
Window On Washington - November 11, 2019, Vol. 3, Issue 42

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Outlook for This Week in the Nation's Capital

Thank you to all who have served. Happy Veterans Day from Clark Hill.

Congress Returns. The House and Senate return on Tuesday after the Veterans Day Holiday, with the Senate resuming a nomination hearing for Chad Wolf to be undersecretary for strategy, policy and plans at the Department of Homeland Security. Senate committees may soon consider bipartisan measures that would sanction Turkey for actions in Syria. The House will consider legislation to extend the Export-Import Bank's charter this week, and will hold public impeachment hearings on Wednesday and Friday. Bill Taylor, acting Ambassador to Ukraine, and George Kent, the State Department's deputy assistant secretary in the European and Eurasian Bureau, are scheduled to testify on Wednesday. Former US ambassador to Ukraine Marie Yovanovitch will testify on Friday.

Appropriations Meeting. The four leaders of the House and Senate Appropriations Committees are meeting on Tuesday to try and resolve the differences in the spending allocations for the 12 individual appropriations bills. One of the major sticking points continues to be the \$5 billion request from the White House for the border wall, but recently there have been talks that the White House could be open to negotiations regarding the amount. Discussions are now focusing on a second continuing resolution that would last until some point in December instead of after the new year. The House has been discussing the possibility of extending its work period in December by another week in order to finish the appropriations process.

NDAA. It might not be clear until December if Congress will take up its usual broad defense policy bill or the narrower, limited version of the bill. Senate Armed Service Chairman Inhofe (R-OK) said the House and Senate are still negotiating but that the "skinny" version of the bill may be the fallback position if an agreement cannot be reached over the next few weeks.

Last Week in the Nation's Capital

CONGRESS

Budget & Appropriations

CR Discussions Veer toward December: A stopgap measure to prevent a government shutdown is likely to last only a few weeks, according to Senate Appropriations Committee Chairman Richard Shelby (R-AL). Shelby, who had previously floated a three- to four-month continuing resolution, or stopgap funding measure, said a December end-date was being discussed in meetings with Senate Majority Leader Mitch McConnell (R-KY). ([The Hill](#))

Senior Democrat and Powerful Appropriator Rep. Pete Visclosky to Retire: Rep. Pete Visclosky (D-IN), the third most senior Democrat in the House, announced he will not be seeking reelection in 2020. The Indiana Democrat, who has served for over three decades, chairs the powerful defense appropriations panel, where he oversees a budget of more than \$700 billion. He is the third senior appropriator to announce retirement this year, following House Appropriations Committee chief Nita Lowey (D-NY) and Rep. Jose Serrano (D-NY), who also chaired a subcommittee. ([Politico](#))

Health

House Vote on Pelosi Drug Pricing Plan Slips to December: The House will not vote on Speaker Nancy Pelosi's (D-CA) signature plan to lower drug prices until December as the timeline for taking up the bill slips again. A senior Democratic aide said that the Congressional Budget Office needs another two weeks to complete its analysis of the legislation, meaning there will not be time for the House to vote on the bill before lawmakers leave for the Thanksgiving recess. ([The Hill](#))

Grassley, Wyden Bill Could Have 'Chilling Effect' on Specialty Drug Innovation, Biotechs Warn: A group of 35 biotech associations sent a letter to Sens. Chuck Grassley (R-IA) and Ron Wyden (D-OR) warning that their plan to redesign Medicare Part D could have a "chilling effect" on specialty drug innovation. The senators' bill, called the Prescription Drug Pricing Reduction Act, was passed by the Senate Finance Committee in July, and some lawmakers believe it has a better chance of becoming law than House Speaker Nancy Pelosi's more progressive drug pricing bill. ([Becker's Hospital Review](#))

Defense

Air Force, Navy Decry Year-Long CR: \$18.7B Would Be Lost: A year-long CR, Air Force Chief of Staff David Goldfein told Congress last week, would result in a whopping \$11.8 billion in lost buying power in 2020, and block all 88 new start programs now planned including development of the Joint Air-to-Ground Munition. ([Breaking Defense](#))

Senate Eyes Nixing 'Forever Chemicals' from Major Defense Policy Bill: The Senate is prepared to walk away from provisions of a defense policy bill that would compel the Environmental Protection Agency (EPA) to regulate a cancer-linked chemical that is leaching into the water supply, Sen. James Inhofe (R-OK) told reporters last Tuesday. ([The Hill](#))

Cyber

Facebook, Other Social Media Sites Pressured to Protect Census: Members of Congress are increasing pressure on social media companies to protect next year's census from disinformation online, concerned that foreign governments and internet trolls could disrupt the 2020 enumeration. The latest push comes in a letter the Congressional Asian-Pacific American Caucus sent Thursday to Facebook Chief Operating Officer Sheryl Sandberg, asking her to speak with group members about steps to both promote the census and "combat interference and disinformation on its platform." ([Roll Call](#))

TikTok Faces Lawmaker Anger Over China Ties: The massively popular social media app TikTok is struggling to assuage lawmakers' concerns over its ties to the Chinese government and allegations that it is amassing data on US users for Beijing. ([The Hill](#))

Silicon Valley Lawmakers Introduce Tough Privacy Bill to Regulate Top Social Media Platforms: The bill, introduced by Reps. Zoe Lofgren (D-CA) and Anna Eshoo (D-CA), would create a new federal agency to oversee how the country's largest and most powerful tech companies amass and use data about their millions of users across the US. It would also grant all users expansive rights over their data. ([The Hill](#))

Justice

Controversial Nominee Gets Through Senate Judiciary Committee: Steven Menashi, up for a seat on the US Court of Appeals for the Second Circuit, serves as an Associate Counsel in the White House Counsel's office. His nomination will now move to the full Senate, which will vote on his life time appointment in the coming weeks. ([CNN](#))

Senate Talks on Crafting Bipartisan Violence Against Women Act Break Down: Sen. Joni Ernst (R-IA) said she'll introduce her own version of the bill that can pass the Republican-controlled Senate and gain the support of President Trump. The House, controlled by Democrats, passed a version of the bill in April. ([Roll Call](#))

Environment/Interior

Iowa Senators, Governor Push EPA to Change Plan on Ethanol: Iowa's senators and governor are asking the Environmental Protection Agency (EPA) to abandon its plans to use a formula that corn farmers argue won't ensure ethanol is blended into the nation's fuel supply. ([The Hill](#))

Bill Gates Visits Capitol to Discuss Climate Change with New Senate Caucus: Microsoft founder Bill Gates was spotted in the Capitol last Thursday, planning to meet with leaders of the newly formed Senate Climate Solutions Caucus. ([The Hill](#))

Trade

Pence Fails to Sway Democrats with USMCA Sales Pitch: Vice President Mike Pence, a longtime free trader, has been pushing President Trump's new North American trade pact by traveling around the country slamming Democrats for being slow to hold a vote on the deal. ([Politico](#))

Energy

Manchin backs FERC nominee despite Schumer's opposition: Senate Energy and Natural Resources ranking member Joe Manchin (D-WV) said he will support President Trump's pick to fill a vacant Republican seat on FERC even though the White House has yet to nominate a member for a vacant Democratic seat. Sen. Manchin's support should all but clear the way for a precedent-breaking confirmation, despite opposition from Senate Minority Leader Chuck Schumer (D-NY). ([Roll Call](#))

FERC Nominee Guarded Under Senate Questioning on Coal Supports, Gas Reviews: James Danly, the nominee to fill an open Republican seat on FERC, steered a cautious route last Tuesday, as he was asked by senators to weigh in on contentious debates at FERC about wholesale power markets and gas infrastructure reviews. ([S&P](#))

Education

Showdown Over HBCU Funding Escalates in Senate: Democrats are holding out against a GOP proposal for a permanent funding mechanism out of concern it could derail broader reforms. ([USN&WR](#))

Tax Reform

Tax Extenders May Miss 'Last Train' Out of Congress This Year: Stalled government funding negotiations threaten to end expired tax benefits that a variety of industries have fought for Congress to extend. ([Bloomberg](#))

Democrats Unveil Proposal for 'Millionaires Surtax': Rep. Don Beyer (D-VA) and Sen. Chris Van Hollen (D-MD) last Thursday rolled out a proposal for a "millionaires surtax," amid a growing interest from Democrats in increasing taxes on the wealthy. ([The Hill](#))

Space/NASA & NOAA

Senators Introduce New NASA Authorization Bill: A bipartisan group of Senators led by Ted Cruz (R-TX), chair of the Senate Commerce Committee's Space Subcommittee, and the Subcommittee's ranking member, Sen. Kyrsten Sinema (D-AZ), introduced a new NASA authorization bill Nov. 6 that would

extend the life of the International Space Station and direct NASA to have an upgraded version of the Space Launch System ready by 2024, among other provisions. ([Space News](#))

Impeachment Inquiry

McCarthy Temporarily Puts Jordan on Intelligence Committee for Impeachment Hearings: Oversight ranking member Jim Jordan (R-OH) will serve on the Intelligence Committee during public impeachment proceedings, temporarily replacing Rep. Rick Crawford (R-AR), House Minority Leader Kevin McCarthy (R-CA) announced last Friday. ([Roll Call](#))

First Public Impeachment Hearings Will Take Place This Week: The House will begin holding public impeachment hearings this week, Democrats announced last Wednesday, a move that marks the end of the closed-door phase of their inquiry and brings lawmakers one step closer to impeaching President Trump. ([Politico](#))

Mick Mulvaney Refuses to Comply with House Subpoena: Acting White House chief of staff Mick Mulvaney refused to comply with House impeachment investigators' subpoena for a closed-door deposition last Friday, citing "absolute immunity" from testifying. ([CNN](#))

Impeachment Transcripts Reveal a Consistent, Damaging Narrative for Trump: The transcripts released by the House this past week included closed-door testimonies from former senior adviser to Secretary of State Michael McKinley; former US Ambassador to Ukraine Marie Yovanovitch; former US special envoy to Ukraine Kurt Volker; current US ambassador to the EU Gordon Sondland; Ambassador William Taylor; and National Security Council officials Fiona Hill and Lt. Col. Alexander Vindman. The testimonies are all aligned so far, offering Democrats a powerful political weapon in public hearings next week. ([Politico](#))

EXECUTIVE BRANCH

Health/HHS/NIH

NIH, FBI Are Cracking Down on Suspected Chinese Theft of Biomedical Research: Federal authorities, including the National Institutes of Health (NIH) and the FBI, are in the middle of a sweeping crackdown on what they believe is widespread Chinese scientific espionage in the biomedical field with nearly 200 such inquiries ongoing. Meanwhile, others have suggested the effort is targeting scientists of Chinese descent in the U.S. in a manner resembling racial profiling. ([Gizmodo](#))

Judge Rejects Trump Moral-objection Rule for Health Care: A federal judge struck down a new rule, not yet in effect, that allowed health care providers to refuse participation in abortions and other services on moral or religious grounds. The decision came after 19 states, the District of Columbia, three local governments, health organizations and others sued the US Department of Health and Human Services. The rule let clinicians object to providing abortions and other services that conflict with their moral and religious beliefs. ([CNBC](#))

Vapers Sweat as White House Scraps Meetings: Vaping advocates fear the Trump administration will press forward with tight curbs on e-cigarette flavors, after planned meetings between industry groups and White House officials were scratched. Several groups opposed to a wide-ranging ban said that meetings last week with the Office of Management and Budget had been canceled – a signal the Trump administration was abruptly scrapping consultations and possibly preparing an announcement. ([Bloomberg](#))

Labor & Workforce

EEOC Looking at Hiring Algorithms for Bias: The Equal Employment Opportunity Commission is investigating at least two cases involving claims that algorithms used to help make hiring, promotion, and other job decisions unlawfully discriminate against certain groups of workers, and has the opportunity to set some standards as to how to apply federal workplace discrimination law to hiring algorithms. ([Bloomberg Law](#))

How Vocational Education Got a 21st Century Reboot: The Pathways in Technology Early College High School (P-TECH) program is part of an innovative public-school model that combines grade 9-12 education with internships and tuition-free community college, which has spread to 10 states and 17 countries since its founding in Brooklyn in 2011. ([Politico](#))

DHS/Immigration

Judge Blocks White House's Health Care Requirement for New Immigrants: A federal judge in Oregon blocked the Trump administration from enacting a policy that would require new immigrants to demonstrate they have health care or are able to afford it. ([The Hill](#))

Defense/DOD

Pentagon: Revenue from Syria Oil Fields Going to Kurdish-Led Forces: Revenue from oil fields that U.S. forces are protecting in northeast Syria will go to US partner forces in the region and not the United States, the Pentagon's top spokesman said last Thursday. ([The Hill](#))

A Military Camera Said 'Made in U.S.A.' The Screen Was in Chinese: The surveillance cameras and other equipment that Aventura Technologies sold for years to the US military looked like solid American products, packaged in boxes with "Made in the U.S.A." labels and stars-and-stripes logos. However, the equipment was actually manufactured in China. ([New York Times](#))

Space/NASA & NOAA

ARS Rocket Report - Hawaii Launch Site a No Go, NASA Admits High SLS Price Tag and More: A proposed satellite launch facility near Keaau, on the Big Island of Hawaii, will not go forward after the owner of the potential site pulled out from the project, and in a letter to the Senate Appropriations Committee White House Budget Office Director Russell Vought put a \$2 billion price on the Space Launch System rocket for the Europa mission, while also conceding it could be launched by a commercial rocket for roughly one quarter of that amount. ([Ars Technica](#))

Study Says 'Specific' Weather Forecasts Can't be Made More Than 10 Days in Advance: Despite a study published in April in the Journal of the Atmospheric Sciences which confirmed the 10 day limit and the American Meteorological Society strongly advising against issuing specific forecasts beyond eight days, popular weather vendor AccuWeather has, for years, churned out detailed predictions many days further into the future. It initiated 45-day forecasts in 2013, which it extended to 90 days in 2016 — and has been heavily criticized for it. ([Washington Post](#))

Trade

Trump Rules Out Complete Rollback of China Tariffs as Talks Continue: President Trump last Friday said he had not yet agreed to roll back any of the tariffs he had imposed on China and that, if a deal is reached, he would not eliminate all of the levies he's placed on \$360 billion worth of goods. ([New York Times](#))

Cyber

Leaked Documents Show Facebook Leveraged User Data to Fight Rivals and Help Friends: A cache of leaked Facebook documents shows how the company's CEO, Mark Zuckerberg, oversaw plans to consolidate the social network's power and control competitors by treating its users' data as a bargaining chip. ([NBC](#))

Justice/DOJ

Justice Department Charges Two Former Twitter Employees with Spying for Saudi Arabia: The charges allege that Ali Alzabarah and Ahmad Abouammo used their employee credentials to access information about specific Twitter users, including their email addresses, birth dates, phone numbers and internet protocol addresses. ([CNBC](#))

Transportation/DOT

Federal Agency Recommends All 50 States Pass Laws Requiring Bicyclists Wear Helmets: The recommendation was among several issued by the National Transportation Safety Board after a hearing last Tuesday on bicycle safety. The agency says 857 bicyclists died in crashes with motor vehicles in the US last year, a 6.3% increase over 2017. Bicycle deaths rose even though total road deaths fell 2.4%. ([AP](#))

Environment/EPA/DOI

EPA Watchdog Hits Back at Agency's Legal Reasoning in Dodging Investigations: The Environmental Protection Agency's (EPA) inspector general is pushing back on a legal opinion from EPA lawyers that minimized their responsibility to comply with investigations, the latest tit-for-tat between the agency and its internal watchdog. ([The Hill](#))

Department of Education

Betsy DeVos at Risk of Subpoena after Refusing to Testify before House Education Panel: Education Secretary Betsy DeVos is refusing to testify before the House Education and Labor Committee about her department's collection of student loan debt from former Corinthian Colleges students, despite a threat of a subpoena from House Democrats. ([Politico](#))

Banking & Housing/HUD

Treasury Reduces Obama Administration "Earnings Stripping" Rules: Because of previous regulatory adjustments and the passage of the 2017 Tax Cuts and Jobs Act, as well as existing anti-tax avoidance rules that remain in place, Treasury believes that the Section 385 regulations are no longer necessary to prevent inversions and have proposed scaling them back by not entirely repealing them. ([JD Supra](#))

What's Missing From Apple's \$2.5 Billion Housing Plan: Last Monday, Apple announced a \$2.5 billion pledge to finance housing initiatives in California. Deployed in partnership with the state, its plan is designed to improve both "affordability and availability" in California communities that have struggled to meet residents' needs. State and business leaders applauded the tech giant for its philanthropic foray, but warned that numerous zoning and other obstacles still remain to the Governor's goal of building 3.5 million units of housing by 2025. ([City Lab](#))

Agriculture/USDA

USDA Pilots Data-Driven Smart Farms Powered by Internet of Things: Farmers have no shortage of tools to increase their crop output, but the Agriculture Department is taking the next step with industry to help establish the data-driven farms of the future. USDA's Agricultural Research Service, together with corporate partners like Microsoft and Esri, have launched what they call the Data Innovations project, aimed at using the Internet of Things and other technologies to give farmers and researchers near-real-time data on farm conditions. ([Federal News Network](#))

The USDA Hemp Rules Released, and They Account for Some THC Variance: Farmers growing hemp would get a small cushion in THC limits under nationwide rules proposed Tuesday by federal agriculture regulators. Along with the interim final rule, the USDA will release a guidance document that will include the specific steps for sampling, including how to collect a statistically representative sample of a producer's crop. ([Hemp Industry Daily](#))

Impeachment Inquiry

Bolton Knows About 'Many Relevant Meetings' on Ukraine, Lawyer Says: The former national security adviser would be an important witness in the impeachment inquiry, but his lawyer wants a court to rule on whether he should testify. ([New York Times](#))

Trump Wanted Barr to Hold News Conference Saying the President Broke No Laws in Call With Ukrainian Leader: President Trump wanted Attorney General William Barr to hold a news conference declaring that the commander in chief had broken no laws during a phone call in which he pressed his Ukrainian counterpart to investigate a political rival, though Barr ultimately declined to do so, people familiar with the matter said. ([Washington Post](#))

Why Does Rick Perry's Name Keep Coming Up in Trump Impeachment Probe? Energy Secretary Rick Perry, who has built a reputation as one of President Trump's longest-serving and most scandal-free Cabinet members, has emerged as a source of interest in the Trump impeachment probe. Perry last month said he would step down from his post on Dec. 1. ([Reuters](#))

GAO Reviewing Trump Administration Freeze on Ukraine Military Aid: Congress' nonpartisan watchdog said last Thursday it is reviewing the Trump administration's decision this summer to hold up hundreds of millions of dollars in military aid for Ukraine to determine whether officials violated appropriations law by not notifying Congress of the hold. ([Politico](#))