
Window On Washington - October 7, 2019, Vol. 3, Issue 37

Oct 07, 2019

Outlook for This Week in the Nation's Capital

Congress. Both the House and Senate continue to be out for recess, but multiple House committees will continue their work on the impeachment inquiry with witnesses being asked to appear this week.

Legislating While Impeaching. House Democrats are striving to show that they can advance legislation benefiting their constituents while also conducting the impeachment inquiry, as evidenced by Speaker Pelosi's (D-CA) push for prescription drug pricing reform. Democrats are also looking to finish negotiations on the U.S.-Mexico-Canada trade agreement, complete the appropriations process and enact gun violence legislation. Many have pointed out that during the impeachment proceedings of Presidents Clinton and Nixon, Congress was still able to enact major legislation. However, as the partisan gridlock of the current Congress is unprecedented, it remains unclear if Members will be able to continue their regular business of legislating.

Supreme Court. The Supreme Court returns this week for the 2019-2020 term. Last week, the Court announced that it will hear a challenge to a controversial Louisiana abortion law, as well as an appeal to a lower court ruling that halted construction of a natural gas pipeline proposed to run underneath a section of the Appalachian Trail in Virginia.

Last Week in the Nation's Capital

CONGRESS

Budget & Appropriations

House, Senate Appropriators Talking Despite Impeachment Calls: Senate appropriators have begun early talks with their House counterparts on next year's spending bills, in advance of formal conference negotiations. The staff-level talks are aimed at hashing out broader differences between the GOP Senate and Democratic House, and not on specific provisions in individual appropriations bills. ([Roll Call](#))

Health

House Progressive Circulates Letter Seeking Changes to Pelosi Drug Pricing Bill: The letter from Rep. Lloyd Doggett (D-TX) outlines changes that he says need to be made to the legislation Speaker Pelosi (D-CA) unveiled earlier this month, which is one of House Democrats' top legislative priorities. Doggett's position is key given that it could influence many other progressive House Democrats. Doggett is the sponsor of an alternative bill to lower drug prices that has been endorsed by the Congressional Progressive Caucus. ([The Hill](#))

Defense

Thornberry Retirement Latest Shakeup on House Armed Services Committee: Last Monday, Rep. Mac Thornberry (R-TX) became the sixth Republican on the House Armed Services Committee to announce plans to retire at the end of this Congress, creating openings for ambitious younger members but also leaving a significant dearth of experience on the powerful panel. ([Roll Call](#))

Milley Sworn in as Joint Chiefs Chairman: Last Monday, Army Gen. Mark Milley was sworn in as the 20th chairman of the Joint Chiefs of Staff, becoming the highest ranking military officer in the United States at a time of turmoil both at home and abroad. ([The Hill](#))

Cyber

US House Panel Taps Defunct Startup for Facebook Files: The House Judiciary Committee has requested a trove of internal Facebook documents that the company's critics say will demonstrate how the social media giant unfairly leveraged its market dominance to crush or absorb competitors. ([AP](#))

The Brewing Storm for Big Tech: The backlash against Big Tech is on track to escalate around the world in 2020 — and with more concrete consequences. ([Axios](#))

Justice

Democrats Chastise Liberal Judicial Group for 'Way Out of Line' Attacks: A liberal judicial group is haranguing Democrats for greenlighting President Trump's judges — even taking out ads against them. And Democratic senators are getting fed up. ([Politico](#))

Homeland Security/Immigration

More Non-Spanish Speaking Migrants are Crossing the Border: The crisis at the southern border is becoming a global one, officials say. ([Roll Call](#))

Energy

Democrats Turn Eye to Rick Perry in Ukrainian Probe: Sen. Bob Menendez (D-NJ) posed questions in a [letter](#) to Perry as House Democrats pushed

forward with their impeachment inquiry. ([Politico](#))

Environment/Interior

How ‘Resilience’ Became a Politically Safe Word for ‘Climate Change’: Climate change remains a deeply divisive term in some corners of Capitol Hill, but lawmakers from both parties are embracing the concept of “resilience” — building infrastructure engineered to better withstand devastating wind and floods associated with a warming planet. ([Roll Call](#))

Trade

Pelosi Hopes Trump Can Work with Congress on Trade Pact Despite Impeachment Inquiry: Last week, Speaker Nancy Pelosi (D-CA) said she hoped Congress would still be able to work with the White House to approve the U.S.-Mexico-Canada trade pact, despite an impeachment inquiry centering on the president. ([Reuters](#))

Transportation

Appropriators Seek Clarity on Aircraft Inspector Qualifications: Top Senate appropriators pressed the Federal Aviation Administration chief to respond after a federal investigator found that safety inspectors lacked sufficient training to certify Boeing 737 Max pilots. ([Roll Call](#))

DOT Official Denies Allegations that Chao Helped Her Family’s Company: Allegations that Transportation Secretary Elaine L. Chao used her office to help the shipping company owned by her father and sister are “simply false,” a Transportation Department official told the chairman of the House Oversight and Reform Committee last Monday. ([Roll Call](#))

Education

Congressman to Propose Federal Legislation for Paying College Athletes: Rep. Anthony Gonzalez (R-OH), a former Ohio State football standout, is planning to propose a new national law to give college athletes the opportunity to make endorsement money. ([ESPN](#))

Space/NASA & NOAA

5G Wireless Technology Threatens Accuracy of Forecasts, Key Lawmaker Warns FCC: In a letter last week to the chairman of the Federal Communications Commission, the chairwoman of the House Science Committee, Rep. Eddie Bernice Johnson (D-TX), expressed concern that planned urban 5G networks would interfere with existing space-based weather sensors that are used to discern the presence and properties of water vapor in Earth’s atmosphere. ([Seattle Times](#))

Labor and Workforce

New Workforce Legislation Introduced in Congress: Bipartisan workforce development legislation (the American Workforce Empowerment Act) was introduced in the House last week to address a growing shortage of workers to fill jobs in the technical and skilled trades. The bill would expand Section 529 eligibility to include educational and training expenses for any training program leading to a “recognized post-secondary credential,” as defined in the Workforce Innovation and Opportunity Act and National Apprenticeship Act of 1937. ([Trade Today](#))

EXECUTIVE BRANCH

Health/HHS/NIH

Trump Promotes Private Medicare Coverage: President Trump issued an executive order expanding private Medicare Advantage plans, contrasting his health care vision with Democrats’ calls for a greater government role in health care. The speech is a part of the White House’s efforts to put Trump’s health care agenda at the forefront of his reelection campaign, hoping to attract swing voters uncomfortable with his attacks on the Affordable Care Act or a fully government-run health care system championed by two of his chief 2020 Democratic rivals, Sens. Bernie Sanders (D-VT) and Elizabeth Warren (D-MA). ([Politico](#))

Trump Set to Nominate Stephen Hahn as FDA Commissioner: President Trump is set to nominate Dr. Stephen Hahn to lead the Food and Drug Administration, pending completion of the vetting process, according to two people familiar with the selection process. Hahn, an oncologist, is the chief medical executive at MD Anderson Cancer Center in Houston. Trump interviewed him for the job a month ago. ([STAT](#))

Labor & Workforce

Overtime Rules: US Labor Department Issues Final Rule Hiking Salary Threshold for Exempt Employees: A just finalized new US Labor Department regulation, to take effect January 1, 2020, raises the minimum base salary for exempt employees to \$35,568 (increasing the minimum base salary for exempt employees under the Fair Labor Standards Act from \$455 to \$684 per week), allows up to 10% of the minimum base salary to be paid through nondiscretionary bonuses and incentive payments but does not provide for automatic periodic increases to the salary level. ([JD Supra](#))

Space, NASA & NOAA

NASA Issues Final Call for Proposals for Human Lunar Landers: NASA issued a final version of its call for proposals for a human lunar lander system, giving companies the option to at least initially bypass the lunar Gateway, and waiving a previous requirement that landers have the capability to be refueled and reused. Those proposals are due to NASA Nov. 1. ([Space News](#))

Defense/DOD

Trump Orders Cut to National Security Staff After Whistle-Blower: President Trump has ordered a substantial reduction in the staff of the National Security Council, according to five people familiar with the plans, as the White House confronts an impeachment inquiry touched off by a whistle-blower complaint related to the agency's work. ([Bloomberg](#))

Pentagon's Ukraine Aid Review Still Shrouded in Mystery: Defense Secretary Mark Esper and former national security adviser John Bolton were ordered to review weapons transfers to Ukraine in June, but it's still unclear what they looked at. ([CNN](#))

B-52 Bomber Upgrade on Track Despite Continuing Resolution, Air Force Says: The B-52 Stratofortress bomber will not be short-changed by the recently signed continuing resolution. ([Military.com](#))

Trade

Kudlow Says There Could be Some 'Positive Surprises' out of China Trade Talks: Last week, White House economic advisor Larry Kudlow said "positive surprises" could emerge from the trade talks between the U.S. and China next week in Washington. ([CNBC](#))

Trump Throws an Impeachment Stink Bomb into China Trade Talks: President Trump's suggestion that Beijing should investigate a political rival, moments after threatening America's "tremendous power" in the ongoing trade talks with China, exposes his long-running negotiations with the world's No. 2 economy to new scrutiny and could cast a political shadow over the results. ([Politico](#))

DHS/Immigration

Apple CEO Tim Cook Slams Trump's Immigration Policy in Supreme Court Filing: Last week, Apple CEO Tim Cook said in a filing to the Supreme Court that the company disagrees with President Trump's decision to terminate DACA, the Obama-era program that shields some immigrants without documentation from being deported. ([CNBC](#))

Trump Appointee Who Downsized Counter-Terrorism Efforts Will Resign: James F. McDonnell, a presidential appointee who over the last two years downsized DHS' efforts to prevent terrorism involving weapons of mass destruction, has agreed to resign. ([LA Times](#))

DHS Advances Plan to Get DNA Samples from Immigrant Detainees: The proposed rule would lay out the framework for a "whole government approach" to collecting genetic samples from migrant detainees, senior DHS officials told reporters last week. ([Roll Call](#))

Cyber

U.S., U.K. and Australia to Ask Facebook to Halt Encryption Tech: Attorney General Bill Barr, along with officials from the United Kingdom and Australia, is set to publish an open letter to Facebook CEO Mark Zuckerberg asking the company to delay plans for end-to-end encryption across its messaging services until it can guarantee the added privacy does not reduce public safety. ([Buzzfeed](#))

US Sanctions Russian Individuals for Interference in 2018 Elections: Last Monday, the Treasury Department accused the Internet Research Agency on Monday of using "fictitious personas on social media and disseminated false information in an effort to attempt to influence the 2018 U.S. midterm elections and try to undermine faith in U.S. democratic institutions." ([The Hill](#))

FBI Reports Ransomware Attacks Becoming Increasingly Targeted and Costly: The FBI issued a new [public service announcement](#) last week regarding the ongoing ransomware epidemic, emphasizing that attacks are becoming more targeted since early 2018, with losses increasingly significantly in that time. ([SC Media](#))

Energy/DOE

Energy Secretary Rick Perry Eyeing Exit in November: Energy Secretary Rick Perry has largely avoided the controversies that felled others in the administration. But his travels to Ukraine lately have embroiled him in the impeachment inquiry engulfing President Trump and his inner circle, even though two of the people called the scandal unrelated to Perry's departure, which they said he has been planning for several months. ([Politico](#))

Trump Bucks Bipartisan Tradition with Plan to Nominate Republican FERC Commissioner: Last Monday, President Trump announced his plan to nominate a Republican, FERC general counsel James Danly, for one of the two FERC vacancies, breaking with a long-standing bipartisan tradition on the Commission. ([Utility Dive](#))

US Supreme Court to Hear Case of Gas Pipeline Seeking to Cross Appalachian Trail in VA: The US Supreme Court has agreed to consider whether a lower court was correct to block a major natural gas pipeline from crossing underneath the Appalachian Trail in the mountains of Virginia. ([Washington Post](#))

Transportation/DOT

Boeing 737 Max Safety System Was Vetoed, Engineer Says: A senior Boeing engineer filed an internal ethics complaint this year saying that during the development of the 737 Max jet the company had rejected a safety system to minimize costs, equipment that he felt could have reduced risks that contributed to two fatal crashes. ([New York Times](#))

Justice/DOJ

Justice Department Wants Federal Court to Decide if Manhattan District Attorney Can Subpoena Trump Tax Returns: Last week, the Justice Department said in a court filing that it wants a federal judge, rather than a New York state judge, to decide whether President Trump can block the Manhattan District Attorney's Office from getting his personal and corporate tax returns with a grand jury subpoena. ([CNBC](#))

Department of Education

Secretary of Education Betsy DeVos Announces More than \$20 Million in New Grant Awards for Innovative Teacher Prep: Last week, US Secretary of Education Betsy DeVos awarded more than \$20 million in new funding to support innovative teacher preparation models that prepare prospective and new teachers to serve students in high-need schools. Under the Teacher Quality Partnership (TQP) program, the Department of Education made 31 awards totaling \$20.1 million. Recipients include more than two dozen school districts, institutions of higher education (IHEs) and nonprofit organizations. ([Clark Hill Insight](#))

Agriculture/USDA

Trump Administration Tries to Pacify Farmers with Major Biofuels Boost: The Trump administration Friday announced a sweeping package of changes to federal ethanol rules in an effort to make up with farmers furious with the president's earlier decisions to exempt dozens of oil refineries from requirements to blend biofuels into the nation's fuel supply. ([Politico](#))

USDA Set to Unveil New Rule Combating Fraudulently Labeled "Organic" Products: The new rule, which the USDA's National Organics Program asserted would have a "profound impact" on both domestic and international markets, would establish tougher accreditation and certification requirements, as well as create a new electronic import certificate system, as well as authorizing NOP to conduct unannounced inspections. ([National Law Review](#))

Banking & Housing/HUD

Fannie Mae and Freddie Mac Now Appear to Be Here to Stay. How Exactly Did That Happen? When the federal government announced last week that it would allow Fannie Mae and Freddie Mac to rebuild a portion of their capital reserves to a total of \$45 billion combined as part of a plan to exit conservatorship, the message was clear: The government-sponsored enterprises are back and they're not likely to go away any time soon. ([Housing Wire](#))