

---

# Window On Washington - January 27, 2020, Vol. 4, Issue 4

Jan 27, 2020

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

**Impeachment Trial Continues.** House trial managers completed their arguments for impeaching President Trump, while the President's lawyers are continuing their defense. After the defense is completed, Senators will have 16 hours to ask both sides questions.

**Infrastructure Plan.** House Democrats are working on an infrastructure plan that would increase funding for transportation, water and broadband programs. It would include a \$20 billion increase for highway and transit programs and an increase of 20 to 40 percent for aviation and water programs. The Transportation and Infrastructure Committee will draft various authorizations to work out the details of the plans over the next several weeks. Later this week, the Ways and Means Committee will discuss possible financing options and the Energy and Commerce Committee will consider proposals to expand broadband access.

**Earmark Return?** Rumors started circulating last week that the House is considering lifting the current ban on earmarks. Negotiations on the specifics are continuing, but it is expected that there would be strict limits on eligible entities and the types of requests. It is possible that earmarks could be included as part of the Democrats' infrastructure plan.

## Last Week in the Nation's Capital

### CONGRESS

#### *Budget & Appropriations*

**House Democrats Unveil \$3.35 Billion Puerto Rico Aid Bill:** House Democrats unveiled a \$3.35 billion emergency supplemental spending bill for Puerto Rico, aimed at funding schools and repairing transportation infrastructure. The largest part of the supplemental spending bill, \$2 billion, will go through the Community Development Block Grant, which would allow Puerto Rico to spend money on long-term recovery, housing and economic revitalization. ([The Hill](#))

#### *Health*

**Senators Ask FDA to Crack Down on Non-dairy Milks, Cheeses:** A bipartisan group of senators is calling on the Food and Drug Association (FDA) to end the labeling of plant-based products as milk, cheese or yogurt. In a letter to FDA Commissioner Stephen Hahn, the coalition of dairy-land senators urged the agency to issue rules to "ensure that dairy terms may only be used to describe products that include dairy." ([The Hill](#))

#### *Defense*

**Dems Seek to Shield Iran Bills from Republican Floor Tactics:** House Democrats are plotting their own procedural tricks to fend off GOP attempts to derail legislation targeting President Trump's war powers. The House will vote this Thursday on a pair of measures — led by Reps. Barbara Lee and Ro Khanna (D-CA)— that would further crack down on Trump's ability to launch unilateral strikes on nations like Iran. ([Politico](#))

**Grassley Expands Probe into DOD Contracts Awarded to Stefan Halper Over Spying Concerns:** Sen. Chuck Grassley (R-IA) announced an expanded probe last Wednesday into the Department of Defense's Office of Net Assessment (ONA) and its awarding of defense contracts to Stefan Halper, in order to see whether ONA illicitly authorized funds for the former professor to spy on the 2016 Trump campaign. ([National Review](#))

**Senators Push Pentagon on Syria Strategy After Withdrawal Uproar, Soleimani Strike:** In a letter to the top officials at the Pentagon, Sens. Catherine Cortez Masto (D-NV) and Mitt Romney (R-UT) cited both the recent spike in US-Iran tensions and last year's firestorm over President Trump's order to withdraw from Syria when seeking answers to a dozen questions on the US strategy in Syria. ([The Hill](#))

#### *Cyber*

**Facebook's Rising Democrat Problem:** The Obama administration's warm embrace of Big Tech is no longer shared by many Democratic policymakers and presidential hopefuls. Many of them hold Facebook responsible for President Trump's 2016 victory, assail it for allowing misinformation to spread, and have vowed to regulate it or break it up. ([Axios](#))

#### *Trade*

**Grassley Signs USMCA, Sending It to Trump's Desk:** Sen. Chuck Grassley (R-IA), the president pro tempore of the Senate, signed the United States-Mexico-Canada Agreement (USMCA) last Wednesday, sending the trade legislation to President Trump for his signature. ([The Hill](#))

#### *Banking & Housing*

**Can Banking Regulators Catch Up to Tech Changes?** Policymaking has moved at an agonizingly slow speed compared with the exponential growth of

---

technology, leaving regulators and lawmakers facing a huge task over how to keep up. The American Banking Association breaks down the issues and acknowledges that given the goals of the tech firms like Google, Amazon, Apple and Facebook to get deeper into financial services, the tension between those who want to innovate banking faster and a regulatory system designed in many ways to slow change will only intensify. ([American Banker](#))

#### *Transportation*

**House Transportation Panel Readies Infrastructure Spending Push:** House Democratic leaders are ready to begin rolling out infrastructure development plans as early as this week. The plan could seek a \$20 billion increase to sharply boost transportation, water, and broadband programs and may even lay the groundwork for earmarks that lawmakers from both parties can use in their re-election bids this year. (Clark Hill Insight)

#### *Justice*

**Bowser Calls for Gun Control Laws on Federal Level During Mayors' Conference:** DC Mayor Muriel Bowser stated that the Congress should take action and pass gun control laws, while she attended the annual winter conference of mayors in the District. ([The DC Post](#))

#### *Homeland Security/Immigration*

**Green Card Gridlock: When Will Congress Agree on a Solution?:** On Capitol Hill, the December compromise from Sens. Mike Lee (R-UT) and Dick Durbin (D-IL) remains in a holding pattern while the two lawmakers determine whether they have succeeded at clearing the path of further objections. ([Roll Call](#))

#### *Labor and Workforce*

**Lawmakers Launch New Congressional Caucus to Address Emerging Tech's Impact on Work:** The Future of Work Caucus' ultimate goal is to develop a comprehensive policy strategy to proactively address emerging technologies' impact on jobs and workers across the US, and the new caucus is meant to serve as a repository for the wide range of Congressional proposals that relate to automation, AI, the changing social contract, and the evolving economy, more generally. ([Next Gov](#))

#### *Impeachment Inquiry*

**Democrats Seek to Pre-empt Trump's Defense in Impeachment Trial:** House Democrats sought last Thursday to pre-emptively dismantle President Trump's core defenses in his impeachment trial, invoking his own words to argue that his pressure campaign on Ukraine was an abuse of power that warranted his removal. ([New York Times](#))

**Executive Privilege Standoff Could Roil Trump Impeachment Trial Timeline:** If senators ultimately decide to subpoena Trump administration documents or seek witness testimony, House Democratic managers might have to decide whether to now wage court battles that were avoided during the House phase of the impeachment process. ([Roll Call](#))

**House Managers Focus on Trump's 'Defiance' in Closing of Impeachment Presentation:** House impeachment managers last Friday concluded their third and final day of arguments to remove President Trump from office by focusing on the House investigation and appealing to authority and emotion. ([Roll Call](#))

**Trump Legal Team Goes on Offense in Impeachment Trial, Accuse Democrats of 'Massive' Election Interference:** President Trump's lawyers defended the president against articles of impeachment last Saturday morning arguing it's the Democrats trying to interfere in elections by seeking to remove President Trump from the 2020 ballot for doing "absolutely nothing wrong." ([Fox News](#))

### **EXECUTIVE BRANCH**

#### *Health/HHS/NIH*

**Trump Administration Finalizing Medicaid Block Grant Plan Targeting Obamacare:** The Trump administration is finalizing a plan to let states convert a chunk of Medicaid funding to block grants, even as officials remain divided over how to sell the controversial change to the safety net health program. Centers for Medicare & Medicaid Services (CMS) Administrator Seema Verma plans to issue a letter soon explaining how states could seek waivers to receive defined payments for adults covered by Obamacare's Medicaid expansion, according to seven people with knowledge of the closely guarded effort. An announcement is tentatively slated for the end of next week, more than one year after Verma and her team began developing the plan. ([Politico](#))

**Trump Administration Threatens California Over Mandate That Insurers Cover Abortion:** The Office of Civil Rights, a division of the Department of Health and Human Services (HHS), announced that it is taking action against California for requiring private insurers to cover abortions. The office says the requirement, implemented in 2014, violates federal conscience protections for health care providers that refuse to perform certain services on religious or moral grounds. ([NPR](#))

**Coronavirus Vaccine Could Begin Human Trials in Three Months:** A top official at the National Institutes of Health (NIH) said that human trials for a vaccine to counter a new strain of coronavirus behind an outbreak of viral pneumonia in China could begin within three months. The director of NIH's

---

National Institute of Allergy and Infectious Diseases said that his agency is working with Cambridge, MA-based biotech company Moderna Inc. to develop a vaccine for the disease. ([The Hill](#))

*Defense/DOD*

**Pentagon: 34 US Troops had Brain Injuries from Iran's Strike:** The Pentagon said last Friday that 34 US troops were diagnosed with traumatic brain injuries suffered in this month's Iranian missile strike on an Iraqi air base, and that half of the troops have returned to their military duties. ([AP](#))

**Amazon Asks Court to Halt Microsoft's Work on Pentagon 'War Cloud':** Amazon on Wednesday asked a US federal court to stop Microsoft from working with the Pentagon to implement a \$10 billion cloud-computing contract, arguing that the project should be put on hold until the courts work out whether Microsoft deserved to receive the lucrative deal. ([The Hill](#))

*Trade*

**Trump Expected to Sign US-Mexico-Canada Trade Deal This Week:** President Trump is expected to sign the United States-Mexico-Canada Agreement on Wednesday, according to a White House official and an administration official. ([CNN](#))

*Dept. of Education*

**DeVos Compares Abortion Rights Debate to Slavery:** Education Secretary Betsy DeVos compared the abortion rights debate to the battle to eliminate slavery during remarks at a Colorado Christian University event in Washington, DC, last Wednesday night, and her comments are drawing angry responses from Democrats. ([Politico](#))

*Energy*

**'Forever Chemicals' Found in Drinking Water at 34 Additional Locations:** So-called forever chemicals have been discovered in drinking water at 34 previously unknown locations, according to a [report](#) released last Wednesday by the Environmental Working Group (EWG). ([The Hill](#))

*Labor and Workforce/DOL*

**US Department of Labor Announces Final Joint Employer Rule:** The US Department of Labor (DOL) has announced a final rule that will revise its regulations regarding joint employer status under the Fair Labor Standards Act (FLSA). According to the DOL, the new rule will "add certainty regarding what business practices may result in joint employer status . . . [and] promote greater uniformity among court decisions by providing a clearer interpretation of FLSA joint employer status." ([JD Supra](#))

*DOJ*

**'Apple Has to Help Us' — Trump, Barr Turn up Heat on Encryption Fight:** The Trump administration wants to guarantee that law enforcement agencies can break into suspects' encrypted phones and messages — and its increasingly hot rhetoric suggests it is setting the stage for a court showdown or legislative fight. ([Politico](#))

**Barr Appoints Members of Presidential Law Enforcement Panel:** Attorney General William Barr last Wednesday named 18 law enforcement officials to a presidential commission that aims to study ways to reduce crime and increase respect for the law. ([Yahoo! News](#))

*DHS/Immigration*

**US to Impose Visa Restrictions for Pregnant Women:** The Trump administration is coming out with new visa restrictions aimed at restricting "birth tourism," in which women travel to the US to give birth so their children can have a coveted US passport. ([NBC News](#))

**Trump Administration Picks a New Leader for US Border Patrol:** Rodney Scott will take over for Carla Provost, who is retiring, according to an announcement obtained Friday by The Associated Press from Mark Morgan, acting head of US Customs and Border Protection. ([Politico](#))

*Environment/EPA/DOI*

**Interior Secretary Noncommittal on Proposed Oil Leasing Ban, Praises Trump Administration for Opening Public Lands to Hunters:** US Interior Secretary David Bernhardt did not take a firm position on proposed legislation from Sen. Catherine Cortez Masto (D-NV) to ban speculative oil and gas leasing on public land when asked at the annual Shooting, Hunting, Outdoor Trade (SHOT) Show in Las Vegas last Tuesday. ([The Nevada Independent](#))

**Trump Erodes Water Protections: 6 Things to Know:** The Trump administration last Thursday signed its long-promised regulation to remove millions of miles of streams and roughly half the country's wetlands from federal protection, the largest rollback of the Clean Water Act since the modern law was passed in 1972. ([Politico](#))

*Banking & Housing/HUD*

**FRB Vice Chair Quarles Recommends Bank Supervision Improvements:** Federal Reserve Board Vice Chair Randal K. Quarles recommended several

---

approaches for improving the supervision of banks during recent remarks at the American Bar Association's Banking Law Committee Meeting. He supported supervision not being subject to a formal framework and outlined specific proposals that would clarify expectations and encourage good risk management practices by banks. ([Mondaq](#))

*Agriculture/USDA*

**Farm Bureau Policy Goals for 2020 Detailed:** The influential farm group wrapped up its annual convention last week in Austin, Texas, and laid out the policy changes it will pursue throughout the year from trade aid to hemp rules. Despite the recent ease in trade tension with China and other major partners, AFBF is calling for additional tariff relief for farmers and ranchers. ([Progressive Farmer](#))

*Space/NASA & NOAA*

**Acting NOAA Leader Stresses Importance of Public-Private Partnerships:** The acting administrator of the National Oceanic and Atmospheric Administration says the private sector is playing an increasingly important role in its work across the board, including space and weather, at a recent speech at the Maryland Space Business Roundtable. ([Space News](#))

**NASA'S New NEO Mission Will Substantially Reduce Time to Fund Hazardous Asteroids:** With its first tranche of funding for NASA's new mission to search for Near Earth Objects (NEOs), Congress is underscoring its interest in protecting Earth from these Potentially Hazardous Objects. After directing NASA in 2005 to find 90 percent of NEOs greater than 140 meters in diameter within 15 years, it is now funding a dedicated space telescope to make that a reality. The original deadline cannot be met, but the new mission will reduce from 30 to 10 the number of years still needed to achieve the goal. ([Space Policy Online](#))

**SpaceX Presses on With Legal Fight Against US Air Force Over Rocket Development Contracts:** SpaceX has asked the US District Court of the Central District of California to hold a hearing on March 2 to consider the company's eight-months-long protest against the US Air Force - SpaceX is challenging the Air Force's decision in October 2018 to award rocket development contracts to Blue Origin, Northrop Grumman and United Launch Alliance. ([Space News](#))