn</b>	National Security Adviser	Forced out Feb. 13, 2017	Mr. Flynn was forced to resign amid questions about whether he lied to administration officials about the nature of his conversations with the Russian ambassador to the United States.

## Status of key positions requiring Senate confirmation

**197 nominees to key positions are awaiting confirmation, 124 positions have no nominee**



### Vacant cabinet secretaries:

- Secretary of Defense
- Environmental Protection Agency (Andrew Wheeler nominated)
- Department of Justice (William Barr nominated)
- Department of Interior (no nominee)

### Departments without a deputy secretary:

- Veterans Affairs (no nominee)
- Homeland Security (no nominee)

### Departments without a deputy administrator:

- Small Business Administration (no nominee)

# MUELLER INVESTIGATION

## Special Counsel Mueller's Investigation—Its Status and Prospects

### Who are the key players in the Russia investigation and what led to Special Counsel Mueller's appointment?

On January 20, 2017, President Trump took the oath of office and became president. On March 2, 2017, in accordance with DOJ ethics guidance, then Attorney General Jeff Sessions recused himself from the Department of Justice's investigation into Russian interference with the 2016 presidential election because of Sessions' prominent role in the Trump presidential campaign and his potential connection to, and ability to testify with first-hand knowledge about, the events under investigation. Sessions' recusal enraged President Trump who has said repeatedly that he would never have nominated Sessions to be Attorney General if he had known that Sessions was going to recuse himself from the Russia investigation.

On March 20, 2017, near the start of a lengthy and extraordinary hearing before the House Intelligence Committee, FBI Director James B. Comey acknowledged that his agency was conducting a counter-intelligence investigation into possible coordination between the Kremlin and the Trump campaign. Director Comey also said he was authorized by the Justice Department to confirm the existence of the wide-ranging probe into Russian interference in the electoral process.

On February 1, 2017, President Trump nominated Rod Rosenstein, the US Attorney for Maryland then the longest serving US Attorney, to be the Deputy Attorney General. On April 25, 2017, the Senate confirmed Rosenstein to be the Deputy Attorney General. At this time, apart from Attorney General Sessions, Rosenstein became the most senior official at the Department of Justice. As a result, Rosenstein assumed responsibility for supervising the pending investigation into Russian interference with the 2016 election and potential coordination between Russia and the Trump campaign.

On May 9, 2017, President Trump fired FBI Director Comey. At the time he was fired, Mr. Comey had been leading the

investigation into whether Mr. Trump's 2016 presidential campaign had coordinated with Russian election meddling. On May 16, 2017, Robert Mueller interviewed with President Trump to again serve as the Director of the FBI but was not hired.

The next day, on May 17, 2017, Deputy AG Rosenstein appointed Mueller to serve as special counsel for the United States Department of Justice. In this capacity, Mueller oversees the investigation into "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump, and any matters that arose or may arise directly from the investigation".

Chief among "those matters that arose or may arise directly from" the Russian election interference investigation is the issue of whether President Trump or anyone else may have obstructed justice by withholding information, testifying falsely or encouraging others to withhold information or testify falsely, in connection with the Special Counsel's investigation.

Appointed in 2001 as FBI Director under President George W. Bush, Special Counsel Mueller, a Republican and a former Marine, served as FBI Director for twelve years under both President Bush and President Obama. He is the only FBI director to be appointed to serve an additional two years after his 10-year term ended and his appointment as Special Counsel initially was met with bipartisan praise on Capitol Hill.

On November 7, 2018, the day after the elections, and after enduring over 20 months of abuse from the President as a result of his recusal decision, at the President's request, Jeff Sessions resigned as Attorney General. Upon Sessions' resignation, President Trump named Matthew Whitaker who had served as Sessions' Chief of Staff from September 2017 to November 2018, to be the Acting Attorney General.

As Whitaker now occupies a position that is senior to that of Deputy AG Rosenstein, Whitaker now has the right to take over supervision of Special Counsel Mueller's investigation. This has

led to speculation and concern on the part of Congressional Democrats and some Republicans that the President could direct Acting AG Whitaker to fire both Deputy AG Rosenstein and Special Counsel Mueller., significantly narrow the scope of the Special Counsel's activities or appoint another Special Counsel that the President prefers.

As a result, many in Congress have expressed interest in passing legislation to protect Special Counsel Mueller from removal and from interference with his investigation. However, Majority Leader Mitch McConnell has refused to allow the Senate to consider such legislation, saying that there is no reason to believe that Special Counsel Mueller is at risk and that legislation to protect Mueller is therefore a solution in search of a problem.

In November and December 2018, Senator Jeff Flake had put a hold on approving judicial nominations in an effort to force the Senate to take up legislation protecting the Special Counsel. With Senator Flake's departure from Congress and Republican gains in the Senate for this Congress, the prospects for enactment of this type of legislation have dimmed even further.

### **What has Special Counsel Mueller achieved to date and when will his investigation conclude?**

Operating with great self-restraint and iron-clad secrecy , to date, seven US nationals, and one Dutch national have been indicted in the Special Counsel's investigation and in February 2018, Special Counsel Mueller charged 24 Russian nationals and three companies with fraud, ID theft and conspiracy.

### **Among the more prominent and most noteworthy cases are:**

Former Trump campaign Chairman Paul Manafort who on September 14, 2018, pleaded guilty to conspiracy and witness tampering, almost a year after he was first charged and following his conviction by a jury in a separate but related case on eight tax and banking crimes. On November 27, 2018, in a court filing, the Special Counsel said that Manafort had breached his plea agreement by lying repeatedly in the two month period since he plead guilty despite his promises of cooperation with the Special Counsel. On November 30, a federal judge set March 5 for sentencing Manafort and said that she would determine beforehand whether Manafort had breached his plea agreement.

On November 2018, Michael Cohen, President Trump's personal lawyer and so-called "fixer" pled guilty to making false statements to Congress about efforts to build a Trump Tower in Moscow. Former White House National Security Adviser Lt. General Michael Flynn plead guilty to making false statements to the FBI as did former Trump foreign policy adviser George

Papadopoulos, and former Trump Deputy Campaign Manager and Paul Manafort business associate Rick Gates plead guilty to conspiracy against the United States and making false statements to federal investigators.

While recent media reports indicate that Special Counsel Mueller could complete his work as soon as February 2019 by submitting a confidential report to the Justice Department, presumably Acting AG Whitaker, additional indictments and pleas are expected before the Special Counsel's investigation concludes.

### **What is the likely process going forward once the Special Counsel has completed his work?**

When Special Counsel Mueller has completed his work, he is expected to submit a confidential report to the Justice Department summarizing his findings. Obviously, the contents of the report will be crucial to determining whether a basis exists for Democrats to pursue impeachment proceedings.

Among the many open questions to be resolved is whether the Justice Department will voluntarily share this report with Congress and/or the public and whether it has the legal right to provide such a report to Congress or share it with the public if doing so would disclose secret grand jury testimony. If the White House wants to bury the Special Counsel's report, DOJ could take the legal position that it can't release the report because it would violate the secrecy of grand jury proceedings. If DOJ were to take such a position, it's unclear whether any court would have the power to direct or approve the release of the Special Counsel's report and it's also unclear who, if anyone, would have standing to seek such relief.

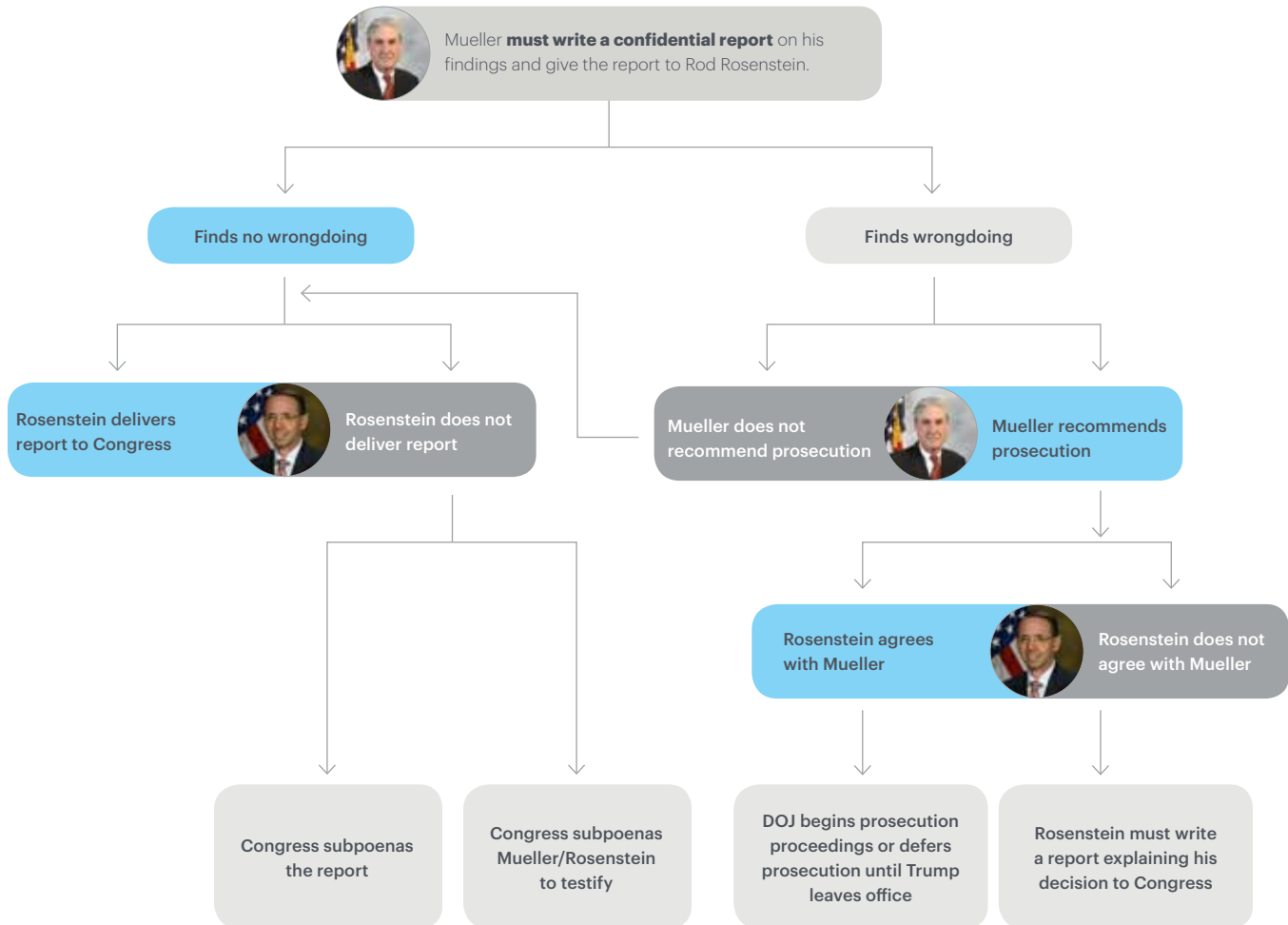
Given Democratic control of the House in the 116th Congress, House Democrats will surely subpoena the Special Counsel's report if the Justice Department won't produce it voluntarily and a court battle over enforcement of the subpoena would very likely ensue. Subject to any conditions that may be required for national security purposes, if House Democrats receive the Special Counsel's report, they are likely to want to share the report with the public.

If the Special Counsel finds evidence of presidential wrongdoing, another key open question is whether the Special Counsel will recommend prosecution of the President for such wrongdoing or defer any prosecution until President Trump leaves office. If the Department of Justice refuses to accept Special Counsel Mueller's findings of wrongdoing and will not agree to proceed at any time against the President, the House will surely insist that DOJ provide a report and offer testimony explaining the basis for its rejection of the Special Counsel's recommendations.



# MUELLER INVESTIGATION

**Special Counsel Mueller must write a confidential report and deliver it to Deputy Attorney General Rosenstein**



Sources: Michael S. Schmidt, Charlie Savage, Alicia Parlapiano, Anjali Singhvi, and Troy Griggs, "How the Mueller Investigation Could Play Out for Trump," The New York Times. May 23, 2018.

**To date, seven US nationals and one Dutch national have been indicted in the Special Counsel investigation**



**Paul Manafort (Oct. 2017)**

Former Trump campaign chairman

Charged with conspiracy against the US, being an unregistered foreign agent and obstruction of justice, among other charges.



**Richard Gates (Feb. 2018)**

Former Trump 2016 campaign aide and Manafort business associate

Pleaded guilty to conspiracy against the US and making false statements to federal investigators



**George Papadopoulos (Oct. 2017)**

Former Trump foreign policy adviser

Pleaded guilty to making false statements to the FBI



**Richard Pinedo (Feb. 2018)**

Head of the online service Auction Assistance

Pleaded guilty to identity fraud



**Lt. Gen. Michael Flynn (Dec. 2017)**

Former White House National Security Adviser

Pleaded guilty to making false statements to the FBI



**Alex van der Zwann (Feb. 2018)**

Lawyer

Pleaded guilty to making false statements to the FBI



**W. Samuel Patten (Aug. 2018)**

GOP lobbyist and consultant

Pleaded guilty to being an unregistered foreign agent



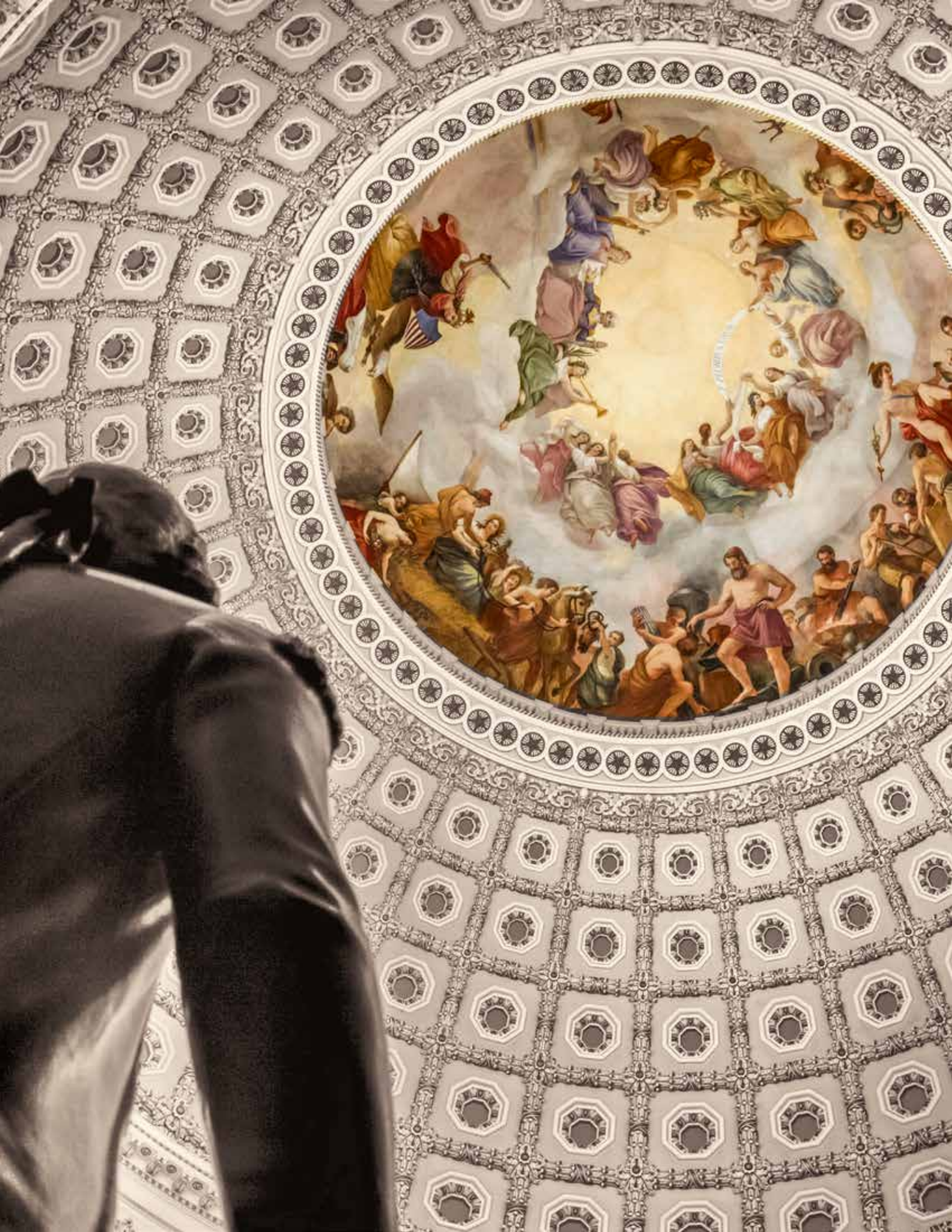
**Michael Cohen (Nov. 2018)**

Former lawyer for Trump

Pleaded guilty to making false statements to Congress about efforts to build a Trump Tower in Russia

Sources: "Mueller Indictments: Who's Who," The Wall Street Journal. July 13, 2018; Max Kutner, "Who is Richard Pinedo, who pleaded guilty to Mueller's Trump-Russia probe?" Newsweek. February 16, 2018; Andrew Prokop, "All of Robert Mueller's indictments and plea deals in the Russia investigation so far," Vox. October 10, 2018.







# Congressional Calendar 2019

Senate scheduled to be in session

House scheduled to be in session

House and Senate scheduled to be in session

January						
Su	M	Tu	W	Th	F	Sa
		01	02	03	04	05
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November						
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December						
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# Dates of Interest

Event	Date
Kentucky gubernatorial primary	Unknown Dates
Mississippi gubernatorial primary	
North Carolina 9th special primary/general (if called)	
Trump likely to send USMCA to Congress for ratification (simple majorities in both House and Senate) and begin 6-month unilateral withdrawal process for NAFTA	Early January
Start of the new 116th Congress; public vote for House Speaker	01/03
Mel Watt's term ends as Federal Housing Finance Agency Director	01/05
Start of second term for Venezuela President Nicolas Maduro; possible catalyst for another round of sanctions	01/10
Commerce Department public comment period ends for AI/tech export controls - mandated by the Export Control Reform Act (extended from December 19)	01/10
First day the U.S. can hold formal trade deal talks with Japan	01/14
State of the Union Address by President Trump	01/22
FOMC meeting (all eight interest-rate setting FOMC meetings in 2019 will be followed with a press conference by Fed Chairman Jay Powell, which is a marked difference from previous years when press conferences were limited to four meetings).	01/29-30
End of active-duty deployment for ~5,900 troops on U.S.-Mexico border that were rushed before the 2018 midterms to deal with Caravan.	01/31
Russian President Vladimir Putin's visit to the White House. Trump asked National Security Advisor John Bolton in July to set up a second summit with Putin after the leaders met in Helsinki, Finland.	January/ February (?)
Trump Summit with North Korea's Kim Jong-Un	February (?)
Trump FY20 Budget due - this deadline is rarely met and some type of "skinny" budget could precede	02/05
Former Trump Campaign Chairman Paul Manafort is due to be sentenced in Virginia court on eight counts related to his work on behalf of pro-Russia political party in Ukraine.	02/08
Wisconsin State Supreme Court- primary election	02/12

Event	Date
Madison mayoral- primary election	02/19
Chicago mayoral- general election	02/26
Fed Chairman Jay Powell will deliver his semi-annual Monetary Policy Report to the Congress (Humphrey-Hawkins) starting with Maxine Waters's House Financial Services Committee.	Late February
Statutory deadline for Commerce Department to release 232 Report on "Foreign" Autos and Auto Parts. The investigation was initiated May 23, 2018 and has a 270 day deadline. Our expectation is a recommendation for a 25% tariff on "foreign" autos and auto parts with soft quota exemptions for Canada and Mexico. Trump then has 90 days to determine whether he concurs with the Commerce Department's recommendations, and identify any action he will take by May 18.	02/17
"Hard deadline" for the U.S.-China tariff escalator per the Lighthizer led-negotiations (10% tariff on \$200B in Chinese exports would increase to 25% and expectation that product list on remaining \$267B in exports would be made public with a 10% tariff)	03/01
Debt ceiling reinstated, though "extra-ordinary measures" likely pushed "X-Date" and technical default scenarios to late summer/early fall	03/01
Tampa mayoral- general election	03/05
Jacksonville mayoral- general election	03/19
Manafort sentencing in Washington courthouse, though could be charged with new crimes including lying to investigators.	03/05
FOMC Meeting and Powell press conference	03/19-20
Brexit deadline for the United Kingdom to quit the EU	03/29
Ukraine Presidential election	03/31
FOMC Meeting and Powell press conference	04/30-05/01
Chicago mayoral- runoff election Kansas City mayoral- primary election Las Vegas mayoral- primary election Madison mayoral- general election Wisconsin State Supreme Court- general election	04/02
Lincoln mayoral- primary election	04/09
Tampa mayoral- runoff election	04/23

Event	Date
Arlington mayoral- general election	05/04
Dallas mayoral- general election	
Fort Worth mayoral- general election	
Garland mayoral- general election	
San Antonio mayoral- general election	
Columbus mayoral- primary election	05/07
Denver mayoral- general election	
Fort Wayne mayoral- primary election	
Indianapolis mayoral- primary election	
Lincoln mayoral- general election	
232 auto/auto part tariff deadline for Trump to determine action. Action must then be taken within 15 days of May 18 (or June 2) and Congress must be notified within 30 days of May 18 (June 17).	05/18
FOMC Meeting and Powell press conference	06/18-19
Philadelphia mayoral- primary election	05/21
Jacksonville mayoral- runoff election	05/24
Denver mayoral- runoff election	06/04
G-20 Summit in Osaka, Japan; Trump is expected to attend.	06/28-29
Bank Stress Test Results. The Fed generally releases the results of the CCAR (Stress Tests) for banks in late June.	Late June
Likely earliest "X-Date" for debt ceiling and technical default scenarios	Late July
Arlington mayoral- runoff election	07/08
Dallas mayoral- runoff election	
Fort Worth mayoral- runoff election	
Garland mayoral- runoff election	
San Antonio mayoral- runoff election	
United States Conference of Mayors Winter Meeting (Washington, DC)	01/23-25
National Governors Association Winter Meeting (Washington, DC)	02/15-22
National Association of Counties Legislative Conference (Washington, DC)	03/02-06
National Association of Attorneys General Winter Meeting (Washington, DC)	03/04-06



Event	Date
National Governors Association Summer Meeting (Salt Lake City)	July
Las Vegas mayoral- general election	07/11
Kansas City mayoral- general election	07/25
FOMC Meeting and Powell press conference	07/30-31
G-7 Summit scheduled to be held in France; it is expected Trump will attend.	08/25-27
Tucson mayoral- primary election	08/27
Likely date for the Kansas City Fed's Jackson Hole economic conference	Late August
Charlotte mayoral- primary election	09/10
FOMC Meeting and Powell press conference	09/17-18
Start of new Fiscal Year for government; stop-gap spending measure likely required to avoid a shutdown.	10/01
Return of the Budget Control Act caps ("sequester") for the final two years - per tradition, a deal to lift the defense and non-defense discretionary spending camps is likely.	10/01
Medicare/Medicaid tax extenders expire	10/01
Memphis mayoral- general election	10/03
Durham mayoral- primary election	10/08
Raleigh mayoral- general election	
FOMC Meeting and Powell press conference	10/29-30
Louisiana gubernatorial jungle primary	10/12

Event	Date
Charlotte mayoral- general election	11/05
Columbus mayoral- general election	
Durham mayoral- general election	
Fort Wayne mayoral- general election	
Houston mayoral- general election	
Indianapolis mayoral- general election	
Kentucky gubernatorial -general election	
Mississippi gubernatorial- general election	
Philadelphia mayoral- general election	
Orlando mayoral- general election	
San Francisco mayoral- general election	
Tucson mayoral- general election	
Virginia State House and Senate- general election	
Election Day; off-year election includes the regular gubernatorial elections in Kentucky, Louisiana, and Mississippi. State legislative elections will also be held in Louisiana, Mississippi, Virginia, and in the New Jersey General Assembly among other local and mayoral elections.	11/05
Louisiana gubernatorial- runoff election	11/16
National Association of Attorneys General Capital Forum (Washington, DC)	December
FOMC Meeting and Powell press conference	12/10-11
Orlando mayoral- runoff election	12/03
Houston mayoral- runoff election	12/14

## NEED THESE DATES IN OUTLOOK?

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# Senators up for re-election in 2020

Republicans
Lamar Alexander (R-Tennessee) OPEN
Shelley Moore Capito (R-West Virginia)
Bill Cassidy (R-Louisiana)
Susan Collins (R-Maine)
John Cornyn (R-Texas)
Tom Cotton (R-Arkansas)
Steve Daines (R-Montana)
Mike Enzi (R-Wyoming)
Joni Ernst (R-Iowa)
Cory Gardner (R-Colorado)
Lindsey Graham (R-South Carolina)
Cindy Hyde-Smith (R-Mississippi)
James Inhofe (R-Oklahoma)
Martha McSally (R-Arizona) --
Mitch McConnell (R-Kentucky)
David Perdue (R-GA)
Jim Risch (R-Idaho)
Pat Roberts (R-Kansas)
Mike Rounds (R-South Dakota)
Ben Sasse (R-Nebraska)
Dan Sullivan (R-Alaska)
Thom Tillis (R-North Carolina)

Democrats
Cory Booker (D-New Jersey)
Chris Coons (D-Delaware)
Dick Durbin (D-Illinois)
Doug Jones (D-Alabama)
Ed Markey (D-Massachusetts)
Jeff Merkley (D-Oregon)
Gary Peters (D-Michigan)
Jack Reed (D-Rhode Island)
Jeanne Shaheen (D-New Hampshire)
Tina Smith (D-Minnesota)
Tom Udall (D-New Mexico)
Mark Warner (D-Virginia)

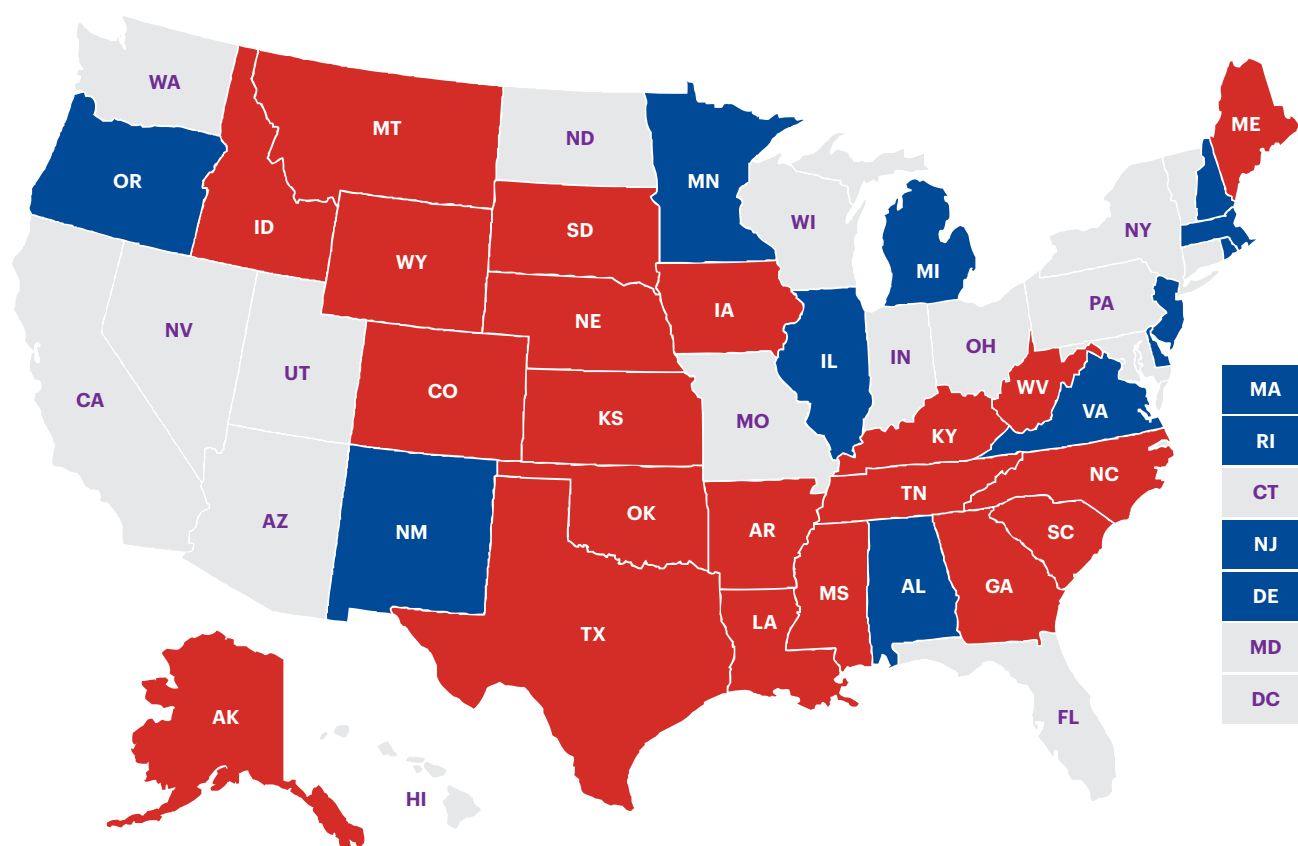


# Out of the 35 Senate seats up for reelection in 2020, 22 seats are held by Republicans

## States with U.S. Senate seats up for election

Democratic-held seat

Republican-held seat



**Sources:** Charlie Cook, "Will History Hold in 2018 Midterms?"  
The Cook Political Report, January 9, 2017, National Journal  
Research, 2018.

*Last updated on December 17, 2018*





# US SUPREME COURT OUTLOOK



After a slow 2018, the US Supreme Court is set to consider at least three marquee cases in 2019 and could consider several other potential landmark cases before the current term ends in June. The Court has agreed to hear a case to decide whether an approximately 100-year old World War I memorial shaped like a cross set on a median on a Maryland highway violates the Constitution's requirement of separation of church and state. Also on the docket this year is a case involving whether Secretary of Commerce Wilbur Ross can be questioned about the Department of Commerce's decision to add a citizenship question to the 2020 Census. A third case, which has the potential to dramatically change the Supreme Court's administrative law doctrine, will require the Justices to consider how much deference courts should afford to a federal agency's interpretation of its own regulation.

In addition to these closely-watched cases, the Court may choose to hear high-stakes cases related to—

- The Trump Administration's decision to end the Deferred Action for Childhood Arrivals ("DACA") program
- Enforcement of the Trump Administration's transgender military ban
- The Constitutionality of certain instances of extreme partisan gerrymandering

Below, a list of the pending cases before the court.

## **Air and Liquid Systems Corp. v. Devries**

A case in which the Court will decide whether products liability defendants can be held liable under maritime law for injuries caused by products that they did not make, sell, or distribute.

## **Apple v. Pepper**

A case in which the Court will decide whether consumers may sue anyone who delivers goods to them for antitrust damages (in this case, Apple), even where they seek damages based on prices set by third parties (in this case, app developers) who would be the immediate victims of the alleged offense.

### **Azar v. Allina Health Services**

A case in which the Court will decide whether the US Department of Health and Human Services was required under the Administrative Procedure Act and Medicare Act to provide notice and an opportunity to comment before implementing a rule changing its Medicare reimbursement formula.

### **Biestek v. Berryhill**

A case in which the Court will decide whether an applicant for Supplemental Security Income (SSI) and Disability Insurance (SSDI) may use a vocational expert's testimony as "substantial evidence" of "other work" if the expert does not provide the underlying data on which that testimony is premised.

### **BNSF Railway Company v. Loos**

A case in which the Court will decide whether under the Railroad Retirement Tax Act, a railroad company's payment to an employee for time lost from work is compensation subject to employment taxes.

### **Bucklew v. Precythe**

A case in which the Court will decide the evidentiary burden of an inmate raising an as-applied challenge to a state's method of execution and seeking an alternative execution method.

### **Carpenter v. Murphy**

A case in which the Court will decide whether the 1866 territorial boundaries of the Creek Nation within the former Indian Territory of eastern Oklahoma constitute an "Indian reservation" today under 18 U.S.C. § 1151(a).

### **Culbertson v. Berryhill**

A case in which the Court will decide whether fees subject to 42 U.S.C. § 406(b)'s 25-percent cap related to the representation of individuals claiming Social Security benefits include only fees for representation in court, as the U.S. Courts of Appeals for the 6th, 9th, and 10th Circuits have held, or whether they also include fees for representation before the agency, as the U.S. Courts of Appeals for the 4th, 5th, and 11th Circuits have held.

### **Dawson v. Steager**

A case in which the Court will decide whether a provision of the West Virginia Code that exempts from state taxation the retirement income of many state and local firefighters and law enforcement officers, but not federal marshals, violates 4 U.S.C. § 111 by discriminating "because of the source of the pay or compensation."

### **Flowers v. Mississippi**

A case in which the Court will decide whether the Mississippi Supreme Court erred in how it applied *Batson v. Kentucky*, 476 U.S. 79 (1986), in this case.

### **Fourth Estate Public Benefit Corp. v. Wall-Street.com**

A case in which the Court will resolve a circuit split as to whether the "registration of [a] copyright claim has been made" within the meaning of 17 U.S.C. § 411(a) when the copyright holder delivers the required application, deposit, and fee to the copyright office (as the Fifth and Ninth Circuits have held), or only once the copyright office acts on that application (as the Tenth and Eleventh Circuits have held).

### **Franchise Tax Board of California v. Hyatt**

A case in which the Court will decide whether to overrule its prior decision in *Nevada v. Hall*, which permits a sovereign state to be haled into another state's courts without its consent.

### **Frank v. Gaos**

A case in which the Court will decide whether, or in what circumstances, a cy pres award of class action proceeds that provides no direct relief to class members supports class certification and comports with the requirement that a settlement binding class members must be "fair, reasonable, and adequate."

### **Gamble v. United States**

A case in which the Court will decide whether to overrule the "separate sovereigns" exception to the Double Jeopardy Clause.



### **Garza v. Idaho**

A case in which the Court will decide whether the decision of a criminal defendant's trial lawyer not to appeal a conviction because the defendant's plea agreement included an appeal waiver triggers a "presumption of prejudice" indicating ineffective assistance of counsel.

### **Gray v. Wilkie**

A case in which the Court will decide whether the US Court of Appeals for the Federal Circuit has jurisdiction under 38 U.S.C. § 502 to review an interpretive rule reflecting the Department of Veterans Affairs' definitive interpretation of its own regulation, even if the VA chooses to promulgate that rule through its adjudication manual.

### **Greer v. Green Tree Servicing LLC**

A case in which the Court will decide whether the Fair Debt Collection Practices Act applies to non-judicial foreclosure proceedings.

### **Gundy v. United States**

A case in which the Court will decide whether the Sex Offender Notification and Registration Act's delegation of authority to the U.S. Attorney General to issue regulations under 42 U.S.C. § 16913 violates the nondelegation doctrine.

### **Helsinn Healthcare S.A. v. Teva Pharmaceuticals USA Inc.**

A case in which the Court will decide whether, under the Leahy-Smith America Invents Act, an inventor's sale of an invention to a third party who is obligated to keep the invention confidential qualifies as prior art for purposes of determining the patentability of the invention.

### **Henry Schein Inc. v. Archer and White Sales Inc.**

A case in which the Court will decide whether the Federal Arbitration Act permits a court to decline to enforce an agreement delegating questions of arbitrability to an arbitrator if the court concludes the claim of arbitrability is "wholly groundless."

### **Herrera v. Wyoming**

A case in which the Court will decide whether Wyoming's admission to the Union or the establishment of the Bighorn National Forest abrogated the Crow Tribe of Indians' 1868 federal treaty right to hunt on the "unoccupied lands of the United States," thereby permitting the present-day criminal conviction of a Crow member who engaged in subsistence hunting for his family.

### **Home Depot U.S.A., Inc. v. Jackson**

A case in which the Court will decide whether the Class Action Fairness Act—which permits "any defendant" in a state-court class action to remove the action to federal court if it satisfies certain jurisdictional requirements—allows removal by third-party counterclaim defendants; and whether the Court's holding in *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100 (1941)—that an original plaintiff may not remove a counterclaim against it—extends to third-party counterclaim defendants.

### **Jam v. International Finance Corp.**

A case in which the Court will decide the level of immunity enjoyed by international organizations under the International Organizations Immunities Act.

### **Kisor v. Wilkie**

A case in which the Court will decide whether to overrule *Auer v. Robbins*, 519 U.S. 452 (1997), and *Bowles v. Seminole Rock & Sand Co.*, 325 U.S. 410 (1945), which direct courts to defer to an agency's reasonable interpretation of its own ambiguous regulation.

### **Knick v. Township of Scott, Pennsylvania**

A case in which the Court will (1) consider whether to affirm or abrogate its holding in *Williamson County Regional Planning Commission v. Hamilton Bank* that requires property owners to exhaust state court remedies before bringing federal Takings Clause claims, and (2) resolve a circuit split as to whether the ripeness doctrine established in *Williamson County* applies to takings claims that assert that a law is unconstitutional on its face.

### **Lamps Plus, Inc. v. Varela**

A case in which the Court will decide whether the Federal Arbitration Agreement forecloses a state-law interpretation of an arbitration agreement that would authorize class arbitration based solely on general language commonly used in arbitration agreements.

### **Lorenzo v. Securities and Exchange Commission**

A case in which the Court will decide whether a false statement that is not "made" by a person under the definition set forth in *Janus Capital Group, Inc. v. First Derivative Traders* can nevertheless be the basis of a fraudulent-scheme claim under Securities Exchange Act Rule 10b-5.

### **Madison v. Alabama**

A case in which the Court will decide whether the Eighth Amendment prohibits a state from executing an inmate whose mental disability renders him unable to remember the crime for which he is to be executed or understand the circumstances of his scheduled execution.

### **Manhattan Community Access Corp. v. Halleck**

A case in which the Court will resolve a circuit split as to whether private operators of public access channels are state actors subject to constitutional liability.

### **Maryland-National Capital Park and Planning Commission v. American Humanist Association**

A case in which the Court will decide whether the display and maintenance of a large memorial cross by a local government violates the principle of separation of church and state enshrined in the First Amendment (consolidated with *The American Legion v. American Humanist Association*, No. 17-1717).

### **Merck Sharp & Dohme Corp. v. Albrecht**

A case in which the Court will decide whether a state-law failure-to-warn claim is preempted when the Food and Drug Administration (FDA) rejected the drug manufacturer's proposal to warn about the risk after being provided with the relevant scientific data, or whether such a case must go to a jury for conjecture as to why the FDA rejected the proposed warning.

### **Mission Product Holdings, Inc. v. Tempnology, LLC**

A case in which the Court will resolve a circuit split as to whether in bankruptcy proceedings, the debtor's rejection of a license agreement, which would constitute a breach of contract, terminates rights of the licensee that would have survived outside the bankruptcy context.

### **Mont v. United States**

A case in which the Court will decide whether a term of supervised release for one offense is paused by imprisonment for another offense.

### **New Prime Inc. v. Oliveira**

A case in which the Court will decide (1) whether a court or an arbitrator must determine the applicability of Section 1 of the Federal Arbitration Act, and (2) whether that provision, which applies only to "contracts of employment," includes independent contractor agreements.

### **Nielsen v. Preap**

A case in which the Court will decide whether a noncitizen released from criminal custody becomes exempt from mandatory detention under 8 U.S.C. § 1226(c) if, after the noncitizen is released from criminal custody, the Department of Homeland Security does not take the noncitizen into immigration custody immediately.

### **Nieves v. Bartlett**

A case in which the Court will decide whether probable cause defeats a First Amendment retaliatory-arrest claim under 42 U.S.C. § 1983.

### **Nutraceutical Corp. v. Lambert**

A case in which the Court will decide whether the U.S. Court of Appeals for the 9th Circuit erred when it ruled that equitable exceptions apply to mandatory claim-processing rules, such as Federal Rule of Civil Procedure 23(f), which sets a 14-day deadline to file a petition for permission to appeal an order granting or denying class-action certification, and can excuse a party's failure to file timely within the deadline established by Federal Rule of Civil Procedure 23(f), in conflict with the rulings of the U.S. Courts of Appeals for the 2nd, 3rd, 4th, 5th, 7th, 10th and 11th Circuits.

### **Obduskey v. McCarthy & Holthus LLP**

A case in which the Court will decide whether the Fair Debt Collection Practices Act applies to non-judicial foreclosure proceedings.

### **Republic of Sudan v. Harrison**

A case in which the Court will decide whether the U.S. Court of Appeals for the 2nd Circuit erred by holding – in direct conflict with the U.S. Courts of Appeals for the District of Columbia, 5th and 7th Circuits and in the face of an amicus brief from the United States – that plaintiffs suing a foreign state under the Foreign Sovereign Immunities Act may serve the foreign state under 28 U.S.C. § 1608(a)(3) by mail addressed and dispatched to the head of the foreign state's ministry of foreign affairs "via" or in "care of" the foreign state's diplomatic mission in the United States, despite U.S. obligations under the Vienna Convention on Diplomatic Relations to preserve mission inviolability.

### **Return Mail, Inc. v. United States Postal Service**

A case in which the Court will decide whether the government is a "person" under the Leahy-Smith America Invents Act and thereby able to institute review proceedings under the Act.

### **Rimini Street, Inc. v. Oracle USA, Inc.**

A case in which the Court will resolve a circuit split as to whether the Copyright Act's allowance for "full costs" to a prevailing party is limited to taxable costs (as the Eighth and Eleventh Circuits have held), or whether the Act also authorizes non-taxable costs (as the Ninth Circuit held).

### **Smith v. Berryhill**

A case in which the Court will decide whether the decision of the Appeals Council—the administrative body that hears a claimant's appeal of an adverse decision of an administrative law judge regarding a disability benefit claim—to reject a disability claim on the ground that the claimant's appeal was untimely is a "final decision" subject to judicial review under 42 U.S.C. § 405(g).

### **Stokeling v. United States**

A case in which the Court will decide whether a state robbery offense that includes "as an element" the common law requirement of overcoming "victim resistance" is categorically a "violent felony" under the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(b)(i), when that offense has been specifically interpreted by state appellate courts to require only slight force to overcome resistance.

### **Sturgeon v. Frost**

A case in which the Court will decide whether the Alaska National Interest Lands Conservation Act prohibits the National Park Service from exercising regulatory control over State, Native Corporation, and private land physically located within the boundaries of the National Park System in Alaska.

### **Tennessee Wine and Spirits Retailers Association v. Byrd**

A case in which the Court will consider whether a state may constitutionally regulate liquor sales by granting licenses only to individuals or entities that have resided in-state for a specified time.

### **Thacker v. Tennessee Valley Authority**

A case in which the Court will decide whether the appropriate test for immunity for governmental "sue and be sued" entities is the discretionary-function test, which the Eleventh Circuit applied in this case, or the test set forth in *FHA v. Burr*, 309 U.S. 242 (1940).

### **The American Legion v. American Humanist Association**

A case in which the Court will decide whether the display and maintenance of a large memorial cross by a local government violates the principle of separation of church and state enshrined in the First Amendment.

### **Timbs v. Indiana**

A case in which the Court will decide whether the Eighth Amendment's excessive fines clause is incorporated against the states under the Fourteenth Amendment.

### **United States v. Haymond**

A case in which the Court will decide whether the Tenth Circuit erred in holding that 18 U.S.C. § 3583(k), which imposes a mandatory minimum punishment on a criminal defendant upon a finding by a preponderance of the evidence that the defendant engaged in certain criminal conduct while under supervised release, violates the Fifth and Sixth Amendments.

### **Virginia Uranium, Inc. v. Warren**

A case in which the Court will decide whether the federal Atomic Energy Act preempts a Virginia ban on non-federal uranium mining.

### **Washington State Department of Licensing v. Cougar Den, Inc.**

A case in which the Court will decide whether the Yakama Treaty of 1855 creates a right for tribal members to avoid state taxes on off-reservation commercial activities that make use of public highways.

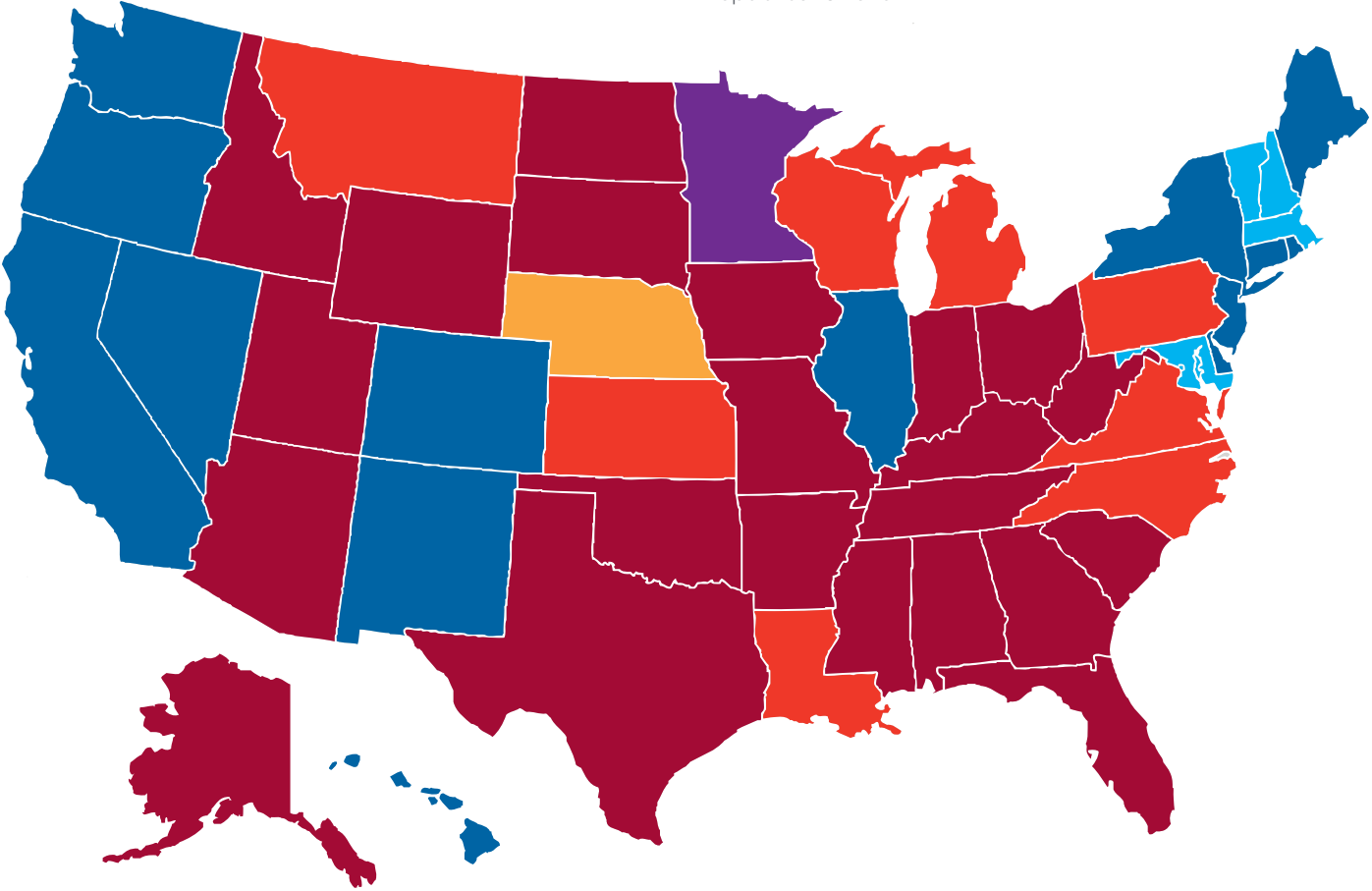




# DENTONS 50 2019 OUTLOOK

## Control of state government after the 2018 elections

Democrats now have 13 “trifectas” (control of all three branches of state government), Republicans have 22



**Sources:** National Conference of State Legislatures; Ballotpedia; Democratic Legislative Campaign Committee.

*Last updated on December 21, 2018*

- Dem legislature, Dem governor
- Dem legislature, GOP governor
- Split legislature, Dem governor
- GOP legislature, GOP governor
- GOP legislature, Dem governor
- Non-partisan legislature, GOP governor

Democrats gained 345 seats and flipped an estimated 380 legislative seats

Partisan control of all 7,383 state legislative seats

State	Chamber	Pre-election	Post election
Alaska	House	Democrats	Republicans
Colorado	Senate	Republicans	Democrats
Maine	Senate	Republicans	Democrats
Minnesota	House	Republicans	Democrats
New Hampshire	House	Republicans	Democrats

Partisan control of all 7,383 state legislative seats

	Pre-election (as of Oct. 9, 2018)			Post-election (as of Dec. 10, 2018)		
Legislative chamber	Dem	GOP	Other (Ind., other, undecided)	Dem	GOP	Other (Ind., other, undecided)
Senate   House	3,117	4,101	165	3,462	3,848	73

Sources: National Conference of State Legislatures; Ballotpedia; Democratic Legislative Campaign Committee.

Last updated on December 21, 2018

## ALABAMA

After the 2018 elections, Republicans are again enjoying comfortable majorities in both chambers, which should again help the leadership move issues through the legislative process. Approaching their ninth year of control, Republicans have for the most part demonstrated effectiveness in running committees, controlling the flow of legislation through the rules committee and special order calendars setting debate, passing budget isolation resolutions (BIRs) to allow bills to be considered before the budgets, and invoking cloture/stop filibusters at will.

Looking ahead to 2019, we expect the GOP leadership in both chambers to focus on infrastructure investment and education reform.

- **Infrastructure investment:** This has been a particular focus of Republican Senate President Pro Tem Del Marsh, who created a study committee in 2017 that has taken a broad approach to developing a plan for the improvement and replacement of the state's aging infrastructure. Senator Marsh also has gained the support of Governor Kay Ivey (R) and House Speaker Mac McCutcheon (R) in this infrastructure effort. It is anticipated that the infrastructure plan for the 2019 session will be based upon a revenue mechanism whereby an increase in the state's gasoline tax of 6 cents per gallon would be levied, with an index up to 12 cents within a specified number of years. Thereafter, adjustments would be based upon the Consumer Price Index. The measure will also likely include provisions for raising revenue from electric vehicles and other upcoming technologies through allowances for registrations and fees.
- **Education reform:** GOP leadership is expected to prioritize tenure reform along with some level of pay increases for teachers. Several years ago Alabama eliminated tenure for principals but it has yet to undertake substantial tenure reform for classroom teachers. The issue of tenure reform, like infrastructure finance, is expected to be contentious, raising the issue of how much capacity the legislature will have left for other challenging issues.

At a minimum, the legislature will be balancing and passing the state's two separate budgets, the Education Trust Fund (ETF), which could top \$7 billion this year, and the \$2 billion+ General Fund (GF), which supports all non-education functions of government. Although the education budget is projected to be in good shape, the long-struggling GF will likely be the focus of some debate. There is a growing divide within the majority party over how to address the GF's budget challenges. Medicaid and prisons continue to dominate the conversation,

particularly as those two agencies account for roughly 60 percent of the GF budget, and the debate between increased funding vs. budget cuts will likely continue for the foreseeable future.

## ALASKA

Alaska's new governor, Mike Dunleavy, a former Republican state senator, was sworn into office in early December. After four years of center-left governance under Governor Bill Walker, an independent, the Dunleavy administration is plotting a far-right turn when the legislative session begins this month.

- **Paying for PFD distributions:** Governor Walker had become one of the most unpopular governors in the country, largely due to his decision to close the state's budget deficit by cutting the amount of money Alaskans receive every year in Permanent Fund Dividend distributions. Governor Dunleavy has promised to restore the PFD to its full level and issue back payments to Alaskans for the cuts made over the past three years, which equate to roughly \$7,000 per person.

The battle over how to pay for the PFD increase will become one of the defining issues of the 2019 legislative session. Governor Dunleavy intends to propose massive budget cuts, which could set off massive fights around issues such as healthcare and education funding. Other priority issues for the incoming administration are public safety, resource development and regulatory reform.

Dunleavy is closely aligned with President Trump and will be looking for opportunities to support his agenda from Alaska.

- **A House divided:** Republicans will maintain strong control of the Alaska Senate while the House remains divided in a 20/20 split with unresolved organization/leadership. Whether the House organizes under a predominantly Republican or Democratic group, the body will struggle to manage a razor-thin majority in either direction. While the Senate majority will largely align itself with the priorities of the Dunleavy administration, it is a more moderate group and may end up pushing back against the more extreme parts of his agenda. Under any likely organizing scenario, the House is likely to serve as somewhat of a roadblock that could lead to gridlock, complicating Dunleavy's legislative strategy.
- **Key issues:** While it remains to be seen what the new administration plans to spend its political capital on during this first legislative session, it is likely that the following issues will dominate the debate in Juneau this year. In order of priority, they are:

- Budget/taxes/PFD
- Resource development
- Regulatory reform
- Healthcare
- Education
- Public safety
- Social issues
- Fish and game policy

## ARIZONA

The 2018 election brought significant changes to Arizona's political landscape. At the federal level, Arizonans elected a woman to the US Senate for the first time, not to mention the first Democrat in about 30 years, in Kyrsten Sinema. Additionally, five of the state's nine congressional seats went to Democrats, giving them a majority of the delegation.

At the state level, Democrats elected three people to statewide offices, breaking what had been a decade-long Republican stranglehold on statewide offices. Most notably, Katie Hobbs won the race for secretary of state, putting her next in line in the order of succession for the governor's office. In the governor's race, Republican Doug Ducey won re-election in a landslide. In the legislature, the Republicans maintained their 17-13 majority in the Senate, but in the House, Democrats picked up four seats to narrow the Republican majority to a 31-29 split—the smallest it's been since 1967.

So the big question everyone is now asking is: Can there be a new effort to find bipartisan "middle of the road" solutions to some of the big issues, or will the political extremes continue to fight one another? This is a significant question because the state has several huge issues that need to be addressed in the next two years.

- **Water resources:** The state has to continue working with the other Colorado River Lower Basin states to come up with a drought contingency plan. There is no wiggle room here. More important, the state has to come up with a long-term plan for handling its water supply. Population growth, residential vs. agricultural use, and climate change all will continue to put severe pressure on water resources, and everyone is finally recognizing the threat can no longer be ignored. The business, agricultural, environmental and political sectors all think something needs to be done. What remains to be seen is if the political will can be found to do it.

- **Education funding:** Though teacher pay raises and increased funding were passed last year, almost everyone agrees that more funding needs to be allocated for public education. It will probably result from a combination of legislative proposals and a 2020 ballot measure, but who will lead these discussions and, more important, whether a bipartisan coalition can be created to support the solutions remains to be seen.
- **Other key issues:** infrastructure investment, tax reform and election reform. Also expected is a push within the legislature to legalize recreational marijuana, but most agree that it will not be successful and that the issue ultimately will be decided by a citizen-led ballot initiative in 2020.

## ARKANSAS

Heading into the 2019 legislative session, the Arkansas political landscape looks very similar to its previous iteration: Governor Asa Hutchinson (R) was just elected to a second four-year term by an overwhelming margin, and the legislature remains wholly controlled by the Republican Party. The Governor hopes to pass an income tax reduction in 2019 and is also expected to push for a reorganization of agencies and commissions.

- **Income tax relief:** Hutchinson previously lessened Arkansans' heavy income tax burden by reducing the middle and lower brackets. Now, he intends to simplify the overall structure and reduce the top tax rate. Last session a law was enacted creating a tax reform task force. This task force spent the better part of the past two years putting together a package that would accomplish the governor's goals and simplify other portions of the tax code, and in early December it submitted its final report and proposed legislative package. To pay for the governor's proposed income tax cut, the task force has recommended that the state impose an Internet sales tax and eliminate or reduce various tax credits and loopholes.
- **Government overhaul:** Hutchinson has unveiled a plan to consolidate various state agencies, boards and commissions in the name of more efficient government, adding that he hopes to pass legislation in 2019 to accomplish this reorganization. The plan would cut the number of cabinet-level agencies from 42 to 15, and would assign the more than 200 boards and commissions to one of the newly reorganized agencies. The governor envisions a more traditional cabinet led by 15 secretaries who are able to manage state government more effectively.



- **Highway funding:** Arkansas must address a growing concern over funding for state highways. In the past, to pull down all available highway funding, the governor used one-time special funding to ensure that the state could meet its federal match. Meanwhile, the governor and other leaders have been brainstorming sustainable solutions to the funding problem, but have come up dry. To avoid a highway-funding shortfall in the coming fiscal year, the legislature must address the problem during the 2019 session.

## CALIFORNIA

A demographic realignment is in full bloom in California—and the resulting political dynamics could not be more dramatic. Democrats are achieving heretofore unimagined success at the state government level, while Republicans have all but vanished from the political scene.

The supporting evidence is compelling. The state's 2019 congressional delegation will consist of 46 Democrats and just 7 Republicans. The state Senate's 40 seats will be dominated by 29 Democrats, and the makeup of the state Assembly is even more extreme, with Democrats controlling 60 out of 80 seats.

Topping off this blue tsunami was the election of Democrats to all statewide offices.

- **Healthcare:** Governor-elect Gavin Newsom, who campaigned as the “healthcare governor,” said his initial focus would be on a single-payer system. More recently, however, his focus seems to have shifted to universal coverage, and he has stated that any changes will be gradual, noting, “I’ve got a budget to balance.”

However the governor-elect will, unlike several of his predecessors, take office with a \$15 billion budget surplus, prompting some legislators and campaign supporters to encourage him to move more quickly than his comments suggest he is predisposed to do. Newsom's response has been to reassure them that “we will have universal healthcare in the state of California” but to also note that the state must first identify a financing source, gain approval from California voters and clear a number of federal hurdles.

Three members of the Assembly, one a chair of the budget committee and the others chairs of health-related committees, are pursuing a \$1 billion investment through the state budget to fund significant improvements in state's healthcare system. In part, this funding will establish a refundable tax credit to make premiums more affordable for the middle class; expand coverage for undocumented youth ages 19-25; expand Medi-Cal

enrollment for low-income seniors and people with disabilities; increase the number of physicians and medical students; and create an all-payer payments database to create transparency in pricing and as a means of containing costs.

- **Affordable housing:** Stating that housing is a fundamental human need that must be addressed, Newsom is calling for 3.5 million homes to be built by 2025. He supports his position by stating that California is producing far more jobs than homes, citing data showing that since 2005, California has only produced 308 housing units for every 1,000 new residents. In addition to allocating more funding, he intends to implement regulatory reform and to create financial incentives for communities that produce affordable housing and to penalize those that fall short. He is asking the legislature to streamline and accelerate land-use approvals and enact stronger tenant protections to prevent low-income residents from displacement.

Immediately upon reconvening in early December, state senators reintroduced proposals that had failed to pass in recent years to fund low-income housing through the revival of an urban redevelopment program and increased tax credits.

- **Climate change:** California is likely to continue its clash with the federal government over climate change, quite possibly at an accelerated rate. Newsom has announced plans to put the state on a path to 100 percent renewable energy, establishing a goal of zero diesel pollution by 2030. Further, the Governor-elect supports a ban on future oil and natural gas extraction projects that involve fracking (i.e., injecting high pressure liquid into rock formations to free up fossil fuel). However, he has said he will not halt current fracking operations.

Newsome has also stated in recent months that he prefers a different approach to reducing greenhouse gases. Instead of cap-and-trade, which sets an overall cap on emissions, gradually lowering the level of pollution (and generating \$3 billion a year in revenue to the state), Newsom said he prefers a carbon tax (i.e., a straight charge for emitting greenhouse gases).

The Senate's president pro tem has been joined by two senators in proposing legislation that would counter federal action relating to California's environment. Specifically, the legislation makes several standards enforceable under state law even if the federal government rolls back or reduces these standards. The legislation also would direct state environmental, public health and worker safety agencies to take all actions within their authority to ensure that state standards in effect since January 2017 remain so.

## COLORADO

This past November, Colorado experienced what many have described as a “blue tsunami.” All branches of state government will now be led by Democrats. And with Democrats winning three highly competitive seats in the Senate, the party will have a supermajority under the dome of the State Capitol.

- **Transportation:** In the midterm elections, voters were presented with multiple options to fund transportation projects, which are desperately needed to keep up with the state’s growing population and the wear and tear on its roads. While voters rejected all the ballot propositions, expect to see both chambers of the General Assembly as well as the Governor’s Office place this issue on the top of their 2019 to-do lists, as it is a bipartisan priority.
- **Paid family leave:** In the first few weeks, expect to see legislation resurface that wasn’t successful in recent years due to the split chambers. Paid family leave has been mentioned as a priority. Democrats have discussed having Coloradans pay a “fee” to the state to create a family leave insurance program. When a family member becomes sick or a baby is born, employees can then request benefits from the state.
- **Progressive agenda:** Between the General Assembly’s solid Democratic majorities in both chambers and larger-than-average number of freshmen House members, expect to see legislation addressing a host of pent-up or ideologically important issues, including greater regulation of the oil and gas industry, combating the opioid epidemic and, possibly, advancing criminal justice reform. Also likely to be hot topics are the need for more affordable housing, an increase in the state’s minimum wage and solutions to homelessness. And with the state’s marijuana industry booming, discussions have turned to licensing and regulation of marijuana delivery services and legalizing the public consumption of cannabis, for example initially allowing consumption in bars and clubs.

The above issues are just some of the topics we expect to come up for discussion in 2019. If Democrats are to deliver tangible results before the next election cycle, they will have to prioritize their list!

## CONNECTICUT

In the 2018 election, Connecticut Democrats increased their majority in the House of Representatives (they now have a 92-59 seat advantage) and recaptured control of the Senate, where they enjoy a 23-13 majority. Add to that the party’s continued control of the governor’s mansion and Democrats

are feeling emboldened. Expect them to move on a number of policy proposals that have proved difficult to pass in recent sessions.

Democrats will focus on what they call their “Big Five” policy proposals:

- **Legalized marijuana:** Framework legislation for the legalization of recreational marijuana has been proposed in recent years, but has faced resistance from a majority of Republicans, as well as moderate Democratic legislators and Democratic Governor Dannel P. Malloy. However, with a new governor, Democrat Ned Lamont, and large Democratic margins in the legislature the prospects for passing legislation legalizing marijuana have greatly increased.
- **Legalized sports betting:** This legislation is viewed as a revenue driver, and a potential boon for the state’s struggling casinos.
- **Paid family and medical leave:** This has been a top priority for Senate Democrats in particular over the past few years, but has been met with significant opposition from many in the business community.
- **Tolls:** Connecticut is the only state in New England without tolls, and given the Nutmeg State’s aging infrastructure, it is likely that some form of legislation enabling tolls will be sent to the governor for his signature this session. Whether the tolling will be limited to trucks, which is Governor-elect Lamont’s preference, or will be levied on all vehicles remains to be determined.
- **Increased minimum wage:** A longtime rallying cry for progressive Democrats, a minimum wage increase to \$15 per hour (or higher) is very likely to receive serious consideration this session.

Legislators will view each of the above through the prism of how it will impact on the state budget. Connecticut has been long-burdened by significant unfunded pension liabilities, which have been ballooning in recent years. The legislature will be tasked with closing a \$2 billion estimated budget deficit in the 2019–2020 biennium, and may have to rely on union concessions and tax increases to balance the budget.

In addition to the “Big Five” policy proposals, Internet privacy-related legislation similar to California’s Consumer Privacy Act of 2018 is likely to be introduced, as is a net neutrality bill. Governor Lamont also plans to propose a Green New Deal which will focus on green job creation and maybe also an increase in the state’s renewable portfolio standard (RPS) and an expansion of the state’s existing extended producer responsibility programs.

## DELAWARE

- **New tax brackets:** An interesting year awaits the Delaware General Assembly which, after becoming the first state to legalize sports betting turns its attention to more typically liberal causes. Specifically, an effort has emerged in the House of Representatives to add two new brackets to the top end of the state's income tax code, for residents making more than \$125,000 and \$250,000, respectively. While Democrats claim to be just one vote shy of the two-thirds supermajority needed to pass the legislation in each chamber, observers believe a substantial compromise will be needed to win passage.
- **State ERA law:** An equally newsworthy but more-likely-to-pass piece of legislation is an amendment to the state constitution prohibiting unequal treatment under the law on the basis of sex. While the General Assembly already approved the ERA legislation in 2018, under Delaware law the proposed amendment must now go on a statewide ballot to be ratified or rejected by the state's voters. This largely bipartisan agreement was brokered out of a compromise with Republican legislators to ensure that the constitutional change only applies to the Delaware state and local governments and not to private enterprise, beyond existing non-discrimination laws. Supporters of the amendment hope its passage will improve upon the progress made in recent years combating workplace discrimination and related gender-based inequality.

## FLORIDA

- **Reshaping the state Supreme Court:** The impact of the Ron DeSantis' election as governor will be felt early on, when he appoints three justices to the Florida Supreme Court to replace three retiring justices, instantly creating a "conservative" high court—a distinct change from recent decades when, despite a succession of GOP governors, the court has tilted slightly to the left, due in large part to the appointment of liberal justices by former Republican Governor now Democratic Congressman Charlie Crist. The business community, as well as school choice advocates, are optimistic that their priorities will fare much better with the high court over the next decade.
- **School choice:** DeSantis, with the help of GOP majorities in both the Senate and House, is expected to push for the expansion of the state's school choice programs, and to continue growing career and technical education options at both the K-12 and postsecondary levels. His recommendation for Commissioner of Education, former House Speaker Richard Corcoran, has already been unanimously approved by the State Board of Education, and is expected to lead with the same aggressive style that

characterized his two successful, albeit controversial, years as speaker. School choice advocates are thrilled by his selection. Unions and school districts are appalled.

- **Battling algae bloom:** DeSantis is expected to tackle the state's massive algae bloom and red tide problems, aided by Lt. Governor Jeanette Nunez, who just finished two years as House speaker pro tempore. Great emphasis will be on Lake Okeechobee reservoir solutions and maximizing federal funding. During his campaign, DeSantis said he would work to ban fracking but the House is unlikely to pass a bill banning the practice. DeSantis has also spoken about the importance of protecting and restoring the state's freshwater springs, but it remains to be seen where this will fall among his priorities.
- **Strike up the bond?** In late December state economists projected a budget surplus in 2019 of approximately \$800 million—and some key senators are openly discussing utilizing some bonding for fiscal 2019—a break from the Gov. Rick Scott years, when billions in debt was paid down and new bond issuances played a tiny role in state budgeting. Florida has up to \$2.6 billion in bonding capacity under Public Education Capital Outlay which can support K-12, state colleges and universities. The state also benefits from AAA bond ratings from both S & P and Fitch.
- **Hurricane Michael budget impact:** Depending on how much lawmakers decide to spend on helping the panhandle recover from Hurricane Michael, the recovery effort could have a significant impact on the budget. For context, the Bay County (Panama City) School District alone reports being on the hook for \$200 million in uncovered damages after maxing out its \$100 million insurance policy.

## GEORGIA

The 2019 legislative session will be a busy one, largely driven by incoming Governor Brian Kemp (R) as he peruses priorities—healthcare, rural economic development initiatives, public safety, school safety, and education.

- **Healthcare:** To address rural public health concerns, Governor-elect Kemp has consistently touted an expansion of the rural hospital tax credit from \$60 million to \$100 million annually.
- **Rural development initiatives:** The House Rural Development Council conducted 15 meetings in 5 communities throughout the 2018 interim focusing on unique issues impairing the stabilization and potential growth of Georgia's rural communities. The Council released a report that contains recommendations to improve economic development through new tax credits,

refining the taxation and delivery of broadband service, as well as altering accreditation, licensing, and reporting requirements for new healthcare providers.

- **Public Safety:** Governor-elect Kemp plans to expand the use of state resources to “crush” violent gangs in coordination with Attorney General Chris Carr, who made gang violence a central part of his campaign. Kemp has also cited the creation of a database to track illegal immigrants that commit crime.
- **School Safety:** In Governor-elect Kemp’s first policy speech after the November elections he described classrooms as places “for raising the next generation of Georgia leaders—not a hunting ground for school shooters.” His solution is an extra \$90 million to improve school safety and a program that requires high schools to employ a full-time mental health counselor. Notably absent from his school safety initiative are any restrictions on gun ownership. In fact, Kemp is a staunch supporter of expanding gun rights.
- **Education:** Speaker David Ralston stated that Kemp’s \$5,000 annual pay raise for teachers “carries a big price tag,” but promised to look into the proposal. The larger consideration is ensuring the education system remains fully funded and reforming the Quality Basic Education Act formula.

## HAWAII

In 2019, Governor David Ige (D) will start his second term as the state’s chief executive officer. After a tough re-election bid where House and Senate leaders openly supported his primary opponent, a fundamental question when the legislature convenes this month is whether or how governor and state lawmakers will work together. Already, some legislators are considering introducing reforms on how the state spends money, calling for performance measures to justify funds requested from the legislature.

Ige’s priorities: Meanwhile, the Governor is retooling his cabinet and getting ready to unveil his policy priorities in his State of the State address. During his first term, he focused on sustainability and environmental issues, including adopting a 100 percent renewable energy mandate for electricity generation by 2045. It is anticipated that he will continue to focus on advancing sustainability goals, especially as they relate to climate change and sea-level rise.

- **Legislature’s priorities:** In the 2019 session, funding for public education, affordable housing, the homeless crisis and sustainability issues will drive much of the discussions in the State Capitol. Funding for public school infrastructure and classroom renovations; increasing

revolving funds for rental housing and dwelling units; providing mental health services and housing subsidies to the homeless; and advancing sustainability by funding watershed protection, irrigation and invasive species prevention will all be areas of debate. Also likely to be addressed: increasing the minimum wage, advancing renewable energy goals, regulating short-term vacation rentals, and funding post-employment retirement and health benefits (OPEB).

## IDAHO

The Gem State begins its legislative session on January 7 with a State of the State address by newly elected Governor Brad Little (R). Formerly the lieutenant governor since 2009 and long considered the heir apparent to three-term Republican Governor Butch Otter, Little’s election was no coronation. After surviving a fiercely contested three-way primary, he faced a formidable general election rival—a young, Native American female lawmaker who had just vanquished a well-funded moderate Democrat in the primary. While many see Little’s election as continuation of the status quo, we think he will remake state government in his own image and in other ways seek to distinguish himself from his popular predecessor. Already, as he goes about filling his cabinet, Little is bringing in many new faces to lead agencies and departments.

- **Budget outlook:** Idaho tax revenue is currently \$63 million short of what budget forecasters predicted a year ago. In November alone, tax revenue fell \$16 million below the target. Some believe things will even out when Tax Day approaches and income tax revenue is fully deposited and counted. That said, lawmakers will have to pass a budget for the next fiscal year before that happens. Traditionally, such revenue shortfalls have prompted the GOP supermajority to cut government spending rather than raise revenue. At a recent public meeting, the Senate president said: “What you’re probably going to see is a legislature being real frugal in setting the budget.”
- **Medicaid expansion:** In a closely watched ballot initiative in the 2018 midterm election, Idaho voters ratified Medicaid expansion, with over 60 percent support. The measure was driven by a highly organized grassroots effort after several years of legislative solutions failed to advance. The conservative Idaho Freedom Foundation has already filed a lawsuit challenging the referendum. There is also some talk of the legislature overturning certain parts of the voter-approved measure, or at least tampering with it, such as adding a work requirement. Lawmakers will also address how to pay for the expansion. The state’s annual share of the cost, after factoring in the savings of expanded healthcare access, is projected to be \$20 million.



- **Education:** This year, the legislature may take up reform of the state's education funding formula, which distributes \$1.8 billion in General Fund dollars to public schools. A few weeks ago, an interim legislative committee which has been studying the issue for three years issued a report recommending a complete rewrite of the current formula, which sends money to schools based on a complicated attendance-based formula built around support units, a measurement similar to a classroom. The new proposal would send money to districts based on student enrollment, with additional funding "weights" applied based on the type of students served and the size of the school. House Speaker Scott Bedke is a major proponent of formula reform.
- **Corrections:** State prisons are full, and reports have surfaced about deplorable conditions for inmates housed in private, out-of-state lockups. All of this suggests that the legislature will, at some point, consider building a new prison. The Department of Correction has proposed a 1,500-bed facility, to the tune of \$500 million.
- **Recreational marijuana legalization:** Last session it seemed like there was momentum toward legalizing recreational marijuana. But the proponents didn't push too hard, preferring to wait for a new governor. Pritzker campaigned on a legalization promise and, given the budget difficulties, the potential revenue may be enough to get it through.
- **Increased gambling:** Pritzker has been open to increased gaming, specifically more casinos, but possibly also sports gambling. Chicago has long asked for a casino, within city limits and which it would own, and over the years there have been several such proposals that have also included casinos in other parts of the state. Some such bill may be revived this session. Also, efforts to legalize and regulate daily fantasy games, which had been a hot potato in past sessions, may be revived and include sports betting.
- **Pension reform:** Outgoing Chicago Mayor Rahm Emanuel has endorsed a plan favored by conservatives to amend the state constitution to allow the government to water down language protecting pension benefits. Similar efforts in the past have been struck down by the state Supreme Court as unconstitutional. Emanuel believes there are enough votes for passage but Pritzker doesn't agree. Others have suggested the new plan has not cured the constitutional defects. With both the governor-elect and organized labor opposed, passage seem unlikely.

## ILLINOIS

Democrats hold veto-proof supermajorities in the Senate and House, and all statewide offices.

- **Graduated income tax:** Governor-elect JB Pritzker (D) campaigned on a platform to move the state from a flat income tax to a graduated income tax. This would require the General Assembly to approve an amendment to the state constitution, which would then have to go before the voters for final approval—no easy feat.
- **Capital bill:** Both Democrats and Republicans generally support a long-overdue capital bill in concept. But such a bill was unlikely while Governor Bruce Rauner (R) was strongly opposed by the Democrat-dominated General Assembly or running for re-election. Now that the Democrats, with significant help from organized labor, have reunified the government, it is widely expected that there will be a capital bill this session. No funding source has been agreed upon and the Republicans may vote against the funding source while voting for the actual capital bill. Also, it's still an open debate whether or not they will try to pass the capital bill early in the session to build up trust, or hold it until the end of session to use the promise of it to whip votes on other tough bills.
- **Minimum-wage increase:** Pritzker campaigned on increasing the minimum wage. While there has been some speculation that he may back off that promise or water it down, he keeps reaffirming his pledge.

## INDIANA

The 2019 "long" budget-making session of the 2019 Indiana General Assembly will commence on Thursday January 3 (and must conclude by April 30). While the state budget is the only constitutionally required bill, legislators will consider between 800 and 1,100 other pieces of legislation on a variety of topics.

- **New leadership:** Republicans still maintain their supermajorities in both chambers, with a 67-33 advantage in the House and a 40-10 lead in the Senate. As the 150 members prepare to convene, there will not only be a variety of newly elected members but a rash of new leaders. The Senate will welcome 5 new members and the House 16. The Senate will have a new president pro tempore and a new majority whip. The House Democratic caucus shook up its leadership team and will have new faces in the budget-making committees, which should make for an unpredictable session.
- **Legislative agenda:** In addition to the two-year state budget, legislators will consider bills dealing with the opioid crisis, hate crimes, medical marijuana, the growing and cultivating of hemp, allowance of sports betting, increasing the smoking age to 21 (from 18) and upping the

state's cigarette tax by \$2 per pack, and various health-related bills, including pharmacy benefit management (PBM) legislation. And while the state is in very good financial condition, increased budget requests from the Department of Child Services and continuously rising Medicaid costs will offset potential gains, leaving little for additional projects or programs.

- **Governor's priorities:** Republican Governor Eric Holcomb has released his agenda, which focuses on the opioid crisis and improving healthcare generally, but also includes proposals aimed at cultivating a strong and diverse economy, building and maintaining infrastructure, and developing a 21st Century skilled and ready workforce.

## IOWA

In the midterm election, Iowa solidified its reputation as a true swing state. Republicans notched victories at the statehouse, while Democrats made gains in Congress.

The GOP returns to the Iowa State Capitol this month in control of both legislative chambers and the Governor's Mansion for at least the next two years. At the top of the ticket, Governor Kim Reynolds (R) was reelected in a close race with Democratic businessman Fred Hubbell—the first election in which Reynolds was elected outright; she had been appointed to fill the remainder of former Governor Terry Branstad's term after his appointment as US ambassador to China.

In the legislature, Republicans retained its strong hold in the Senate, gaining two additional seats for a 32-18 majority. Republicans return to the House still in charge but with a narrower majority, Democrats having shaved five seats off their showing, all in suburban districts, resulting in a 54-46 Republican majority. Not only did Republicans see a slate of their suburban House members knocked off by Democratic challengers, but a number of suburban Republicans who were returned to office barely survived tough races. This was in line with a national trend, spurred by women's anger with President Donald Trump, of Democratic women candidates winning seats in swing suburban districts.

- **Tax reform, workforce training:** In the legislative session that begins January 14, Governor Reynolds is expected to build on income tax reforms passed in 2018. She will also push for expansion of her signature workforce training initiative, Future Ready Iowa.
- **Bluing of IA's congressional delegation:** While Republicans hold the state legislature and governor's mansion, Democrats had more success in races for the US House of Representatives, including defeating two Republican incumbents. The new members of Iowa's congressional delegation—Cindy Axne and Abby Finkenauer—are both Democrats and represent two of

the largest population centers in Iowa, the metro areas around Des Moines and Cedar Rapids, respectively. They will become just the second and third women to represent Iowa in Congress when they join the state's first woman to make it to the Hill, Republican junior senator Joni Ernst.

- **The Iowa Caucus:** With the 2018 midterm election in the rearview mirror, the nation's lead-off presidential caucus campaign is already ramping up. Many Democrats considering a bid to challenge Donald Trump in 2020 are already making appearances in the state and meeting with activists, some multiple times. Declared candidate John Delaney, a former Maryland congressman, has made 20 trips to the state since August 2017; former Missouri Secretary of State Jason Kander has been there 16 times since December 2016; and Congressman Eric Swallwell (CA-15) has been there 14 times since February 2017.

## KANSAS

With a Democratic governor in office for the first time in eight years, and healthy annual state revenues, the talk in Topeka is on social services and education. Governor-elect Laura Kelly has said that fixing the state's flawed child welfare and foster care system will be among her top priorities. Additionally, we think that, based on her many years in the state Senate, where she sat on the Appropriations Committee, Kelly will look to make major changes in the state's managed care system. Finally, Kelly must take the necessary steps to comply with a recent state Supreme Court ruling that an additional \$300 million be injected into K-12 education to account for inflationary costs.

- **A check on the executive branch:** The governor-elect's legislative agenda will likely face challenges when the Kansas legislative session begins on January 14. After the 2018 elections, in which all 125 House members were up for re-election, the balance of parties remains virtually unchanged, with Republicans holding 84 seats and the Democrats, 41. Further, the makeup of those Republicans tick slightly to the right in 2019, with an additional eight or so ultra-conservatives/libertarians ascending to office. The Senate is no more favorable for Kelly. Republicans dominate the chamber 29 to 10 (the 40th seat is held by an independent) and the party's conservative leadership has indicated it intends to derail any attempt at additional spending the Governor tries to pursue.
- **Broadband Internet service:** Broadband expansion is another focus for 2019. Last year the legislature created a Broadband Expansion Task Force to come up with solutions to help providers deliver high-speed Internet access in places where it is not currently available, which include both inner city and rural areas.

- **Transportation:** The state will also focus on creating a comprehensive transportation plan. In the summer of 2018, numerous public hearings were held at which lawmakers heard from local governments across the state regarding projects that were important to them. The legislature is now charged with prioritizing those projects and, more important, finding ways to fund them.
- **Tax cuts:** Finally, there may be a focus on some tax changes. With state revenues well above projected levels, some legislators are likely to demand reductions in the state's high property tax, general sales tax and grocery tax rates. There may also be reform efforts brewing to eliminate some of the numerous tax exemptions currently on the books.
- **Tax reform:** There will be "tweaks" made to the tax reform bill, such as adding clarifying language to protect non-profits from an unintended consequence of the 2018 sales tax reforms. While this may present an opening for favorable tax reform, any significant changes would likely impact projected revenues, possibly resulting in a fiscal imbalance, which would require reopening the budget.
- **Tort reform:** This will be the Legislature's third full session under GOP supermajority control. In the other two sessions, Republicans powered through most of their pent-up policy wish list, passing right-to-work and prevailing-wage laws, paycheck protections and pro-life reforms. The courts have generally upheld their efforts, but pushed back on medical liability reforms. We expect there to be a push to revisit tort reform in 2019. Among some of the big items that will be at least debated in the short session are an increase to the motor fuels tax, an effort to fund more school choice, and revenue options for local governments struggling to meet their newly increased pension-funding obligations.

## KENTUCKY

On December 17, 2018, days after seeing last year's pension reform bill struck down by the Kentucky Supreme Court on procedural grounds, Governor Matt Bevin (R) called the Kentucky Legislature into special session to repass the controversial reforms to the commonwealth's ailing pension system just three weeks before the upcoming 2019 "short" 30-day regular session. Odd-year regular sessions generally limit legislative activity to non-budgetary quick fixes and consensus bills by requiring supermajorities for revenue-raising legislation, another reason why the Governor sought the special.

- **Pension reform:** After just two days of deliberation, the Republican-controlled legislative body, despite warnings from the Governor of imminent credit-rating downgrades, decided to adjourn without passing a replacement pension bill. Many rank-and-file members, from both parties, expressed consternation at being called in prior to January and confusion about what version of the bill was to be considered. Upon the replacement bill's demise, House leadership again took up the challenge of offering a replacement pension bill, making it the primary topic of the January regular session, which was supposed to be dominated by tax reform "tweaks."

The Legislature convenes on January 8 for four days of organizational meetings, then adjourns until February 5. It must adjourn sine die by March 30. Given the short calendar and now clear mandate to deal with a pension replacement bill, it is unlikely that many—if any—other bills will make it through the process that haven't been fully vetted and embraced by the Republican supermajorities in both chambers. Legislative leaders will address pension reform in the early days of the session, having indicated in early 2018 that they will resist any efforts to open up the 2018-2020 biennial budget.

- **Governor's race:** In August 2018, Governor Bevin announced his candidacy for re-election to a second term in 2019, although he has not yet formally filed—the filing deadline for statewide election is January 21—or announced his running mate. It is unclear whether he will face a primary challenge. On the Democratic side, state Attorney General Andy Beshear and House Minority Leader Rocky Adkins have both announced their candidacies.

## LOUISIANA

The Louisiana State Legislature's regular session begins on April 8 and must adjourn by June 6. It is a "fiscal session," which means most legislation will be confined to tax or revenue matters. However, each member may pre-file up to five non-fiscal bills.

- **Strained relationship:** Over the course of the past three years a considerable strain developed between the majority GOP House of Representatives and Democratic Governor John Bel Edwards. The tension worsened due to political differences being aired through a record nine special sessions called to address budget shortfalls. A thin majority of the GOP-led Senate and Governor Edwards tend to see more eye to eye on fiscal policies.
- **Teacher pay:** At the top of the Governor's list of legislative priorities is a pay raise for teachers.
- **Infrastructure finance:** There may also be another attempt at increasing the state's gas tax to address infrastructure needs. This issue could struggle heavily, though, as

corporate and individual taxes have increased in the past year and an unexpected surplus developed in the fourth quarter of 2018. The latter development added to the tension between the Governor and House leadership, which is not eager to spend surplus dollars on recurring expenses without first ensuring that “temporary” sales tax increases aren’t made permanent.

- **Fiscal fitness:** Budget reforms, with particular focus on the state’s Department of Health (LDH) and Medicaid-related services (including Affordable Care Act issues), will also be in the 2019 mix. Edwards expanded Medicaid during his first year in office and some of the costs associated therewith have grown the state’s budget, which hasn’t sat well with many Republican legislators.
- **Political grandstanding:** It’s important to note that the 2019 legislative session could be heavily shaped with an eye toward fall elections. Edwards, who is up for re-election, has already drawn two serious GOP challengers: US Rep. Ralph Abraham (LA-5) and Baton Rouge businessman Eddie Rispone. It’s also worth mentioning that fall elections will usher in another round of term limits, which will heavily alter the Legislature’s membership. Members serving in their final session (2019) could throw a few wildcard issues at the wall before leaving.
- **Member turnover:** In the House, 32 of 105 members cannot seek reelection in 2019; in the Senate, 16 of 39 members cannot run again. However, those numbers don’t tell the whole turnover story. Most observers expect up to 48 new House members to be elected this fall. A few non-term-limited House members are opting to forgo re-election in that chamber and instead run for open Senate seats; at least 13 other House members have vacated their seats over the past year to run for another office or accept a position elsewhere; and a few term-limited Senate members intend to run for House seats. Also, noticeable leadership changes are coming to the Senate, although the amount of totally new faces will be less than in the House.

## MAINE

With the Maine Senate’s recent flip to Democratic control and outgoing firebrand Governor Paul LePage leaving Augusta, the 2019 legislative session could provide some interesting fireworks, though to date a bipartisan sense of optimism has colored most commentary from lawmakers.

**Nothing lasts forever:** While Democratic House Speaker Sara Gideon and incoming Senate Majority Leader Troy Jackson have preached a mantra of cross-aisle collaboration and pragmatism, all bets will be off once the new legislature

convenes in 2019. A debate over increasing the amount municipalities receive for general assistance vouchers looms, as does a related measure addressing assistance eligibility for asylum seekers.

A movement to provide a legal framework for “death with dignity” or physician-assisted suicide seems to be gaining ground, as legislation has been introduced alongside a petition initiative to place the matter directly before Mainers on the November 2020 ballot. The most recent iteration of this legislative effort is modeled on Oregon law, which includes multiple waiting periods, requests for life-ending medication, and a requirement to obtain a second opinion from a doctor. Any medicine that would be obtained for the purpose of ending a patient’s life would be prescribed by a doctor but would be administered directly by the patient without any mandated involvement or participation by a physician or pharmacist.

## MARYLAND

The November election weighs heavily on the 2019 General Assembly session. Governor Larry Hogan won a second term (only the second Republican governor in the state’s history to do so). Democrats gained 7 seats in the House of Delegates, winning 99 seats to Republicans’ 42. Republicans gained 1 seat in the Senate, resulting in a Democratic majority of 32-15. And the General Assembly experienced significant turnover—almost a third of the 188-seat House of Delegates, or 60 members, will be new—as a result of retirements, election losses and members seeking different offices (11 departing House members are joining the Senate).

- **A learning year:** The turnover has resulted in a number of leadership changes in both chambers. In the Senate, all but one of the eight standing committee chairmen and vice chairmen will be new. In the House, five of the twelve standing committee chairmen and vice chairmen will be new. So this will be a learning year for many as they tackle the budget and take on a number of education, health and environmental issues.
- **Managing a windfall:** Due to greater-than-expected revenues when closing the books for FY 2018 and increased revenues resulting from the Supreme Court’s Wayfair decision and federal tax changes, Maryland will have more than \$1 billion in unspent revenue. But with a structural deficit still looming, managing this windfall will present challenges as officials seek to balance funding initiatives and saving for future downturns.
- **Education spending:** The state’s Commission on Innovation and Excellence in Education, which has been meeting for more than two years, will be issuing its final report this month—and its recommendations are



reported to carry a \$4.4 billion price tag to be phased-in over 10 years. A ballot referendum to ensure that casino revenues are used to provide additional school funding was approved by Maryland voters and members of the General Assembly are viewing the casino revenues as a source of funding for the commission's recommendations, but the Governor wants to use the money to fund school construction and other capital needs rather than classroom programs.

- **Individual mandate, reining in drug costs:** Legislators will again discuss a state-level individual mandate for people not currently covered. The legislation would allow the penalty to be used as a down payment on premiums. Supporters believe this would allow people to purchase insurance on the individual market with the penalty or with a minimum amount added to it. Opponents believe the mandate would penalize people who cannot afford health insurance and do not qualify for subsidies. Another returning issue involves the creation of a board to review drug prices in an effort to bring down costs. Under proposed legislation, the board would review drugs priced at \$30,000 a year or higher, set its own rates and review the supply chain.
- **Renewable energy goal:** Lastly, members will take up legislation to incrementally increase the state's renewable energy goal. Under the legislation, the current goal of 25 percent (which has not yet been met) would be increased to 50 percent by 2030 and set at 100 percent by 2040.

## MASSACHUSETTS

The past November, Republican Governor Charlie Baker won re-election convincingly. His swearing-in is on January 3. On January 2, the Massachusetts General Court (the piquant name for the commonwealth's legislature) convenes for a new two-year session, which will run until July 31, 2020. Democrats have strong, veto-proof majorities in both the House of Representatives and the Senate. There will be some leadership changes in both chambers. Current Chairman of the House Committee on Ways and Means Jeff Sanchez was defeated in a Democratic primary in September, so there will be a new chairman named early this year. And Senate President Karen Spilka is expected to name a new chair of that body's Ways and Means Committee.

- **Health care:** We're expecting to again see a major health care reform bill this session. A major bill on the subject died at the end of the last session.
- **Education:** Education funding is expected to be a contentious issue this year.

- **Gambling:** There has been much conversation about how to proceed on sports betting, so we expect to see some action on that issue as well.
- **Transportation:** The challenge of getting from here to there will continue to be a focus. An 18-member panel appointed by the Governor to study the state's future transportation needs rolled out a major study in December. It addressed such issues as what the state can do to decrease greenhouse gas emissions from transportation, protect the transportation system from climate change effects and increase the number of electric-powered vehicles; and assessed the future impact on public transportation systems of self-driving cars and on-demand transportation services.
- **Opioid epidemic:** The devastation related to the opioid crisis continues to dominate conversations in the policy arena. One state lawmaker has proposed a tax on the legal purchase of opioids from manufacturers, with the goal of dedicating the revenues generated to address substance abuse prevention and treatment.

## MICHIGAN

**Sports betting:** The nationwide trend among states to legalize sports betting looks to move forward in Michigan. The General Assembly passed online gambling legislation in 2018 and the incoming class is expected to continue efforts in this area. Recent reports have indicated that existing gaming interests such as Native American tribes and commercial casinos support a comprehensive sports betting bill, and incoming Governor Gretchen Whitmer (D) could look to the already-established 8 percent tax rate on adjusted gross receipts as a potential windfall to address other budgetary priorities.

- **Historic preservation:** Public support for reintroducing a historic preservation tax credit bill that fell victim to the state's 2011 budget crisis continues to mount, with proponents arguing that such a credit would enable small business owners and homeowners to rehabilitate local buildings more affordably. The Senate passed a bill last year to allow individuals rehabilitating historic buildings to claim a credit of up to 25 percent of expenses on their state income taxes, but it failed to receive a House vote in time to pass. With broad bipartisan support and an incoming gubernatorial administration keen on keeping promises to the state's post-industrial towns and cities alike, a renewed effort to pass the credit in 2019 is to be expected and is likely to succeed.
- **Undoing lame duck legislation:** Debates over paid sick leave and raising the state's minimum wage are

also expected to rage anew in 2019 (and beyond) after outgoing Governor Rick Snyder (R), during December's lame duck session, signed two bills to largely eliminate what had been an effort by way of citizen ballot initiatives to advance the two causes. With a seemingly substantial amount of public opinion opposing Gov. Snyder and the GOP legislature's actions, Whitmer and her Democratic colleagues will surely take up those mantles once again.

## MINNESOTA

The only split-party legislature in the nation, Minnesota's 91st legislature will begin its session on January 8, and must complete its work by midnight on May 21. The odd-year session will focus on adopting a 2020-2021 biennial budget. Meanwhile, Governor-elect Tim Walz (D) will be sworn into office on January 7 and will give his State of the State address in late January. He must present his budget to the legislature by mid-February. Outgoing Governor Mark Dayton will leave his successor with a budget surplus of more than \$1.54 billion for the 2020-2021 biennium. In addition, the state's budget reserves are now at a record-setting \$2.075 billion, following a statutory transfer from the budget surplus of \$491 million. The state's economic advisors suggest Minnesota's long-term economic outlook remains sound, but add that the state will face slower long-term growth than had previously been projected. Current economic indicators project the state will have a \$456 million surplus in the 2022-2023 biennium.

Beyond setting the biennial budget, the Walz administration and the legislature will attempt to address a handful of other, more complex policy and financial issues, including:

**Federal tax conformity:** The legislature sent Governor Dayton a version of federal conformity in the waning days of the 2018 session. He vetoed the bill, believing the legislation favored corporations and did little to support individual taxpayers. But with the Democratic-Farm-Labor Party (DFL) flipping the House and a new DFL governor in town, the federal conformity issue will be revisited, albeit not early in the session, as the DFL House and GOP Senate are certain to take very different approaches to federal conformity, and resolving those differences will be difficult.

**Transportation funding:** Walz campaigned on a message of raising the gas tax. While he has yet to identify the level of the increase, his administration is committed to finding more revenue for roads, bridges and transit. The gas tax was last raised in 2008. Last year, the GOP-controlled legislature sent Governor Dayton a transportation proposal that used revenues generated from existing taxes on vehicle repairs and

maintenance to fund transportation needs. Governor Dayton opposed using general fund revenues for transportation and vetoed the legislation. The GOP Senate has indicated it will oppose any attempt to raise taxes at a time when the state has a budget surplus of more than \$1.5 billion. Fuel retailers also oppose a gas tax increase. However they say they would support the proposal if it also prohibited the application of credit card transaction fees to any portion of a transaction related to sales or gas taxes. Fuel retailers have suggested they are already spending millions of dollars annually to cover tax-related transaction fees.

**Opioids:** In 2018, the GOP-controlled legislature came close to passing legislation that would have levied a tax of one cent per morphine milligram equivalent (the "penny-a-pill" tax), with the money raised to go to prevention, emergency response, law enforcement, treatment and recovery. Opposition from big pharma and the GOP House Speaker, who said the bill looked to be less about solving a crisis and more about penalizing manufacturers and wholesalers, resulted in its demise. With the House now under DFL control, and with support from Walz and within the GOP-controlled Senate, we see this bill being reintroduced and faring better on its second go-round.

## MISSISSIPPI

The Mississippi Legislature convenes at noon on January 8—the state constitution requires lawmakers to convene annually "on the first Tuesday after the first Monday of January"—and will run for 90 days. It is the fourth and final year of the legislature's four-year term. Statewide elections are in 2019. Expect lawmakers to proceed cautiously, with an eye toward their reelection campaigns, as the 122 House and 52 Senate members will all be up for re-election, and will know by the qualifying deadline of March 1—about a month before they adjourn and cast final votes for the year—whether and what opposition they face. In keeping with long-time tradition, leaders in both chambers are already telegraphing that controversial measures are not likely to get much traction. That said, election years have also been known to inspire aggressive, divisive measures, such as amendments to legislation.

Key issues will include:

- **Budget:** After two years of sluggish tax collections, the state's budget in 2018 appeared to stabilize and grow. As a result, lawmakers writing the budget for the fiscal year beginning June 1, 2019 are likely to have a little more breathing room to make election-year decisions that can boost their popularity back home.
- **Shipyard of the Future:** \$45 million bond issuance. The legislature will be asked to fulfill its commitment to the

Shipyard of the Future with the fifth and final installment of the state's investment in the shipyard upgrade.

- **Teacher pay raises:** Governor Bryant and Lt. Gov. Tate Reeves have suggested this will be a top priority for Reeves and the state Senate.
- **Lawsuit abuse:** There is a growing consensus on the need to strengthen the state's premises liability statute to protect premises owners from lawsuit abuse.
- **Defense:** The Governor's Mississippi Defense Diversity Initiative taskforce, which aims to reduce the state's dependence on federal defense spending, is likely to seek a financial package to support economic diversification through identification of new revenue streams for Mississippi companies and opportunities for entrepreneurs and researchers/scientists to leverage and expand the state's public and private defense assets.
- **E-cigarettes:** Health/disease-prevention advocates are expected to push legislation to define and tax e-cigarettes.
- **Taxes:** Leadership in both chambers may use this election year to promote tax code changes along the lines of the previous "flatter and fairer" premise, though there are few specifics floating around as of yet. Lawmakers must balance this against a desire not to cut too deeply into spending on key areas, such as education, infrastructure and healthcare.
- **Trauma funding:** The Mississippi Hospital Association and trauma responders are likely to push for tweaks and changes to boost revenue for the state's trauma system.
- **Prison reform:** Lawmakers may revisit and refine criminal sentencing statutes to more efficiently use limited and costly prison beds for the most serious and repetitive offenders.
- **Infrastructure:** House leaders are likely to push for tweaks to the 2018 special-session infrastructure package, particularly as it relates to the components that require matching by cities and counties for infrastructure projects.
- **Schools/Guns:** Governor Bryant's School Safety Task Force is expected to recommend increased attention to mental health issues and an increased law enforcement presence in schools. Lawmakers are likely to offer proposed amendments to expand or restrict the use of guns by teachers and school employees.
- **Human trafficking:** House Speaker Philip Gunn (R) is increasingly turning his attention to human trafficking issues and could introduce legislation to tighten state laws dealing with the issue.

This is Mississippi's big election year, electing the entire legislature, all eight statewide officers, three transportation commissioners and three public safety commissioners, as well as numerous local sheriffs and county boards of supervisors. Issues, candidates and personalities up and down the ballot will drive turnout and outcomes. While the Republican Party's hold on both the House and Senate seems secure at this early stage, for the first time in recent memory, seven of Mississippi's eight statewide office races will not have an elected incumbent seeking reelection. Mississippians will experience the first competitive general election race for governor in nearly 16 years, with Lt. Gov. Tate Reeves (R) expected to square off against Democratic Attorney General Jim Hood, and a level of uncertainty also will pervade almost every other statewide race (though the results of the 2018 midterms bode well for Republicans).

## MISSOURI

January will commence the first legislative session for Governor Mike Parson (R), who was unexpectedly elevated from his lieutenant governor position in June. The session will be relatively calm as compared to the chaos last year brought about by the various investigations of then-Governor Eric Greitens. Governor Parson's State of the State address will be built around the two major themes of his administration: workforce development and infrastructure.

- **Job training:** The Governor will call for the creation of Missouri OneStart, which will make the state's workforce training incentives more flexible and effective.
- **Rural broadband:** The Governor will ask the General Assembly to fund a Broadband Grant Program to accelerate the deployment of broadband in rural Missouri.
- **Tort reform:** A priority of the Republican-led legislature will be a suite of tort reform measures aimed at making the state more business-friendly.

## MONTANA

Montana begins its biennial session on January 8. While its budget outlook is better than it was two years ago, there is currently a \$100 million shortfall between revenues and what Democratic Governor Steve Bullock is proposing to spend without any additional revenue raisers or tax increases. During the 2017 regular session special session, the GOP majority rejected all proposals to raise taxes and fees. So expect budget issues—specifically Democratic attempts to raise taxes and fees and GOP opposition to same—to dominate this session.

- **Medicaid expansion:** The biggest policy issue on the state's docket is the reauthorization of Medicaid expansion. When first passed in 2015, legislators placed a sunset on

the bill. Due to concerns that the legislature might not be able to pass reauthorization, interest groups filed a ballot initiative calling for an increase the tobacco tax to fund Medicaid expansion and other popular healthcare programs. When that initiative failed, garnering only 43 percent of the vote, it put the future of Medicaid expansion in Montana in jeopardy. In response, several moderate Republicans are leading efforts to line up enough GOP votes to join with the Democrats to pass reauthorization, but this time it might come with a work requirement.

- **Early childhood education:** Governor Bullock will again push for a statewide early childhood education bill after passing a pilot program in the 2017 session. While he has failed to garner much GOP support for his efforts in the past, the pilot program was a big success and may lead to more Republican support.
- **Infrastructure:** Historically, Montana has easily passed bonding bills to pay for major infrastructure investments. But the past four sessions, conservatives have stopped such bills, which need a two-thirds vote to pass. To make it more palatable, Governor Bullock is proposing a mix of bonding and federal TCEP (Trade Corridor Enhancement Program) funds for infrastructure. While the GOP knows Montana has significant infrastructure needs, it's unclear if they will be supportive of using bonding to pay for it.

## NEBRASKA

As Nebraska enters the biennial budget process, the cash reserve is projected to fall to \$379 million by June 2021. This is down sharply from \$729 million in 2016 and represents about 8.7 percent of state revenues. Some analysts recommend a reserve of 16 percent.

Nebraska voters approved a ballot initiative to expand Medicaid to those who annually earn less than 138% of the federal poverty level (\$16,753 - single / \$34,638 - family of four). State Medicaid officials estimate the net cost to taxpayers will be \$57 million annually.

WalletHub ranks Nebraska the 7th highest property tax state in the country. Agricultural land owners are hardest hit. For years, legislation that would shift a portion of the tax obligation to sales and/or income taxes has fallen short. Expect perhaps a dozen property tax relief bills this session.

By statute, the Nebraska Advantage Act provides statewide business incentives for job creation. The Act expires in 2020 and Blueprint Nebraska, a State Chamber led plan is under development for "sustained economic prosperity for all." The plan will be complete by the Spring of 2019.

## NEVADA

- **Nevada turns blue:** After the 2018 election, Nevada appears to be solidly blue across the board. The state now has two Democratic US senators, freshman Jacky Rosen and Catherine Cortez-Masto, elected in 2016 and recently appointed to lead the Democratic Senatorial Campaign Committee (DSCC). Democrats also fared well in races for the US House of Representatives, with Susie Lee becoming the new representative from the 3rd congressional district. She joins returning Democratic House members Steven Horsford (CD-4), Dina Titus (CD-1) and Republican Mark Amodei (CD-2). Within the state of Nevada, Democrats swept almost every constitutional officer seat, the lone exception being Republican incumbent Barbara Cegavske remaining Nevada's Secretary of State. Governor-elect Steve Sisolak is the first Democrat to hold the office in nearly two decades.
- **Female-majority legislature:** The most interesting election night story was Democrats obtaining a supermajority in the state Assembly and a majority in the state Senate. With Rochelle Nguyen and Beatrice Dulan appointed to fill vacancies in Assembly Districts 10 and 11, Nevada became the first state in US history to have a legislative body in which the majority are women.
- **Education funding:** Heading into the 2019 legislative session, we see education as being the major issue, particularly the need to update the funding formula. Nevada's budget is in good shape; the forecast set by the Economic Forum is on par with the budget set by outgoing Governor Brian Sandoval.

## NEW HAMPSHIRE

- **Marijuana legalization:** The legal marijuana business may soon be booming in the Granite State, as House Democratic Speaker Steve Shurtleff recently announced that both chambers of the New Hampshire General Assembly have the votes to overturn any veto of marijuana legalization legislation by Republican Governor Chris Sununu. While Gov. Sununu has previously threatened to veto any and all legislation that would legalize the substance in New Hampshire, any move by the state legislature to override such a veto would be big news indeed and could have substantial political ramifications for both sides down the road. The state's ongoing opioid crisis and the government's efforts to address it will likely factor substantially into the debate.
- **Be wise—compromise:** Although Republican Governor Chris Sununu cruised to re-election, with Democrats



flipping the state House of Representatives in November, a new power dynamic will be at work this session. Legislators and the administration alike have been mouthing the typical bromides to the virtues of bipartisanship but lawmakers on both sides of the aisle can see the writing on the wall and know their high-priority items are likely dead. Just as Sununu is unlikely to support an increase in the state's minimum wage (favored by House Democrats), Democratic opposition to the Governor's proposed right-to-work legislation is unlikely to change. That said, the two sides worked together last session to pass some meaningful legislation (e.g., full-day public kindergarten) and Sununu could again find himself tacking further to left than he'd like in order to gain the support needed to deliver on some of his election-year promises.

## NEW JERSEY

- **Marijuana chronicles:** One-party rule is no guarantee of legislative success. In the 2018 session, several policy priorities shared by both the legislature and the governor (e.g., increasing the minimum wage, legalizing adult use of recreational marijuana) were expected to be voted on by both chambers, but lack of agreement on how to meet these policy goals combined with a breakdown in communication among Governor Phil Murphy, Senate President Stephen Sweeney and General Assembly Speaker Craig Coughlin resulted in a significant stalemate on these issues. It wasn't until late December that the three leaders finally met, and we expect them to reach a compromise decision on these issues in the first and second quarters of 2019. And not a moment too soon, as the Department of Health's recent expansion of the medical marijuana program (in December it approved the opening of six more "alternative treatment centers," doubling the current number) has increased the need for additional legislation and regulations on how these dispensaries should operate and contribute to the state's economy, while the state prepares for adult recreational use.
- **Out-of-network law:** On June 1, 2018, Governor Murphy signed an out-of-network law that established new rules regarding disclosure requirements to patients, placed limitations on balance billing, and created an arbitration system to resolve billing disputes. One area of focus in early 2019 will involve ironing out some kinks in the arbitration process and addressing some other details.
- **Aid-in-dying law:** Polls have shown increasing public support for aid-in-dying provisions among New Jerseyans, with about two-thirds in favor of a controversial bill, the Aid in Dying for the Terminally Ill Act (A-1504 and S-1072) that would allow terminal patients to self-administer life-

ending medication. Although the bills passed relevant committees in each house, they never mustered enough votes to become law. Then-Governor Chris Christie's vow in 2014 to veto any such didn't help. However, with a new governor in place, proponents of the bill presently before the legislature are optimistic that it will be enacted.

- **Political turmoil:** During the next few months, the ongoing political turmoil between the legislature and administration will continue to grow, partly due to an ongoing investigation being conducted by the legislature into how the administration responded to allegations that a top staffer sexually assaulted another high-ranking aide while both worked on Murphy's campaign last year. A special Legislative Select Oversight Committee tasked with looking into the reporting and handling of this allegation has been hearing testimony from the alleged victim and several high-level Murphy staff members who first to learn of the allegations. And in October, Republican woman serving in the legislature sent a joint letter to legislative leadership asking for an investigation into Murphy's "hiring practices" and that the administration disclose "any and all incidents of sexual harassment, sexual assault, sexual intimidation, or hostile work environment raised during the campaign, the transition, or presently within the administration."

The investigation has exacerbated an already tumultuous relationship between the Democratic-majority legislature and the Governor, evidence of which we first saw during last year's budget negotiations in June and which almost led to a government shutdown. Though the parties are again talking, we expect to see continued acrimony between the legislative and executive branches, particularly over how to fund the public employee pension system without significantly increasing the state's growing fiscal deficit.

## NEW MEXICO

- **Budget surplus:** After several cash-lean budget years that prompted spending cuts and other austerity measures, New Mexico's fortunes turned around in 2018 when a surge in oil production turned a budget deficit into a \$1.1 billion surplus. Analysts now report that the state is looking at an additional \$1.2 billion in "new" money in 2019, also due in large part to rents and royalties, severance taxes and gross receipts taxes from the oil and gas industry. Many expect the surplus to be used for equipment updates, revenue fund replacements from the downturn and construction projects, as opposed to long-term recurring programs, which is probably wise as industry analysts caution that the price of oil and reliance on it remains volatile.

- **Education:** With a Democratic majority in both legislative chambers and a Democratic governor (Michelle Lynn Lujan Grisham, replacing term-limited Republican Susana Martinez), a major focus of lawmakers this session will be the public education system. Between \$800 million and \$1 billion could be invested per year, with salary raises for teachers and early childhood education and the most likely candidates for increased funding (although opposition to tapping the Land Grant Permanent Fund (LGPF) to pay for early childhood education remains strong).
- **Crime:** After flipping the governor's office, lawmakers are expected to push a number of criminal justice reform bills that were blocked by the former governor, including a "ban the box" bill that would prohibit private employers from asking about criminal convictions on job applications; and bills addressing probation and parole standards and excessive punishment for nonviolent crimes.
- **Energy:** Lawmakers will likely push a slew of energy-focused legislation, ranging from bills to roll back oil, gas and methane regulations to legislative proposals to promote renewable energy, including a statewide methane rule (NM ranked last for methane emission prevention in a recent study comparing eight oil-producing states' regulations); adjustments to the Renewable Standard Portfolio (RPS); a bill to allow state's biggest electric utility to sell bonds to recoup some of the costs of closing a coal power plant, a process known as securitization; competitive procurement; and community solar.

## NEW YORK

The political climate in New York changed in November when Democrats won enough state Senate races to secure a majority for the first time since 2010, in the process gaining control of the legislature, Democrats dominating the lower chamber with a 66-seat supermajority. For the first time in many years, the Offices of the Governor, Comptroller and Attorney General, and the Senate and Assembly are all controlled by the Democratic party. This one-party rule could result in a much more progressive agenda in state which could have a negative impact the business community. Recently, Governor Andrew Cuomo, who delivered his third inaugural address on New Year's Day, released his First 100 Days Agenda of items he would like the legislature to act upon. In past years, the Assembly passed several of the Governor's legislative priorities only to be blocked in the Republican-led Senate.

The Governor's 20-point agenda includes:

- **Ensure a progressive tax system:** While the federal government prioritizes tax cuts for corporations and the wealthy, Governor Cuomo believes in a just, progressive

tax system that taxes its citizens based on their ability to pay. The Governor will maintain the state's progressive income tax with a millionaire's tax, while permanently capping regressive local property taxes at 2%.

- **Cut middle class taxes while fighting to repeal SALT:** The federal government's cap on state and local tax (SALT) deductions was a devastating and targeted assault on New York that has increased taxes on New Yorkers and reduced home values. The Governor has vowed to continue to lead the fight to repeal the cap on SALT and has promised more middle class tax cuts.
- **Protect quality, affordable health care:** While the federal government and conservative judges attempt to eviscerate the Affordable Care Act, the Governor is urging action to make sure New Yorkers are protected including codifying the health exchange into law and passing a law guaranteeing coverage for pre-existing conditions.
- **Codify reproductive rights:** In the face of a threatened rollback of Roe v. Wade, the Governor is urging passage of a Reproductive Health Act and Comprehensive Contraceptive Coverage Act within the first 30 days of the new session.
- **Enshrine gender equality into law:** The Governor supports passage of an Equal Rights Amendment to the state constitution, to protect against discrimination on the basis of sex.
- **Combat gun violence:** In the wake of a banner year for school shootings, the Governor will push to pass a red flag law (would permit police or family members to petition a state court to order the temporary removal of firearms from a person who may present a danger to others or themselves), ban bump stock devices, and extend the waiting period for purchasing a gun to 10 days from 3.
- **Launch a \$150 billion infrastructure plan:** With the federal government failing to deliver on infrastructure, the Governor wants to expand on the state's current \$100 billion infrastructure plan, which includes building new airports, bridges and train stations across the state, by investing an additional \$150 billion, which in turn will create hundreds of thousands of jobs.
- **Fix the subway:** After decades of neglect and lack of accountability, the Metropolitan Transit Authority is in dire need of both funding and reorganization. The Governor sees congestion pricing—requiring motorists to pay fees for driving into Manhattan's business district during busy periods—as the "only realistic option" to secure the tens of billions needed to pay for subway

upgrades while alleviating Manhattan's traffic problems. Expect continued opposition from the outer boroughs. The governor is also looking to overhaul the outdated structure of the MTA, which critics say is riddled with incompetence and corruption.

- **Ensure education equity:** A recent study on how local school districts distributed their funds indicated that poorer schools too often did not receive an equitable share of funding. The Governor is urging system reforms where districts distribute funding based on need and fairness to ensure every child receives a quality education.
- **NY DREAM Act:** The Governor promises that this year New York will "pass the DREAM Act once and for all..." Under the bill, which the Assembly passed last year, undocumented immigrants would be eligible for the state Tuition Assistance Program and other financial aid awards that could help them pay for college."
- **Green New Deal:** The Governor wants New York to be the "most progressive state in the nation" in moving to renewables and growing the new sustainable green economy. His goal is for New York's electricity be 100 percent carbon neutral by 2040 and ultimately elimination of the state's carbon footprint.
- **Ensure clean, safe drinking water for all:** With the EPA slacking, the Governor has promised to invest in the state's water infrastructure "for our children and our children's children."
- **Promoting voting:** The Governor is seeking to promote engagement in the democratic process by allowing voting by mail, enacting early voting, instituting same day and automatic voter registration, synchronizing federal and state elections and making Election Day a state holiday.
- **Campaign finance reform:** The Governor will push to close the LLC loophole, ban corporate campaign contributions, overhaul the campaign finance system and end outside income for lawmakers.
- **Public sector unions:** In anticipation of the Supreme Court's Janus decision, the Governor last June signed the nation's first legislation to protect union membership in public-sector workplaces. He is now urging legislation to ensure workers have labor rights in the gig economy.
- **Affordable housing:** In addition to vowing to invest more in affordable housing, the Governor will push for reform of rent regulations to protect affordable housing and respect tenants' rights, including ending vacancy decontrol, repealing preferential rent and limiting capital improvement charges.

- **Child Victims Act:** The Governor supports passage of the Child Victims Act to ensure child abusers are held accountable criminally and civilly.
- **LGBTQ rights:** Two promises are to codify the Gender Expression Non-Discrimination Act into New York State law and end conversion therapy.
- **Recreational marijuana:** The governor supports legalizing, regulating and taxing recreational marijuana use.
- **Criminal justice reform:** Ending cash bail and enacting speedy trial and discovery reforms are areas the Governor will focus on.

## NORTH CAROLINA

The General Assembly officially convenes in Raleigh for its long session on January 9, for an organizational day to elect leaders, and then returns on January 23 to begin its legislative work.

The most noteworthy change in the 2019-20 biennial session will be the balance-of-power shift from Republicans to Democrats, who made significant gains across the state in November, breaking the Republicans' veto-proof supermajority in both chambers. In 2019, House Republicans will have 65 seats and Democrats will have 55. In the Senate, Republicans will hold a 29-21 edge over the Democrats. Without a veto-proof supermajority, Republicans will have to work closely with Democrats to avoid or sustain gubernatorial vetoes.

The most pressing issue the legislature will face is the budget, with Democratic Governor Roy Cooper's priorities taking on a more important role due the Republicans' loss of its veto-proof majority. Other issues, within or separate from the budget, include: adjustments to the education system, healthcare, redistricting, hurricane relief, NCDOT/ infrastructure, rural economic development and Alcoholic Beverage Control (ABC) reform.

- **Education:** Adjustments to the state's school performance grade model, teacher pay raises, universal access to pre-K education and school safety are all on legislators' radar.
- **Healthcare:** There will be continued focus on Medicaid transformation to a mostly managed care model, Medicaid expansion, and trade association-sponsored group health plans.
- **Redistricting:** Lawmakers will look to resolve lawsuits challenging district maps.
- **Hurricane relief:** Expect continued updates, studies and recommendations on areas impacted by Hurricane Florence and how government can help.

- **NCDOT/Infrastructure:** Legislators will continue examining ways to fund transportation projects to stay ahead of population growth, including tolls, public-private partnerships and e-scooters/bike-sharing.
- **Rural economic development:** Balancing rural and urban economic development priorities will continue to challenge legislators, as it has policy makers on the national stage.
- **ABC reform:** A recent audit of the Alcohol Beverage Control Commission showing that poor contract administration and unused warehouse space cost taxpayers at least \$11.3 million has spurred talk of privatizing the system.

## NORTH DAKOTA

- **Election recap:** The North Dakota Legislative Assembly will see little change, with Democrats picking up one seat in the Senate and two in the House of Representatives. Republicans now control 37 of the 47 Senate seats, and 79 of the 94 House seats. Longtime House Majority Leader Al Carlson was defeated and Republicans selected Chet Pollert to lead the Republican supermajority in that chamber.

Of four statewide measures on the ballot, three were approved by the electorate. The one that was defeated, by almost 20 percentage points, would have allowed recreational use of marijuana. One measure that was approved created a North Dakota Ethics Commission. Passage of the anti-corruption measure was helped by nearly \$1 million of out-of-state money (mainly from California). Enabling legislation is already circulating and will be a major focus of legislators, lobbyists and organizations over the next 18 months.

- **Legacy Fund earnings:** Governor Doug Burgum's biennial budget proposal contains a modest spending increase, state employee wage increases and several "legacy projects" funded from the earnings of the state's Legacy Fund. The oil and gas industry contributes production and extraction taxes to that fund, as well as other "buckets" at the state level, in lieu of local property taxes. Currently valued at nearly \$6 billion, the fund's earnings are now available for general fund use. How and where to use the earnings, which total about \$300 million, will be a major issue in this legislative session.
- **Infrastructure finance:** Legislators will tackle major funding issues involving both state and local infrastructure. One legislative study committee on transportation reported that current gas tax revenues

will not cover future infrastructure investments from the state level, setting up a significant gas tax/infrastructure funding battle during the session.

- **Education funding:** Funding for K-12 education, and especially how much the state contributes to each district, will be a session-long discussion. Increasing per-pupil funding and educational-facility financing from the state should help those districts most in need avoid massive property tax increases at the local levels.
- **Economic outlook—Growing energy sector:** The state continues to benefit from a growing energy sector. Pipeline infrastructure has made transporting product to market less expensive and more competitive, along with significant technological advancements in the industry over the past several years.
- **Economic outlook—Skills gap:** The Greater North Dakota Chamber in conjunction with the State Workforce Development Council undertook a statewide survey of employers in the third quarter of 2018. The number one factor limiting further growth is lack of workforce. There are an estimated 30,000 open jobs across multiple sectors in North Dakota. Creative workforce development solutions will be needed as the state continues to compete with other regions of the country for quality workforce.

## OHIO

Despite predictions of a blue wave and preliminary polling indicating big Democratic wins at the statewide executive level, Ohio remains a Republican stronghold heading into 2019. While the incumbent party generally has a difficult time getting re-elected in midterm elections, the Buckeye State bucked this trend by electing Republicans to all five statewide offices, and by significant margins. In addition neither the state Senate nor state House of Representatives saw major fluctuations in composition, with each maintaining their Republican majorities. With these majorities still intact, we can expect a very similar political environment to the last General Assembly. The new year will begin with the election of a new House Speaker and preparations in advance of the biennial budget.

Governor-elect Mike DeWine has outlined three main priorities for his administration: childhood education, workforce opportunities and solving the opioid crisis.

- **Childhood education:** DeWine campaigned on his record of fighting for Ohio's families, and has created positions in his administration that are solely focused on children's initiatives. His education plan includes less standardized testing in grades K-12 and more support and resources for



students, including bringing mental health professionals to schools, creating funding pathways for lower-income students, investing in educational professionals and ensuring students have access to 21st century technology and programs. The administration also hopes to bridge the gap between getting a diploma and obtaining a job by offering skills development and vocational training.

- **Workforce opportunities:** DeWine will be implementing his “Prosperity Plan,” aimed at helping Ohioans find high-wage jobs and developing a more competitive state economy. The administration plans to introduce local job-training programs, reform state occupational licensure, facilitate obtaining in-demand industry certifications, and bolster innovation. He has also outlined plans to partner with the federal government in reducing regulations that negatively impact job creation and removing roadblocks to federal job-training grants.
- **Opioid response:** Overcoming the state opioid epidemic, and substance abuse generally, was a major priority last year and will continue to be of top importance in 2019. The administration has launched a comprehensive 12-point action plan to address the state’s substance abuse problem. The plan will involve expanding drug task force models, law enforcement data infrastructure, and treatment capacity in areas that have been greatly impacted. Tying into his plans for education and workforce development, DeWine also plans to implement intervention programs for families and to involve employers in the treatment process.

## OKLAHOMA

An expected \$600 million increase in state money to spend in 2019 has Oklahoma lawmakers from both sides of the aisle focused on what House Speaker Charles McCall, after an increase in competitive legislative races across the state, has termed “solutions-oriented” legislation. Following a volatile last two years that saw a teacher walkout, budget shortfall and a battle over a unpopular tax increase, the pressure is on for lawmakers to deliver real results for Oklahomans.

**Education funding:** A focus is expected to remain on the fight for additional funding for Oklahoma’s public education system, with the Oklahoma Education Association (OEA) requesting salary increases for teachers and support staff statewide, along with an additional \$150 million for school operations and a substantial cost-of-living adjustment for retirees. Echoing themes from last year’s teachers’ walkout, proponents of additional funding will point to the state’s lagging rankings in teacher pay (37th nationally) and per pupil spending (44th).

**Medicaid expansion:** Democrats are expected to make Medicaid expansion under the Affordable Care Act a major priority in 2019, pointing to the fact that the state has the second-highest statewide uninsured rate, behind only Texas. Led in part by Representative Ben Loring (D), legislators will argue that Oklahoma’s rural hospital closure crisis can be alleviated by accepting the roughly \$900 million in federal funding the state would receive as a result of an approximately \$100 million investment. While Oklahoma Republicans continue to control the vast majority of the levers of power in state government, Democrats do not intend to let their long odds of success dissuade them, and have even raised the possibility of a ballot initiative, an approach that has succeeded in other predominately red states.

## OREGON

Oregon’s 2018 election results demonstrated the tailwinds of a national blue wave, with strong voter support for progressive candidates and ballot measures. Governor Kate Brown (D) was re-elected by a six percent margin, her campaign ads relentlessly hammering her Republican opponent, state Rep. Knute Buehler, for voting against prescription drug price reforms, health care coverage and reproductive choice.

- **New taxes:** To adequately fund health care services, Governor Brown is proposing an extension and expansion of health care provider taxes as well as a \$2 per pack increase on cigarettes. To more adequately fund education from pre-school through higher education, she is proposing a \$2 billion increase in corporate tax revenues (likely through a value-added tax, business activity tax and/or increase in corporate alternative minimum tax (AMT) based on gross Oregon sales). If passed, it would be the largest tax increase in Oregon history, largely to make up for the residual impact of property tax reduction ballot measures passed in the 1990’s. Democratic legislators are highly likely to support all these revenue proposals.
- **Clean energy jobs:** After several unsuccessful attempts at passing cap-and-trade legislation, 2019 is highly likely to be proponents’ year. A bicameral, bipartisan task force co-chaired by the legislatures’ presiding officers has been leading hearings on this subject throughout the interim.
- **Affordable housing:** After narrowly failing to pass legislation in 2017 protecting tenants from eviction and rapidly rising rents, this year’s legislature is highly likely to enact state protections as well as free up cities to impose local protections.
- **Paid family and medical leave:** After 12 years of attempts, 2019 may be the year for the legislature to finally pass paid family and medical leave (a required employer/employee

cost share to fund paid leave for birthing or adopting a child, caring for a family member, or dealing with personal health issues).

- **Prescription drug prices:** In 2018, Governor Brown signed into law the Prescription Drug Price Transparency Act. The legislature will likely follow up with additional drug price control legislation, such as allowing prescription drug importation from Canada, a 60-day notice requirement before pharmaceutical manufacturers may raise prices, and additional price transparency initiatives.

## PENNSYLVANIA

When Pennsylvania's 2019-2020 legislative session commences on January 1, the political dynamics in the General Assembly will be largely unchanged from the previous session. Republicans will maintain solid control of both the PA House and Senate, although their margin has been narrowed slightly after the 2018 general election, where Democrats picked up a handful of seats in each chamber. Meanwhile, Governor Tom Wolf (D) is set to begin his second term after a convincing re-election.

- **The budget process:** The state budget and efforts to pass a balanced budget by the June 30 constitutional deadline, will be the featured issue in the Capitol, and one that will likely drive most of the policy discussion. The Governor will present his proposed budget to the General Assembly in early February. From there, the legislature will hold budget hearings with the various state agencies. Once budget hearings have wrapped up, budget negotiations will begin and are likely to continue for several months.

It is possible that various large-scale policy efforts will gain momentum following Wolf's budget proposal. It is unclear at this time what approach he will take in his budget. In the first year of Wolf's first term, his proposal was considered very aggressive and included several new revenue generators. Republicans in the legislature generally pushed back on these efforts and the ensuing stalemate caused a lengthy budget impasse. In subsequent years the Governor has taken a more measured approach and this helped the budget process move forward. We will have a better outlook on what the budget process may look like following his presentation next month.

- **Energy policy:** Energy policy could be a major topic of discussion in 2019. The natural gas industry has a large presence in the commonwealth and the Governor and Democrats in the legislature have been trying for many years to impose a natural gas extraction tax. We expect this to be a feature issue this year as well. There will also be a big push in the legislature to help Pennsylvania's nuclear

industry, which is struggling economically and, similar to efforts in Illinois, New York and New Jersey, is seeking a ratepayer bailout to remain competitive in the state's deregulated energy market.

- **Climate change:** The Governor may also look to impose various climate change controls in the new session. In December, the Wolf administration announced it was joining a coalition of eight Northeast states, and Washington D.C., to create a program to reduce carbon emissions from vehicles. And a draft update of a Climate Action Plan was issued by the state Department of Environmental Protection in November calling for an 80 percent reduction of greenhouse gas emissions by 2050, from 2005 levels, and outlining 19 strategies for achieving this.
- **Workforce development:** New House Majority Leader Bryan Cutler, a major proponent of workforce development and job training, has already discussed his desire to advance initiatives relating to these topics. The issue will likely be an important one in the Republican caucus this year.

With a governor that easily won re-election and a General Assembly with many new members, we expect the new legislative session to be very active, with a number of major policy issues likely to be focused on. We will have clearer picture of those issues after the Governor delivers his budget proposal in February.

## RHODE ISLAND

- **Midterm recap:** Democrats won all statewide offices. In the governor's race, Gina Raimondo, the incumbent Democrat and the state's first female governor, survived a strong primary challenge from the left, then went on to win a six-way race for a second and final term with 52.6 percent of the vote. Last month, she was elevated to chair of the Democratic Governors Association. In other statewide races, incumbent Daniel McKee was re-elected for lieutenant governor with 61.8 percent of the vote, and Peter Neronha won the race for attorney general, beating Compassion Party candidate Alan Gordon by a 50 point margin. All general officers, including the secretary of state and treasurer, are term-limited and all, apart that the new AG, will be open seats in four years.
- Both chambers of the General Assembly are blue by large majorities. The 38-member state Senate has 33 Democrats and 5 Republicans, and the 75-member house has 66 Democrats and 9 Republicans.
- **Financial outlook:** The state has a new, \$9.6 billion state budget queued up for the start of the new fiscal year on July 1. The federal government covers \$3.2 billion of that. A

House fiscal adviser reported in November that the state is on pace for a \$48 million deficit in fiscal year 2019 followed by another \$112 million in FY 2020. While state revenue is expected to expand, state agency costs will also continue to rise. The adviser cautioned against mismanaging funds in some agencies.

- **Hasbro relo?:** Hasbro, the world's second-largest toy company, expects to announce a decision in the first six months of 2019 on where it will build its future headquarters—and moving out of Rhode Island, where it has been headquartered for almost a century, remains an option. Its departure would cost the city of Pawtucket roughly 1,200 local jobs. Mayor Grebian, after trying in vain to get a read on the company's intentions ("They're a private company and [play it] very close to the vest," he said), called upon state officials to offer financial incentives to prevent Hasbro from leaving. A spokesman for the Governor said she is "committed to working with Hasbro to ensure the company continues to grow and thrive in our state."
- **Marijuana legalization:** A joint legislative commission tasked with studying the issue was supposed to report its findings during last year's legislative session. But a spokesperson said the commission "could not reach a consensus and decided to not issue a report...due to the differing opinions on the commission." Legislation to extend the commission was passed, and it is now required to issue a report by Feb. 1. The state has had medical marijuana for over 10 years and House Minority Leader Blake Filippi supports legalizing adult use (recreational) marijuana. The Governor and other legislators have grown increasingly receptive as neighborhood turns green: Pot stores are opening in Massachusetts, you can now grow your own in Maine and Vermont, and Connecticut's new governor says legalizing marijuana will be a priority of his.

## SOUTH DAKOTA

South Dakota state legislators got a head start on the 2019 legislative session with a number of pre-filed bills that provide insight into potential hot button issues on the floor in the coming year.

- **Abortion restrictions:** South Dakota is not an abortion-friendly state. At present, a single facility offers elective abortions statewide. One bill sure to capture headlines around the county is a proposal to mandate that a woman seeking an abortion first be shown a sonogram of the child in her womb and listen to the fetal heartbeat. Incoming Republican Governor Kristi Noem is staunchly anti-choice, and with Republicans outnumbering Democrats in both

the state Senate and House by large margins, it is unclear if pro-choice legislators will have much of a chance to stop the bill from becoming law.

- **Special education:** Educating children with disabilities will also be on lawmakers' minds in 2019, as a number of legislators have pre-filed bills on the subject. One Senate bill would create a "Special Education Task Force" with a mandate to study both the increased need for, and cost of, special education services and programming in the state. Another bill looks to add an additional \$1 million of state funding for special education student costs next year. We expect the majority of these efforts—in sharp contrast to the abortion bill discussed above—to be met with broad bipartisan support.

## TENNESSEE

When Tennessee's 111th General Assembly convenes on January 8, it will have a large number of new members along with a new speaker of the House (Glen Casada), Senate majority leader (Jack Johnson) and House majority leader (William Lamberth). The state also has a new governor, businessman Bill Lee (R). He will be inaugurated on January 19.

- **Offender reentry:** Criminal justice reform and addressing re-entry hurdles was a primary focus of Governor-elect Lee's campaign, specifically how the current system impacts workforce development and employability. Initiatives that address those issues, centering around public-private partnerships and partnerships with community, nonprofit and faith-based organizations, are likely to come to fruition this year.
- **Vocational training:** Lee has placed an emphasis on the need for expanding vocational training opportunities in public schools. This priority stems from his own struggles finding qualified workers for his HVAC, electrical and plumbing company.
- **School choice:** Education vouchers will likely re-emerge in the upcoming session as Lee has indicated a broader support for school choice. The scope of such a voucher program is still unknown, but faces its best chances of passage to date.
- **Sports betting:** A recent opinion by the state attorney general could open the door to legalized sports betting. While Lee has expressed opposition to such a proposal, the legislature is likely to introduce legislation with bipartisan support. Whether or not that support will be enough for passage is yet to be seen.
- **Medical marijuana:** Returning once again will be a bill that would allow for the prescribing and dispensing of

cannabis for certain medical conditions. A bill stalled in a House committee in 2018 despite seemingly increased momentum from years past.

- **Opioids:** The legislature is likely to consider additional legislation to curb the opioid epidemic, including increasing the number of available mental health beds and services.
- **School safety:** School violence prevention will likely be at the forefront. One proposal seeks funding to place a school resource officer (SRO) in every public school.

## TEXAS

The biennial Texas legislative session begins on January 8 and runs for 140 days, through May 27. Texas Republicans continue to control all statewide offices and to have wide majorities in the House and Senate, even after losing 14 seats in November. The Texas House will elect a new speaker for the first time since 2009. Republican Dennis Bonnen—a mainstream conservative banker from Angleton, south of Houston—has a lock on the speakership and has already begun assembling his staff.

Outspoken combative, Bonnen was first elected to the Texas House in 1996 and, most recently, was chairman of the Ways & Means Committee. The interactions between Bonnen and the powerful Senate President/Lt. Governor Dan Patrick will help define the priorities and success of the session. Governor Greg Abbott is in a strong position after a successful November election in a tough year for the GOP. Abbott was the leading vote-getter, pulling in 56 percent of the statewide vote, and he helped down-ballot candidates with GOTV efforts, endorsements and, in some cases, direct funding.

**School finance:** The linked issues of property tax relief and school finance reform are top priority issues for the Governor, Lt. Governor and new House Speaker. “I can guarantee you that priority is school finance,” Bonnen said. “It is time Texas took on the challenge of fixing our broken school finance system.”

**Disaster relief:** Hurricane Harvey also continues to loom large and the session will include major decisions about the Texas Windstorm Insurance Association (TWIA) and improvements to disaster preparedness and recovery.

**Sunset review process:** Dozens of state agencies, including Texas Alcoholic Beverage Commission (TABC), Department of Motor Vehicles (DMV), Department of Public Safety (DPS) and Texas Windstorm Insurance Association (TWIA), will go through the Texas Sunset Advisory Commission’s top-to-bottom review in 2019. The 12-member legislative commission is tasked with identifying and eliminating waste, duplication, and inefficiency.

**Other issues:** Also looming large in the Texas Capitol for 2019 are issues involving workforce training and economic development, including the value of economic development incentives; cybersecurity and IT modernization; and infrastructure development.

## UTAH

The 2019 Utah State Legislature will convene for its annual 45-day session on January 28 of this month and wrap at midnight on March 14.

- **New leadership:** The legislature will have new majority leadership in both houses. The 75-member House of Representatives (57 Republicans and 18 Democrats, the latter up 5 post-election) will be led by new House Speaker Brad Wilson, who is also the CEO and president of Destination Homes. He represents a district in Davis County just north of Salt Lake City. The 29 member Senate (23 Republicans and 6 Democrats, the latter up 1 post-election) will be led by longtime legislative leader in both chambers President Stuart Adams, a businessman who also represents a district in Davis County. Also, Salt Lake County, Utah’s largest, will have a new Democratic mayor as a result of incumbent Mayor Ben McAdams’ election to Congress representing the 4th congressional district. Whoever fills the vacancy could impact legislative priorities for the county.
- **Down the hatch:** With the retirement of Orrin Hatch, Utah will raise its glass to a new US senator for the first time more than 40 years—newly elected Mitt Romney (R).
- **Taking initiative:** Although Utah has not traditionally been a strong initiative state, three statewide ballot measures passed in the 2018 midterms: medical marijuana, Medicaid expansion and gerrymander reform. All measures can be amended by the legislature, and one, the medical marijuana initiative, already has. Lawmakers passed an overhaul of the measure in a special session at the state capitol two days after it went into effect. Republican Governor Gary Herbert signed the bill, calling it the “best designed medical cannabis program in the country.”
- **Olympics bid:** On December 14, 2018, the US Olympic Committee chose Salt Lake to be the US bid for the 2030 Winter Olympics (potentially 2028 as well). Preparation for the games will involve all levels of government.
- **Sustaining growth:** Utah has a strong economy and it wants to build on this strength while also preparing for population growth (from within and people moving in). Cultivating and sustaining growth will be a top legislative priority for many years to come as the state’s favorable



business climate, five national parks, world-class skiing and other features have led to a high-tech boom, known as Silicon Slopes, and continue to attract companies across a range of sectors.

- **Other top legislative/policy areas:** Smart growth, tax reform, education funding, inland port creation (just as the new airport comes online in 2020), land use, alcohol regulation changes and air quality.

## VERMONT

**Midterm recap:** Governor Phil Scott (R) won re-election as a fiscal conservative and social moderate in the mold of a typical New England Republican, similar to MA Republican Governor Charlie Baker. Democrats picked up 10 seats in the House, giving them a 95-43 advantage over Republicans. If you add in the 7 seats held by Progressives and the 5 held by Independents, Democrats actually control 107 seats, which means they moved from a supermajority to a supermajority that can override a gubernatorial veto. Governor Scott issued 10 vetoes during the General Assembly's 2018 session and the 53 Republicans in the House maintained the necessary discipline to sustain the vetoes. That will change in 2019. In the Senate, Democrats added 1 seat to the party's lead, which now stands at 22-6. Add in the chamber's 2 Progressives, and the margin of control increases to 24-6, a supermajority. All other statewide office holders, including the treasurer, auditor, attorney general and secretary of state are Democrats.

Key issues in 2019 will include:

- **Regulation of chemicals:** Establishing more stringent laws and greater liability for chemical use are expected to be a major focus of the session.
- **Hot-button issues:** Property taxes and education financing (the two are intertwined) and forced school district mergers under Act 46 continue to be controversial.

Land use. A legislative committee spent the summer looking at Act 250, and changes to 40-year-old environmental land use law are expected to be explored this year.

- **Carbon pricing, electric vehicles and renewable energy markets:** All are expected to see action this year.
- **Economic development:** The state's bond rating, while still the best in New England, was downgraded one level late last summer due to a lack of diversity in the economy, growing pension fund obligations and a stagnant workforce population. The Governor made growing the economy by growing the workforce and lowering the cost of living a centerpiece of his first term and that is expected to be a major focus in his second term as well.

- **Addressing the opioid epidemic:** It's gripping the country and has not spared Vermont. While the state has had one of the biggest declines in overdose deaths due to its use of evidence-based, comprehensive approaches to tackling addiction, combating the crisis remains a priority. We expect the legislature to take further action on this.
- **Increasing the minimum wage.** A total of six bills in the General Assembly would set a \$15 minimum wage, with the most popular proposals envisioning a step-wise increase by 2022.

## VIRGINIA

When the General Assembly convenes in Richmond on Jan. 9 for a 45-day session, delegates and senators will find much of their time dedicated to three key issues:

- **Gambling:** The Pamunkey Indian Tribe, which became the first Virginia tribe to earn federal recognition through the U.S. Bureau of Indian Affairs in 2015, announced in 2018 that it was pursuing a casino resort on tribal lands. While the tribe does not need state approval for certain games, such as poker, it needs to negotiate an agreement with the state in order to offer slot machines, blackjack and roulette, among other games. The announcement brings new urgency to an issue that has been repeatedly rejected, despite efforts by a few legislators to bring riverboat casino gambling to the Norfolk area. A negotiated agreement between the state and tribe has been pitched as carrying the potential benefit of bringing in additional state revenue while allowing the tribe to pursue self-sufficiency through construction and operation of a major destination resort.

In Southwest Virginia, lawmakers are discussing legislation related to another proposed casino, in Bristol, and advocating for a referendum on the issue. Meanwhile, in spring of 2018, the U.S. Supreme Court ruled that states could legalize and regulate sports betting, creating an opening for legislators to craft bills that leverage another issue carrying social and fiscal implications for potential tax revenue. Numerous legislators spent the weeks leading into the start of the 2019 legislative session floating potential frameworks. Virginia already is seen as a leader in this arena; in 2016, Virginia became the first in the nation to enact a law regulating the operation of fantasy sports sites. The model legislation acknowledged fantasy sports betting as a game of skill while requiring independent audits and various consumer protection measures. In 2018, state lawmakers and Gov. Ralph Northam approved a bill legalizing and regulating betting on historical horse races, a move designed to breathe new life into Colonial Downs, a shuttered horse track east of Richmond.

- **Redistricting:** Virginia's General Assembly will face the task of redrawing 11 House of Delegates districts that were declared illegal by a federal court. The court ruled that race was improperly used to pack African-American voters into the 11 districts, diluting their voting influence in surrounding districts. The court set a deadline for new district boundaries by Oct. 30, but a special legislative failed to yield an agreement. A new deadline of March 28 was subsequently set. Meanwhile, the U.S. Supreme Court is poised to take up the case. In 2017, Republicans lost 15 seats in the House of Delegates but retained a 51-49 majority after a tied race in one district was determined by way of drawing lots.
- **Medicaid:** In 2018, Virginia legislators and Gov. Ralph Northam expanded Medicaid eligibility under provisions of the federal Affordable Care Act. This year, they are expected to grapple with issues related to implementation of the expansion, as well as efforts to rein in escalating costs of existing Medicaid recipients.

## WASHINGTON

Washington's 2019 legislative session begins January 14 and will run for 105 consecutive days. The legislature will write three two-year budgets, covering state operations, transportation and capital expenditures. The next biennium begins on July 1, 2019.

When the midterm results were in, Democratic legislators had increased their majority in both chambers. The state Senate now has 28 Democrats and 21 Republicans. The state House has 57 Democrats and 41 Republicans.

Top issues in 2019 include:

- **Clean energy.** Governor Jay Inslee (D) has proposed the state require utilities to have 100 percent carbon-free energy by 2045. Utilities can go along with 100 percent net carbon free, i.e., use some natural gas but do offsetting activities for the carbon from the natural gas.
- **Mental/behavioral health.** Continue increasing funding for mental health and addiction treatment.
- **Saving the whales:** The Governor has proposed spending \$1.1 billion on several activities to address the dwindling population of Orca whales.
- **Education:** More funding for K-12 education, with an emphasis on special education. More funding for early learning through the Department of Children, Youth & Families, with a specific focus on pre-K and home visitation services.

- **Rural broadband:** The Governor has proposed \$25 million to bring broadband to remote parts of the state. This is seen as an effort over the next four biennia, at least.
- **Transportation:** The chair of the Senate Transportation Committee has proposed a transportation package of at least \$10 billion over 10 years for a variety of road projects, new ferries, replacement of fish-blocking culverts, etc.

## WEST VIRGINIA

Following the 2018 election, both chambers of the West Virginia legislature remained in Republican control. However there have been leadership changes resulting from various political shakeups associated with the election and ongoing issues with the state Supreme Court. Fortunately for legislators, the 2019 session begins with the state in much better financial shape than in recent years. The financial problems that hung like a pall over the past several sessions will not be at the forefront this year.

- **Education:** In the wake of last year's statewide teachers' strike, which ended with a 5 percent pay raise for teachers and other state employees, expect education to be a major topic this session. One topic sure to dominate the discussion will be how the state's Public Employees Insurance Agency is managed. For the past few years, PEIA has been increasing premiums as health care costs have gone up and state funding has remained stagnant. As a concession to the striking teachers, it agreed to freeze rates in 2019, adding a hefty strain to a budget already stretched to fund pay raises. Governor Jim Justice (R) announced a task force to research possible means of fixing structural issues with insurance. Lawmakers have also been looking at host of other education-related issues, and the Governor's Higher Education Policy Commission is also looking at ways state postsecondary education is managed, and potential reforms will result from its work as well.
- **Tax reform:** With West Virginia's budget stabilized, many conservative legislators are looking at opportunities for tax cuts on all fronts. Various comprehensive tax reform packages are in the preliminary stages. Expect some to come into the light of day as the session moves forward.
- **Tort reform:** Continuing a theme since Republicans took control of the legislature in 2014, expect more tort reform initiatives to take shape.
- **Good governance:** Now that the dust has settled after the constitutional crisis created by the legislature's impeachment of its entire Supreme Court for alleged lavish use of state money to decorate their offices, and the ensuing trials and resignations that dominated state

headlines in 2018, expect various transparency and good-government bills intended to control agency spending to move forward.

- **Opioid response:** West Virginia is regarded by many as “ground zero” in the opioid epidemic, and lawmakers will continue to look at ways to combat this scourge. Governor Justice recently commissioned a substance abuse task force to develop alternative approaches to addressing the crisis.

Overall, with new leadership in the state House and musical chairs in the state Senate, there will be very different approaches to legislation than many have seen in the past.

## WISCONSIN

Wisconsin is entering unfamiliar territory in the 2019-2020 legislative session after Democratic Governor-elect Tony Evers edged out two-term Republican Governor Scott Walker by a one-point margin in the November midterms. Republicans maintained control of the Senate and Assembly but enter a session with divided control of government for the first time since 2010, when the GOP took both houses and the governor’s office. The two parties are off to a rough start after the legislature convened in an extraordinary session ahead of Evers’ inauguration to pass two bills that diminish the power of the state’s governor and executive branch.

- **Budget wrangling:** First up for Wisconsin’s new divided government will be Evers’ first state budget. The executive budget is expected to be met with sweeping changes by the legislature. A stalemate leading to a base budget scenario and prolonged process appears to be a strong possibility if negotiations between the governor and legislature break down this summer.
- **Health care reform:** In the December extraordinary session, the legislature failed to pass pre-existing conditions protections to safeguard against the successful outcome of the lawsuit challenging the Affordable Care Act in Texas federal court. However, the legislature may move early this session to secure this campaign season promise. Other patient-focused initiatives, such as step-therapy and pharmacy benefit manager reforms, appear to be picking up momentum as bipartisan healthcare solutions.
- **Medicaid expansion:** Evers has signaled his intent to pursue federal funding for the expansion of Medicaid, which Walker had refused to do. While Wisconsin was among 17 states to turn down the federal funding, several

of those other naysayers have since recently approved the expansion. Evers’ ability to navigate the Republican legislature in the upcoming budget will be key to whether he can push expansion through in Wisconsin.

- **Transportation funding:** A long-term transportation funding solution was a central issue in the Governor’s race, and Evers’ position that “everything is on the table” when it comes to new sources of revenue for roads, won him the support of the state’s road-building union and residents alike. Scott’s attitude toward potholes was decidedly more laissez-faire. GOP leaders have been split on the issue. The Assembly has been firmly in support of increased funding over the past two sessions, but the issue is not yet settled in the Senate, where several Republicans vehemently oppose a revenue increase. Evers’ support shifts the dynamic in favor of coming to a bipartisan agreement.
- **Economic development incentives:** The Wisconsin Economic Development Corporation tax incentive agreement with Taiwanese multinational electronics contract manufacturing company Foxconn will come under scrutiny as Evers’ and his fellow Democrats in the legislature are calling the \$4 billion incentive package a bad deal for Wisconsin taxpayers—despite the fact that the \$10 billion development which is projected to provide 13,000 high-tech jobs has already broken ground. As the incoming administration locks horns with the GOP over direction of WEDC, the success of Foxconn and future large-scale development deals remains uncertain.

## WYOMING

The 2019 legislative session could prove eventful, with legislators poised to consider a number of measures that could have a substantial impact on Wyoming’s business community and state finances.

- **Corporate income tax:** One of the hottest of political hot potatoes to come before the legislature may be levying a corporate income tax on business profits. The lack of such a tax sets Wyoming apart from every other state in the union but one (hint: its massive mountainside sculpture depicting four former American presidents draws more than 3 million people each year). Proposed by state Rep. Jerry Obermueller (R), the tax would apply to companies with more than 100 shareholders, and would buck a recent movement in some states to reduce or eliminate their own state corporate income taxes. While a specific rate has not yet been proposed, a joint revenue committee is excited at the prospect of another source of income for the public coffers. While the absence of such a tax has helped establish Wyoming’s status as a national leader

in pro-business tax policy, fiscal realities may force the Republican leadership to consider the measure—though if it does, expect the rate to be relatively modest.

- **Promoting tourism:** As Wyoming's tourism industry continues to grow, lawmakers are expected to continue to seek ways to fund the industry independent of the state's general fund, including possibly by imposing a statewide 5 percent lodging tax, with 3 percent of that earmarked for statewide tourism promotional efforts and the rest going to local governments. Wyoming's Office of Tourism hasn't had a budget increase in over eight years, and lawmakers could decide its time to put the state tourism efforts on a more level playing field budget-wise with neighboring states such as Utah, Colorado and Montana.
- **Daylight saving time:** An unique change may be on the horizon—literally—as legislation has been introduced that could eventually lead to Wyoming adopting daylight saving time year round. Filed by Rep. Dan Laursen, H.B.14 provides that if three surrounding Mountain Time states adopt year-round daylight saving time, Wyoming would be required to seek the US Department of Transportation's permission to join that elite club. Possible negative impacts on Wyoming's agricultural community are likely to provide ammunition for would-be opponents, while supporters will argue that the semi-annual time changes disrupt sleep patterns and lead to increased traffic accidents.



# THE SENATE COMMITTEE MEMBERSHIPS FOR THE 116TH CONGRESS

## DEMOCRATIC

### Agriculture, Nutrition & Forestry

Senator Stabenow – Ranking Member

- Senator Leahy
- Senator Brown
- Senator Klobuchar
- Senator Bennet
- Senator Gillibrand
- Senator Casey
- Senator Smith
- Senator Durbin

### Appropriations

Senator Leahy – Vice Chairman

- Senator Murray
- Senator Feinstein
- Senator Durbin
- Senator Reed
- Senator Tester
- Senator Udall
- Senator Shaheen
- Senator Merkley
- Senator Coons
- Senator Schatz
- Senator Baldwin
- Senator Murphy
- Senator Manchin
- Senator Van Hollen

### Armed Services

Senator Reed – Ranking Member

- Senator Shaheen
- Senator Gillibrand
- Senator Blumenthal
- Senator Hirono
- Senator Kaine
- Senator King
- Senator Heinrich
- Senator Warren
- Senator Peters
- Senator Manchin
- Senator Duckworth
- Senator Jones

### Banking, Housing & Urban Affairs

Senator Brown – Ranking Member

- Senator Reed
- Senator Menendez
- Senator Tester
- Senator Warner
- Senator Warren
- Senator Schatz
- Senator Van Hollen
- Senator Cortez Masto
- Senator Jones
- Senator Smith
- Senator Sinema

### Budget

Senator Sanders – Ranking Member

- Senator Murray
- Senator Wyden
- Senator Stabenow
- Senator Whitehouse
- Senator Warner
- Senator Merkley
- Senator Kaine
- Senator Van Hollen
- Senator Harris

### Commerce, Science & Transportation

Senator Cantwell – Ranking Member

- Senator Klobuchar
- Senator Blumenthal
- Senator Schatz
- Senator Markey
- Senator Udall
- Senator Peters
- Senator Baldwin
- Senator Duckworth
- Senator Tester
- Senator Sinema
- Senator Rosen

## Energy & Natural Resources

Senator Manchin – Ranking Member

- Senator Cantwell
- Senator Wyden
- Senator Sanders
- Senator Stabenow
- Senator Heinrich
- Senator Hirono
- Senator King
- Senator Cortez Masto

## Environment & Public Works

Senator Carper – Ranking Member

- Senator Cardin
- Senator Sanders
- Senator Whitehouse
- Senator Merkley
- Senator Gillibrand
- Senator Booker
- Senator Markey
- Senator Duckworth
- Senator Van Hollen

## Finance

Senator Wyden – Ranking Member

- Senator Stabenow
- Senator Cantwell
- Senator Menendez
- Senator Carper
- Senator Cardin
- Senator Brown
- Senator Bennet
- Senator Casey
- Senator Warner
- Senator Whitehouse
- Senator Hassan
- Senator Cortez Masto

## Foreign Relations

Senator Menendez – Ranking Member

- Senator Cardin
- Senator Shaheen
- Senator Coons
- Senator Udall
- Senator Murphy
- Senator Kaine
- Senator Markey
- Senator Merkley
- Senator Booker

## Health, Education, Labor & Pensions

Senator Murray – Ranking Member

- Senator Sanders
- Senator Casey
- Senator Baldwin
- Senator Murphy
- Senator Warren
- Senator Kaine
- Senator Hassan
- Senator Smith
- Senator Jones
- Senator Rosen

## Homeland Security & Governmental Affairs

Senator Peters – Ranking Member

- Senator Carper
- Senator Hassan
- Senator Harris
- Senator Sinema
- Senator Rosen

## Intelligence

Senator Warner – Vice Chairman

- Senator Feinstein
- Senator Wyden
- Senator Heinrich

- Senator King
- Senator Harris
- Senator Bennet

## Judiciary

Senator Feinstein – Ranking Member

- Senator Leahy
- Senator Durbin
- Senator Whitehouse
- Senator Klobuchar
- Senator Coons
- Senator Blumenthal
- Senator Hirono
- Senator Booker
- Senator Harris

## Rules & Administration

Senator Klobuchar – Ranking Member

- Senator Feinstein
- Senator Schumer
- Senator Durbin
- Senator Udall
- Senator Warner
- Senator Leahy
- Senator King
- Senator Cortez Masto

## Small Business & Entrepreneurship

Senator Cardin – Ranking Member

- Senator Cantwell
- Senator Shaheen
- Senator Markey
- Senator Booker
- Senator Coons
- Senator Hirono
- Senator Duckworth
- Senator Rosen

## Veterans' Affairs

Senator Tester – Ranking Member

- Senator Murray
- Senator Sanders
- Senator Brown
- Senator Blumenthal
- Senator Hirono
- Senator Manchin
- Senator Sinema

## Aging

Senator Casey – Ranking Member

- Senator Gillibrand
- Senator Blumenthal
- Senator Warren
- Senator Cortez Masto
- Senator Jones
- Senator Sinema
- Senator Rosen

## Ethics

Senator Coons – Vice Chairman

- Senator Schatz
- Senator Shaheen

## Indian Affairs

Senator Udall – Vice Chairman

- Senator Cantwell
- Senator Tester
- Senator Schatz
- Senator Cortez Masto
- Senator Smith

## Joint Economic

Senator Heinrich – Ranking Member

- Senator Klobuchar
- Senator Peters
- Senator Hassan

## REPUBLICAN

### Agriculture, Nutrition, and Forestry

- Senator Roberts
- Senator McConnell
- Senator Boozman
- Senator Hoeven
- Senator Ernst
- Senator Hyde-Smith
- Senator Braun
- Senator Perdue
- Senator Grassley
- Senator Thune
- Senator Fischer

### Appropriations

- Senator Shelby
- Senator McConnell
- Senator Alexander
- Senator Collins
- Senator Murkowski
- Senator Graham
- Senator Blunt
- Senator Moran
- Senator Hoeven
- Senator Boozman
- Senator Capito
- Senator Kennedy
- Senator Hyde-Smith
- Senator Daines
- Senator Rubio
- Senator Lankford

## Armed Services

- Senator Inhofe
- Senator Wicker
- Senator Fischer
- Senator Cotton
- Senator Rounds
- Senator Ernst
- Senator Tillis
- Senator Sullivan
- Senator Perdue
- Senator Cramer
- Senator McSally
- Senator R. Scott
- Senator Blackburn
- Senator Hawley

### Banking, Housing, and Urban Affairs

- Senator Crapo
- Senator Shelby
- Senator Toomey
- Senator T. Scott
- Senator Sasse
- Senator Cotton
- Senator Rounds
- Senator Perdue
- Senator Tillis
- Senator Kennedy
- Senator McSally
- Senator Moran
- Senator Cramer

## **Commerce, Science, and Transportation**

- Senator Wicker
- Senator Thune
- Senator Blunt
- Senator Cruz
- Senator Fischer
- Senator Moran
- Senator Sullivan
- Senator Gardner
- Senator Blackburn
- Senator Capito
- Senator Lee
- Senator Johnson
- Senator Young
- Senator R. Scott

## **Energy and Natural Resources**

- Senator Murkowski
- Senator Barrasso
- Senator Risch
- Senator Lee
- Senator Daines
- Senator Cassidy
- Senator Gardner
- Senator Hyde-Smith
- Senator McSally
- Senator Alexander
- Senator Hoeven

## **Environment and Public Works**

- Senator Barrasso
- Senator Inhofe
- Senator Capito
- Senator Cramer
- Senator Braun
- Senator Rounds
- Senator Sullivan
- Senator Shelby

- Senator Wicker
- Senator Boozman
- Senator Ernst

## **Finance**

- Senator Grassley
- Senator Crapo
- Senator Roberts
- Senator Enzi
- Senator Cornyn
- Senator Thune
- Senator Burr
- Senator Isakson
- Senator Portman
- Senator Toomey
- Senator T. Scott
- Senator Cassidy
- Senator Lankford
- Senator Daines
- Senator Young

## **Foreign Relations**

- Senator Risch
- Senator Rubio
- Senator Johnson
- Senator Gardner
- Senator Romney
- Senator Graham
- Senator Isakson
- Senator Barrasso
- Senator Portman
- Senator Paul
- Young
- Cruz

## **Health, Education, Labor, and Pensions**

- Senator Alexander
- Senator Enzi
- Senator Burr
- Senator Isakson
- Senator Paul
- Senator Collins
- Senator Cassidy
- Senator Roberts
- Senator Murkowski
- Senator T. Scott
- Senator Romney
- Senator Braun

## **Homeland Security and Governmental Affairs**

- Senator Johnson
- Senator Portman
- Senator Paul
- Senator Lankford
- Senator Romney
- Senator R. Scott
- Senator Enzi
- Senator Hawley

## **Judiciary**

- Senator Graham
- Senator Grassley
- Senator Cornyn
- Senator Lee
- Senator Cruz
- Senator Sasse
- Senator Hawley
- Senator Tillis
- Senator Ernst
- Senator Crapo
- Senator Kennedy
- Senator Blackburn



## **Intelligence**

- Senator Burr
- Senator Risch
- Senator Rubio
- Senator Collins
- Senator Blunt
- Senator Cotton
- Senator Cornyn
- Senator Sasse

## **Aging**

- Senator Collins
- Senator T. Scott
- Senator Burr
- Senator McSally
- Senator Rubio
- Senator Hawley
- Senator Braun
- Senator R. Scott

## **Budget**

- Senator Enzi
- Senator Grassley
- Senator Crapo
- Senator Graham
- Senator Toomey
- Senator Johnson
- Senator Perdue
- Senator Braun
- Senator R. Scott
- Senator Kennedy
- Senator Cramer

## **Indian Affairs**

- Senator Hoeven
- Senator Barrasso
- Senator Murkowski
- Senator Lankford
- Senator Daines
- Senator McSally
- Senator Moran

## **Joint Economic Committee**

- Senator Lee
- Senator Cotton
- Senator Sasse
- Senator Portman
- Senator Cassidy
- Senator Cruz

## **Rules And Administration**

- Senator Blunt
- Senator Shelby
- Senator Alexander
- Senator McConnell
- Senator Roberts
- Senator Cruz
- Senator Capito
- Senator Wicker
- Senator Fischer
- Senator Hyde-Smith

## **Small Business**

- Senator Rubio
- Senator Risch
- Senator Paul
- Senator T. Scott
- Senator Ernst
- Senator Inhofe
- Senator Young
- Senator Kennedy
- Senator Romney
- Senator Hawley

## **Veterans' Affairs**

- Senator Isakson
- Senator Moran
- Senator Boozman
- Senator Cassidy
- Senator Rounds
- Senator Tillis
- Senator Sullivan
- Senator Blackburn
- Senator Cramer

## **Ethics**

- Senator Isakson
- Senator Roberts
- Senator Risch



# UNOFFICIAL HOUSE DIRECTORY

## UNITED STATES HOUSE OF REPRESENTATIVES

**December 13, 2018**

### REPRESENTATIVES

Democrats in roman; Republicans in italic; Resident Commissioner and Delegates in boldface.

The names of Members who have died or resigned appear in bold brackets [ ].

Three-digit room numbers are in the Cannon House Office Building, four-digit room numbers beginning with 1 are in the Longworth House

Office Building, and four-digit numbers beginning with 2 are in the Rayburn House Office Building.

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Washington, DC 20515

**Compiled by KAREN L. HAAS, Clerk of the House**

<http://clerk.house.gov>

Name	Phone	Room
<b>TBD (2d) ME</b>	56306	1223
<b>TBD (9th) NC</b>	51976	132
<i>Abraham, Ralph Lee</i> , 5th LA	58490	417
Adams, Alma S., 12th NC	51510	2436
<i>Aderholt, Robert B.</i> , 4th AL	54876	1203
Aguilar, Pete, 31st CA	53201	109
<i>Allen, Rick W.</i> , 12th GA	52823	2400
Allred, Colin Z., 32d TX	52231	328
<i>Amash, Justin</i> , 3d MI	53831	106
<i>Amodei, Mark E.</i> , 2d NV	56155	104
<i>Armstrong, Kelly</i> , At Large, ND	52611	1004
<i>Arrington, Jodey C.</i> , 19th TX	54005	1029
Axne, Cynthia, 3d IA	55476	330
<i>Babin, Brian</i> , 36th TX	51555	2236
<i>Bacon, Don</i> , 2d NE	54155	1024
<i>Baird, James R.</i> , 4th IN	55037	532
<i>Balderson, Troy</i> , 12th OH	55355	1221
<i>Banks, Jim</i> , 3d IN	54436	1713
<i>Barr, Andy</i> , 6th KY	54706	2430
Barragán, Nanette Diaz, 44th CA	58220	1030

Name	Phone	Room
Bass, Karen, 37th CA	57084	2059
Beatty, Joyce, 3d OH	54324	2303
Bera, Ami, 7th CA	55716	1727
<i>Bergman, Jack</i> , 1st MI	54735	414
Beyer, Donald S., Jr., 8th VA	54376	1119
<i>Biggs, Andy</i> , 5th AZ	52635	1318
<i>Bilirakis, Gus M.</i> , 12th FL	55755	2227
<i>Bishop, Rob</i> , 1st UT	50453	123
Bishop, Sanford D., Jr., 2d GA	53631	2407
Blumenauer, Earl, 3d OR	54811	1111
Blunt Rochester, Lisa, At Large, DE	54165	1519
Bonamici, Suzanne, 1st OR	50855	2231
<i>Bost, Mike</i> , 12th IL	55661	1440
Boyle, Brendan F., 2d PA	56111	1133
<i>Brady, Kevin</i> , 8th TX	54901	1011
Brindisi, Anthony, 22d NY	53665	329
<i>Brooks, Mo</i> , 5th AL	54801	2246
<i>Brooks, Susan W.</i> , 5th IN	52276	2211
Brown, Anthony G., 4th MD	58699	1323
Brownley, Julia, 26th CA	55811	2262

Name	Phone	Room
Buchanan, Vern, 16th FL	55015	2427
Buck, Ken, 4th CO	54676	2455
Bucshon, Larry, 8th IN	54636	2313
Budd, Ted, 13th NC	54531	118
Burchett, Tim, 2d TN	55435	1122
Burgess, Michael C., 26th TX	57772	2161
Bustos, Cheri, 17th IL	55905	1233
Butterfield, G. K., 1st NC	53101	2080
Byrne, Bradley, 1st AL	54931	119
Calvert, Ken, 42d CA	51986	2205
Carbajal, Salud O., 24th CA	53601	1431
Cárdenas, Tony, 29th CA	56131	2438
Carson, André, 7th IN	54011	2135
Carter, Earl L. "Buddy", 1st GA	55831	2432
Carter, John R., 31st TX	53864	2110
Cartwright, Matt, 8th PA	55546	1034
Case, Ed, 1st HI	52726	2443
Casten, Sean, 6th IL	54561	429
Castor, Kathy, 14th FL	53376	2052
Castro, Joaquin, 20th TX	53236	2241
Chabot, Steve, 1st OH	52216	2408
Cheney, Liz, At Large, WY	52311	416
Chu, Judy, 27th CA	55464	2423
Cicilline, David N., 1st RI	54911	2233
Cisneros, Gilbert Ray, Jr., 39th CA	54111	431
Clark, Katherine M., 5th MA	52836	2448
Clarke, Yvette D., 9th NY	56231	2058
Clay, Wm. Lacy, 1st MO	52406	2428
Cleaver, Emanuel, 5th MO	54535	2335
Cline, Ben, 6th VA	55431	1009
Cloud, Michael, 27th TX	57742	1314
Clyburn, James E., 6th SC	53315	200
Cohen, Steve, 9th TN	53265	2104
Cole, Tom, 4th OK	56165	2207
Collins, Chris, 27th NY	55265	2243
Collins, Doug, 9th GA	59893	1504
Comer, James, 1st KY	53115	1037
Conaway, K. Michael, 11th TX	53605	2469
Connolly, Gerald E., 11th VA	51492	2238
Cook, Paul, 8th CA	55861	1027
Cooper, Jim, 5th TN	54311	1536
Correa, J. Luis, 46th CA	52965	1039

Name	Phone	Room
Costa, Jim, 16th CA	53341	2081
Courtney, Joe, 2d CT	52076	2332
Cox, TJ, 21st CA	54695	1728
Craig, Angie, 2d MN	52271	1523
Crawford, Eric A. "Rick", 1st AR	54076	2422
Crenshaw, Dan, 2d TX	56565	413
Crist, Charlie, 13th FL	55961	215
Crow, Jason, 6th CO	57882	1229
Cuellar, Henry, 28th TX	51640	2372
Cummings, Elijah E., 7th MD	54741	2163
Cunningham, Joe, 1st SC	53176	423
Curtis, John R., 3d UT	57751	125
Davids, Sharice, 3d KS	52865	1541
Davidson, Warren, 8th OH	56205	1107
Davis, Danny K., 7th IL	55006	2159
Davis, Rodney, 13th IL	52371	1740
Davis, Susan A., 53d CA	52040	1214
Dean, Madeleine, 4th PA	54731	129
DeFazio, Peter A., 4th OR	56416	2134
DeGette, Diana, 1st CO	54431	2111
DeLauro, Rosa L., 3d CT	53661	2413
DelBene, Suzan K., 1st WA	56311	2330
Delgado, Antonio, 19th NY	55614	1007
Demings, Val Butler, 10th FL	52176	217
DeSaulnier, Mark, 11th CA	52095	503
DesJarlais, Scott, 4th TN	56831	2301
Deutch, Theodore E., 22d FL	53001	2447
Diaz-Balart, Mario, 25th FL	54211	404
Dingell, Debbie, 12th MI	54071	116
Doggett, Lloyd, 35th TX	54865	2307
Doyle, Michael F., 18th PA	52135	306
Duffy, Sean P., 7th WI	53365	1714
Duncan, Jeff, 3d SC	55301	2229
Dunn, Neal P., 2d FL	55235	316
Emmer, Tom, 6th MN	52331	315
Engel, Eliot L., 16th NY	52464	2426
Escobar, Veronica, 16th TX	54831	1505
Eshoo, Anna G., 18th CA	58104	202
Espallat, Adriano, 13th NY	54365	1630
Estes, Ron, 4th KS	56216	1524
Evans, Dwight, 3d PA	54001	1105
Ferguson, A. Drew, IV, 3d GA	55901	1032



Name	Phone	Room
Finkenauer, Abby, 1st IA	52911	124
<i>Fitzpatrick, Brian K., 1st PA</i>	54276	1722
<i>Fleischmann, Charles J. "Chuck", 3d TN...</i>	53271	2410
Fletcher, Lizzie, 7th TX	52571	1429
<i>Flores, Bill, 17th TX</i>	56105	2228
<i>Fortenberry, Jeff, 1st NE</i>	54806	1514
Foster, Bill, 11th IL	53515	2366
<i>Foxx, Virginia, 5th NC</i>	52071	2462
Frankel, Lois, 21st FL	59890	2305
Fudge, Marcia L., 11th OH	57032	2344
<i>Fulcher, Russ, 1st ID</i>	56611	1520
Gabbard, Tulsi, 2d HI	54906	1433
<i>Gaetz, Matt, 1st FL</i>	54136	1721
<i>Gallagher, Mike, 8th WI</i>	55665	1230
Gallego, Ruben, 7th AZ	54065	1131
Garamendi, John, 3d CA	51880	2368
García, Jesús G., 4th IL	58203	530
Garcia, Sylvia R., 29th TX	51688	1620
<i>Gianforte, Greg, At Large, MT</i>	53211	1222
<i>Gibbs, Bob, 7th OH</i>	56265	2446
<i>Gohmert, Louie, 1st TX</i>	53035	2267
Gomez, Jimmy, 34th CA	56235	1530
Gonzalez, Anthony, 16th OH	53876	1023
Gonzalez, Vicente, 15th TX	52531	113
<b>González-Colón, Jenniffer</b> (Resident Commissioner), PR	52615	1609
<i>Gooden, Lance, 5th TX</i>	53484	425
<i>Gosar, Paul A., 4th AZ</i>	52315	2057
Gottheimer, Josh, 5th NJ	54465	213
<i>Granger, Kay, 12th TX</i>	55071	1026
Graves, Garret, 6th LA	53901	2402
<i>Graves, Sam, 6th MO</i>	57041	1135
Graves, Tom, 14th GA	55211	2078
Green, Al, 9th TX	57508	2347
<i>Green, Mark E., 7th TN</i>	52811	533
<i>Griffith, H. Morgan, 9th VA</i>	53861	2202
Grijalva, Raúl M., 3d AZ	52435	1511
<i>Grothman, Glenn, 6th WI</i>	52476	1427
Guest, Michael, 3d MS	55031	230
<i>Guthrie, Brett, 2d KY</i>	53501	2434
Haaland, Debra A., 1st NM	56316	1237
<i>Hagedorn, Jim, 1st MN</i>	52472	325

Name	Phone	Room
Harder, Josh, 10th CA	54540	131
<i>Harris, Andy, 1st MD</i>	55311	2334
<i>Hartzler, Vicky, 4th MO</i>	52876	2235
Hastings, Alcee L., 20th FL	51313	2353
Hayes, Jahana, 5th CT	54476	1415
Heck, Denny, 10th WA	59740	2452
<i>Hern, Kevin, 1st OK</i>	52211	1019
<i>Herrera Beutler, Jaime, 3d WA</i>	53536	2352
<i>Hice, Jody B., 10th GA</i>	54101	409
Higgins, Brian, 26th NY	53306	2459
<i>Higgins, Clay, 3d LA</i>	52031	424
<i>Hill, J. French, 2d AR</i>	52506	1533
Hill, Katie, 25th CA	51956	1108
Himes, James A., 4th CT	55541	1227
<i>Holding, George, 2d NC</i>	53032	1110
<i>Hollingsworth, Trey, 9th IN</i>	55315	1641
Horn, Kendra S., 5th OK	52132	415
Horsford, Steven, 4th NV	59894	1330
Houlahan, Chrissy, 6th PA	54315	1218
Hoyer, Steny H., 5th MD	54131	1705
<i>Hudson, Richard, 8th NC</i>	53715	2112
Huffman, Jared, 2d CA	55161	1527
<i>Huizenga, Bill, 2d MI</i>	54401	2232
<i>Hunter, Duncan, 50th CA</i>	55672	2429
<i>Hurd, Will, 23d TX</i>	54511	317
Jackson Lee, Sheila, 18th TX	53816	2079
Jayapal, Pramila, 7th WA	53106	1510
Jeffries, Hakeem S., 8th NY	55936	2433
<i>Johnson, Bill, 6th OH</i>	55705	2336
<i>Johnson, Dusty, At Large, SD</i>	52801	1508
Johnson, Eddie Bernice, 30th TX	58885	2306
Johnson, Henry C. "Hank", Jr., 4th GA	51605	2240
<i>Johnson, Mike, 4th LA</i>	52777	418
<i>Jones, Walter B., 3d NC</i>	53415	2333
<i>Jordan, Jim, 4th OH</i>	52676	2056
<i>Joyce, David P., 14th OH</i>	55731	1124
<i>Joyce, John, 13th PA</i>	52431	1337
Kaptur, Marcy, 9th OH	54146	2186
<i>Katko, John, 24th NY</i>	53701	2457
Keating, William R., 9th MA	53111	2351
<i>Kelly, Mike, 16th PA</i>	55406	1707
Kelly, Robin L., 2d IL	50773	2416

Name	Phone	Room
Kelly, Trent, 1st MS	54306	1005
Kennedy, Joseph P., III, 4th MA	55931	304
Khanna, Ro, 17th CA	52631	221
Kildee, Daniel T., 5th MI	53611	203
Kilmer, Derek, 6th WA	55916	1410
Kim, Andy, 3d NJ	54765	1516
Kind, Ron, 3d WI	55506	1502
King, Peter T., 2d NY	57896	302
King, Steve, 4th IA	54426	2210
Kinzinger, Adam, 16th IL	53635	2245
Kirkpatrick, Ann, 2d AZ	52542	309
Krishnamoorthi, Raja, 8th IL	53711	115
Kuster, Ann M., 2d NH	55206	320
Kustoff, David, 8th TN	54714	523
LaHood, Darin, 18th IL	56201	1424
LaMalfa, Doug, 1st CA	53076	322
Lamb, Conor, 17th PA	52301	1224
Lamborn, Doug, 5th CO	54422	2371
Langevin, James R., 2d RI	52735	2077
Larsen, Rick, 2d WA	52605	2113
Larson, John B., 1st CT	52265	1501
Latta, Robert E., 5th OH	56405	2467
Lawrence, Brenda L., 14th MI	55802	2463
Lawson, Al, Jr., 5th FL	50123	1406
Lee, Barbara, 13th CA	52661	2470
Lee, Susie, 3d NV	53252	522
Lesko, Debbie, 8th AZ	54576	1113
Levin, Andy, 9th MI	54961	228
Levin, Mike, 49th CA	53906	1626
Lewis, John, 5th GA	53801	300
Lieu, Ted, 33d CA	53976	403
Lipinski, Daniel, 3d IL	55701	2346
Loeb sack, David, 2d IA	56576	1211
Lofgren, Zoe, 19th CA	53072	1401
Long, Billy, 7th MO	56536	2454
Loudermilk, Barry, 11th GA	52931	422
Lowenthal, Alan S., 47th CA	57924	108
Lowey, Nita M., 17th NY	56506	2365
Lucas, Frank D., 3d OK	55565	2405
Luetkemeyer, Blaine, 3d MO	52956	2230
Luján, Ben Ray, 3d NM	56190	2323
Luria, Elaine G., 2d VA	54215	534

Name	Phone	Room
Lynch, Stephen F., 8th MA	58273	2109
Malinowski, Tom, 7th NJ	55361	426
Maloney, Carolyn B., 12th NY	57944	2308
Maloney, Sean Patrick, 18th NY	55441	2331
Marchant, Kenny, 24th TX	56605	2304
Marino, Tom, 12th PA	53731	1717
Marshall, Roger W., 1st KS	52715	312
Massie, Thomas, 4th KY	53465	2453
Mast, Brian J., 18th FL	53026	2182
Matsui, Doris O., 6th CA	57163	2311
McAdams, Ben, 4th UT	53011	130
McBath, Lucy, 6th GA	54501	1513
McCarthy, Kevin, 23d CA	52915	2468
McCaul, Michael T., 10th TX	52401	2001
McClintock, Tom, 4th CA	52511	2312
McCollum, Betty, 4th MN	56631	2256
McEachin, A. Donald, 4th VA	56365	314
McGovern, James P., 2d MA	56101	408
McHenry, Patrick T., 10th NC	52576	2004
McKinley, David B., 1st WV	54172	2239
McMorris Rodgers, Cathy, 5th WA	52006	1035
McNerney, Jerry, 9th CA	51947	2265
Meadows, Mark, 11th NC	56401	2160
Meeks, Gregory W., 5th NY	53461	2310
Meng, Grace, 6th NY	52601	2209
Meuser, Daniel, 9th PA	56511	326
Miller, Carol D., 3d WV	53452	1605
Mitchell, Paul, 10th MI	52106	211
Moolenaar, John R., 4th MI	53561	117
Mooney, Alexander X., 2d WV	52711	2440
Moore, Gwen, 4th WI	54572	2252
Morelle, Joseph D., 25th NY	53615	1317
Moulton, Seth, 6th MA	58020	1127
Mucarsel-Powell, Debbie, 26th FL	52778	114
Mullin, Markwayne, 2d OK	52701	2421
Murphy, Stephanie N., 7th FL	54035	1710
Nadler, Jerrold, 10th NY	55635	2132
Napolitano, Grace F., 32d CA	55256	1610
Neal, Richard E., 1st MA	55601	2309
Neguse, Joe, 2d CO	52161	1419
Newhouse, Dan, 4th WA	55816	1414

Name	Phone	Room
Norcross, Donald, 1st NJ	56501	2437
<i>Norman, Ralph</i> , 5th SC	55501	319
<b>Norton, Eleanor Holmes</b> (Delegate), DC...	58050	2136
<i>Nunes, Devin</i> , 22d CA	52523	1013
Ocasio-Cortez, Alexandria, 14th NY	53965	229
O'Halleran, Tom, 1st AZ	53361	324
<i>Olson, Pete</i> , 22d TX	55951	2133
Omar, Ilhan, 5th MN	54755	1517
<i>Palazzo, Steven M.</i> , 4th MS	55772	2349
Pallone, Frank, Jr., 6th NJ	54671	2107
<i>Palmer, Gary J.</i> , 6th AL	54921	207
Panetta, Jimmy, 20th CA	52861	212
Pappas, Chris, 1st NH	55456	323
Pascrell, Bill, Jr., 9th NJ	55751	2409
Payne, Donald M., Jr., 10th NJ	53436	103
Pelosi, Nancy, 12th CA	54965	1236
<i>Pence, Greg</i> , 6th IN	53021	222
Perlmutter, Ed, 7th CO	52645	1226
<i>Perry, Scott</i> , 10th PA	55836	1207
Peters, Scott H., 52d CA	50508	2338
Peterson, Collin C., 7th MN	52165	2204
Phillips, Dean, 3d MN	52871	1305
Pingree, Chellie, 1st ME	56116	2162
<b>Plaskett, Stacey E.</b> (Delegate), VI	51790	2404
Pocan, Mark, 2d WI	52906	1421
Porter, Katie, 45th CA	55611	1117
Posey, Bill, 8th FL	53671	2150
Pressley, Ayanna, 7th MA	55111	1130
Price, David E., 4th NC	51784	2108
Quigley, Mike, 5th IL	54061	2458
<b>Radewagen, Aumua Amata Coleman</b> (Delegate), AS	58577	1339
Raskin, Jamie, 8th MD	55341	412
<i>Ratcliffe, John</i> , 4th TX	56673	223
<i>Reed, Tom</i> , 23d NY	53161	2263
<i>Reschenthaler, Guy</i> , 14th PA	52065	531
Rice, Kathleen M., 4th NY	55516	2435
<i>Rice, Tom</i> , 7th SC	59895	512
Richmond, Cedric L., 2d LA	56636	506
<i>Riggleman, Denver</i> , 5th VA	54711	1022
<i>Roby, Martha</i> , 2d AL	52901	504

Name	Phone	Room
<i>Roe, David P.</i> , 1st TN	56356	102
<i>Rogers, Harold</i> , 5th KY	54601	2406
<i>Rogers, Mike</i> , 3d AL	53261	2184
<i>Rooney, Francis</i> , 19th FL	52536	120
<i>Rose, John W.</i> , 6th TN	54231	1232
Rose, Max, 11th NY	53371	1529
Rouda, Harley, 48th CA	52415	2300
<i>Rouzer, David</i> , 7th NC	52731	2439
<i>Roy, Chip</i> , 21st TX	54236	1319
Roybal-Allard, Lucille, 40th CA	51766	2083
Ruiz, Raul, 36th CA	55330	2342
Ruppersberger, C. A. Dutch, 2d MD	53061	2206
Rush, Bobby L., 1st IL	54372	2188
<i>Rutherford, John H.</i> , 4th FL	52501	1711
Ryan, Tim, 13th OH	55261	1126
<b>Sablan, Gregorio Kilili Camacho</b> (Delegate), MP	52646	2411
Sánchez, Linda T., 38th CA	56676	2329
<b>San Nicolas, Michael F. Q.</b> (Delegate), GU	51188	1632
Sarbanes, John P., 3d MD	54016	2370
<i>Scalise, Steve</i> , 1st LA	53015	2049
Scanlon, Mary Gay, 5th PA	52011	1535
Schakowsky, Janice D., 9th IL	52111	2367
Schiff, Adam B., 28th CA	54176	2269
Schneider, Bradley Scott, 10th IL	54835	1432
Schrader, Kurt, 5th OR	55711	2431
Schrier, Kim, 8th WA	57761	1123
<i>Schweikert, David</i> , 6th AZ	52190	1526
<i>Scott, Austin</i> , 8th GA	56531	2417
Scott, David, 13th GA	52939	225
Scott, Robert C. "Bobby", 3d VA	58351	1201
<i>Sensenbrenner, F. James, Jr.</i> , 5th WI	55101	2449
Serrano, José E., 15th NY	54361	2354
Sewell, Terri A., 7th AL	52665	2201
Shalala, Donna E., 27th FL	53931	1320
Sherman, Brad, 30th CA	55911	2181
Sherrill, Mikie, 11th NJ	55034	1208
<i>Shimkus, John</i> , 15th IL	55271	2217
<i>Simpson, Michael K.</i> , 2d ID	55531	2084
Sires, Albio, 8th NJ	57919	2268
Slotkin, Elissa, 8th MI	54872	1531

Name	Phone	Room
Smith, Adam, 9th WA	58901	2264
Smith, Adrian, 3d NE	56435	502
Smith, Christopher H., 4th NJ	53765	2373
Smith, Jason, 8th MO	54404	2418
Smucker, Lloyd, 11th PA	52411	127
Soto, Darren, 9th FL	59889	1507
Spanberger, Abigail Davis, 7th VA	52815	1239
Spano, Ross, 15th FL	51252	224
Speier, Jackie, 14th CA	53531	2465
Stanton, Greg, 9th AZ	59888	128
Stauber, Pete, 8th MN	56211	126
Stefanik, Elise M., 21st NY	54611	318
Steil, Bryan, 1st WI	53031	1408
Steube, W. Gregory, 17th FL	55792	521
Stevens, Haley M., 11th MI	58171	227
Stewart, Chris, 2d UT	59730	2242
Stivers, Steve, 15th OH	52015	2234
Suozzi, Thomas R., 3d NY	53335	214
Swalwell, Eric, 15th CA	55065	407
Takano, Mark, 41st CA	52305	420
Taylor, Van, 3d TX	54201	1404
Thompson, Bennie G., 2d MS	55876	2466
Thompson, Glenn, 15th PA	55121	400
Thompson, Mike, 5th CA	53311	406
Thornberry, Mac, 13th TX	53706	2208
Timmons, William R., IV, 4th SC	56030	313
Tipton, Scott R., 3d CO	54761	218
Titus, Dina, 1st NV	55965	2464
Tlaib, Rashida, 13th MI	55126	1628
Tonko, Paul, 20th NY	55076	2369
Torres, Norma J., 35th CA	56161	2444
Torres Small, Xochitl, 2d NM	52365	430
Trahan, Lori, 3d MA	53411	1616
Trone, David J., 6th MD	52721	1213
Turner, Michael R., 10th OH	56465	2082
Underwood, Lauren, 14th IL	52976	1118
Upton, Fred, 6th MI	53761	2183
Van Drew, Jefferson, 2d NJ	56572	331
Vargas, Juan, 51st CA	58045	2244
Veasey, Marc A., 33d TX	59897	2348
Vela, Filemon, 34th TX	59901	307
Velázquez, Nydia M., 7th NY	52361	2302

Name	Phone	Room
Visclosky, Peter J., 1st IN	52461	2328
Wagner, Ann, 2d MO	51621	2350
Walberg, Tim, 7th MI	56276	2266
Walden, Greg, 2d OR	56730	2185
Walker, Mark, 6th NC	53065	1725
Walorski, Jackie, 2d IN	53915	419
Waltz, Michael, 6th FL	52706	216
Wasserman Schultz, Debbie, 23d FL	57931	1114
Waters, Maxine, 43d CA	52201	2221
Watkins, Steven C., Jr., 2d KS	56601	1205
Watson Coleman, Bonnie, 12th NJ	55801	2442
Weber, Randy K., Sr., 14th TX	52831	107
Webster, Daniel, 11th FL	51002	1210
Welch, Peter, At Large, VT	54115	2187
Wenstrup, Brad R., 2d OH	53164	2419
Westerman, Bruce, 4th AR	53772	209
Wexton, Jennifer, 10th VA	55136	1217
Wild, Susan, 7th PA	56411	1607
Williams, Roger, 25th TX	59896	1708
Wilson, Frederica S., 24th FL	54506	2445
Wilson, Joe, 2d SC	52452	1436
Wittman, Robert J., 1st VA	54261	2055
Womack, Steve, 3d AR	54301	2412
Woodall, Rob, 7th GA	54272	1724
Wright, Ron, 6th TX	52002	428
Yarmuth, John A., 3d KY	55401	402
Yoho, Ted S., 3d FL	55744	1730
Young, Don, At Large, AK	55765	2314
Zeldin, Lee M., 1st NY	53826	2441



## PUBLIC POLICY

Dentons' national team includes lawyers and professionals with experience in federal, state and local government with specialists in public policy, law, business, and public affairs. We help clients to anticipate, mitigate, and leverage matters of government through innovative, holistic public policy and regulation strategies. Our team blends core regulatory, legislative, and political experience across key industry sectors with practical guidance and a balanced perspective on domestic and global policy and regulatory initiatives that are important to you and your business.

## KEY CONTACTS

For more information about key dates in the year ahead or to discuss your strategic planning for 2019, please contact any member of Dentons' Public Policy team, or your Dentons lawyer or professional.



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Global Chair, Public Policy  
and Regulation



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Principal



**Gordon Giffin**  
Partner



**Thurbert Baker**  
Partner



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Senior Counsel



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**Jeffrey Bleich**  
Partner



**Mark Burkhalter**  
Senior Advisor



**Howard Dean**  
Senior Advisor



**Megan Delany**  
Senior Policy Director



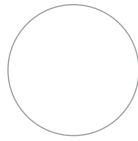
**Fred DuVal**  
Senior Advisor



**Rodney Ellis**  
Senior Advisor



**Christopher Fetzer**  
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**Sharon Gay**  
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