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# Congressional & Administration News

**What to Know in Washington: Barr Says Tweets Make Job Impossible**

February 14, 2020

Attorney General William Barr said Donald Trump’s tweets and public comments about the Justice Department and ongoing cases make his job “impossible,” a rare public rebuke of the president by one of his most trusted Cabinet members.

“It’s time to stop the tweeting about Department of Justice criminal cases,” Barr said in an interview yesterday with ABC News.

While Barr added “I cannot do my job here at the department with a constant background commentary that undercuts me,” it wasn’t clear whether Barr was giving Trump an ultimatum or just trying to provide frank advice to the president.

The reaction from the White House indicated Trump wasn’t upset and retained his confidence in Barr.

“The president wasn’t bothered by the comments at all, and he has the right, just like any American citizen, to publicly offer his opinions,” White House Press Secretary Stephanie Grisham said in a statement. “President Trump uses social media very effectively to fight for the American people against injustices in our country, including the fake news.”

Regardless, it was the first time Barr spoke publicly since his department was thrust into a crisis when it reversed course this week on a recommendation about how long Roger Stone, one of Trump’s longtime associates, should go to prison for witness tampering and lying to Congress.

The move to reduce the recommended prison time for Stone prompted four career prosecutors to quit the case but earned Barr praise from Trump. It fueled criticism that the Justice Department has become politicized and is more focused on protecting the president’s political allies than maintaining independence.

**Elections, Politics & Policy**

**Nevada Union Won’t Endorse:**Nevada’s powerful Culinary Workers Union has declined to endorse a Democratic candidate ahead of the state’s Feb. 22 caucus, depriving Joe Biden of a needed boost to his campaign. The union’s decision not to back anyone deprives Biden of a chance to rally his flagging candidacy and to add organizational muscle. The group meanwhile criticized the Medicare for All proposal from Sen. Bernie Sanders (I-Vt.) yesterday, which it warned would replace the health care benefits the labor group has negotiated over the years.

**Biden Shores Up Staff:**Joe Biden is betting big on Nevada and South Carolina. His campaign is moving 60 staffers to both states ahead of the Feb. 22 Nevada caucuses and the Feb. 29 South Carolina primary. After poor showings in Iowa and New Hampshire, Biden said he views the first four states as a group, while highlighting South Carolina in particular as a state where he expects to do well. “The rest of the nation is out there,” Biden said. There is a risk to the approach, as some of the staffers are being moved from Super Tuesday states voting on March 3.

**Defense & Foreign Affairs**

**Trump Aide Floated for Banking Job:**The Trump administration is considering nominating a top official on the National Security Council for the No. 2 job at the Inter-American Development Bank, according to people familiar with the matter. Mauricio Claver-Carone, the senior director of the NSC for Western Hemisphere Affairs, is being considered to be the executive vice president for the IDB, as the Washington-based lender is known. John Scott, a career employee of the IDB, is serving in the job on an interim basis after Brian O’Neill, who started at the post in January 2019, died in December.

**Huawei Wins Extension From U.S. Ban:**Huawei Technologies got an extension that delays a ban on some U.S. mobile providers buying parts from the Chinese gear maker, the U.S. Commerce Department said yesterday. The department in a notice said a 45-day extension is needed to provide rural telecommunication providers the ability to operate existing networks while they identify alternatives to gear from Huawei. U.S. officials have said Huawei poses an espionage threat, and have urged allies to omit its gear from their 5G networks.

**Duterte Tests Trump Over Alliance:**Over the years, Rodrigo Duterte’s regular rants about the U.S. appeared to amount to little more than bluster. This week the Philippine leader finally moved to dismantle an alliance that’s endured since World War II. Duterte’s administration notified the U.S. it would terminate the Visiting Forces Agreement, which has governed military cooperation between the two countries since 1998. It’s key to implementing a mutual defense treaty signed in 1951, shortly after the Philippines achieved independence from the U.S.

**What Else to Know Today**

**War Powers Resolution, Nominations and More After Recess:** House and Senate lawmakers have departed Washington for a week-long recess.

When they return the week of Feb 24, the House could begin consideration of the Senate-passed resolution that seeks to limit Trump’s military power in Iran. The House will take up the resolution in the coming weeks, according to statement by Speaker Nancy Pelosi (D-Calif.). Trump needs to “work with Congress on a de-escalatory strategy that will protect American lives and interests,” Pelosi said. The Senate passed the measure yesterday with support from eight Republicans, short of the two-thirds majority that would be need to overcome Trump’s veto threat.

When the Senate returns, it will resume consideration of the nomination of Robert Molloy to be a judge for the District Court of the U.S. Virgin Islands.

Senate Majority Leader Mitch McConnell (R-Ky.) yesterday also set up action on two bills that could come for a vote when they return, according to aides for Sen. Lindsey Graham (R-S.C.). Graham, chairman of the Senate Judiciary Committee, held a hearing on the “Born-Alive Abortion Survivors Protection Act” this week. Graham also introduced a second bill that would bar abortions after five months of pregnancy.

**No Resolution to Global Entry Ban:**Trump and New York Gov. Andrew Cuomo (D) failed to reach an agreement yesterday to resolve a dispute over the Trump administration’s decision to ban New York State residents from using programs that allow speedier customs and immigration checks. Trump and Cuomo met at the White House to discuss the Homeland Security Department announcement last week that it would no longer permit New York state residents to sign up for or renew their enrollments in Trusted Traveler programs, citing federal limits on access to driver’s license data intended to protect undocumented people.

**Shelton Said Isn’t Being Pulled:** Trump’s pick for the Federal Reserve Board, Judy Shelton, came under fire from Republican lawmakers yesterday, signaling trouble ahead for her nomination. However, the White House said Shelton’s nomination is not being withdrawn after reports that Trump was expected to pull his selection. Speaking to reporters after a Senate Banking Committee hearing on her appointment, Sens. Richard Shelby (R-Ala.), Pat Toomey (R-Pa.) and John Kennedy (R-La.) all said they had not decided if they would vote for her confirmation. While the White House expressed confidence that Shelton would be confirmed, a person familiar with the matter said last night that Trump’s top economic adviser, Larry Kudlow, would be pressing members of the committee to approve her nomination.

**Energy Secretary Replaces Top Cyber Official:**Karen Evans, the Energy Department’s top cybersecurity official, is being replaced with an expert from the National Security Agency, according to a memo sent to agency staff yesterday, Ari Natter reports. The Office of Cybersecurity, Energy Security and Emergency Response will now be directed by Alexander Gates, Secretary Dan Brouillette said in the note to staff. CESER was created in 2018 to combat growing cyber threats against the electricity grid and other critical infrastructure

**Stall Trump’s Rules for Environmental Reviews, Group Tells Court:** Environmental lawyers have asked a federal court to block the Trump administration from finalizing changes to National Environmental Policy Act regulations. The Southern Environmental Law Center yesterday pushed the U.S. District Court for the Western District of Virginia to issue a preliminary injunction that would bar the White House’s Council on Environmental Quality from locking in proposed changes to NEPA rules. SELC sued the Trump administration in 2018 under the Freedom of Information Act, seeking documents related to the Council on Environmental Quality’s consideration of updated regulations. The group now says the Charlottesville, Va.-based court should block CEQ from finalizing any changes until the FOIA litigation concludes.

**Google’s Waze Deal Is a Likely Target of FTC:**The Federal Trade Commission just ordered major technology companies to fork over details on waves of small acquisitions made during the last decade. A more sizable deal is also seen as a target for the regulator: Google’s $1.1 billion purchase of mapping app Waze. The FTC quickly approved the 2013 transaction, but antitrust experts say the regulator will take a second look because it combined two popular digital mapping services under the same corporate roof, eliminated a fast-growing Google rival and solidified the internet giant’s grip on valuable data.

Bilal Sayyed, the FTC’s director for the Office of Policy Planning, told reporters on Tuesday that the agency is planning to examine many deals that were reviewed in the past, while declining to share specific examples. “Certainly, Waze is one of them,” said Robert Litan, a partner at Korein Tillery and former Justice Department antitrust official. Google declined to comment.

# Agriculture News

**GIVE TRADE AGREEMENTS TIME TO WORK, SAYS FCA CHIEF**

February 13, 2020 – Successful Farming

The chairman of the Farm Credit Administration appealed for Farm Belt patience on Trump trade agreements on Wednesday. “The groundwork has been laid for trade normalization and improved farm prices,” said Glen Smith during a House Appropriations subcommittee hearing, referring to the Phase One agreement with China, the USMCA, and revisions to trade pacts with Japan and South Korea. “So I am cautiously optimistic about an improvement in agriculture as we enter a new decade.”

Soybean futures prices have declined since the Sino-U.S. agreement was signed on January 15, and no major grain sales have been announced to China, formerly the No. 1 customer for U.S. farm exports. The agreement calls on China to buy $40 billion a year worth of U.S. food, agricultural, and seafood products through 2021.

“The markets have taken the stance, ‘Show me.’ They need to see ships going overseas with our products,” said Smith, who had a career as an Iowa farmer and an agribusinessman before being appointed to the FCA board in 2017. He dismissed as premature speculation of a third year of trade war payments through the stopgap Market Facilitation Program. “It will take time. … I think the attitude needs to be, ‘Let’s see if this will work.’ ”

In written testimony, Smith said 2019 was a difficult year for farmers and ranchers due to the trade war, large commodity stockpiles, weak prices, and adverse weather that delayed spring planting and the fall harvest in the Northern Plains and eastern Corn Belt. “Farm subsidy payments helped, most notably crop insurance and MFP payments, and in many cases made the difference between net operating loss or profit,” he said.

“With large global supplies and ‘normal’ weather, major crop prices in 2020 are expected to remain low,” said Smith. “This could limit attractive price opportunities for U.S. farmers. Livestock and dairy returns are likely to be generally positive in the near term but could be further supported by trade developments. High-cost producers and those with significant leverage will continue to face significant financial pressure.”

The Farm Credit Administration is the regulator of the federally chartered Farm Credit System of banks and direct-lender associations and the Federal Agricultural Mortgage Association, which provides a secondary market for agricultural mortgages, rural housing loans, and rural utility cooperative loans. The Farm Credit System is in satisfactory condition overall, Smith said, although the FCA has increased supervisory oversight of seven institutions, holding 2.5% of the system’s assets, due in part to weaknesses in agricultural sectors, he said.

In discussing the 2020 outlook for agriculture, Smith pointed to signs of increasing financial stress, such as a rise in nonperforming and delinquent loans. “The numbers, thankfully, are not troubling yet,” he said.

“Dairy is a problem area, and that is nationwide. Forestry was impacted profoundly” by the trade war but did not receive MFP payments. “Grain crops continue to see duress.”

# Federal Employee News

**Two Approaches Offered for Plugging Paid Parental Leave Gap, Including Bipartisan Bill**

February 14, 2020 - Fedweek

Civil service leaders in the House and the Trump administration are both moving to plug the gaps in the upcoming paid parental leave authority for federal employees, although with differing approaches.

A newly introduced bipartisan House bill (HR-5885) would — like one introduced earlier in the Senate (S-3104) — extend the entitlement to those left out due to what sponsors called an error of “statutory framing.”

The paid leave authority will replace the 12 weeks of unpaid parental leave currently available under the Family and Medical Leave Act within a 12-month period on the birth, adoption or foster child, effective for such events after September 30. However, it addressed only employees under the Title 5 section of civil service law, which covers most federal employees, but not those covered under other sections—except for TSA screeners who were included.

The House measure would extend the coverage to the remainder of TSA employees, all FAA employees, Title 38 medical personnel at the VA, certain other VA employees, employees of the Executive Office of the President and White House employees, and federal judges. (The VA has said that even without legislation, it would invoke separate authority to extend the benefit to its Title 38 personnel.) House leaders have said they hope to bring the measure to a vote there soon.

Meanwhile, the administration has released supplemental materials to its budget proposal of February 10.

Those materials call for a similar extension of the scope of the benefit but with some proposed changes in policy:

\* Allowing the leave to be used only after the birth or placement of a child, which it said “would simplify administration, provide a reasonable limit on the amount of paid parental leave that may be used in connection with the birth/placement of a child, and be consistent with the objective of allowing parents to bond with a new child.”

\* Limiting the amount available for foster care placements on grounds that some such placements are designed to last less than one year, “which undermines the justification for paid parental leave to allow for long-term bonding with a child.”

\* Offsetting the 12 weeks with any paid parental leave provided under other authorities, potentially such as those already in effect at the SEC and FDIC.

\* Having any type of federal employment count toward the requirement for 12 months of federal service before the leave can be used, not just service in a position in which standard annual and sick leave rules apply.

The administration did not issue full details, however. They would presumably come with a later formal legislative proposal to Congress.

**Trump Offers 1 Percent Raise, Seeks Benefit Cuts**

February 14, 2020 - Fedweek

Under the Trump administration’s new budget proposal, federal employees would receive a 1 percent pay raise in January and agencies would have more money for rewarding high performers and those in high-demand occupations—but those increases would be more than offset if Congress accepts the budget’s familiar list of proposed cuts to benefits.

The budget also includes numerous other repeats of past proposals that advanced only little in Congress even when both chambers were under Republican control and that did not move at all last year in the Democratic-controlled House.

The proposed raise falls in the middle of President Trump’s prior three proposals—first for a 1.9 percent raise, then two years of proposed freezes. Although the budget does not specify it, a 1 percent boost most likely would be paid only across the board, with no variation by locality, as were two years of the same size raises during the Obama administration.

In contrast, federal unions and some leaders in federal employee issues in Congress are seeking a 3.5 percent raise, which likely would have a locality component if accepted.

In both years that Trump recommended freezes, raises ultimately were paid after budget negotiations; those along with the 1.9 percent raise paid in January 2018 did have locality components.

The administration meanwhile has recommended a 3 percent raise for military personnel; while federal employee raises often have been brought up to the amount of a military raise, the federal employee amount has never been higher in recent history.

Further, the administration again recommended stretching out the waiting period for within-grade raises in pay systems such as the GS that have them, saying that those increases are paid to 99.7 percent of employees and don’t act as a performance incentive. The budget does not specify how much time would be added to the waiting periods—which are one, two or three years until reaching the top step of a grade—but prior proposals have said it would be one more year at each step.

The document also notes that agencies on average spend the equivalent of about 1 percent of their salary budgets on performance awards and that OMB last year lifted a prior cap on such spending of 1.5 percent of salary.

The new proposal “includes funding for agencies to spend an additional one percentage point of their salary budget on awards for their high performing employees and those with critical skillsets.”

“This increase in awards spending will allow agencies to effect an awards and recognition program that drives positive behavior; provides opportunities for employees to develop, grow, and enhance their careers; and recognizes accom­plishments in a timely way. The increase also ensures that agencies have sufficient funding to differentiate among levels of performance and maintain an appropriate distribution between performance awards and individual contribution awards,” it says.