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# Congressional & Administration News

**What to Know in Washington: Trump Acquittal Could Come Today**

January 31, 2020

The most consequential day in Donald Trump’s impeachment trial begins in the Senate today, with Republican leaders likely to muster enough votes to block witnesses and rapidly move to acquit the president.

The decision late yesterday by Sen. Lamar Alexander (R-Tenn.), who had been considered a potential supporter of testimony, to vote against new evidence largely dashed Democrats hopes of prevailing.

His announcement is a victory for Trump’s legal team and, especially, Senate Majority Leader Mitch McConnell (R-Ky.), who had been steering the trial to a quick conclusion after two weeks of debate and questioning.

The Senate starts today with House prosecutors and Trump’s defense each delivering two hours of closing arguments. Then senators vote on calling witnesses. If the Senate rejects that option, the chamber would move toward a vote on final judgment on the two impeachment articles against Trump. There’s little chance that two-thirds of the Republican-controlled chamber would vote to convict and oust the president.

The final vote would clear Trump in time for his delivery of the State of the Union address next Tuesday from the same House chamber where Democrats adopted the impeachment articles six weeks ago. It also gives him a chance to claim vindication and a rallying point for supporters just as the 2020 election campaign fully gets under way with the Iowa caucuses on Monday.

Democrats would need four Republican votes to get a majority to call witnesses in the trial. But only Mitt Romney (R-Utah.) and Susan Collins (R-Maine) have backed hearing from witnesses, including former Trump National Security Adviser John Bolton.

The remaining potential GOP vote for witnesses is Lisa Murkowski (R-Alaska), who has previously indicated openness to calling witnesses. But since a meeting with McConnell Wednesday morning she’s repeatedly refused to discuss the issue.

At best, that leaves the question of calling witnesses at a 50-50 tie. Chief Justice John Roberts could decide whether he should step in as a tie-breaker. Both McConnell and Minority Leader Chuck Schumer (D-N.Y.) have expressed doubt that he would. If Roberts declines to act, the witness vote would fail.

**Parnas Says He Can Offer Evidence:** Lev Parnas, an associate of Rudy Giuliani, withdrew his request for permission to provide government evidence from his criminal prosecution to House Democrats pursuing Trump’s removal, saying he no longer needed the court’s approval. Parnas said at a hearing in federal court in Manhattan yesterday he was able to access the material directly from Apple’s iCloud without relying on a version produced by prosecutors.

Parnas, who is charged with breaking campaign finance law, has been turning over evidence in his case to the House Intelligence Committee in response to a subpoena he received before he was arrested in October. He’s given Congress two sets of evidence produced by prosecutors from his iPhone and earlier this month sought permission to disclose a third set from his iCloud account.

**Pompeo Affirms U.S. Support for Ukraine:**Secretary of State Michael Pompeo sought to reassure Ukraine that it retains America’s unwavering support, despite Trump’s impeachment saga and his own recent remarks about the eastern European nation. “Ukraine is an important country,” Pompeo said today in Kyiv alongside Ukraine President Volodymyr Zelenskiy. He called the nation a “bulwark between freedom and authoritarianism.” The top U.S. diplomat is visiting Kyiv as Trump’s impeachment trial continues following revelations last year that the president withheld military aid to pressure Ukraine into investigating the family of former Vice President Joe Biden, a potential rival in the 2020 election.

**Elections, Politics & Policy**

**A Sanders Iowa Win Could Prolong Primary Fight:**The increasing likelihood that Sen. Bernie Sanders (I-Vt.) could win Monday’s first-in-the-nation caucus threatens to fundamentally redraw the path to the Democratic presidential nomination and challenge the conventional wisdom that there are only “three tickets out of Iowa.” Iowa often acts more as a bar bouncer than a kingmaker, culling the field but not anointing a leader. Candidates strive to finish in at least the top three to seize some momentum as they speed toward later nominating contests. But there are reasons to question whether that thinking still applies. Four candidates are closely clustered at the top of the polls. National front-runner Joe Biden, Pete Buttigieg and Sen. Elizabeth Warren (D-Mass.) are all polling well enough to have a chance at securing delegates.

**Super PAC Attack on Sanders Backfires:**A Democratic Super PAC’s attacks on Sanders has helped him raise more money in a day than they spent criticizing him. The Democratic Majority for Israel paid $800,000 for TV ads asserting Sanders would be unable to beat Trump in November due to a recent heart attack and his progressive platform. But in the first 24 hours after the ad, Sanders had raised $1.3 million, as first reported in The New York Times.

**Biden Highlights Sanders Gun Record:** Biden took the chance to highlight Sanders’ history of votes in favor of the gun industry yesterday, an issue that’s one of Sanders’ biggest vulnerabilities with progressive voters. Asked if Sanders’s public change of heart on the issue was genuine, Biden said he believed it was, but then offered a reminder of some of the votes Sanders has taken that aligned him with the NRA.

**Bloomberg Won’t Try to Qualify:**Michael Bloomberg reaffirmed yesterday he won’t be accepting contributions just to qualify for the Democratic presidential debates. The Democratic National Committee has required candidates to have a certain number of individual donors to qualify for debates, and the former New York mayor is self-funding his campaign. The DNC has said candidates will make the Feb. 7 debate in New Hampshire by winning at least one pledged delegate in Monday’s Iowa caucuses, but Bloomberg isn’t competing in the early nominating contests

**Democratic Super PAC Raises $32.8 Million:**The super PAC supporting House Democrats raised $32.8 million in the second half last year, and ended the year with $37.7 million cash on hand, according to its filing with the Federal Election Commission. Longtime Democratic donor Fred Eychaner gave the super PAC $4 million, and hedge-fund operator S. Donald Sussman gave $2 million. Billionaire Haim Saban and real estate developer George Marcus each gave $1 million, while Joshua Bekenstein of Bain Capital gave $900,000. The biggest contribution to the House Majority PAC was from Michael Bloomberg, who gave $10 million.

**Defense & Foreign Affairs**

**U.K. Confirms First Cases of Virus:** The U.K. confirmed its first two cases of coronavirus today, while the U.S. and Japan advised citizens to avoid traveling to China. That came hours after the World Health Organization declared the outbreak a global health emergency. Cases around the world have now risen to more than 9,800, surpassing the number officially reported during the SARS epidemic.

The U.S. State Department last night warned Americans not to travel to China because of the spreading coronavirus outbreak, John Harney reports. “Those currently in China should consider departing using commercial means,” the department said in the advisory, which was Level 4, the most severe travel warning category.

**U.S.-China Frayed Scientific Ties:**Containing the coronavirus outbreak offers an opportunity for U.S. and Chinese researchers to repair a relationship that has frayed since joining forces to fight SARS in 2003. Since that initial “honeymoon stage” from 2004 to 2009, relations between the two nations deteriorated over the past few years amid allegations that Chinese scientists have stolen medical breakthroughs from the U.S., Jennifer Huang Bouey, the chairwoman in Chinese policy studies for the think tank RAND, said.

Meanwhile, Sen. Amy Klobuchar (D-Minn.) released a plan to fight global pandemics amid the outbreak. Klobuchar said she’d work with allies and groups like the WHO to bolster local health resources, recommit to the Obama-era Global Health Security Agenda and fully fund U.S. departments focused on preventing and addressing health epidemics like the CDC.

**Afghan Enemy Attacks Hit Record:** Enemy-initiated attacks in Afghanistan reached their highest fourth-quarter number since a Pentagon watchdog began collecting data a decade ago on what has become America’s longest war and one of its costliest. There were 8,204 attacks in the final three months of 2019, the U.S. Special Inspector General for Afghanistan Reconstruction, or Sigar, said in a report published late yesterday. That was up from 6,974 in the same period a year earlier and followed a surge of attacks in September, the month of the Afghan presidential election. That coincided with the most enemy-initiated attacks in any month since June 2012.

**U.S. Injury Count From Iran Strike Rises to 64:**At least 64 U.S. military personnel in Iraq suffered brain trauma in an Iranian missile attack launched in retaliation after Trump’s ordered the killing of an Iranian general. The 64 service members -- 14 more than previously reported -- have been diagnosed with mild traumatic brain injuries, Lieutenant Colonel Thomas Campbell, a Defense Department spokesman, said in a statement last night. Of those, 39 have returned to duty; at least 21 have gone to Germany for “further evaluation and treatment.”

**DOD Said at Risk of Cyber Disruption:**Pentagon testers during 2019 exercises saw “very few instances where cyber penetrations or disruptions were followed by rapid detections and effective” responses, a new report says. DOD is applying resources towards improvements, but cybersecurity capabilities continue to be fielded with inadequate defense and poor reactions to cyber-attacks, Director of Operational Testing Robert Behler writes in the report. Leadership decisions to improve cybersecurity “frequently focus more on what can be achieved quickly and cheaply, with less emphasis on actual performance,” the report says.

**DHS Gives Notice Plan to Election Officials:** State election officials yesterday got an updated notification plan from the Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency for use in the event that local systems suffer a cyber attack, Chris Krebs, the agency’s director, said yesterday. The plan was updated to ensure DHS is in lock step with the FBI, which introduced a new communication plan earlier this month after complaints from lawmakers that the bureau didn’t notify relevant parties about attacks in the 2016 election in states like Florida.

**Around the Administration**

**Justice Department Eyes Changes to Legal Shield Prized by Tech:**The Justice Department next month plans to explore changes to a legal shield that protects big tech platforms such as Google and Facebook from lawsuits for content posted by third parties. The department yesterday announced a Feb. 19 meeting to examine the “expansive interpretation by the courts” of the provision, known as Section 230 of the Communications Decency Act. Speakers “will include thought leaders on Section 230 from a variety of perspectives, including attorneys with experience litigating Section 230, academics, victims’ representatives, industry representatives, and other experts,” according to an invitation obtained by Bloomberg.

**FBI Targets Drones Before Super Bowl:**The FBI is done issuing warnings to drone operators violating temporary flight restrictions around Super Bowl venues in Miami and has started confiscating the devices. A drone flying inside a restricted zone in Miami Beach last night was the first to be seized. The FBI said in an email it would expand enforcement operations that may include seizure, civil penalties and criminal charges. “The warning phase of NO DRONE ZONE enforcement has concluded,” the FBI’s Miami division said in a statement.

**SEC Republican Defends Corporate Voting Overhaul:**A Republican member of the Securities and Exchange Commission is firing back at critics who say the regulator’s plan for overhauling corporate voting rules would stifle shareholder rights. SEC Commissioner Elad Roisman said yesterday that some of the attacks are “based entirely on misinformation” and riddled with “myths.” He specifically rejected claims that the agency is doing the bidding of corporate lobbyists.

**FERC Backs Stalled $1 Billion Gas Pipeline:**A controversial $1 billion shale gas pipeline that’s been stalled by a dispute over whether it can seize state-owned land for construction won the backing of the federal energy regulator. PennEast had sought the support of the Federal Energy Regulatory Commission after a court decision prevented it from exercising eminent domain in New Jersey. Its developers, which include Enbridge and Southern Co., argued that the decision overturned 80 years of industry practice.

**EPA Chief of Staff Is Headed to National Mining Association:**Environmental Protection Agency Administrator Andrew Wheeler’s chief of staff is leaving the U.S. agency to work for the nation’s top coal mining trade group. Ryan Jackson is stepping down from his post after three years to become the National Mining Association’s senior vice president of government affairs, the trade group said last night. “Mr. Jackson’s in-depth knowledge of the issues and nearly 20 years of working in the U.S. Senate demonstrate a reputation for persistence, integrity, working in a bipartisan fashion,” said Ashley Burke, a spokeswoman for the association, which represents companies such as Peabody Energy and Alliance Coal.

# Agriculture News

**U.S. to investigate seasonal dumping, but not through USMCA**

1/31/2020 – AgWeb

When President Trump signed the USMCA, responses from the U.S., Canada and Mexican fresh produce industries were generally positive, focusing on a return to certainty on trade issues and continuation of NAFTA’s lack of tariffs.

U.S. growers — primarily from Florida and Georgia — who say NAFTA eroded their market share in favor of imports, were not among those celebrating. Throughout the USMCA negotiation process, they sought protections for their perishable products when in season, under “anti-dumping and countervailing duty” provisions.

Early on in the process, those growers were encouraged by the Trump administration’s stance.

“Throughout the months of trade talks leading up to USMCA passage, the Florida Fruit & Vegetable Association worked hard alongside our congressional delegation to convey the effects of unfair trade practices on Florida’s fresh fruit and vegetable industry over the past two decades under NAFTA,” according to an FFVA statement on the USMCA signing.

Trade representatives in Mexico, however, made it clear that any such protections in the USMCA would be a poison pill.

Throughout the process, the pro- and anti-seasonal protection camps kept in touch with the office of U.S. Trade Representative Robert Lighthizer. On Jan. 9, he sent a letter to Florida Senators Marco Rubio and Rick Scott and the state’s Congressional delegation, outlining his office’s plans to follow up on allegations of unfair trade practices.

That includes a commitment to immediately begin gathering information on “trade-distorting policies that may be contributing to unfair pricing in the U.S. market for seasonal and perishable products and to assess the impact of those policies on U.S. producers,” Lighthizer wrote.

Within 60 days after “entry-into-force” of the USMCA, the USTR will “implement effective and timely remedies necessary to address any trade distorting policies” harming U.S. growers. Within 90 days, the Department of Commerce, U.S. Department of Agriculture and USTR will have hearings in Florida and Georgia to hear testimony from growers, according to Lighthizer’s letter.

“This is a positive development in our ongoing efforts to secure trade relief, indicating that our concerns have been heard by the trade ambassador,” according to the FFVA statement, which also thanks Florida’s Congressional delegation. “We remain optimistic that we can continue to make progress and deliver a viable solution for our members in an effective, timely manner.”

Arizona Senators Krysten Sinema and Martha McSally took exception to Lighthizer’s letter to Florida lawmakers.

“I am extremely disappointed that you have promised my colleagues in the Southeast a plan that masquerades as fairness for U.S. farmers but instead raises the specter of future trade conflicts that will harm businesses in my state,” McSally wrote to Lighthizer.

The Fresh Produce Association of the Americas, Nogales, Ariz., also released a statement in response to the Jan. 9 lettter.

As was clearly shown during the USMCA negotiations, the majority of U.S. agriculture rejects seasonality provisions because of the harm it could bring to U.S. growers that export to other countries, including apples, grains, soybeans, and more,” according to the FPAA statement. “They understood that a seasonality provision was designed to help a small group of producers in Florida at the expense of many other domestic agriculture groups that would be harmed in tit-for-tat trade skirmishes in key export markets.”

# Federal Employee News

**3.5 Percent Raise for 2021 Backed by Unions, Hill Dems**

January 29, 2020 - Fedweek

Federal employee unions and some leading Capitol Hill Democrats on federal employee issues are backing a 3.5 percent raise for January 2021, essentially putting a stake in the ground for this year’s version of the annual consideration of a pay boost for the upcoming year.

The bills in the Senate (S-3231) and House (HR-5690) were offered in advance of the annual White House budget proposal that formally begins the congressional budget process. That proposal, for the fiscal 2021 budget year that will start in October, is expected February 10.

The administration has not yet signaled what it will propose, unlike in the past two years when it was known in advance that it would propose a freeze.

A measure of private sector wage growth that is used under federal pay law indicated 3.0 percent for use in setting the 2021 raise. Under that law, a half percentage point is to be shaved off that amount and locality pay is supposed to be paid in addition to close the pay gaps in each locality.

That formula has not been followed in practice, though, due to the cost of the indicated locality raises and disagreements over the calculations underlying those figures.

Last year a similar early raise proposal from Democrats, also backed by employee unions, sought a 3.6 percent raise for January 2020.

The House later voted in favor of a 3.1 percent total raise for federal employees – 2.6 percent across the board and 0.5 percentage points as a locality component – to match the 3.1 figure being set separately for military personnel.

The White House later backed off its freeze proposal and endorsed 2.6 percent for federal employees. Ultimately it agreed to the 3.1 percent average raise as proposed by the House. That took effect with the first pay full pay period of this year (starting January 5 for most), with the amounts varying by locality from about 2.9 to about 3.5 percent.

**2.1 Million Non-USPS Feds: Rise at DHS, Drop at SSA, EPA**

January 29, 2020 - Fedweek

Overall numbers of federal employees and the numbers of those who left the government remained stable in the most recently released OPM data. The numbers are through fiscal 2018, which ended in September of that year; in recent years, OPM’s releases of employment data have not been as current as they were previously.

The number of executive branch employees outside the Postal Service stood at 2,100,802, compared with 2,087,747 in September 2017 and 2,097,038 in September 2016.

However, a shift in jobs continued that over two years for example saw DHS gaining about 14,000 employees to about 205,000 while the EPA and SSA each dropped about 2,000 to about 14,500 and 62,500, respectively.

The numbers are headcounts, and include part-time, seasonal and temporary employees. Excluding those categories, the “core” federal workforce of full-time, permanent, non-seasonal employees is just under 1.9 million.

The total number of separations in fiscal 2018 was 208,771, up by about 7,000 from both 2016 and 2017 but about average over a 10-year period when they ranged from about 201,000 to about 222,000. The reasons for separations also remained about the same:

\* 80,259 quits (about 1,000 and 3,500, respectively, above 2017 and 2016)

\* 66,781 retirements (about 4,000 and 2,000 above) of which about 61,000 were standard voluntary immediate retirements, about the same share as in prior years, with the rest early-outs, disability and other forms of retirement

\* 11,886 removals for conduct or performance issues (about 700 and 1,000 above)

\* 46,392 expirations of temporary positions (about 1,000 above 2017 and virtually the same as 2016)

\* 281 separations by RIF (vs. 136 in 2017 and 209 in 2016)

Deaths and other forms of separation made up the rest of the separations.