

Window on Washington – May 31, 2022, Vol. 6, Issue 21

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Outlook for This Week in the Nation's Capital

Congress. The House and Senate are in recess this week. Sen. Chris Murphy (D-CT) is trying to find a bipartisan deal on gun control ahead of the planned vote on the issue after the Senate returns from recess. The House has already passed a few background check bills, but House Majority Leader Steny Hoyer (D-MD) said they plan to vote on a national red flag bill in June.

Build Back Better Bill. Democrats did not meet their Memorial Day Weekend deadline to make a deal with Sen. Joe Manchin (D-WV) on a scaled back reconciliation bill. Manchin has indicated he is discussing a climate, energy, and deficit reduction package with Senate Majority Leader Chuck Schumer (D-NY) as well as a bipartisan group of senators. The new deadline for an agreement is expected to be the August recess so they have time to draft the legislation and then use September to pass the bill.

FY23 Appropriations. House and Senate Appropriations Committee leaders may try to meet in person once they are back from recess to continue discussing a bipartisan deal on defense and non-defense topline. As it stands, the House Appropriations Committee plans to start its subcommittee markups the week of June 13, with or without a deal on topline. The Agriculture Subcommittee is expected to markup its bill on June 15, but as of now it is unclear when the other subcommittees will act on their respective measures.

Biden Administration. President Joe Biden and Vice President Kamala Harris will host New Zealand Prime Minister Jacinda Ardern at the White House today. The visit marks the first visit of a leader from New Zealand since 2014. Biden will also hold an Oval office meeting with Federal Reserve Chair Jerome Powell today to discuss the U.S. and global economy. This will be their first meeting since Biden nominated Powell for a second term. The Powell meeting reflects the beginning of an effort by the Administration to focus intensively on the economy as and to embrace the steps it is taking to tackle inflation. ([Axios](#))

Last Week in the Nation's Capital

CONGRESS

Budget & Appropriations

Earmark Fans Grow Among House GOP as Total Requests Swell: Thus far, 121 House Republicans have requested \$5.5 billion worth of projects that appropriators are evaluating as they begin writing the fiscal 2023 spending bills the panel aims

to mark up next month. That's up from 109 last year, and it means nearly 6 out of 10 House GOP lawmakers are now participating in the process, up from just over half in 2021 during the process' inaugural run after an 11-year ban. ([Roll Call](#))

Manchin Serious About Schumer BBB Talks: Sen. Joe Manchin (D-WV) told Axios last Thursday he's earnestly engaged in talks with Senate Majority Leader Chuck Schumer (D-NY) over a climate, energy, and deficit reduction package, reviving hopes for action this year. As Manchin and Schumer try to repair a strained relationship, their staffs have been making progress on the contours of a Build Back Better package, according to people familiar with the matter. ([Axios](#))

Health

Worries About Coming Obamacare Premium Spikes Intensify: Democrats are growing increasingly concerned that a spike in ObamaCare premiums could hit this fall right before the midterm elections. The party is already facing major headwinds from inflation and President Biden's lagging approval ratings, and a health care premium spike would add a major blow. The American Rescue Plan signed by President Biden last year temporarily increased financial assistance under ObamaCare, but that increase is set to expire at the end of this year, causing an increase in premiums for enrollees in the health law unless Congress acts. ([The Hill](#))

Education

GOP Talk of School 'Hardening' Panned as Fig Leaf by Democrats: Senate Republicans are floating the idea of more federal grant funding for school safety measures following last Tuesday's shooting at a Texas elementary school in which a gunman killed 19 children and two adults. Democrats are once again pushing for gun control measures following two mass shootings this month with double-digit death counts —the Uvalde, Texas, school shooting and the racially motivated murder of 10 Black shoppers and employees at a grocery store in Buffalo, N.Y., on May 14. But Democrats have been unable to garner enough Republican support to pass any sort of gun legislation following similar shootings, leaving the chances of getting 60 votes slim. Republicans are instead focusing on increased security measures, or school "hardening," following the shooting. ([Roll Call](#))

Banking & Housing

Sandra Thompson confirmed as FHFA director: The Federal Housing Finance Agency (FHFA), which oversees the bulk of the mortgage market, now has a U.S. Senate-confirmed director: Sandra Thompson. The Senate on Wednesday confirmed Thompson's nomination to head the FHFA by a 49 to 46 vote. Thompson, a longtime regulator, has been leading the agency on a temporary basis for nearly a year. Before Biden appointed her acting director of FHFA in June 2021, Thompson led the housing mission and goals division. She previously was the supervision chief at the Federal Deposit Insurance Corporation. ([HousingWire](#))

Senators Murray, Burr Release Draft of Legislation to Strengthen Families' Finances, Bolster Emergency Savings, Improve Retirement Security: On Thursday, Senate Health, Education, Labor, and Pensions (HELP) Committee Chair Senator Patty Murray (D-WA), and Ranking Member Senator Richard Burr (R-NC) released a discussion draft of the Retirement Improvement and Savings Enhancement to Supplement Healthy Investments for the Nest Egg (RISE & SHINE) Act—legislation to strengthen people's emergency savings and retirement security. ([Clark Hill Insight](#))

Transportation

U.S. Senate Confirms Auto Safety Chief Amid Traffic Death Spike: The U.S. Senate on Thursday confirmed by voice vote President Joe Biden's nominee to serve as the top auto safety regulator, the first to win approval since January 2017 and as U.S. traffic deaths have risen to the highest level in 16 years. ([Reuters](#))

Space/NASA & NOAA

Industry Pushes for NASA Reauthorization: As House and Senate conferees begin work to reconcile science policy and economic competitiveness bills, industry groups are pushing Congress to either include a NASA authorization bill in that legislation or pass a standalone bill. Senate conferees in addition to industry are especially interested in getting an authorization done for NASA, as it has now been five years since the last such bill became law. ([Space News](#))

Funding Sought for More ‘Responsive’ Satellite Launches: A bipartisan group of 25 House members is pressing appropriators to boost funding for a Defense Department program aimed at more rapidly launching satellites and making the broader space enterprise more agile. The vision of the so-called tactically responsive space program is for now about deploying satellites into space more rapidly than a traditional launch. ([Roll Call](#))

Defense

Key Senator Eyes Clean Energy Provisions in Defense Authorization Bill: Sen. Tammy Duckworth (D-IL) of the Armed Services Committee has introduced legislation to strengthen emissions reduction targets at the world’s largest institutional consumer of fossil fuels: the Defense Department – the Depend on Domestic (DOD) Clean Energy Act sets Pentagon targets for reducing emissions while providing greater funding flexibility to achieve those goals. ([Defense News](#))

Homeland Security & Immigration

Senate Republicans Block Domestic Terrorism Bill: Senate Republicans on Thursday blocked a bill to create domestic terrorism offices within federal law enforcement agencies in response to a mass shooting in Buffalo, N.Y., that left 10 people dead. Senate Majority Leader Charles Schumer (D-NY) framed the Domestic Terrorism Prevention Act as an opportunity to vote on Republican and Democratic amendments to curb gun violence, but his plea for GOP support to begin the debate fell flat with Republican colleagues. ([The Hill](#))

Competition Bill Could Carry High-Skilled Immigration Changes: Following the advancement of legislation to shore up U.S. global competitiveness, senators expressed optimism the bill could serve as a bipartisan vehicle for long-awaited changes to the legal immigration system. The Senate voted recently to move forward with resolving differences between its bill and the House-passed version. Both measures would provide funds to boost American manufacturing and scientific research to better compete with China and other global powers. ([Roll Call](#))

Judiciary/Justice

Schumer Vows to Force Vote on Gun Control Legislation after Memorial Day Recess: Senate Majority Leader Charles Schumer (D-NY) told colleagues Thursday morning that they should be prepared to vote on gun control legislation when they return to Washington next month after the Memorial Day recess, promising a showdown with Republicans after mass shootings in New York and Texas this month left 31 people dead. ([The Hill](#))

House Panel Launches Investigation into Gun Manufacturers: The Democratic chairwoman of the House Oversight Committee has launched an investigation into gun manufacturers, after two mass shootings left 31 people dead in less than two weeks. Rep. Carolyn B. Maloney (D-NY) announced Friday that she has contacted five of the top gunmakers, seeking information about the manufacturing, sale and marketing of weapons that have been used in mass shootings. ([The Hill](#))

In Private, Vulnerable Senate Dems Back Off Tech Bill: A bipartisan legislative effort to rein in the nation’s largest tech companies is facing fresh resistance from a faction of Senate Democrats over complaints the measure could threaten their chances of holding their slim majority, 10 people familiar with the matter told POLITICO. The internal opposition comes as Democratic leaders are pushing for a vote on the bill by summer, in an effort to pass what has become a central element of the party’s broader antitrust agenda. ([Politico](#))

Cyber

Senate Report Criticizes Feds' Approach to Ransomware Investigations: A report that Democrats on the Senate Homeland Security and Governmental Affairs Committee issued on Tuesday asserts that ransomware attacks are surging even as federal efforts to respond to them are not up to the task. The report, which focuses on the use of cryptocurrency to execute such attacks, concludes that the government is struggling to keep up with the problem in part because data reporting and collection on ransomware attacks and payments is "fragmented and incomplete." ([Cyber Scoop](#))

Environment & Interior

Democrats Signal Support for Controversial Federal Solar Panel Probe: Sens. Sherrod Brown (D-OH) and Bob Casey (D-PA) signaled their support last Thursday for a federal investigation into solar panel components condemned by many of their colleagues in both parties. The Commerce Department investigation, announced in March, concerns allegations that panel parts manufactured in southeast Asian countries have been used as fronts for Chinese companies to avert antidumping and countervailing tariffs. ([The Hill](#))

EXECUTIVE BRANCH

Health/HHS/NIH

CMS Turning Attention to Hospitals with Covid Outbreaks: The Centers for Medicare and Medicaid Services is probing hospitals where a high rate of patients have gotten Covid-19 infections after cases spiked to record highs this year. Jon Blum, the agency's principal deputy administrator and chief operating officer, told POLITICO on Wednesday that the regulator is focusing on facilities with Covid outbreaks, taking into account patient and health workers' safety complaints, a change from the agency's "less rigorous" process early in the pandemic. ([Politico](#))

Novavax Hopes FDA Go-Ahead Will Boost Lagging US Vaccinations: Federal regulators appear poised to finally authorize a COVID-19 vaccine from Novavax in the coming weeks, a move that the company hopes can help improve the lagging U.S. vaccination effort. But winning over even a small number of eligible people who haven't yet been vaccinated could be a difficult task. It's not clear how much success the company will find. Even as COVID-19 infections rise, much of the U.S. has moved on from thinking about the pandemic, and demand for vaccines has waned considerably. ([The Hill](#))

HHS Establishes Advanced Research Projects Agency for Health: The Health and Human Services Department Thursday announced the formal launch of its Advanced Research Projects Agency for Health, or ARPA-H. ARPA-H will function as an independent entity within the National Institutes of Health, and will lead "high-risk, high-reward" biomedical and health investments, according to a notice in the Federal Register. ([NextGov](#))

Department of Education

Education Secretary Cardona Calls for Congress to Act to Prevent School Shootings: Education Secretary Miguel Cardona called for action to prevent more school shootings last Thursday, at a hearing for the House Education and Labor Committee. Cardona said actions taken so far are not sufficient, and he is ashamed the country is becoming "desensitized to the murder of children." "I'd be failing you as Secretary of Education if I didn't use this platform to say that students and teachers and school leaders are scared," Cardona said. ([EdSource](#))

Banking & Housing/HUD

SEC Unveils Rules to Prevent Misleading Claims and Enhance Disclosures by ESG Funds: The Securities and Exchange Commission on Wednesday proposed two rule changes that would prevent misleading or deceptive claims by U.S. funds on their environmental, social and corporate governance (ESG) qualifications and increase disclosure requirements for those funds. ([CNBC](#))

Biden to Meet with Federal Reserve Chair to Discuss Economy Amid High Inflation: President Biden will meet Federal Reserve Chairman Jerome Powell today to discuss the national economy amid high inflation, which has hurt Biden's job

approval rating. It's the first meeting between Biden and Powell since November. ([Roll Call](#))

Transportation/DOT

Biden Administration Waiving Limitations for Truck Drivers to Speed Baby Formula Production: The Department of Transportation is waiving some requirements for truck drivers carrying baby formula ingredients and packaging amid a nationwide shortage of formula. The Federal Motor Carrier Safety Administration (FMCSA) declared an emergency last Monday due to the shortage of baby formula, which the FMCSA described as an "essential supply." ([The Hill](#))

White House, U.S. Department of Transportation Appoint New Port and Supply Chain Envoy to Work on Supply Chain Disruptions: The White House and the U.S. Department of Transportation announced that Retired General Stephen R. Lyons, former Commander of the U.S. Transportation Command, will be the new Port and Supply Chain Envoy to the Biden-Harris Administration Supply Chain Disruptions Task Force. Retired General Lyons will take over the role from John D. Porcari. Retired General Lyons will work with the U.S. Department of Transportation (USDOT), the White House National Economic Council (NEC), ports, rail, trucking and other private companies across our supply chains to continue to address bottlenecks, speed up the movement of goods, and help lower costs for American families. ([Clark Hill Insight](#))

U.S. FAA Wants Some Airplane Altimeters Retrofitted by End of 2022: The Federal Aviation Administration (FAA) wants airlines to complete retrofits of some airplane radio altimeters that could face interference from C-Band 5G wireless service by the end of 2022. The FAA memo said following a May 19 meeting of airlines, manufacturers and wireless carriers that "a collective goal was set to complete" retrofits on some Embraer and Airbus planes by the end of the year. Another meeting is set for June 3. ([Reuters](#))

Trade

U.S. Extends Tariff Exclusions on Chinese COVID-19 Medical Products: The U.S. Trade Representative's office last Friday said it extended tariff exclusions on Chinese-made medical products needed to address the COVID-19 pandemic for another six months, to Nov. 30. ([Reuters](#))

Space/NASA & NOAA

Earth's Orbital Debris Problem is Worsening, and Policy Solutions Are Difficult: One of the greatest threats to humanity's ongoing expansion into space is the proliferation of debris in low Earth orbit. During a panel discussion at the Ars Frontiers conference earlier this month, a trio of experts described the problem and outlined potential solutions. A major challenge in managing the existing debris, and the coming challenge of increasingly congested orbits, is that each nation has its own regulatory environment, and there is little international coordination. ([Ars Technica](#))

NASA to Reexamine Space-Based Solar Power: NASA is starting a study to reexamine the viability of space-based solar power, a long-touted solution to providing power from space that may be getting new interest thanks to technological advances and pushes for clean energy. The study will not attempt to come up with a new architecture for SBSP, but instead reexamine past concepts for collecting solar energy in space and transmitting it to the ground for conversion to electricity. Those updated systems will be compared to terrestrial power systems and assess policy and implementation challenges they face. ([Space News](#))

Defense/DOD

U.S. Military Wants to Demonstrate New Nuclear Power Systems in Space by 2027: Add the Defense Innovation Unit to a growing list of U.S. government organizations furthering their work in nuclear power in space. The organization, which seeks to get the military ready to use emergent commercial products, announced two prototype contracts on May 17 "to demonstrate the next generation of nuclear propulsion and power capability for spacecraft" with the ultimate aim of an orbital flight demonstration in 2027. ([Space.com](#))

DHS & Immigration

U.S. to Start Interviewing Asylum-Seekers at Two Texas Detention Sites Under New Policy: U.S. immigration authorities next week will begin to interview certain asylum-seekers at two Texas detention facilities under a new Biden administration policy that aims to expedite the processing of migrants who ask for humanitarian protection along the southern border. The program will start on a small scale today, with U.S. asylum officers expected to receive a few hundred cases per month during the first implementation phase, Justice Department and Homeland Security officials said during a call with reporters, requesting anonymity to discuss the plan. ([CBS News](#))

Tens of Thousands of Migrants Waiting on U.S. Doorstep: As many as 50,000 migrants are waiting in Mexican shelters for a chance to cross the border, hoping to run out the clock on Title 42, the COVID-era rule limiting entry to the U.S., according to internal documents reviewed by Axios. That's double the estimate from back in March, when Axios first reported on the government's preparations for a "mass migration event." The administration's internal data now counts about 8,000 people attempting to cross the southwest border each day — an enormous number. ([Axios](#))

Judiciary/DOJ

ATF Nominee Tries to Address GOP Criticisms in Wake of Mass Shooting: President Joe Biden's nominee to be the nation's top gun regulator, Steven Dettelbach, faced a somber Senate confirmation hearing the day after a mass shooter killed at least 19 children at a Texas elementary school. Dettelbach, who has not yet shored up the necessary votes to become the director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, strategically veered away from his own views on gun safety laws during the hearing. Republicans, who have criticized him for previously advocating for an "assault-style" firearms ban, got a pledge from him Wednesday to enforce the nation's gun laws and combat gun violence. ([Politico](#))

Biden Signs Police Reform Executive Order on Anniversary of George Floyd's Death: President Joe Biden signed an executive order Wednesday aimed at reforming policing practices on the second anniversary of the death of George Floyd. The order creates a national registry of officers fired for misconduct and encourages state and local police to tighten restrictions on chokeholds and so-called no-knock warrants. It also restricts the transfer of military equipment to law enforcement agencies and mandates all federal agents wear activated body cameras. ([NBC News](#))

Memo Reveals DOJ Pushback on Domestic Terrorism Bill: A domestic terrorism bill from a powerful Senate chairman could create bureaucratic headaches, jeopardize ongoing investigations, and endanger witnesses, Justice Department officials argued in a memo sent on the last day of the Trump administration. At issue is legislation Senate Judiciary Committee Chairman Dick Durbin (D-IL) has pushed since 2017. The bill is designed to counter the growing threat from domestic terrorists, which law enforcement officials have called the most lethal terror threat facing the U.S. It would set up offices at the Justice Department, FBI, and Department of Homeland Security to focus specifically on the threat, and it would have those agencies send Congress joint reports on the threat twice a year, among other provisions. ([Politico](#))

Cyber

New SEC Cybersecurity Reporting Requirements: Three Things Companies Need To Do Now: In March of this year, the Securities and Exchange Commission (SEC) [proposed a set of rules](#) and amendments that they hope will bolster the financial sector's defense against cyberattacks. They aim to standardize disclosures of material cybersecurity incidents and improve visibility into a company's cybersecurity risk management and governance policies to better inform investors. ([Forbes](#))

DOJ Changes CFAA Policy on Good Faith Hackers: The Department of Justice (DOJ) has revised its policies on enforcement of the Computer Fraud and Abuse Act (CFAA) which will help make sure that good-faith hackers are not breaking the law when they work to uncover vulnerabilities on government networks. ([MeriTalk](#))

Agriculture/USDA

Abbott, FDA Offer Conflicting Timelines for Reopening Shuttered Infant Formula Plant: A senior official from the company at the center of the country's infant formula shortages told lawmakers last Wednesday it can restart its now-shuttered plant as early as this week, disputing a timeline laid out just hours before by the head of the FDA. FDA Commissioner Robert Califf testified earlier in the day that the plant is still "several weeks" away from reopening and suggested it could be further delayed if Abbott doesn't meet certain requirements. ([Politico](#))

EPA & DOI

Supreme Court Rejects Red States' Plea to Block Biden Climate Metric: The Supreme Court will not torpedo the Biden administration's estimate of the social impacts of climate change, rejecting last Thursday a request from Louisiana and other Republican-controlled states to block agencies from using the metric in rulemakings and other decisions. The decision means the White House can move forward with its plans to overhaul and likely significantly increase the number known as the social cost of carbon — a dollar value assigned to future damages from climate change. The current value is \$51 for each ton of greenhouse gases spewed into the atmosphere, but experts believe it should be raised to as much as four times that amount. ([Politico](#))

Interior Department Announces First Offshore California Wind Lease Sale: The Biden administration last Thursday announced the first proposed wind power lease sales offshore in California, the latest in a series of sales as the administration seeks to build out renewable energy infrastructure. The lease sales, which are also the first off the U.S. west coast, will take place in five proposed lease areas. Two of the areas are off the coast of northern California in the Humboldt Wind Energy Area, while the remaining three are off of central California in the Morro Bay Wind Energy Area. The proposed leases total about 373,268 acres and would install more than 4.5 gigawatts of offshore energy capacity, according to the Interior Department. ([The Hill](#))

Forest Service Says It Caused New Mexico's Largest Wildfire: The U.S. Forest Service [disclosed Friday](#) that it caused both fires that converged into the Calf Canyon-Hermits Peak Fire, New Mexico's largest fire that is still burning in the Santa Fe National Forest. The service previously said it was responsible for the Hermits Peak Fire, originally a separate blaze. It started from a prescribed burn escaping containment in early April, then merged with the Calf Canyon Fire — the cause of which was previously undetermined. ([Axios](#))

