

# Window on Washington – June 20, 2022, Vol. 6, Issue 24

June 20, 2022

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

**Congress.** The House and Senate are in session this week. The House will [vote](#) on numerous Homeland Security, Judiciary, Foreign Affairs, and Education and Labor bills. The House also plans to vote on the Restoring Hope for Mental Health and Well-Being Act ([H.R. 7666](#)), the Advanced Research Projects Agency-Health (ARPA-H) Act ([H.R. 5585](#)), and the Honoring our PACT Act ([H.R. 3967](#)). Additionally, Sen. Joe Manchin (D-WV) and Senate Majority Leader Chuck Schumer (D-NY) are continuing their talks on a potential reconciliation bill. [Hearings](#) for this week include examining nominations, FY23 budget requests and appropriations bills, GSA facilities, the Farm Bill, toxic substances, digital asset regulation, and the nature of matter, space, energy, and time.

**Gun Control.** Senate negotiators are still working on bill text for their gun control legislation, and it remains to be seen whether they will meet their goal to pass the bill by July 4. While they hoped to have the bill text released by the end of last week, there were last minute hang-ups on provisions related to funding for red-flag laws and closing the “boyfriend loophole.”

On the red flag laws issue, some states currently have these laws in place, but over half do not. Negotiators from states without those laws in place are hoping that the bill will broaden the funding guidelines and allow states to use the grant money for other forms of crisis intervention programs. On the “boyfriend loophole” matter, federal law currently prevents people convicted of domestic violence against a spouse from purchasing guns but convicted violent dating partners do not face the same restriction. In light of this loophole, negotiators are trying to determine how to appropriately define an unmarried/dating partner.

**FY23 Budget and Appropriations.** House and Senate Appropriations Leaders are still trying to come to an agreement on topline numbers for defense and non-defense spending, as Republicans and Democrats continue to have differing views on defense spending levels and the inclusion of earmarks in the bills. Negotiations appear to be stalled, but the House Appropriations Committee will still wrap up its subcommittee markups and start to hold its full committee appropriations bill markups this week. This week's full House committee [markups](#) include Defense, Commerce, Justice, Science (CJS), Agriculture, Military Construction and Veterans Affairs (MilCon-VA), Transportation and Housing and Urban Development (THUD), Labor, Health and Human Services, and Education (HHS), and Homeland Security (DHS). The Committee will also report on how much funding each subcommittee was allocated for its bills, also known as 302(b)s, on Wednesday.

**Defense Authorization.** The Senate Armed Services Committee wrapped up its FY23 National Defense Authorization Act (NDAA) markups last week. The House Armed Services Committee will wrap up markups on its version this week, with its

full committee FY23 NDAA markup scheduled for this Wednesday. It is unclear when the House and Senate will bring the bills to their respective floors.

**Jan. 6 Hearings.** The House Select Committee on the January 6 Attack has two hearings scheduled for this week – one tomorrow afternoon and one Thursday afternoon. The Committee has held three hearings so far.

**Biden Administration.** President Joe Biden will travel to southern Germany on Friday to attend a G7 Leaders' Summit.

## Last Week in the Nation's Capital

### CONGRESS

#### Budget & Appropriations

**Bicameral Appropriations Talks Stalled as House Charges Ahead:** Negotiations on a spending ceiling to govern the fiscal 2023 appropriations process have ground to a halt due to differences over defense spending and a Republican push to strip the bills of earmarks, according to top Senate appropriators. ([Roll Call](#))

**Congressional Deal for COVID-19 Funds 'All But Dead' After Heated Hearing:** A tense June 16 Senate health committee hearing weakened the path forward for \$10 billion in compromised funding for COVID-19, which has already stalled in Congress for months. ([Becker's Hospital Review](#))

#### Health

**Mental Health Becomes Focal Point of Senate Gun Framework:** Mental health advocates are walking a fine line on the Senate's bipartisan gun violence package framework — happy that it contains long sought-after provisions to expand access to treatment while stressing that there is little connection between gun homicides and mental illness. A framework released last Sunday calls for expanding access to mental health care across the country, with gun control opponents framing those provisions as part of the solution to reducing mass shootings. ([Roll Call](#))

#### Banking & Housing

**Proposed ESG Reporting Rule in GOP Crosshairs:** Republican lawmakers are targeting a proposed Security and Exchange Commission (SEC) rule requiring public companies to enhance their reporting of "ESG" information related to the environment, social impact, and corporate governance. Rep. John Rose (R-TN) said at "Principled Profit: The Hill's ESG Summit" last Wednesday that he expects GOP lawmakers to fight to overturn the agency's rules if the party takes control of the chamber in the midterms, as it is expected to do. ([The Hill](#))

#### Crypto/Blockchain

**House Ways and Means Chair Asks GAO to Investigate Crypto Offerings for Retirement Plans:** House Ways and Means Committee Chair Richard Neal (D-MA) sent a [letter](#) to the Government Accountability Office asking for clarity on new retirement products that would allow retirement savers to add Bitcoin and other digital assets to their 401(k)s. Earlier this year, the Labor Department cautioned plan sponsors to use extreme care before offering cryptocurrency as an investment option. ([Politico](#))

#### Tax Reform

**Group of Senate Republicans Introduce Middle-Class Tax Relief Bill:** A group of Senate Republicans introduced legislation that seeks to provide tax relief and protections for middle-class Americans. The Middle-Class Savings and Investment Act would exclude a reasonable amount of interest income from being subject to tax — \$600 for married

couples and \$300 for individuals. It would also more than double the size of the zero percent (lowest) tax bracket for long-term capital gains and qualified dividends and index the income thresholds to inflation. ([Financial Reg News](#))

## Transportation

### **Chair DeFazio and Vice Chair Davids Applaud House Passage of Legislation to Coordinate on New Aviation**

**Technology:** Chair of the House Committee on Transportation and Infrastructure Peter DeFazio (D-OR) and Vice Chair of the House Committee on Transportation and Infrastructure Sharice Davids (D-KS) applauded the House passage of the *Advanced Air Mobility Coordination and Leadership Act*, a bill within the jurisdiction of the committee. ([Clark Hill Insight](#))

## Trade

**Lawmakers Push New Compromise for Screening American Investments in China:** A bipartisan set of House and Senate lawmakers is proposing a new compromise for government screening of American investments in China as part of a pending economic competitiveness bill aimed at confronting Beijing. The discussion draft would set up a new federal oversight panel with the authority to review and potentially deny new American investments in China or other adversarial nations over national security concerns, according to the text of the draft reviewed by POLITICO and first reported by the Wall Street Journal. It would also force American investors and firms to disclose new investments in certain Chinese sectors, such as semiconductors, batteries, and pharmaceuticals. ([Politico](#))

## Defense

**Senate Armed Services Panel Goes Big with New Defense Budget:** The Senate Armed Services Committee approved its version of the fiscal 2023 National Defense Authorization Act last Thursday after adding more than \$44 billion to the Biden administration's request, sending the annual defense policy bill to the full Senate for consideration. The bill would authorize \$817.3 billion for the Defense Department, which is 5.7 percent more than the amount requested by President Joe Biden for the DOD, and 5.4 percent more than Biden said he wanted for national security programs overall. ([Roll Call](#))

**Congress Wants to Double Rare Earth Mineral Fund to Free Defense Supply Chain From China:** The Senate draft National Defense Authorization Act seeks to more than double the net worth of the national strategic mineral stockpile to lessen the defense industrial base's reliance on adversaries such as China for supplies needed to build everything from bullets to nuclear weapons to night vision goggles. ([Defense News](#))

## Homeland Security & Immigration

**On DACA Anniversary, Democrats Call for Senate Immigration Action:** Democratic leaders last Wednesday called on the Senate to pass legislation to enshrine permanent protections for young undocumented immigrants brought to the U.S. as children, a decade after the Obama administration announced a program to give them temporary relief. ([Roll Call](#))

## Judiciary/Justice

**Gun Talks Back on Track:** It appears that the negotiations are back "on track" following discussions over the weekend between the bipartisan groups of senators trying to hash out the package. These talks are being led by Sens. Chris Murphy (D-Conn.) and John Cornyn (R-Texas), with Sens. Kyrsten Sinema (D-Ariz.) and Thom Tillis (R-N.C.) filling out the rest of the "core" group. The discussions were hung up over two key issues – the so-called "boyfriend loophole," and providing funds to states that don't implement red flag laws but instead have crisis intervention programs. ([Punchbowl News](#))

**Senate Judiciary Committee Ties on Biden Pick to Lead ATF:** The Senate Judiciary Committee deadlocked on President Joe Biden's pick to be the nation's top gun regulator last Thursday amid a nascent effort to pass legislation following a wave of mass shootings across the country. Democratic leadership still plans to bring to the floor the nomination of Steven

Dettelbach, the former prosecutor picked to lead the Bureau of Alcohol, Tobacco, Firearms and Explosives, after the 11-11 vote along party lines. ([Roll Call](#))

**Four Senate Democrats Push Klobuchar to Revise Antitrust Bill over Hate Speech Concerns:** Four Senate Democrats asked Sen. Amy Klobuchar (D-MN) to revise a key antitrust bill that they said could “supercharge harmful content online” as written. In a letter last Wednesday, Sens. Brian Schatz (D-HI), Ron Wyden (D-OR), Ben Ray Lujan (D-NM), and Tammy Baldwin (D-WI) said they support the overall goal of the bill to rein in the power of tech giants — but said it could lead to unintended consequences that would limit companies’ ability to moderate violative content. ([The Hill](#))

**Democrats Target Location Data Sales:** Sen. Elizabeth Warren (D-MA) last Wednesday introduced legislation targeting the sale of location data by third-party data brokers. The Health and Location Data Protection Act would ban companies in the shadowy multibillion-dollar industry from selling or transferring sensitive data. ([The Hill](#))

**Dems Eye Marijuana Bill as Vehicle for Justice Measures:** Senate Democrats are eyeing a cannabis banking bill that has bipartisan support as a potential vehicle for long-sought restorative justice measures. Prominent Democrats have been pushing to pass the SAFE Banking Act, which would enable legally operating cannabis firms to use banking services, as part of a larger China competition package being conferenced in both the House and Senate. The bill was included in House Democrats’ competition bill passed earlier this year, but not in the bipartisan Senate-passed version. ([The Hill](#))

## Cyber

**House Armed Services Chair Calls National Security Software, Systems ‘Too Vulnerable’:** Rep. Adam Smith (D-WA), the chairman of the House Armed Services Committee, said last Tuesday that the United States needs to invest far more in protecting national security communications and software. He expressed a preference to pour more money into developing the JADC2 [Joint All-Domain Command and Control] vision of a secure communication system that we can protect, rather than buying more F-35s or other hardware. ([Cyberscoop](#))

**House Subcommittee Approves \$334 Million Funding Bump for CISA:** The House Homeland Security appropriations subcommittee last Thursday approved a budget of \$2.9 billion for the Cybersecurity and Infrastructure Security Agency (CISA), \$417 million higher than the White House’s original budget request for the agency and \$334 million above its fiscal 2022 allotment. The funding will be allocated into various categories, including cybersecurity, infrastructure security, emergency communications, and risk management, among others. ([The Hill](#))

## Environment & Interior

**House Democrats Prod Senate, Biden on Climate Legislation:** Congressional Democrats are redoubling their push for a sweeping climate bill this Congress, urging President Joe Biden to “do everything” in his power to make a deal as the country braces for a hot and arid summer and the world’s atmosphere breaks greenhouse gas records. House Democrats last Thursday pressed the Senate to consider the climate and renewable-energy elements of the legislation their chamber passed last year — the roughly \$2 trillion budget reconciliation bill — before the August recess. There is broad support in the House for those measures, they said. ([Roll Call](#))

**Democrat to Biden Says Don’t Suspend Gas Tax:** Rep. Earl Blumenauer (D-OR) asked President Biden to oppose a suspension of the federal gas tax in a letter last Thursday, warning of “severe unintended consequences” for infrastructure. Biden is coming under pressure from other Democrats to embrace a gas tax holiday, and The Hill reported this week that the idea is gaining steam. But Blumenauer cited a market analysis by the Transportation Investment Advocacy Center indicating that over the past decade, only about 18 percent of state gas tax cuts have been passed down to consumers, with the bulk of the changes in revenue returning to oil and gas companies themselves. ([The Hill](#))

## EXECUTIVE BRANCH

## Budget & Appropriations

**Biden to Unveil Plan for Next Pandemic While Seeking \$88 Billion in Funds:** The Biden administration, applying lessons from the Covid-19 pandemic, will soon unveil a new defense strategy against biological threats that puts the White House at the center of any future U.S. response. As soon as this month, the administration is expected to release a National Biodefense Strategy that will outline its approach to biothreats that could impact humans, animals, environments and crops, according to people familiar with the matter. The plan, along with \$88.2 billion in funding the president is seeking, would shift how the government handles pandemic preparedness by more clearly describing responsibilities, goals and deadlines — an attempt to avoid the confusion and agency infighting that plagued the U.S. pandemic response.

([Bloomberg](#))

## Health/HHS/NIH

**CDC Recommends Pfizer, Moderna Covid-19 Vaccine for Babies and Toddlers:** The Centers for Disease Control and Prevention on Saturday recommended that children 6 months to 5 years old should receive either the Pfizer-BioNTech or Moderna mRNA vaccine. “We have taken another important step forward in our nation’s fight against Covid-19,” said CDC director Rochelle Walensky in a statement. “We know millions of parents and caregivers are eager to get their young children vaccinated and with today’s decision, they can.” ([Politico](#))

## Department of Education

**Education Secretary Miguel Cardona On Title IX Compliance Says ‘It Shouldn’t Be That The Federal Government Has To Watch — It’s Everyone’s Job’:** The U.S. Department of Education is responsible for enforcing Title IX, the federal civil rights law that prohibits sex-based discrimination in any educational institution that receives federal funding, gives women the equal opportunity to play sports and forces schools to address issues of sexual violence and harassment. As part of its Fifty/50 initiative, which commemorates the 50th anniversary of Title IX, ESPN sat down with Education Secretary Miguel Cardona to talk about the history of the law, its current impact and the challenges ahead. Cardona, whose department plans to release revised proposed regulations around how schools respond to accusations of sexual assault, also addressed two timely issues and their Title IX implications: athletes making money from their name, image and likeness, and the debate over transgender athletes being able to compete in women’s sports. Here are excerpts from that conversation, which has been edited for length. ([ESPN](#))

## Banking & Housing/HUD

**Gensler Sees Limit to SEC Rule on Carbon Emissions Disclosure:** The Securities and Exchange Commission will not require all publicly traded companies to disclose the carbon emissions from their vendors, suppliers and other third parties across their supply chains, but will limit the mandate to businesses that have already set goals for curbing such “scope 3” emissions, SEC Chair Gary Gensler said. ([Utility Dive](#))

## Transportation/DOT

**Buttigieg says Feds have Power to Force Airlines to Hire More Workers Amid Travel Delays:** The federal government could take action against U.S. airlines on behalf of customers, Transportation Secretary Pete Buttigieg said Saturday. Many Americans have endured delays, cancelations, and other travel complications during the coronavirus pandemic, and in recent months, after many pandemic-related travel restrictions were lifted. ([Fox News](#))

**Mobile Phone Carriers Agree to Delay Rolling out Some 5G Service near Airports for Another Year, FAA says:** Mobile phone carriers have agreed to another delay in rolling out some 5G service to prevent interference with airplane technology, the Federal Aviation Administration said last Friday. The FAA said the delay, for an additional year, will allow more time for the permanent fix: replacing or filtering the devices that measure an aircraft’s distance from the ground,

called radar altimeters. The new technology's promises include faster speeds, but aviation officials say the radio waves can be picked up in some cases by the radar altimeter. ([CNN](#))

**Biden Signs New Shipping Law He Says Can Cut Consumer Costs:** President Joe Biden signed legislation last Thursday meant to make shipping goods across oceans cheaper — a move the White House says will help lower retailer costs that have remained high since the start of the coronavirus pandemic and helped fuel record inflation. The Ocean Shipping Reform Act passed the Senate unanimously via voice vote and garnered bipartisan House support. It empowers the Federal Maritime Commission to investigate late fees charged by carriers while prohibiting ocean carriers and marine terminals from refusing to fill available cargo space. ([AP](#))

**FAA Unveils Climate Rules for Commercial Planes:** The Federal Aviation Administration last Wednesday proposed a new rule in order to cut greenhouse gas emissions from new aircraft manufactured in the U.S. after Jan. 1, 2028. Aviation is a rapidly growing source of greenhouse emissions, including carbon dioxide, and has not been subjected to federal regulations under the Clean Air Act or other statutes. ([Axios](#))

## Space/NASA & NOAA

**Explosion at Chinese Space Launch Center Revealed by Satellite Imagery:** An explosion severely damaged rocket facilities at China's Jiuquan Satellite Launch Center in October 2021, commercial satellite imagery shows. Jiuquan spaceport is situated in the Gobi Desert and hosts major orbital launches including all of the country's Shenzhou human spaceflight missions. ([Space News](#))

**NASA Says it's Ready to Again Attempt to Fuel the Massive SLS Rocket:** This will be NASA's fourth attempt to load the SLS rocket's first and second stages with liquid hydrogen and liquid oxygen and go deep into a countdown toward launch before ending the test at T-10 seconds. The space agency plans to call its team of engineers and technicians to their stations on Saturday evening and begin fueling operations on Monday morning, June 20. ([Ars Technica](#))

## DHS & Immigration

**DHS Unveils Strategy to Block Goods Made by Uyghur Forced Labor in China:** The Department of Homeland Security last Friday released its strategy to stop the importation of goods into the U.S. that have been made by forced labor in the Xinjiang province of China – where Uyghur Muslims and other minorities are being exploited. ([Fox Business](#))

**White House to Tackle Online Harassment, Abuse with New Task Force:** A new White House task force aimed at combating online harassment and abuse will convene for its first meeting last Thursday, bringing together officials across the administration to address growing concerns around online hate and the connection to gender-based violence. ([The Hill](#))

**FEMA Flood Program Could Violate Civil Rights Law:** Federal programs that have elevated thousands of U.S. homes above floodwaters may violate civil rights law by shutting out many homeowners who are Black or Hispanic or who have low incomes. The Stafford Act, a 1988 federal law that authorizes the president to send state and local governments aid following disasters, requires that federal funds be spent equitably. ([Politico](#))

## Judiciary/DOJ

**FTC Recommends Congress Use 'Great Caution' in Promoting AI to Address Online Harm:** The Federal Trade Commission (FTC) recommended Congress proceed with caution in promoting artificial intelligence (AI) tools to combat online harm in a report the commissioners voted to publish last Thursday. The report concluded that "great caution is needed in either mandating the use of or over relying on these tools even for the important purpose of reducing harms," according to a summary delivered by FTC staff attorney Michael Atleson at Thursday's commission meeting. ([The Hill](#))

## EPA & DOI

**White House Unveils Global Steps to Speed Climate Transition:** The White House last Friday announced a series of actions intended to help hasten the global transition to renewable energy technologies, a move it said was made more urgent following the Russian invasion of Ukraine. During opening remarks of a virtual meeting of global leaders through the Major Economies Forum on Energy and Climate, President Joe Biden said that his administration was proposing the initiatives to “maximize efficiency and reduce emissions across the energy, transportation and agriculture sectors.” ([Roll Call](#))

**Inside the Contentious Trump-Biden Appointee Fight on the Chemical Safety Board:** The Trump-appointed head of the government’s chemical safety board is making her way to the exits amid high tensions with her colleagues, who were appointed by President Biden. The U.S. Chemical Safety and Hazard Investigation Board, commonly known as the Chemical Safety Board (CSB), has been battling over a rule governing board operations that was approved by the exiting Chair Katherine Lemos, the Trump appointee. ([The Hill](#))

## Department of Energy

**Yellen says Federal Gas Tax Holiday ‘Certainly Worth Considering’:** U.S. Treasury Secretary Janet Yellen said last Sunday that a federal gas tax holiday could be worth considering amid a nationwide uptick in gas prices. When asked about the possibility on ABC’s “This Week,” Yellen said, “President Biden wants to do anything he possibly can to help consumers.” ([The Hill](#))

**Biden Warns Big Oil over Gas Output:** President Biden warned CEOs of the nation’s largest oil companies last Wednesday that he’s considering invoking emergency powers to boost U.S. refinery output. Biden’s direct engagement with the oil giants is part of an ongoing White House effort to tame fuel prices despite limited options — and cast oil companies as responsible for consumers’ higher bills. ([Axios](#))

**U.S. Energy Chief to Discuss Record Pump Prices with Refiners This Week:** U.S. Energy Secretary Jennifer Granholm called an emergency meeting with refining executives for this week, a department spokesperson said last Thursday, as tensions between the Biden administration and Big Oil mount over soaring gasoline prices. ([Reuters](#))

