
Window On Washington - August 5, 2019, Vol. 3, Issue 32

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Outlook for This Week in the Nation's Capital

Both the House and Senate are now in recess for August. The Window will be on hiatus until Congress returns and our next publication will be on September 9th unless the news warrants an earlier issue.

Congress. The Senate was successful last Thursday in passing the House-passed Budget deal by a vote of 67 to 28, clearing the measure for President Donald Trump's signature. Senate Democrats on their way out of town telegraphed their plan to continue to hammer Majority Leader McConnell on his inaction on a number of House-passed bills during the recess and when they return in September, Speaker Nancy Pelosi will have to increasingly grapple with the fact that now more than half of her caucus (with the recent announcement of Rep. Carbajal's support) is in favor of beginning a committee impeachment inquiry process for President Trump, which she does not support at this time.

White House. The President's annoyance with China finally boiled over last week after Treasury Secretary Stephen Mnuchin and U.S. Trade Representative Robert Lighthizer returned from trade talks in Shanghai and reported that Chinese officials offered no new proposals for ending an impasse that's persisted since May, causing the President to tweet out that he is considering a range of additional tariffs on Chinese made goods in the coming weeks. The President this week will visit locations in the key battleground state of Pennsylvania to talk about trade policy and jobs.

Budget & Appropriations. President Trump signed a two-year, \$2.7 trillion budget agreement last Friday that wards off \$126 billion in automatic spending cuts and suspends the debt ceiling through July 2021. The deal does not fund federal agencies, so a government shutdown is still possible at the 2019 fiscal year-end (Sept. 30th). The House and Senate must still pass a dozen fiscal 2020 funding bills, which Trump must also sign. The rumor is that the Senate Appropriations Subcommittees have now received their 302(b) numbers, and there is both some unhappiness and a few significant mismatches with House levels (Labor/HHS likely one), with the hope that most bills can at least get through Committee in September, and perhaps 3 or 4 passed on the Senate floor before the end of the fiscal year.

Last Week in the Nation's Capital

CONGRESS

Health

Marijuana Policy and Congress: With the House and Senate heading into a month-long August recess this week, it's a good time to look back at what lawmakers have accomplished so far this year when it comes to marijuana reform: It is unquestionable that the 116th Congress is the most cannabis-friendly Congress in history. ([Marijuana Moment](#))

Space, NASA & NOAA

Key Senators Weight in on Delayed NASA Missions: Sen. Mike Enzi, the Wyoming Republican who chairs the Senate Budget Committee, told NASA Administrator Jim Bridenstine this week he is "troubled" by cost overruns and delays on several major NASA programs that "put at risk vital NASA missions and taxpayer dollars." ([Politico](#))

Energy & Natural Resources

State Attorneys General Call on US Congress to Pass PFAS Legislation: Twenty-two US state attorneys general have written to US congressional leaders, urging them to take the "necessary first steps" to address the problems posed by per- and polyfluoroalkyl substances (PFASs). ([Chemical Watch](#))

Manchin Calls on Trump to Nominate New FERC Commissioners: Early last week, Sen. Joe Manchin (D-WV), the top Democrat on the Senate Energy and Natural Resources Committee, urged President Trump to nominate two FERC commissioners. The commission has been without a member since the death in January of former Chairman Kevin McIntyre, and it will lose Commissioner Cheryl LaFleur at the end of August. That will leave two open seats that the White House has yet to fill. ([Clark Hill Insight](#))

Defense

Senate Confirms Trump's Deputy Defense Secretary: The Senate last week approved President Trump's pick for the No. 2 Pentagon post. ([The Hill](#))

Senate Panel Balances "Discretion," Oversight In Sexual Assault Investigation: Leadership of the Senate Armed Services Committee opted to probe behind closed doors accusations of sexual misconduct against Gen. John Hyten, President Trump's nominee to be vice chairman of the Joint Chiefs of Staff. ([National Journal](#))

Tax

Senate Democrats Push Repeal of State and Local Tax Rule: Senate Democrats will push to repeal a Treasury Department and IRS rule, which goes into effect Aug. 11, that they say would "block critical state workarounds" to the \$10,000 limitation on state and local tax deductions. ([Roll Call](#))

Transportation

U.S. Senators Introduce \$287 Billion Highway Bill: A \$287 billion proposal reauthorizing funding to maintain and repair the country's roads and bridges includes a first-ever title addressing carbon emissions and supporting electric vehicle infrastructure. ([Freight Waves](#))

EV Tax Credit Fight Sparks Lobbying Frenzy: Automakers are expanding lobbying efforts to extend the federal tax credit for buying electric vehicles, as the oil industry and conservatives push back against further incentives. ([E&E News](#))

EXECUTIVE BRANCH

Health/HHS/NIH

Another Setback to Fetal Tissue Research Under Trump: Researchers using fetal tissue faced another setback during the Trump administration as a notice from the National Institutes of Health spelled out new requirements for requesting grants for research involving the use of the tissue. ([Inside Higher Ed](#))

Space, NASA & NOAA

NASA Seeks "Industrialization" of Low Earth Orbit with ISS Commercialization Strategy: NASA Administrator Jim Bridenstine says he believes the agency's new strategy for increasing commercial use of the International Space Station will lead to an "industrialization" of low Earth orbit, although experts warn it may take time for those markets to emerge. ([Space News](#))

Blue Origin and SpaceX Among Winners of NASA Technology Agreements for Lunar Landers and Launch Vehicles: The two companies are among the 13 that NASA announced July 30 had received non-reimbursable Space Act Agreements through the agency's Space Technology Mission Directorate. The agreements do not provide any funding to the companies but instead, allow them to work with NASA centers and tap into their expertise in a range of technologies. ([Space News](#))

Immigration

Emails Show Stephen Miller Pressed Hard to Limit Green Cards: White House senior adviser Stephen Miller wasn't getting an immigration regulation he wanted. So he sent a series of scorching emails to top immigration officials, calling the department an "embarrassment" for not acting faster. ([Politico](#))

Homeland Security

DHS Issues Hacking Security Alert for Small Planes: The Department of Homeland Security issued a rare security alert Tuesday for small planes. The alert warns if a hacker gained physical access to certain small planes, they could attach a common device to its wiring. This could provide false flight data including altitude and airspeed, as well as possible access to the autopilot system, potentially leaving a pilot unable to tell whether the reading was accurate and potentially lose control of the aircraft. ([CBS](#))

Department of Justice

Justice Dept. won't Prosecute James Comey over Handling of FBI Memos, Despite Watchdog Referral: The Justice Department inspector general's office referred former FBI Director James Comey for potential prosecution over his handling of memos that the FBI later determined contained classified information, a person familiar with the matter confirmed Thursday. But Justice Department prosecutors declined to prosecute Comey, in part because they didn't believe there was evidence to show Comey knew and intended to violate laws on handling classified information. ([CNN](#))

Justice Puts Mueller Probe's Cost at \$32 Million: Special counsel Robert Mueller's 22-month long investigation cost approximately \$32 million, according to new figures released Friday from the Department of Justice. ([The Hill](#))

Trade

Trump's Frustration with China Boils Over: President Trump's decision last week to ratchet up the trade war with Beijing by slapping more tariffs on Chinese goods came after aides thought they had talked him out of it weeks ago, according to two people close to the discussions. ([Politico](#))

Interior/DOI

Democratic Senator Vows to Fight Trump Interior Nominee After Requesting Perjury Investigation: A Democratic senator is working to block a Trump nominee from serving as the top lawyer for the Department of the Interior and calling for an investigation after the nominee appeared to lie to lawmakers during his confirmation hearing about the department's public records policy. ([The Hill](#))

Labor & Workforce

Tip Pool Rule Heads to White House as Regulatory Probe Looms: The Labor Department is moving ahead with a new rule on tip sharing arrangements as an internal watchdog reviews a previous attempt at the rule that ended in controversy last year. The Labor Department sent a proposed tip pooling rule to the White House Office of Management and Budget. The regulation would make it easier for restaurants, bars, and other businesses to force tipped employees who make the full minimum wage to share gratuities with back-of-the-house and other workers who aren't commonly tipped. ([Bloomberg](#))

Environment/EPA

EPA: No Groundwater Rule Until Supreme Court Decides: The Trump administration will not craft a formal rule reinterpreting the scope of the Clean Water Act regulation until after the Supreme Court weighs in on the issue, EPA announced. At issue is whether the Clean Water Act's permitting program applies to pollution that reaches a federal waterway through groundwater. The high court will take up that issue Nov. 6 with oral arguments involving wastewater disposal in Maui. ([E&E News](#))

FEC

Democratic Senator Introduces Bill Limiting Use of Voter Data by Political Campaigns: Sen. Diane Feinstein (D-Calif.) introduced a bill that would limit the use of voter data by political campaigns. The legislation is being touted as the first bill "directly responding to Cambridge Analytica," the 2018 scandal that saw a right-wing political consulting firm use data on millions of American to target pro-Trump messaging at swing voters. ([The Hill](#))

Rule Proposed To FEC Would Further Constrain Foreign Election Contributions: The Federal Election Commission is considering proposed new rules to outlaw exchanges like the one that took place when a Russian delegation visited Trump Tower in 2016 to offer Donald Trump's campaign "dirt" on Democrats. ([NPR](#))