

Window On Washington - January 21, 2020, Vol. 4, Issue 3

Jan 21, 2020

Outlook for This Week in the Nation's Capital

Congress. The House is in recess this week and the Senate will begin the impeachment trial later this afternoon. The trial will take place for six days each week until it is completed, and arguments by the House impeachment managers and President Trump's lawyers will be televised. Deliberations by the Senators will occur in a closed session. See the chart below from the National Journal describing the mechanics of the trial.

NationalJournal PRESENTATION CENTER

The Senate impeachment trial is set to begin on Jan. 21, 2020

The impeachment trial for President Trump is expected to mirror that of President Clinton



The trial will begin with opening arguments by both sides followed by a period of questioning by the senators; during the Clinton trial, each side was allotted 24 hours for opening arguments over the course of a few days, and senators had 16 hours for questions



After the opening phase, there will be a debate and vote on whether or not to subpoena additional witnesses, which Sen. Susan Collins (R-ME) claims to have secured through collaboration with Sen. Lisa Murkowski (R-AK), Sen. Mitt Romney (R-UT), and Sen. Lamar Alexander (R-TN)



The draft resolution outlining the trial laws does not include a provision for a debate and vote on a motion to immediately dismiss the articles of impeachment, which the Clinton trial had and President Trump often has called for



Rules on decorum have also been released: senators will not be allowed to speak during the trial, having to instead write down their questions and give them to Chief Justice Roberts, and they will not be allowed to bring technology into the Senate chamber



Chief Justice John Roberts will preside over the trial

House impeachment managers

The managers are the lawmakers who act as prosecutors, presenting the case for impeachment before Senate



Rep. Adam Schiff (D-CA-TK)



Rep. Jerrold Nadler (D-NY-TK)



Rep. Hakeem Jeffries (D-NY-TK)



Rep. Zoe Lofgren (D-CA-TK)



Rep. Val Demings (D-FL-TK)



Rep. Sylvia Garcia (D-TX-TK)



Rep. Jason Crow (D-CO-TK)

Sources: Washington Post; Wall Street Journal; Business Insider; The Hill.

Madeline Hanson | Slide last updated on: January 16, 2020

Election. In less than two weeks, Iowa holds its primary caucuses. Multiple of the remaining Democratic candidates will miss out on the final days of campaigning in order to attend the impeachment trial. The latest National Journal analysis of the upcoming elections is available [here](#).

Last Week in the Nation's Capital

CONGRESS

Budget & Appropriations

Appropriators Feel the Squeeze of Budget Caps as Veterans Health Funding Grows: Appropriators and stakeholders have begun coming to grips with the reality of narrow funding increases under next year's budget caps, as politically sacrosanct veterans health care spending continues to grow and eat into what's left for all other nondefense programs. Last summer's two-year budget deal front-loaded its spending cap increases into the first year, allowing about 4 percent more for discretionary spending in fiscal 2020. In fiscal 2021, increases are capped at less than 0.4 percent, or \$5 billion, despite fixed

costs for veterans health care that are likely to require substantially more. ([Roll Call](#))

Health

Ways and Means Committee Is Latest to Take Stab at 'Surprise' Billing Fix: A one-page plan from Ways and Means Chairman Richard Neal (D-MA) and ranking member Kevin Brady (R-TX) is at odds with a detailed bipartisan deal struck between key House and Senate committees late last year to settle billing disputes that can leave patients on the hook for thousands of dollars in unexpected expenses. By calling for outside mediation when private negotiations hit an impasse, the Ways and Means plan moves closer to an approach preferred by powerful hospital and physician groups nervous about any compromise that could favor health plans. ([Politico](#))

House GOP Reopens Investigation into Opioid Manufacturers Over Role in Crisis: The top Republican on the House Energy and Commerce Committee is reopening an investigation into three drug companies that make opioids over their role in the epidemic of overdose deaths. Rep. Greg Walden (R-OR), along with Reps. Brett Guthrie (R-KY) and Morgan Griffith (R-VA), sent letters to Purdue Pharma, Mallinckrodt Pharmaceuticals and Insys Therapeutics with new questions about whether they could have done more earlier to stem the tide of opioid-related deaths. ([The Hill](#))

Defense

New War Powers Resolution Gains Key GOP Support, Boosting Chances Of Senate Passage: Sens. Rand Paul (R-KY), Mike Lee (R-UT), Todd Young (R-IN), and Susan Collins (R-ME) have all signed on as co-sponsors to the measure led by Sen. Tim Kaine (D-VA), bringing the total number of supporters for the measure to 51, a simple majority of the Senate needed for passage. ([NPR](#))

House Armed Services Chairman Exploring Options to Stop Trump from Taking \$7.2B in DOD Funds for Wall: The chairman of the House Armed Services Committee Adam Smith (D-WA) said last Wednesday he "absolutely" wants this year's defense policy bill to address President Trump's reported plan to take another \$7.2 billion from the Pentagon for his southern border wall, but acknowledged the difficulty of doing so. ([The Hill](#))

Cyber

Bipartisan Group of Senators Introduces Legislation to Boost State Cybersecurity Leadership: A bipartisan group of senators on Friday introduced legislation that would establish a federally funded program to put in place state cybersecurity leaders nationwide, increasing the ability of states to respond to cyberattacks. ([The Hill](#))

Environment/Interior

GOP Builds Climate Plan: 'We Have Nothing to be Afraid Of': The goal of Thursday's meeting, Republican aides and lawmakers said, was to teach the full House GOP conference how to talk about climate policy and to put together a legislative package of energy-innovation-style bills as an answer to Democratic plans. ([E&E News](#))

USMCA Bill Tough Vote for Democrats over Lack of Environmental Protections: The deal, which would replace the North American Free Trade Agreement, contains a number of environmental provisions and Democrats — even those who opposed it — said it's a significant improvement over its predecessor. ([Roll Call](#))

Agriculture

A New Federal Bill Aims to Fix Food Waste in Schools: US Representative Chellie Pingree (D-ME) introduced a new bill that would establish a grant program for schools to cut cafeteria food waste, with the goals of simultaneously reducing environmental impacts and improving student nutrition. Senator Richard Blumenthal (D-CT) will introduce a companion bill in the Senate. ([Civil Eats](#))

Trade

Senate Passes USMCA Bill, Giving Trump a Win on Trade: The Senate approved implementing legislation last Thursday for a renegotiated version of the North American Free Trade Agreement, giving President Trump a victory as the Senate moved to swearing in its members as jurors in Trump's impeachment trial. ([Roll Call](#))

Banking & Housing

Lawmakers Call for FTC Probe Into Top Financial Data Aggregator: A group of lawmakers led by Sens. Ron Wyden (D-OR) and Sherrod Brown (D-OH) and Rep. Anna Eshoo (D-CA) on Friday called on the Federal Trade Commission (FTC) to investigate one of the top financial data aggregators in the U.S. (Envestnet), questioning whether it is collecting reams of sensitive information on Americans without adequate consent. The probe comes as Congress has intensified its scrutiny of large corporations collecting personal information on nearly every American. ([The Hill](#))

Transportation

Hoyer: House Priorities for 2020 Include Infrastructure: Infrastructure was among the top three issues that Democrats campaigned on in 2018. After an effort with President Trump on a \$2 trillion bipartisan infrastructure plan blew up, Democrats want to move ahead without him. "We're gonna have to figure out how to pay for it on our own," Hoyer said. "That'll be tough, but we're going to work on that. And I'm hopeful that we'll do that relatively early in the

year, certainly before May.” ([Roll Call](#))

Justice

Companies burned by Big Tech plead for Congress to regulate Apple, Amazon, Facebook and Google: Apple, Amazon, Facebook and Google took a public lashing at a congressional hearing last Friday, where some of their smaller rivals, including Sonos and Tile, pleaded with federal lawmakers to take swift action against big tech. ([Washington Post](#))

Homeland Security/Immigration

Congress, Feds Aim to Plug Pipeline Cybersecurity Holes Amid Iran Hacking Alerts: The warnings follow a US airstrike that killed Islamic Revolutionary Guard Corps commander Gen. Qassem Soleimani. ([S&P Global](#))

Puerto Rico Earthquake Supplemental Under Discussion in House: House Appropriations Democrats are looking at a possible emergency spending package to provide additional aid to Puerto Rico following a series of earthquakes since late last year, including a 5.2 magnitude quake Wednesday. ([Roll Call](#))

Energy

Regulators Urged to Spur Advanced Nuclear Power Under New Law: The Nuclear Regulatory Commission expects its first application for a new generation of advanced nuclear reactors in a few weeks, as it works to implement a 2019 law meant to spur such technologies, agency officials told the Senate Environment and Public Works Committee Wednesday. ([Bloomberg](#))

Education

Democrats Vote to Overturn Betsy DeVos Rules on Student Debt: The House Labor and Education Committee voted on legislation last Thursday that would overturn Education Secretary Betsy DeVos’ new policy on student debt discharge that goes into effect on July 1st, 2020. ([Yahoo! Finance](#))

Labor and Workforce

Pro-Business Lobby Endorses Bill to Protect Pregnant Workers: The US Chamber of Commerce has recently endorsed federal legislation to accommodate and protect pregnant workers, joining the ranks of progressive groups like the American Civil Liberties Union (ACLU). The House Education and Labor Committee approved the Pregnant Workers Fairness Act (PWFA) 29-17 last Tuesday. PWFA would require employers to provide reasonable accommodations and basic workplace protections such as extended water breaks or stools to sit on, and follows the long-standing Pregnancy Discrimination Act, which protects pregnant women from being forced to leave jobs, and is modeled after the Americans with Disabilities Act (ADA). ([The Hill](#))

Tax Reform

IRS Issues Tax Guidance On Discharged Student Loans: The Internal Revenue Service (IRS) has issued guidance for some taxpayers who took out federal or private student loans to finance attendance at a nonprofit or for-profit school. The guidance offers relief for students whose loans have been discharged by the Department of Education and who meet specific criteria. ([Forbes](#))

Senate Democrats Launch Investigation into Trump Tax Law Regulations: A group of Democrats on the Senate Finance Committee are pressing the Trump administration over regulations implementing the international provisions of the president’s 2017 tax-cut law, seeking information about the extent to which lobbying influenced the rules. ([The Hill](#))

Impeachment Inquiry

Impeachment Trial Schedule: Upcoming Proceedings: After much delay, the Senate impeachment trial for President Trump is off and running. ([Politico](#))

Senate GOP Hopes for a Drama-Free Impeachment Trial While Bracing for Trump and His Legal Team: Senate Majority Leader Mitch McConnell (R-KY) got the day’s ending he had hoped for, a Senate looking somber and serious as it conducts President Trump’s impeachment trial. A Senate that might, as he put it a day before, be capable of rising above “short-termism and factional fever.” ([Washington Post](#))

House Dems Release New Impeachment Evidence Related to Indicted Giuliani Associate: The House Intelligence Committee released new evidence last Tuesday related to the impeachment inquiry of President Donald Trump, including information turned over by Lev Parnas, an indicted former associate of Trump’s personal attorney Rudy Giuliani. ([Politico](#))

Who Are the Impeachment Managers Prosecuting the Case Against Trump in the Senate Trial?: House Speaker Nancy Pelosi (D-CA) named the lawmakers who will prosecute the case in a Senate trial that will begin in earnest next week. In impeachment parlance, they are known as managers. They are tasked with persuading 67 senators to convict Trump and remove him from office on charges of abuse of power and obstruction of Congress. ([Washington Post](#))

EXECUTIVE BRANCH

Health/HHS/NIH

Trump Admin. to Lift 'Burdens' on Religious Social Service Providers: A proposed rule by the Department of Health and Human Services (HHS) will scrap "unique regulatory burdens" imposed on religious social service organizations by the Obama administration, the agency said. Current regulations for HHS-supported programs stipulate that religious social service providers must make referrals in certain situations to alternative service providers and explain their referral procedures in public notices. HHS said that the current regulations are not legally required and that because they focus solely on religious service providers, they "are in tension with recent Supreme Court precedent regarding nondiscrimination against religious organizations." ([MedPage Today](#))

FDA, NIH Allowed Clinical Trial Sponsors to Keep Results Secret: Institutions that conduct clinical trials still do a poor job following a law that requires them to post clinical trial results on a government website, and the government agencies that are supposed to enforce that law are turning their heads, according to an investigation by Science. A 2007 law made it mandatory for institutions that conduct clinical trials to post the trial results on ClinicalTrials.gov, but clinical trial sponsors have ignored the law and either submitted results late or not at all. ([Becker's Hospital Review](#))

ONC Releases 5-year Federal Health IT Road Map: Federal health IT officials released a draft strategic plan that outlines priorities over the next five years with a focus on pushing the industry to make more patients' health data accessible through smartphone apps and application programming interfaces (APIs). The draft plan outlines federal health information technology goals and objectives to ensure that individuals have access to their electronic health information to help enable them to manage their health and shop for care, according to officials with the Office for the National Coordinator for Health Information Technology (ONC) within the Department of Health and Human Services. ([Fierce Healthcare](#))

Energy/DOE

DOE Tightens Requirements for Efficiency Standards Rules, Plans New Cost-Benefit Analysis: DOE announced a [final rule](#) last Thursday to tighten the requirements that any new energy efficiency standards issued by the agency must meet. The rule mandates that any new energy efficiency rule must save 0.3 quadrillion BTUs over 30 years, a standard that DOE says only 60 percent of efficiency rules created over the last 30 years met. DOE is also setting a 180-day deadline for itself to establish test procedures for new appliances, and it is promising to adopt industry testing procedures. (Clark Hill Insight)

Defense/DOD

Pentagon to Talk Space Force Plans, Uniforms with Trump: Last Wednesday afternoon, Defense Department brass briefed President Trump on their plans for standing up a new military branch called the Space Force. ([Roll Call](#))

Trade

Here's What's in the US-China Trade Deal: The US-China trade deal that President Trump and China's Vice Premier Liu He signed last Wednesday provides an escape clause for either country to withdraw if a dispute cannot be resolved through high-level talks. That's one of the many details tucked in the 86-page agreement. Here are some other highlights of the pact. ([Politico](#))

Cyber

NSA Found a Dangerous Microsoft Software Flaw and Alerted the Firm — Rather Than Weaponizing It: The National Security Agency recently discovered a major flaw in Microsoft's Windows operating system — one that could expose computer users to significant breaches, surveillance or disruption — and alerted the firm about the problem rather than turning it into a hacking weapon, officials announced last Tuesday. ([Washington Post](#))

Cyberattackers Lurking Longer Inside Computers, Report Finds: Online attackers are becoming so good at hiding themselves that they can remain undetected in victims' computers for months before being found, potentially giving these criminals more time to inflict greater damage than if they were detected earlier, according to cybersecurity research firm CrowdStrike. ([Roll Call](#))

DHS/Immigration

Trump Asks Supreme Court to Let Immigrant 'Public Charge' Rule Take Effect: The Trump administration last Monday asked the Supreme Court to allow it to move forward with a rule aimed at cutting back benefits for immigrants while litigation plays out in court. ([The Hill](#))

Environment/EPA/DOI

Cost Analysis Backing BLM Move Comes Under Scrutiny: Experts say the cost-benefit analysis used by the Interior Department to justify its plan to relocate the Bureau of Land Management (BLM) outside of Washington is incomplete and does little to back the agency's reasoning that the move will save taxpayers millions. ([The Hill](#))

Tax Reform/IRS

Trump Economic Aide Says New Tax Proposal Could Be Unveiled This Summer: White House National Economic Council Director Larry Kudlow said last Wednesday that President Trump will unveil a new tax cut proposal later this year, "perhaps sometime later in the summer." ([The Hill](#))

Banking & Housing/HUD

Cryptocurrency Enthusiasts Say New Products Lend Bitcoin Credibility: The cryptocurrency industry is hailing the emergence of complex bitcoin investment products as a needed step to attract new investors while lending credibility to the digital asset and building a pathway to regulatory clarity. The big development at the end of 2019 was the first trading of what's known as physically settled bitcoin futures, following approval from state and federal regulators. And while the launch of these investment products hasn't convinced everyone that they will lead to buy-in from a skeptical financial industry, those leading the charge say it's a crucial step. ([Roll Call](#))

Agriculture/USDA

States Have Complaints About USDA Hemp Rules: The department's framework for nationwide hemp production failed to address some of the burgeoning industry's biggest concerns, and it imposes strict testing requirements that could be onerous for farmers. That's causing some discomfort for state officials as they develop their individual regulatory plans within USDA's guidelines. ([Politico](#))

Space/NASA & NOAA

Space Startups Warming to US Government as Investor, Customer: Space startups are becoming more acquainted with the US government as a customer and an investor, though the pathways to both remain difficult, according to a recent panel discussion of industry experts. The creation of the Space Force, NASA Lunar Exploration and commercial ventures and an increase in study contracts from the National Reconnaissance Office and other agencies is making government business more interesting to startups, some of who are also facing slow development of their target commercial market. ([Space News](#))

How Google Researchers Used Neural Networks to Make Weather Forecasts: A research team at Google has developed a deep neural network that can make fast, detailed rainfall forecasts. The researchers say their results are a dramatic improvement over previous techniques in two key ways. One is speed. Google says that leading weather forecasting models today take one to three hours to run, making them useless if you want a weather forecast an hour in the future. A second advantage: higher spatial resolution. ([Ars Technica](#))

Controversy Over Giant Telescope Roils Astronomy Conference in Hawaii: Astronomers say the Thirty Meter Telescope would offer deep insight into the earliest days of the universe and study mysteries like black holes and alien worlds. But a vocal subset of the native population of the Hawaiian Islands opposes the construction for a host of historical, cultural and environmental reasons. The dispute has reached such a tenor that some called the situation an "existential crisis" for astronomy, as discussed at the recent American Astronomical Society's annual meeting on the islands. ([Space.com](#))

Politico Space – Houston's Future in NASA and Other Hot Topics: Rep. Pete Olson (R-TX) talks about Houston's space legacy and how Congress can help protect future missions from political upheaval, items to look for in the coming FY21 NASA budget request, Space Force developments and balancing 5G and weather forecasting demands on spectrum. ([Politico](#))

Impeachment

Ken Starr, Alan Dershowitz Join Trump's Impeachment Defense Team: Ken Starr, the former independent counsel who led the Whitewater investigation into then-President Bill Clinton in the mid-1990s, and attorney Alan Dershowitz will join President Trump's impeachment defense team. ([Fox News](#))

GAO: Trump's Hold on Ukraine Aid Violated Budget Law: The Government Accountability Office said in an opinion last Thursday that President Trump violated federal budget law when he ordered White House officials to withhold most of a \$250 million military aid package for Ukraine last summer. ([Roll Call](#))

Trump Responds to Articles of Impeachment, Calls Process "A Dangerous Attack": President Trump's defense team released their arguments on Saturday for the impeachment trial in the Senate starting this week — and House Democrats quickly labeled the president's response as fundamentally wrong. ([Axios](#))