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# Window On Washington - October 1, 2018, Vol. 2, Issue 39

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

**Kavanaugh Vote.** The Senate was previously planning to tee up the final vote on Kavanaugh over the weekend, but the vote on the floor has been delayed a week to accommodate a request by Senator Jeff Flake to have the FBI investigate the sexual assault allegations. President Trump directed the FBI to begin the investigation. The Senate could begin floor proceedings on the nomination as early as Friday.

**Senate Actions.** With the House now in recess for six weeks to campaign for November elections, the Senate is planning to act next week on legislation that the House passed before leaving. The Senate is expected to vote on the House-passed opioid package, a conferenced water infrastructure bill, and the five-year FAA reauthorization after extending the current authorization for a week in order to have time to vote on the new bill.

**Election Update.** The National Journal released a presentation with Charlie Cook's insights into the 2018 midterm elections. It includes Cook's "Eight Things to Watch in 2018," as well as key historical trends that inform this year's races. Cook is a political analyst who specializes in election forecasts. The presentation is available [here](#).

## Last Week in the Nation's Capital

### CONGRESS

#### Health

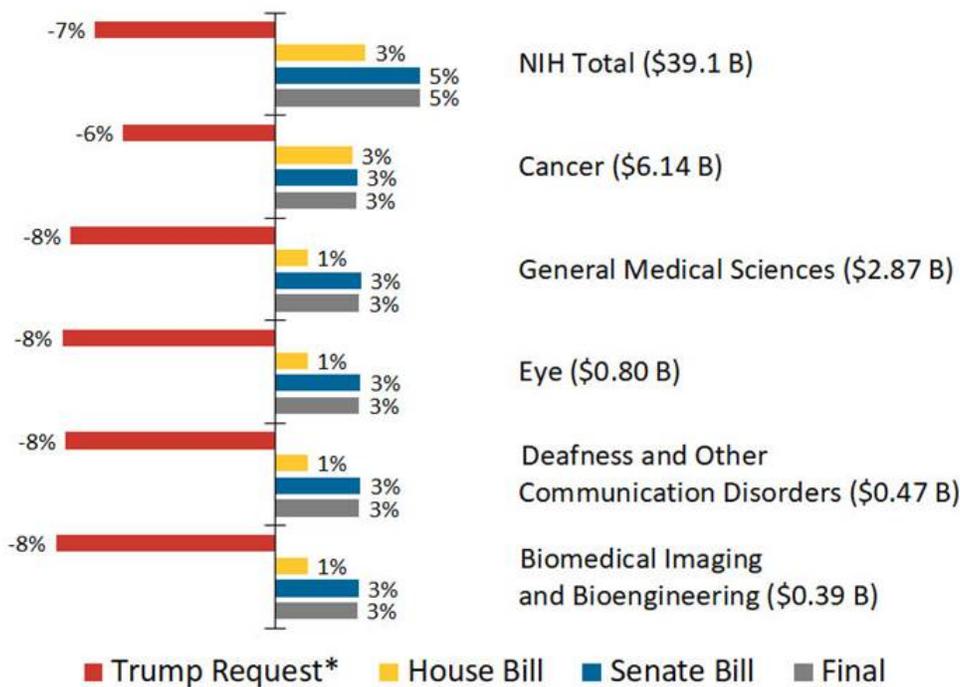
**House Overwhelmingly Passes Bill to Fight Opioid Crisis:** The House overwhelmingly passed legislation meant to fight the opioid epidemic. The bill, which passed 393-8, is the product of months of work in both chambers. The Senate is expected to soon send the measure to President Trump's desk. The bill lifts some limits on Medicaid paying for care at addiction treatment facilities, addressing restrictions that lawmakers called outdated. It cracks down on illicit opioids being imported by mail and fueling the crisis across the United States. ([The Hill](#))

**Congress Passes HHS Spending Bill for the First Time in Years:** Congress sent a funding bill for the Department of Health and Human Services to President Trump's desk — the first time it has completed that bill in more than 20 years. Leadership in both chambers committed early on to passing appropriations bills through regular order this year. A few strategic decisions helped get the HHS bill — usually the most difficult one — over the finish line. ([Axios](#))

**Funding for NIH is Increasing by Five Percent:** The National Institutes of Health is receiving a \$2 billion or five percent spending increase in fiscal year 2019, bringing the agency's budget to \$39 billion. The appropriation marks the fourth year in a row that Congress has provided NIH with a multibillion dollar increase. Since 2015, the NIH budget has increased 30 percent. Within the agency's topline increase, the legislation includes funding boosts for all 27 of NIH's institutes and centers. The following chart shows the budget outcomes for five institutes especially relevant to the physical sciences. ([AIP](#))

# FY19 Appropriations: NIH (selected institutes)

% change from FY18 enacted  
\$ in ( ) are the FY19 amounts



\* The administration submitted the budget request to Congress before the final amounts for fiscal year 2018 were set.

American Institute of Physics | [aip.org/fyi](http://aip.org/fyi)

## Budget

**House Passes \$854B Spending Bill to Avert Shutdown:** The House passed an \$854 billion spending bill to avert an October shutdown, funding large swaths of the government while pushing the funding deadline for others until Dec. 7. The bill passed by 361-61, a week after the Senate passed an identical measure by a vote of 93-7. The package included two appropriations bills, which fully funded Defense, Labor, Health and Human Services (HHS) and Education for fiscal 2019, and make up about two-thirds of the annual appropriations total for the year. It also included a continuing resolution (CR) extending current funding levels for any unfunded agencies through the first two months of the fiscal year. Appropriations bills included under the CR are Agriculture, Interior, Financial Services, Transportation-HUD, Commerce-Justice-Science, Homeland Security, and State-Foreign Ops. Trump signed the bill into law on Friday. ([The Hill](#)).

**U.S. House Approves \$1.7B in Disaster Aid for Carolinas:** The House overwhelmingly passed legislation that would provide \$1.7 billion to help residents of the Carolinas and elsewhere recover from recent natural disasters. The aid was added to the Federal Aviation Administration reauthorization. The bill passed 398-23. Lawmakers describe the disaster aid as a down payment. They say billions more will be needed in the months ahead to help communities devastated by Hurricane Florence. ([Fox News](#))

**Budget Overhaul Panel Dances With Deadline:** A special bicameral panel established to try to overhaul the annual budget process won't reach a final agreement before the House leaves on Friday for its six-week midterm election break. There is a lot of ground to cover before the panel's eight Republicans and eight Democrats are going to be ready to advance a final proposal ahead of the Nov. 30 deadline set out under the February law creating the select committee. If a majority of members on each side of the aisle on the panel can agree on a consensus package, it would be automatically placed on the Senate calendar for consideration, though it could be blocked if backers can't round up 60 votes to advance the measure. ([Roll Call](#))

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## Tax Reform

**House Passes Three Bills in New GOP Tax Package:** The House last Thursday passed two of the three bills in House Republicans' second tax-cut package, with GOP lawmakers pushing to put attention on President Trump's 2017 tax law and the economy in advance of the November midterm elections. One of the bills, which is aimed at encouraging taxpayers to save more money, passed by a vote of 240-177. A second bill, designed to incentivize business innovation, passed by a vote of 260-156. Both votes fell largely along party lines. The House also voted on and approved on Friday the third and most prominent piece of the tax package, dubbed "Tax Reform 2.0," which would make permanent the 2017 tax law changes to the individual code. ([The Hill](#))

## Agriculture

**Farm Bill Expires as Talks Turn Bitter:** The strained farm bill negotiations have erupted in partisan bickering amid darkening prospects for reaching an agreement by the end of the year to replace the 2014 law, which expired Sunday. No further meetings of the four lead negotiators have been scheduled as of this weekend, although House Agriculture Chairman Mike Conaway, R-Texas, has asked Senate Agriculture Chairman Pat Roberts, R-Kan., to set one up this week. Conaway issued a statement on Friday blaming Senate negotiators for the impasse. "Right now, I don't get the sense that getting something done has quite the sense of urgency with my Senate colleagues as it does with me," he said. ([Agri Pulse](#))

## Labor & Workforce

**Democrats and CBIA Disagree Over Threats to Connecticut Jobs:** While the Connecticut Department of Labor reported strong job growth last week, some economic observers worry that jobs could leave the state. Where those jobs would go is a point of disagreement. Congressional Democrats issued a report Thursday that warned nearly 200,000 Connecticut jobs could be at risk of being moved overseas. With state labor leaders, U.S. Rep. Rosa DeLauro, a Democrat representing the 3rd District, decried the GOP tax plan passed in December 2017 at a news conference, blaming it for increasing these risks. But the Connecticut Business Industry Association said with lower corporate tax rates here in the U.S. companies are more likely to bring their money back — not move more business overseas, and that the real threat to CT jobs was other states and a lack of enough job training programs. ([CT Post](#))

## Transportation

**House Passes FAA Bill:** A five-year bill that would authorize federal aviation safety and infrastructure programs set to expire passed the U.S. House on Sept. 26 by a vote of 398-23. The bill would authorize programs at the National Transportation Safety Board, the Transportation Security Administration, and the use of computerized vetting systems for passenger rail at Amtrak. ([Transport Topics](#))

## Defense

**Lawmakers Fail to Pass Annual Intel Bill After Key Dem Objects:** Leaders of the House and Senate intelligence committees failed to pass an annual intelligence authorization bill before the new fiscal year after the objections of a key House Democrat held up passage of the compromise bill. Rep. Adam Schiff (D - Calif.), the top Democrat on the House Intelligence Committee, would not agree to support the two-year Intelligence Authorization Act over concerns about a provision in the classified portion of the report. ([The Hill](#))

**Rogers Criticizes USAF's Space Force Cost Estimate, Calls for Offsets:** The Air Force's five-year \$13 billion estimate for the creation of an independent Space Force is high, and likely doesn't cover cost savings that could come through offsets, said Rep. Mike Rogers (R- Al.), the lawmaker who has been the biggest voice behind the move to create the new service. Rogers, the Republican chairman of the House Armed Services Strategic Forces subcommittee, said during an Aspen Institute that the Air Force's proposal, which includes an end strength of about 13,000 personnel, is a "huge organization," which brings in the intelligence community as well. ([Air Force Magazine](#))

## Space, NASA & NOAA

**Cruz Wants NASA to Consider Revenue Opportunities from Commercial Activities:** As NASA shows growing interest in commercial activities, from space station research to merchandise, one senator wants the agency to financially benefit from them. During a hearing of the Senate space subcommittee Sept. 26, Sen. Ted Cruz (R-Texas), chairman of the subcommittee, mentioned commercial research performed by major companies on the International Space Station through partnerships with the Center for the Advancement of Science in Space, the nonprofit that operates the portion of the ISS designated a national laboratory. Cruz, cited specific research by Goodyear Tire and Rubber Company and pharmaceutical company Merck when asking if that work should be subsidized by taxpayers, as is the case today through access to the station and crew time by astronauts there. ([Space News](#))

**House Joins Senate in Push to Extend ISS:** A key House member announced that he is introducing legislation that would extend operations of the International Space Station to 2030, weeks after senators sought a similar extension. In his opening statement at a House space subcommittee hearing on the past and future of NASA's space exploration efforts, Rep. Brian Babin (R-Texas), chairman of the subcommittee, said he was introducing legislation called the Leading Human Spaceflight Act that he said was designed to "provide further congressional direction to NASA." The text of the bill, designated H.R. 6910, was not immediately available. However, Babin said in his remarks that one provision of the bill would extend the existing authorization for operating the ISS from 2024 to 2030 unless a viable and less expensive commercial alternative was available sooner. ([Space News](#))

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## EXECUTIVE BRANCH

### HHS

**HHS Reviewing Fetal Tissue Research:** The Trump administration is opening "a comprehensive review of all research involving fetal tissue" and canceling a contract that conservative lawmakers said supported "research using the body parts of children whose lives have been violently ended by abortion." The Department of Health and Human Services said in a statement it "is now conducting an audit of all acquisitions involving human fetal tissue to ensure conformity with procurement and human fetal tissue research laws and regulations." The review will consider "the serious regulatory, moral, and ethical considerations involved." ([CNN](#))

**Trump Administration Defends Medicaid Work Requirements:** A top health official in the Trump administration defended Medicaid work requirements, arguing that its intent isn't to expel people from the program. "Community engagement requirements are not some subversive attempt to just kick people off of Medicaid," Seema Verma, head of the Centers for Medicare and Medicaid Services, said. More than 4,300 people lost their Medicaid coverage in Arkansas this month for not adhering to the new rules. ([The Hill](#))

**NIH's 'All of Us' Establishes Three Genome Centers with \$29M:** The National Institutes of Health awarded seven institutions a total of \$28.6 million to establish three genome centers as part of the All of Us Research Program. All of Us, which is part of the NIH's precision medicine initiative, aims to engage more than 1 million participants in sharing biological samples, genetic data and lifestyle information to build a national research resource to inform future precision medicine studies. ([Becker's Hospital Review](#))

### Defense

**Here's Who is Running the Pentagon's Acquisition and Technology Offices:** When the Pentagon split the legacy Acquisition, Technology and Logistics office into two new organizations, it came with a massive reshuffling of personnel. Now, eight months after the split officially happened, Under Secretary of Research and Engineering Michael Griffin and Under Secretary of Acquisition and Sustainment Ellen Lord are still working to formulate their teams, with several key individuals confirmed or added in just the last few weeks. ([Defense News](#))

**U.S. Military Forces Put Multidomain Operations to the Test in Pacific:** The U.S. Navy, Air Force, Army and Marine Corps recently participated in Valiant Shield 2018, a biennial exercise run by Indo-Pacific Command designed to test the joint force's ability to conduct operations in the region. In alignment with the U.S. transition to a security strategy predicated on a return to great power competition, Valiant Shield 2018 involved multidomain operation drills and enabled soldiers to "train side-by-side at the high end in an at-sea environment," said exercise director Rear Adm. Daniel Dwyer. Participants included the aircraft carrier Ronald Reagan, five surface ships, more than 160 aircraft and approximately 15,000 personnel. ([Defense News](#))

### Banking & Housing

**Ben Carson and HUD Get Ready to Take on the NIMBYs:** To the typical American, being able to afford more cars and smartphones and Netflix subscriptions might be cold comfort given the increasing difficulty of paying for housing. The security of knowing that you'll be able to keep a roof over your head is one of humanity's most basic physical and psychological needs, and right now the U.S. economy isn't meeting that need as well as it used to. Ben Carson, secretary of Housing and Urban Development, has begun to talk about using federal power to discourage cities from using zoning to keep out poor people, which would allow more dense and affordable housing to be built to address this need. ([Bloomberg](#))

### Cybersecurity

**Can Industry Bridge the Government Cyber Skills Gap?:** Federal agencies have until April 2019 to identify critical work roles and skill shortages in IT and cybersecurity as part of the Federal Cybersecurity Workforce Assessment Act. While this is a first step in determining a holistic approach to address this issue, most CIOs can already tell you that they are struggling to fill open IT and cybersecurity positions, and the situation has become critical. They need solutions now. ([Fifth Domain](#))

### DHS

**American National Standards Institute (ANSI) Unmanned Aircraft Systems Standardization Collaborative (UASSC):** The UASSC's mission will be to coordinate and accelerate the development of the standards and conformity assessment programs needed to facilitate the safe integration of unmanned aircraft systems (UAS) – commonly known as drones – into the national airspace system (NAS) of the United States. The collaborative will also focus on international coordination and adaptability, with the goal of fostering the growth of the UAS market. ANSI's facilitation of the UASSC is supported in part by contributions from the FAA, the U.S. Department of Homeland Security Science & Technology Directorate, the ASTM International/National Fire Protection Association Joint Working Group, the Association for Unmanned Vehicle Systems International, and others. ([ANSI](#))

### DOT

**Trump Administration Wants to Make Self-driving Cars a Reality:** Transportation Secretary Elaine Chao made a push for the driverless vehicles at the 2018 Concordia Annual Summit in New York. Chao explained that while the Department of Transportation is tasked with addressing "legitimate customer concerns of safety, security and privacy," its ultimate task is to "make sure we're not hampering this innovation." Her department will roll out new voluntary guidelines for autonomous vehicles in an effort to increase flexibility around limitations on new technologies and to encourage the quick rollout of

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driverless cars. ([Newsweek](#))

**DOT Announces More Than \$200M in Funding for Airport Infrastructure:** U.S. Department of Transportation announced the Federal Aviation Administration has awarded \$205 million in supplemental funding for infrastructure grants to small airports in 34 states. More than half of these airports serve rural communities and mostly general aviation. This funding is in addition to the \$3.31 billion already awarded in regular Airport Improvement Program funding during fiscal year 2018. ([AviationPros](#))

**Trump Officials Roll Back Obama Oil Train Safety Rule: The** Trump administration repealed a mandate that would have required trains carrying crude oil to use special brakes with new technology. The Department of Transportation's Pipelines and Hazardous Materials Safety Administration said it undertook a congressionally mandated analysis of the provision in a 2015 regulation under which oil trains would have had to use electronically controlled pneumatic brakes. ([The Hill](#))

*Space, NASA & NOAA*

**For Collecting Weather Data, Tiny Satellites Measure up to Billion-Dollar Cousins:** Big storms are getting bigger. Typhoon Jebi became the strongest tropical cyclone to hit Japan in 25 years and killed at least 10 people this past summer. Hurricane Florence awed even veteran meteorologists with its powerful combination of high winds and extreme moisture when it made landfall in North Carolina on Sept. 14. Now, some MIT researchers say that the best way to study and understand these monster storms is to make the satellites that track them smaller. A group of researchers from MIT's Department of Aeronautics and Astronautics and MIT's Lincoln Laboratory have published a new study comparing weather data collected by a CubeSat—a low-cost satellite about the size of a shoebox—with data from a traditional weather satellite, and the results are very surprising. ([Phys.org](#))

*DOJ*

**A Promising Technology that Helps Solve Gun Crimes Meets Resistance in California:** A technology that advocates say can help solve and prevent future gun crimes has met stiff resistance in California, and some say the political impasse could be costing lives and allowing solvable cases to go cold. The technology is called the National Integrated Ballistics Information Network (NIBIN). Officials with the Bureau of Alcohol, Tobacco, Firearms and Explosives, which oversees NIBIN, have recently been pushing local and state law enforcement agencies to adopt the technology. Most law enforcement agencies in California's urban centers use the technology, but NBC Bay Area's Investigative Unit found major gaps in California's ballistics evidence network, most notably across the 10 state-run crime labs operated by the California Department of Justice. ([NBC Bay Area](#))

*Environment*

**New Impetus for Improving the Natural Resource Damages Process?:** The natural resource damages (NRD) process empowers federal, state, and tribal "trustees" to act on behalf of the public, bringing legal claims intended to restore or replace natural resources injured by hazardous waste releases, including oil spills. The most famous recent NRD case resulted from the 2010 Deepwater Horizon oil spill in the Gulf of Mexico, which ultimately led to a \$20.8 billion settlement that is currently providing funds for multiple restoration projects throughout the region. While this was the largest NRD settlement in history, many other NRD cases and settlements have restored damaged resources all over the country. Yet, despite these successes, NRD programs, which at the federal level are administered by the Department of Interior and the Department of Commerce's National Oceanic and Atmospheric Administration are often criticized as slow, cumbersome, costly, and inadequately coordinated. Recently, with new impetus from Presidential regulatory reform directives, the Department of Interior issued an Advance Notice of Proposed Rulemaking, seeking comments on ways to improve the NRD process. Comments are due by October 26, 2018, and interested parties should make every effort to press for needed revisions to the process. ([Clark Hill Insight](#))

*Trade*

**NAFTA Talks Run up Against Deadline; U.S. Tariffs Remain Tough Issue:** With little time left ahead of a deadline to agree to a renewed NAFTA, Canadian and U.S. trade officials on Sunday tried to settle differences on tough issues such as protection against American tariffs. The administration of President Trump said Canada must sign onto the text of the updated North American Free Trade Agreement by midnight EDT on Sunday (0400 GMT Monday) or face exclusion from the trilateral pact, which includes Mexico. Trump blames NAFTA for the loss of U.S. manufacturing jobs and wants major changes to the pact, which underpins \$1.2 trillion in annual trade. Markets fear its demise would cause major economic disruption. ([Reuters](#))

**New Trade Case on Imports of Aluminum Wire and Cable from China:** New U.S. antidumping (AD) and countervailing (CVD) duty investigations were filed on September 21, 2018 by Encore Wire Corporation and Southwire Company (petitioners) against imports of aluminum wire and cable from China. The merchandise covered by the petition includes certain aluminum wire and cable that is generally used for electrical power in residential, industrial, and commercial applications. The petition includes AD (less than fair value) allegations against China and CVD (unfair subsidy) allegations against China. The Department of Commerce and the International Trade Commission will next determine whether to launch AD and/or CVD duty and injury investigations, respectively, on these products. ([Clark Hill Insight](#))

*DOE*

**Department of Energy Announces Investment to Improve Resilience and Reliability of the Nation's Energy Infrastructure:** The U.S. the Department of Energy released a \$5.8 million funding opportunity announcement (FOA) to support the research and development of advanced tools and controls that will improve the resilience and reliability of the nation's power grid. The projects funded by this FOA will shape future development and application of faster grid analytics and modeling; better grid asset management; and sub-second automatic control actions that will help system operators avoid grid outages,

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improve operations, and reduce costs. ([DoE Press Releases](#))