

Window on Washington – April 18, 2022, Vol. 6, Issue 15

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Outlook for This Week in the Nation's Capital

Congress. The House and Senate are both in recess this week but will be back in session next week. Once they return, among other bills they will focus on the COVID-19 package, the USICA/COMPETES conference, and Title 42.

Biden Administration. President Joe Biden will head to Portsmouth, New Hampshire tomorrow to discuss the bipartisan infrastructure bill's benefits. On Thursday, he will head to Portland, Oregon to discuss infrastructure and clean energy before heading to Seattle, Washington on Friday to celebrate Earth Day.

2022 Elections. The Cook Political Report with Amy Walter has provided an updated ranking of the House races for the 2022 midterm elections, which can be found [here](#). For a deck on key insights on the 2022 congressional and gubernatorial elections, including campaign finance, media spending, and recent polling, please see [here](#).

Last Week in the Nation's Capital

CONGRESS

Budget & Appropriations

House Appropriators Set Tentative Fiscal 2023 Markup Schedule: The House Appropriations Committee is tentatively planning to mark up their 12 subcommittee bills from June 13 to June 22 and for the full House Appropriations Committee to hold its markups from June 22 through June 30. It is not yet clear which bills will be on which days, and this schedule is still subject to change. (Clark Hill Insight)

Health

Democrats Aim to Expand Maternal Health Care, Midwifery Coverage: A group of House and Senate Democrats last Friday introduced legislation that would expand Medicaid to cover midwife care in an effort to improve the state of maternal health care. Introduced during Black Maternal Health Week, the Mamas First Act would amend the Social Security Act to provide coverage under the Medicaid program for doulas and midwives. Medicaid currently covers 40 percent of all births, and 65 percent of Black mothers' births, in the U.S. each year. ([The Hill](#))

Banking & Housing

Toomey Calls on Minneapolis Fed President to Stop Lobbying on Taxpayer's Dime: U.S. Senate Banking Committee Ranking Member Pat Toomey (R-PA) called on Federal Reserve Bank of Minneapolis (Minneapolis Fed) President Neel

Kashkari to stop his political lobbying and advocacy efforts because they violate the Fed's mandate and staff code of conduct. ([Clark Hill Insight](#))

Transportation

Congress Aims for Next Step to Safeguard Critical Infrastructure: Lawmakers are looking to boost the U.S. government's ability to safeguard from devastating cyberattacks on vital infrastructure sectors such as water supplies, electric utilities, and pipeline operators. ([Roll Call](#))

Homeland Security & Immigration

Vulnerable Democrats Buck Biden on Trump-era Immigration Fight: Sen. Mark Kelly (D-AZ) offered a stark warning to the administration as he visited the U.S.-Mexico border last week: Without a comprehensive plan, they could face a "humanitarian crisis." The administration's decision to end the Trump-era Title 42 policy, which allows for the rapid expulsion of migrants at the border and blocks them from seeking asylum due to the pandemic, has opened up a high-profile rift between Biden and Democrats in races that will determine if they keep the Senate majority. ([The Hill](#))

Judiciary Republicans Push for Hearing on Title 42 Public Health Order, Impact on Border Crisis: Senate Judiciary Committee Republicans, led by Ranking Member Chuck Grassley (R-IA), are demanding a hearing of the Senate Judiciary Committee about the potential consequences at the southern border of the Biden administration's decision to rescind the Title 42 Public Health Order, which even some Democrats have warned will likely exacerbate the border crisis. ([Clark Hill Insight](#))

Judiciary/Justice

Criminal Justice Reform Faces Political Buzzsaw as GOP Hones its Midterm Message: Dick Durbin (D-IL) and Chuck Grassley (R-IA), the top Democrat and Republican on the Senate Judiciary Committee, are still in talks over finalizing a package that would serve as a more narrow follow-up to the 2018 prison and sentencing reform bill known as the First Step Act. But both senior senators acknowledge it's not a glide path forward, particularly given the GOP messaging on rising crime ahead of the 2022 midterms — a focus that was on full display during Ketanji Brown Jackson's Supreme Court hearings last month. ([Politico](#))

Agriculture

First 2023 Farm Bill Field Hearing: Senate Agriculture Chairwoman Debbie Stabenow (D-MI) and Ranking Member John Boozman (R-AR) announced they will hold the first field hearing for the 2023 Farm Bill at Michigan State University on April 29. ([Senate Ag](#))

Energy

Manchin Floats 'Rebranded' Keystone XL Pipeline in Visit to Canada: Swing vote Sen. Joe Manchin (D-WV) floated the idea of a "rebranded" or "rerouted" Keystone XL pipeline during a visit to Canada last Tuesday. "The brand of the XL pipeline is probably gone," Manchin told reporters when asked about the chances of a revival of the never-completed vessel. "Can it be rebranded, can it be rerouted, can it be these different things?" ([The Hill](#))

EXECUTIVE BRANCH

Health/HHS/NIH

Biden Covid Chief Dismisses Utility of Lockdowns Like China's: White House Covid czar Ashish Jha said yesterday that onerous lockdown policies like those being instituted in China are unlikely to work and should not be a model for places like the U.S. "We don't think that this zero-Covid strategy that China is pursuing is one that is likely to work," said Jha,

whom Biden tapped last month to succeed Jeff Zients, on “Fox News Sunday.” “I think it’s very difficult at this point with a highly contagious variant to be able to curtail this through lockdowns.” ([Politico](#))

U.S. Global Vaccination Program Employees Look to Leave Over Lack of Funding: Dozens of USAID employees — working to get Covid-19 vaccines in arms and strengthen health systems around the world — are looking to leave the agency after Congress failed to provide additional funding for their programs, according to three people familiar with the matter. As employees look for new opportunities, the programs themselves are in flux while agency leaders consider consolidating Covid-19 programs at the United States Agency for International Development. ([Politico](#))

Banking & Housing/HUD

Biden to Nominate Former Treasury Official as Top Fed Bank Regulator: President Joe Biden said last Friday he will nominate former Treasury Department official Michael Barr to lead the Federal Reserve’s regulation of the banking system as the central bank’s vice chair for supervision. ([Roll Call](#))

Tax Reform/IRS

IRS Struggles to Answer Calls As It Deals with Backlog of Unprocessed Tax Returns, Staffing Shortages: The IRS is dealing with a backlog of unprocessed returns and unanswered calls as it heads into the end of this year’s tax filing season. In a report to Congress last week, the IRS acknowledged only about 20% of callers have been getting through to live IRS agents at times this month. In 2021, just 11% of calls were answered. The IRS estimates that more than 3 million tax returns are still being processed from 2021. Budget cuts and COVID disruptions have shrunk staffing to less than 80,000 people—the same level it was nearly a half-century ago. ([CBS News](#))

Transportation/DOT

Biden Renews Push for Sustainable Aviation Fuel Tax Credit: U.S. President Joe Biden last Tuesday made a renewed push for new tax credits for sustainable aviation fuel, a key part of reducing carbon emissions from air travel. ([Reuters](#))

TSA Extending Travel Mask Mandate for Two Weeks: The Biden administration will extend the federal mask mandate for all transportation networks through May 3, 15 days after it had been set to expire amid a new coronavirus surge fueled by the BA.2 variant. ([The Hill](#))

Trade

Biden to Host Rescheduled Summit with Southeast Asian Leaders: President Joe Biden will host the leaders from Southeast Asia for a special summit on May 12 and 13 that was postponed from last month. The announcement from the White House Saturday said the gathering with the Association of Southeast Asian Nations will “build on” the October 2021 summit with the 10 countries. ([Politico](#))

Space/NASA & NOAA

NASA to Roll Back its Mega Rocket After Failing to Complete Countdown Test: After three attempts to complete a critical fueling test of the Space Launch System rocket, NASA has decided to take a break. On Saturday night the space agency announced plans to roll the large SLS rocket from the launch pad at Kennedy Space Center to the Vehicle Assembly Building in the coming days. This marks a notable step back for the program, which has tried since April 1 to complete a “wet dress rehearsal” test, during which the rocket is fueled and brought to within 10 seconds of launch. NASA has options for what to do next, but all will involve schedule delays. ([Ars Technica](#))

ESA Ends Lunar Cooperation with Russia, Turns to NASA & Commercial Partners: The European Space Agency took another step last week towards ending cooperation with Russia following its invasion of Ukraine. In addition to terminating

its role in the ExoMars mission, ESA now is withdrawing from three Russian robotic missions to the Moon and turning to NASA and commercial partners to get the ESA hardware to the lunar surface. ([Space Policy Online](#))

Defense/DOD

Pentagon to Build Nuclear Microreactors to Power Far-Flung Bases: Pentagon officials recently announced that the Defense Department will build a nuclear microreactor that can be flown to an austere site by a C-17 cargo plane and set up to power a military base, revisiting a concept previously abandoned. A statement released Wednesday by the Pentagon's Strategic Capabilities Office announced the construction and testing decision that followed the office's Environmental Impact Statement work for "Project Pele." ([Defense News](#))

Pentagon, Industry Leaders Meet to Talk Replenishing Military Weapons Stockpiles: The Pentagon has been raiding its weapon stockpiles to send anti-tank and anti-aircraft weapons to Ukrainian forces trying to fend off a Russian invasion for nearly two months. The Biden administration last Wednesday announced a new \$800 million weapons package for Ukraine that includes howitzers, helicopters, drones, and uncrewed coastal defense vessels, so now the DOD is stepping up discussions with industry about increased production. ([Defense One](#))

DHS & Immigration

Top Border Official Hits Back at Texas Gov. Abbott for Busing Migrants to Washington, D.C.: The head of U.S. Customs and Border Protection criticized Texas Gov. Greg Abbott last Thursday for busing migrants from the southern border to Washington, D.C., without consulting with federal officials. "Governor Abbott is taking actions to move migrants without adequately coordinating with the federal government and local border communities," CBP Commissioner Chris Magnus said in a statement. ([NBC News](#))

Judiciary/DOJ

U.S. Assesses Putin may Increase Efforts to Interfere with U.S. Elections: The United States believes Russian President Vladimir Putin may be willing to take more aggressive action against the US, including dialing up his attempts to interfere with American elections in response to its support for Ukraine, according to four sources familiar with recent US intelligence assessments. That could include direct attacks on US election infrastructure, among a broad range of options, the sources said. ([CNN](#))

Campaign Finance Watchdog Cracks Down on Untraceable Super PAC Donations: The Federal Election Commission signaled Friday that it will take steps to uncover some types of virtually untraceable donations to super PACs, a potentially significant shift in the enforcement of campaign finance law. ([Politico](#))

Biden's Solution to the Politics of Rising Crime is to Focus on Guns: With big cities seeing spikes in crime and Republicans making it an election year issue, President Joe Biden last Monday sought to recast guns — specifically, untraceable ones — as a root cause of the problem. ([Politico](#))

Biden Picks Former Prosecutor for Top Role at Gun Regulation Agency: President Joe Biden named his second pick to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives last Monday, as part of a broader push to highlight the administration's efforts to address gun violence. ([Roll Call](#))

Biden to Unveil Five New Judicial Nominees, Bringing Total to 90: President Joe Biden plans to roll out five new judicial nominees last Monday, elevating two judges to federal circuit courts and picking three to serve on district courts, a White House official told NBC News. Biden is nominating John Z. Lee, a district court judge in Illinois, to the 7th U.S. Circuit Court of Appeals, and Salvador Mendoza Jr., a district court judge in Washington, to the 9th Circuit Court of Appeals. ([NBC News](#))

Cyber

GSA Tests Find Facial Matching Tech has ‘Disproportionately High’ False Rejection Rates for African Americans: Tests carried out by the General Services Administration have shown that major commercial implementations of facial matching technology have “disproportionately high” false rejection rates for African Americans. ([FedScoop](#))

What CISA Wants Critical Infrastructure Partners to Report on Cyber Incidents: As it embarks on a complicated rulemaking process to implement the new cyber incident reporting law, the Cybersecurity and Infrastructure Security Agency has [published a quick guide](#) on what kind of incidents critical-infrastructure entities should be sharing with the government, and how. The Cyber Incident Reporting for Critical Infrastructure Act of 2022—which became law last month as part of an overdue spending package amid a sense of urgency surrounding Russia’s invasion of Ukraine—gives CISA up to 3.5 years to finalize rules that will settle essential questions about the law’s applicability. ([Next Gov](#))

Feds Warn About Foreign Government-Connected Hackers Aiming to Disrupt Vital Industrial Systems: A joint federal advisory issued last week by the DOE, the DHS’s Cybersecurity and Infrastructure Security Agency, the FBI and the National Security Agency says that foreign government-linked hackers are targeting specific industrial processes with tools meant to breach and disrupt them, with one cybersecurity firm noting that the prospective intruders demonstrate an unprecedented “breadth of knowledge” about industrial control systems. ([Cyberscoop](#))

EPA & DOI

Biden Administration Announces New Oil, Gas Lease Sales, Royalty Hike: The Interior Department last Friday announced new oil and gas lease sales on public lands as well as an increase in royalty rates, a pair of moves likely to be unpopular among both environmental groups and the fossil fuel industry. The Biden administration initially froze new leasing on public lands shortly after President Biden took office, but a federal district court that summer issued an injunction against the order. The department cited that injunction in announcing the lease sales. ([The Hill](#))

Biden Climate Adviser Pushes Back on Departure Rumors: National climate adviser Gina McCarthy is pushing back on reports that she will soon depart her White House post. Late Thursday she tweeted, “Reports that I have resigned from my position as President Biden’s National Climate Advisor are simply inaccurate.” ([The Hill](#))

Highly Anticipated EPA Draft says Formaldehyde Causes Cancer: Prolonged exposure to formaldehyde — a common industrial chemical — can cause multiple cancers involving the head, neck and blood, according to an Environmental Protection Agency (EPA) draft assessment released last Thursday. The agency’s latest draft links formaldehyde inhalation to nasopharyngeal cancer, impacting the head and neck; sinonasal cancer, involving the nasal cavity or sinuses; and myeloid leukemia, which impacts bone marrow and blood cells. ([The Hill](#))

Department of Energy

White House Eyes Water Security Strategy: National Security Council officials are discussing releasing a first-ever White House action plan for global water security. Climate change, border conflicts, cyber threats and inefficient agricultural practices threaten humanity’s future supply. External conflicts over water pose a threat to national security, as well as international relations. ([Axios](#))

Biden Pitches New Action to Lessen Gas Prices: President Biden formally announced a waiver last Tuesday that will allow the sale of fuel with higher ethanol content to be sold during the summer months, an action he said would help lower soaring gas prices. ([The Hill](#))

U.S. Officials Warn of New Hacking Tools that Could be Used to Target Energy Facilities: U.S. officials warned last Wednesday that unnamed hackers have developed tools designed to “gain full system access” to the sensitive computer systems used to operate energy facilities. ([CNN](#))