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# Window on Washington - January 22, 2018 Vol. 2, Issue 3

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

**Shutdown.** The government officially shutdown at 12:01am on Saturday but the effects have not yet been fully felt given it was the weekend. Yesterday, Senate Majority Leader Mitch McConnell announced that the Senate would vote at noon today to end the shutdown. The measure he is proposing would fund the government through February 8, and while it will not include DACA, McConnell offered a vote on an immigration measure after February 8 if the government is still funded. The outcome of the vote is unclear at this point as it's unknown if enough Democrats would support this proposal. The House will still need to agree to whatever the Senate passes and House Majority Leader Kevin McCarthy believes the proposal to fund the government through February 8 would pass the House. The Senate was close to an agreement earlier in the weekend but it was abandoned after the House would not agree to it. Clark Hill will provide updates as major events occur.

Meanwhile, federal operations vary by agency and some federal workers will report into work this morning and be sent home if the government is still closed. [Bloomberg](#) has an analysis on which government functions will continue or cease during a shutdown and the [Washington Post](#) has a breakdown on the percentages furloughed at each Cabinet-level department and the EPA.

## Last Week in the Nation's Capital

### Congress

#### *Budget*

**Senate to Vote on Plan to Reopen Government:** Shortly after 9 p.m. Sunday, Senate Majority Leader Mitch McConnell announced that the chamber would vote on a plan at noon Monday to fund the government through Feb. 8. But Democrats were not ready to call it a deal, even as McConnell implored the Senate to vote Sunday night to reopen the government. The vote Monday is expected to fail absent further progress between the two party leaders before then. ([Politico](#))

#### *Tax Reform*

**GOP Revels in Fast Start for Trump Tax Law:** Republicans are receiving a spate of good news in the wake of their tax bill becoming law. A number of companies have announced bonuses, wage increases and new investments since the law's enactment. And polls have found an uptick in support for the measure, though it still falls short of widespread approval. ([The Hill](#))

#### *Health*

**Warren, Markey Introduce Legislation to End Medical Device Tax:** Senators Elizabeth Warren and Ed Markey, both Democrats from Massachusetts, unveiled legislation that would eliminate the excise tax on medical devices that is part of the Affordable Care Act. The House passed continuing resolution included a provision to delay the start of the medical device tax but the Senate has not yet passed the delay. ([Mass Device](#))

**Senate Committee Advances Nominee for HHS Secretary:** The Senate Finance Committee advanced the nomination of Alex Azar to be the next secretary of HHS by a vote of 15-12. The full Senate vote has not yet been scheduled, but multiple people close to the process said Republicans are hoping to confirm Azar by the end of January. ([Politico](#))

#### *Energy*

**House Holds Hearing on Need for Legislation on LNG Exports:** Republicans and Democrats sparred over legislation to make the Federal Energy Regulatory Commission the gatekeeper for approving natural gas exports and do away with the currently required approval of the Department of Energy, which has typically dragged its feet before issuing final decisions on export decisions. Republicans say changes to the approval process are long overdue while Democrats say the proposed updates are "not in the public interest" and would undermine environmental safeguards. ([Washington Examiner](#))

#### *NASA & NOAA*

**Senate Committee Advances NASA and NOAA Nominations Again:** The Senate Commerce Committee voted 14-13 to advance the nomination of Rep. Jim Bridenstine (R-Okla.) to be NASA administrator, and by an identical margin advanced the nomination of Barry Myers to be NOAA administrator. In both cases all the committee Republicans voted for the nominees, and all the committee Democrats voted against them. It was the second time that the committee voted to advance their nominations to the full Senate. The committee voted on Bridenstine's original nomination Nov. 8, and Myers' nomination Dec. 13. The committee had to vote again on the nominations because the nominations were resubmitted by the White House. ([SpaceNews](#))

### Executive Branch

#### *Trade*

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**Trump Administration Says U.S. Mistakenly Backed China WTO Accession in 2001:** The United States mistakenly supported China's membership of the World Trade Organization in 2001 on terms that have failed to force Beijing to open its economy, the Trump administration said on Friday as it prepares to clamp down on Chinese trade. ([Reuters](#))

**NAFTA 'Danger Zone' Nears as Key Talks Begin Amid Trump Threats:** NAFTA talks are entering a pivotal moment as the U.S. turns up the pressure on Canada and Mexico to radically alter the trade pact in favor of American interests. In the run-up to the sixth round of talks that are now underway in Montreal, there has been plenty of saber-rattling and posturing from the three countries. But through it all, a somewhat consistent pattern emerged: President Trump kept threatening to withdraw from the pact while Canada and Mexico suggested they'd bring fresh thinking to the table to try to resolve some of the touchiest issues. ([Bloomberg](#))

HHS

**New HHS Office Will Protect 'Conscience and Religious Freedom' Rights of Doctors:** The Trump Administration announced a new federal office to protect medical providers refusing to participate in abortion, assisted suicide or other procedures on moral or religious grounds. The religious and conscience division will be part of the HHS Office for Civil Rights, which enforces federal anti-discrimination and privacy laws. Officials said it will focus on upholding protections already part of federal law. ([TIME](#))

**Trump Administration Rescinds Guidance Protecting Planned Parenthood:** The Department of Health and Human Services is rescinding guidance from the Obama administration that made it harder for states to defund Planned Parenthood. The guidance, issued in 2016, warned states that ending Medicaid funding for Planned Parenthood or other health-care providers that offer abortions could be against federal law. ([The Hill](#))

**Common Rule Implementation Delayed:** The Department of Health and Human Services, along with 15 other federal agencies, issued a six-month delay to an Obama-era rule, known as the Common Rule, that provides health informatics researchers with greater access to EHR and patient-reported data. ([FierceHealthcare](#))

Transportation

**U.S. Regulators to Seek More Input for Autonomous Rule Revisions:** U.S. transportation regulators plan to take another step toward rewriting federal rules hampering the development and adoption of autonomous technologies -- from cars and trucks to buses and trains. Department agencies will issue additional requests for comment to gather input from companies and the public on what rules affecting transport should change or be eliminated, Transportation Secretary Elaine Chao said. ([Bloomberg](#))

DOJ

**Justice Department Considering Options for Criminal Charges Against Sanctuary City Politicians:** The Department of Justice is considering subjecting state and local officials to criminal charges if they implement or enforce so-called sanctuary policies that bar jurisdictions from cooperating with immigration authorities. The Justice Department's review follows earlier comments by the acting director of Immigration and Customs Enforcement calling for local and state elected officials to be charged with federal crimes for adhering to sanctuary policies. ([Newsweek](#))

**Trump Administration Appeals Federal Court Decision to Block Ending of the DACA Program:** The Department of Justice appealed a federal district court judge's decision to block the Trump administration from ending the Obama-era Deferred Action for Childhood Arrivals (DACA) program. DOJ said it filed a notice of their appeal to the 9th Circuit Court and intends to take the "rare" step of asking the Supreme Court to bypass a 9th Circuit Court ruling and rule on the merits of the case. ([The Hill](#))

CFPB

**Trump Appointee Seeks \$0 Funding for Consumer Financial Protection Bureau:** Mick Mulvaney, the Trump Administration budget director tapped as interim director of the Consumer Financial Protection Bureau, said he needed \$0 to cover the watchdog's second-quarter expenses. Mulvaney, a consistent critic of the consumer agency he now heads, wrote in a Jan. 17 letter to Federal Reserve Chair Janet Yellen that the watchdog had \$177.1 million left over at the start of the federal government's 2018 fiscal year in September. He asked the Fed to redirect the \$145 million it would have sent to the consumer bureau instead to the U.S. Treasury, where it might make a small dent in the federal deficit. ([USA Today](#))

NASA

**GAO Warns that Commercial Crew Certification May Be Delayed:** The Government Accountability Office has said the contractors that NASA tapped to carry out human spaceflight missions to the International Space Station have made progress when it comes to their spacecraft development efforts but continue to face schedule delays under the Commercial Crew Program. The three risks the program faces are the aggressive schedule plans set by Boeing and SpaceX; safety and programmatic risks; and challenges faced by program officials with regard to the completion of phased safety assessments and the need to verify whether the contractors meet NASA's human spaceflight standards. ([ExecutiveGov](#))

**NASA FY19 Budget Expected to Include Lunar Exploration Program Details:** Details about how NASA will implement a space policy directive regarding a human return to the moon will be in the agency's 2019 budget request, scheduled for release as soon as early February. NASA Acting Administrator Robert Lightfoot suggested during a speaking event that both international and commercial partnerships would play key roles in NASA's approach to

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implementing Space Policy Directive 1, which instructed NASA to return humans to the moon “for long-term exploration and utilization” as a step towards later missions to Mars “and other destinations.” ([SpaceNews](#))

*White House*

**Trump 'Has Been Very Clear' on What He Wants to End Shutdown:** White House Press Secretary: “The president’s been very clear ... on exactly what he wants,” White House press secretary Sarah Sanders told ABC News Chief Anchor George Stephanopoulos. “First and foremost we have to reopen our government. We have to fund our government. As soon as that is done, we’re more than happy to negotiate on responsible immigration reform.” ([ABC News](#))