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# Window On Washington - December 9, 2019, Vol. 3, Issue 46

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## Outlook for This Week in the Nation's Capital

**Impeachment.** House Speaker Pelosi (D-CA) announced last week that the relevant House committee chairs would begin drafting articles of impeachment against President Trump. House Judiciary Committee Chairman Nadler (D-NY) announced on the Sunday shows that the articles of impeachment would be brought before his committee later this week. The timing for a vote on the articles is still unclear but could be as early as this week.

**Appropriations Negotiations.** Appropriations Committee leadership stated that they were trying to complete negotiations over the weekend to ensure enough time for the drafting and passage of the bills on the floor before the December 20 deadline. However, multiple media reports cited remaining hurdles, including a foreign aid rider and new rules for homeless assistance grants. At this point, it is unclear if the House and Senate negotiators were able to meet the deadline.

**Defense Authorization.** House defense policy negotiators finalized the last portions of the FY 2020 National Defense Authorization Act so that its contents should be unveiled as early as today. Final negotiations included a concession by Democrats to permit the creation of a Space Force in exchange for the Administration agreeing to include 12 weeks of paid family leave for federal workers, bringing this benefit for civil servants into parity with that afforded the military.

**Floor Activity.** It could be a very busy week on the House floor if appropriations negotiations are completed and the articles of impeachment progress quickly. After weeks of negotiations, an agreement was reached on the defense authorization bill, and it could come to a vote on the House floor as soon as Wednesday. The House is also scheduled to vote on Pelosi's drug pricing bill. The Senate is scheduled to consider several nominations, including the FDA Commissioner, and could also take up the defense authorization bill after it passes the House.

## Last Week in the Nation's Capital

### CONGRESS

#### *Budget & Appropriations*

**Appropriators Seek to Wrap Up Talks:** Spending bill negotiators set their sights on wrapping up a year-end deal by this past weekend, but they differed on how realistic that deadline might be. With only two weeks left before current funding runs dry, appropriators are hoping to finalize work on all 12 spending bills and pass them by December 20 to avoid another stopgap measure or possible government shutdown. But unless a deal comes together in the next several days, lawmakers have warned, there likely won't be enough time to write the bills and move them through both chambers before the holiday recess. ([Roll Call](#))

**House Democrats Slam Trump Admin for Illegally Withholding Puerto Rico Hurricane Aid:** Democratic lawmakers accused the Trump administration of "illegally withholding" funding for hurricane recovery efforts in Puerto Rico after missing a legally required deadline to kick off the process three months ago. Congress had mandated the Department of Housing and Urban Development to issue funding notices to 18 disaster-stricken states and territories no later than Sept. 4. They published all the notices except Puerto Rico's. The publication of the notice would have allowed island officials to start drafting a plan that would create the structures needed to manage \$10.2 billion in much-needed recovery funds. ([NBC News](#))

**House Financial Services Ranking Member Announces Retirement:** Rep. Tom Graves (R-GA) announced he will not seek reelection next year. Graves, 49, said that after some reflection he decided it was time to "pass the baton," but said he will serve out the rest of his term. The Georgia Republican was first elected to the House in 2009 after having served in the Georgia House of Representatives. Graves — one of House Minority Leader Kevin McCarthy's (R-CA) closest allies— sits on the powerful House Appropriations Committee and serves as the vice chairman of the Select Committee on the Modernization of Congress. ([The Hill](#))

#### *Health*

**Revamped, Bipartisan Senate Package Takes Aim at Drug Prices:** Leaders of the Senate Finance Committee unveiled a new version of a sweeping, bipartisan drug pricing bill, and they've devised a novel plan to get it signed into law. The bill hasn't changed much from the version that was narrowly passed out of committee in July — though a handful of tweaks offer further benefits to seniors. Since then, however, the bill's political prospects have grown brighter, particularly after key Trump administration officials endorsed it over a far more progressive proposal from House Speaker Nancy Pelosi (D-CA). Lawmakers have also devised a unique ploy to get the legislation, which has been stalled in the Senate, to the president's desk: Using it to help offset the costs of a slew of health programs, many of which would otherwise close at the end of the year without a funding boost. ([STAT News](#))

**Pelosi Sets Medicare Showdown on Drug Costs and New Benefits:** The House will hold a showdown vote this week on Speaker Nancy Pelosi's (D-CA) bill empowering Medicare to negotiate drug prices, expanded to provide seniors with dental, vision and hearing benefits not currently covered. Leading Democratic committee chairmen said the Congressional Budget Office has indicated that Pelosi's bill would save the government \$500 billion over 10 years, which they pledged to use for new Medicare benefits and other health care priorities such as the National Institutes of Health and the opioid crisis. ([The Associated Press](#))

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## Defense

**House Democrats Pull Key PFAS Provisions From Defense Bill:** House Democrats have dropped their bid to include key provisions regulating PFAS in the annual defense bill, according to two sources familiar with the negotiations — a move that could imperil the bill's chances in the lower chamber. ([Politico](#))

**Congress Frets Over Program to Streamline Pentagon Procurement:** After Congress freed certain Pentagon programs from the usual acquisition rules four years ago, members are now concerned about how programs to develop new missiles, satellites, helicopters and combat vehicles are being implemented. ([Roll Call](#))

## Cyber

**Senators Sound Alarm On Dangers of Ransomware Attacks After Briefing:** Senators from both sides of the aisle sounded the alarm last Wednesday on the dangers posed to small businesses and government entities by ransomware cyberattacks following a classified briefing from a key Department of Homeland Security (DHS) official. ([The Hill](#))

**Bipartisan Senators Call on FERC to Protect Against Huawei Threats:** A bipartisan group of senators last Friday sent a letter to the Federal Energy Regulatory Commission (FERC) urging the agency to protect itself against threats created by using technology from Chinese telecommunications giant Huawei. ([The Hill](#))

## Environment/Interior

**Pelosi, Democrats Commit to Bipartisan Climate Bill in 2020:** House Democrats have committed to passing a climate change bill next year that has Republican support, lawmakers said December 6. ([Bloomberg Environment](#))

**Pelosi to Climate Conference: 'We're Still In' Paris Agreement:** Speaker Nancy Pelosi (D-CA) sought to assure nations at the UN conference in Madrid last week that the US would join its efforts to fight climate change despite President Trump's move to pull the US out the Paris agreement. ([Politico](#))

**Rubio Places Hold on Number-Two Interior Nominee over Offshore Drilling:** "When it comes to offshore drilling and exploration, the Florida delegation is united in opposition to allowing our shores to be subjected to new leases," Nick Iacovella, a spokesman for Rubio's office, told Reuters. ([The Hill](#))

## Trade

**Pelosi Pushes to Keep Tech's Legal Shield out of Trade Agreement with Mexico and Canada:** The effort could throw a wrench into progress Congress seemed to be making on the pact and would be a blow to tech companies who already fear losing the legal protection within the US. Just last week, Speaker Nancy Pelosi (D-CA) said House Democrats were "within range" of reaching a pact they can support for the United States-Mexico-Canada Agreement, or USMCA, which would replace NAFTA. ([CNBC](#))

**Mnuchin to Lawmakers: 'I'm Highly Encouraged You Will' Pass Trump's North America Trade Deal:** Treasury Secretary Steven Mnuchin said last Thursday that he's optimistic that Congress will approve the administration's new North American trade pact despite the House's escalating efforts to impeach President Trump. ([The Hill](#))

**House GOP Leader Says 'We Get USMCA Done' This Year Despite Dem Focus on Trump Impeachment:** House Minority Leader Kevin McCarthy (R-CA) predicted last Friday that Congress will pass the North American Free Trade Agreement replacement by the end of the year, despite Democrats' focus on impeaching President Donald Trump. ([CNBC](#))

## Banking & Housing

**Maxine Waters' New Challenge: AOC and Freshman Upstarts:** Liberal icon Maxine Waters (D-CA), chair of the House Financial Services Committee, is facing growing dissatisfaction — and at times outright rebellion — from high-profile, left-leaning lawmakers who joined the panel earlier this year, some of whom have openly lamented the committee's leanings toward more moderate, business-friendly Democrats who dominate its ranks — a dynamic largely outside of Waters' control. ([Politico](#))

**GOP Senators Unveil Bill to Expand 'Opportunity Zone' Reporting Requirements:** A group of GOP senators last Friday rolled out a new bill to expand reporting requirements about investments in "opportunity zones" as the program aimed at revitalizing economically distressed communities created by the 2017 tax-cut law has faced mounting scrutiny, particularly from Democrats. ([The Hill](#))

## Transportation

**Advocates Rally on Capitol Hill for Self-Driving Car Legislation:** Advocates for creating federal standards for autonomous vehicles rallied last Tuesday to spur lawmakers to move quickly on legislation to roll out and test the emerging technology. ([The Hill](#))

## Energy

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**Senate Confirms Dan Brouillette to Lead Energy Department:** The Senate last Monday confirmed Dan Brouillette, a former lobbyist for Ford Motor Company, to be President Trump's second secretary of energy, replacing Rick Perry, who has become embroiled in the impeachment proceedings against President Trump. ([New York Times](#))

#### *Education*

**Senate Reaches Bipartisan Agreement to Fund HBCUs:** Senate Republicans and Democrats reached an agreement to permanently fund historically black colleges and universities and other minority serving institutions after a months-long standoff during which federal funding for the schools expired. ([USN&WR](#))

#### *Tax Reform*

**House Democrats to Move on Temporary 'SALT' Cap Increase:** The House Ways and Means Committee could take up legislation as early as this week that would increase a limit on state and local tax deductions that has riled Democrats from high-cost regions, according to a senior panel member. ([Roll Call](#))

#### *Agriculture/USDA*

**DeLauro Seeking to Block Trump Food Stamp Cuts:** Rep. Rosa DeLauro (D-CT), a powerful member of the House Appropriations Committee, is pushing back on a new Trump administration work requirement rule that could cut tens of thousands of adults with no dependents in Connecticut and other states from the food stamp program. Last Friday, she introduced the "Protect SNAP Act," which has 100 cosponsors already and which would block the new food stamp rule by denying the USDA the funds to implement it. ([CT Mirror](#))

#### *Space/NASA & NOAA*

**Bridenstine Asks Congress to Fully Fund Lunar Lander Program Quickly:** NASA Administrator Jim Bridenstine used a December 5 speech on Capitol Hill to implore Congress to finish a fiscal year 2020 appropriations bill for NASA as soon as possible to give the agency as much funding as possible to accelerate NASA's lunar lander programs. ([Space News](#))

#### *Impeachment Inquiry*

**Pelosi Says House Will Draft Impeachment Charges Against Trump:** Speaker Nancy Pelosi (D-CA) announced last Thursday that the House of Representatives would begin drafting impeachment articles against President Trump, pushing ahead with a rapid timetable that could set the stage for a vote before Christmas to charge him with high crimes and misdemeanors. ([New York Times](#))

**Republicans Launch Impeachment Rebuttal Ahead of Judiciary Hearing:** House Republicans offered a preview of their defense strategy last Monday as Democrats' drive to impeach President Trump moves to its next phase. ([Politico](#))

**Key Excerpts From Legal Scholars' Arguments on Impeachment:** The four law professors who testified before a House panel last Wednesday, three invited by Democrats and one by Republicans, gave an overview of the history of impeachment, the practical justifications for it and their views on whether President Trump's conduct in the Ukraine affair warranted it. ([New York Times](#))

**Senate Republicans Puncture House GOP Dreams for Impeachment Trial:** Senate GOP leaders have signaled they intend to defend Trump wholeheartedly, but they're also loath to let the upper chamber descend into chaos or divide their caucus ahead of a tough 2020 cycle. ([Politico](#))

**House Dems Refresh Nixon-Era Impeachment Report for Trump:** The staff of the House Judiciary Committee on Saturday issued a historic report laying the groundwork to impeach President Trump, outlining in Constitutional terms what the panel believes amounts to an impeachable offense. ([Politico](#))

### **EXECUTIVE BRANCH**

#### *Health/HHS/NIH*

**Trump and Pence Intervene in Clash Between Top Health Officials:** The working relationship between the Trump administration's top health officials, HHS Secretary Alex Azar and CMS Administrator Seema Verma, has grown so dysfunctional that both President Trump and Vice President Pence have intervened to try to salvage the situation. ([Axios](#))

**US Health Spending Rose to \$3.6 Trillion in 2018, Propelled by Health Insurance Tax:** Total national health expenditures rose by 4.6 percent last year, reaching \$3.6 trillion in 2018, according to a new report from the Centers for Medicare and Medicaid Services' Office of the Actuary published in Health Affairs. The increase in total expenditures was fueled primarily by a tax on private and federal insurance providers, causing a surge in the net cost of insurance as Americans' household spending surpassed \$1 trillion. ([Morning Consult](#))

**White House Slammed Pelosi's Drug Pricing Legislation in New Report:** Democratic House Speaker Nancy Pelosi's (D-CA) sweeping drug-pricing bill would result in as many as 100 fewer drugs hitting the US market over the next decade, the White House claimed in a report. The White House, citing an analysis from the Council of Economic Advisers, an agency within the executive office, also said Pelosi's bill would lead to worse health outcomes and cost the US economy \$1 trillion per year over that time period. ([CNBC](#))

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*Labor & Workforce/DOL*

**Congress, White House Near Deal to Create Space Force, Paid Leave for Federal Workers:** Congressional lawmakers and the White House are on the verge of reaching a sweeping agreement that would extend 12 weeks of paid parental leave to federal workers in exchange for making "Space Force" the sixth branch of the US military, as part of a tentative deal on the annual defense authorization bill. It would mark one of biggest deals President Trump has cut with Congress, securing a massive expansion of benefits for federal workers, something Democrats have long sought, in exchange for a realignment of the US military that Trump has sought to secure as part of his legacy. ([Providence Journal](#))

*Defense/DOD*

**Trump Defends NATO At London Summit, Spars With Macron Over Syria:** President Trump surprised many observers by coming to the defense of NATO at its London summit, but he still clashed with French President Emmanuel Macron over policy in Syria. ([NPR](#))

**Pentagon: Reports of 14K Troop Increase in Mideast 'Flat Out Wrong':** The Pentagon last Friday vehemently pushed back on reports that the United States may send 14,000 more troops to the Middle East to confront a growing Iranian threat but did not deny that a force increase is forthcoming. ([The Hill](#))

*Trade*

**At Trump White House, That Elusive China Trade Deal is Always 'Close':** A trade agreement with China that President Trump boastfully announced nearly two months ago remains stalled, despite a top White House economic adviser's pledge last Friday that a final deal is "close." ([Roll Call](#))

*Cyber*

**New McAfee Report Predicts Deepfakes, Ransomware Will Evolve:** Amateur hackers will soon have broader capabilities to create deepfakes than they do today, according to an annual threat predictions report out last week from McAfee Labs. And as technology advances, McAfee warns that adversaries will begin to generate deepfakes to evade facial recognition security. ([Clark Hill Insight](#))

*DHS/Immigration*

**Homeland Security Drops Plan to Use Facial Recognition on Traveling US Citizens:** US Customs and Border Protection, which is overseen by the Department of Homeland Security, said last Thursday that it is no longer seeking a regulation change that would have enabled it to use facial-recognition technology to identify all people entering and leaving the United States, including US citizens. ([CNN](#))

**Appeals Court Chips Away Block of Trump's 'Public Charge' Rule for Immigrants:** A federal appellate court last Thursday lifted injunctions blocking the Trump administration's rule limiting immigration benefits for migrants receiving public assistance, but the policy remains halted due to separate nationwide injunctions. ([The Hill](#))

*Justice/DOJ*

**Report: Barr Attorney Can't Provide Evidence Trump Was Set Up by DOJ:** The attorney handpicked by Attorney General William Barr to investigate the origins of the probe into the Trump campaign and Russia's election interference has reportedly found no evidence to support claims from conservatives that the case was a setup by US intelligence officials. ([The Hill](#))

**William Barr Says Communities Will Not Have "Police Protections" Without Respect for Officers:** Attorney General William Barr is igniting fresh controversy with comments that some see as a threat to communities of color. He was at a ceremony honoring the work of law enforcement at the Justice Department when he said communities they serve have to start showing "respect." ([CBS News](#))

*Environment/EPA/DOI*

**Watchdog Faults Rushed EPA Rulemaking on Glider Trucks:** The Trump administration rushed to exempt a type of super-polluting cargo truck from clean air rules without conducting a federally mandated study on how it would impact public health, the Environmental Protection Agency's inspector-general said last Thursday. ([AP](#))

**EPA Reauthorizes Use of 'Cyanide Bombs' to Kill Wild Animals:** The devices are used to protect livestock and protected species from predators like coyotes, foxes and feral dogs. But critics argue that they can harm people and non-predatory animals that may stumble upon them. ([CNN](#))

*Department of Education*

**DeVos Proposes Spinning off Federal Student loans from Education Department into Independent Agency:** Education Secretary Betsy DeVos pitched the proposal for federal student loans to be operated by "a stand-alone government corporation, run by a professional, expert and apolitical board of governors," instead of by the department's Office of Federal Student Aid. ([Politico](#))

*Transportation/DOT*

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**Train Safety Technology Hasn't Quite Reached the Station:** After years of delays, a railroad safety system that federal regulators say could have prevented some 300 deaths since 1969 is finally close to full implementation — but large gaps remain, with commuter railroads using the system on fewer than half of the tracks required by December 2020. ([Roll Call](#))

*Agriculture/USDA*

**Farmers Can Now Apply for Hemp Production Licenses Through USDA:** Producers who want to grow hemp in 2020 but live in a state that does not currently have a program can now apply for federal licenses, as the USDA's Agricultural Marketing Service is now accepting license applications from producers whose states or tribes do not submit plans for approval, as the continuation of a regulatory process that began in October. ([Hemp Industry Daily](#))

**Nearly 700,000 SNAP Recipients Could Lose Benefits Under New Trump Rule:** The Trump administration is tightening work requirements for some food stamp recipients, a change that is expected to eliminate Supplemental Nutrition Assistance Program (SNAP) benefits for 688,000 adults. ([NPR](#))

*Space/NASA & NOAA*

**US Space Command Eager to Hand Over Space Traffic Duties to Commerce Department:** Maj. Gen. Stephen Whiting is eager to transfer space traffic management responsibilities to the Commerce Department, but that can't happen until the agency gets the necessary resources. Congress also will need to act. Weeden said there are still conflicting views on Capitol Hill on whether space traffic management should be handled by the Department of Transportation, rather than Commerce. ([Space News](#))

**Closing Critical Gap in Weather Forecasting:** Scientists working on the next frontier of weather forecasting are hoping that weather conditions 3-to-4 weeks out will soon be as readily available as seven-day forecasts. Having this type of weather information -- called subseasonal forecasts -- in the hands of the public and emergency managers can provide the critical lead time necessary to prepare for natural hazards like heat waves or the next polar vortex. ([Science Daily](#))

*Impeachment*

**White House Won't Take Part in House Judiciary Impeachment Hearings:** In a one page letter sent to Judiciary Committee Chairman Jerry Nadler (D-NY), White House Counsel Pat Cipollone criticized the ongoing impeachment inquiry as "completely baseless" and that it violates "basic principles of due process and fundamental fairness." ([Politico](#))