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# Congressional & Administration News

# What to Know in Washington: Gun Law Push Stalls as GOP Waits

September 6, 2019 7:00AM ET

Congress faces renewed public pressure for tougher gun laws after several mass shootings in recent weeks, yet as lawmakers return from their August recess, the prospects for significant action are limited.

While House Democrats have already passed legislation to expand background checks and are considering broader measures. Senate Majority Leader Mitch McConnell (R-Ky.), who’s consistently opposed new gun laws, has made clear nothing will move without a clear signal from President Donald Trump.

Trump has been ambivalent. After 31 people were killed in mass shootings in Texas and Ohio over one weekend at the beginning of August, Trump said he had “an appetite” for bolstering background checks. This week, as he has in the past, he backpedaled.

“If you look at background checks and if you look at some of even the more severe and comprehensive ideas that are being put forward, it wouldn’t have stopped any of the last few years’ worth of these mass shootings,” he told reporters Wednesday at the White House.

The uncertainty in Washington comes as external pressure is growing. Poll after poll shows overwhelming support for requiring background checks for all gun buyers. A Quinnipiac University Poll conducted Aug. 21-26 found 93% of respondents -- including 89% of Republicans -- back more extensive background checks. Six in 10 said they support banning the military-style semi-automatic rifles like those used in recent mass killings, including one at a Walmart in El Paso on Aug. 3 in which 22 people died.

Gun control also is taking on significance in the 2020 battle for control of the White House, the Senate and the House. Notably, almost all of the leading Democratic presidential candidates are calling for a reinstatement of the 1994 federal ban on assault weapons that expired in 2004, including front-runner and former Vice President Joe Biden as well as Sens. Bernie Sanders (I-Vt.), Elizabeth Warren (D-Mass.) and Kamala Harris (D-Calif.).

**What to Watch Next Week**

Lawmakers return to work next week after more than a month of recess, with a Sept. 30 deadline for fiscal 2020 appropriations at the top of the to-do list.

The House has passed 10 of its 12 bills, but the Senate has yet to release any of its spending bills. That could change next week, with Senate Appropriations subcommittees expected to mark up at least some of their appropriations bills. Still, lawmakers are preparing for the necessity of a stopgap spending measure, with House Majority Leader Steny Hoyer (D-Md.) telling colleagues in a letter yesterday the House could vote on a continuing resolution the week of Sept. 16.

Senators will vote on Monday at 5:30 p.m. on the motion to invoke cloture, or limit debate, on the nomination of Kelly Craft to be representative of the U.S. to the U.N. General Assembly; the chamber confirmed her separate nomination to the the U.S. ambassador to the U.N. before the recess. Majority Leader Mitch McConnell (R-Ky.) also filed for cloture on other nominations before the break that could take up much of the Senate’s week.

The House Rules Committee is meeting Monday to set the terms of floor debate on three bills that would ban drilling in the Arctic National Wildlife Refuge and block efforts by the Trump administration to “expand offshore drilling.” The potential bills include legislation (read the BGOV Bill Summary) that would repeal the oil and gas drilling program in the Arctic National Wildlife Refuge from the 2017 tax law; a measure (read the BGOV Bill Summary) to prohibit offshore oil and gas leasing off the Atlantic Coast; and a bipartisan bill (read the BGOV Bill Summary) to permanently extend a moratorium on drilling in certain parts of the Gulf of Mexico.

Two special elections in North Carolina will determine the newest members of the House. Voters in the 9th District are choosing between Republican state Sen. Dan Bishop and Democratic businessman and Marine Corps veteran Dan McCready for a seat left open when the 2018 election was invalidated because of evidence of absentee-ballot fraud. Voters in the 3rd District, represented by Republican Walter Jones until his death this year, are likely to send Republican state House member Greg Murphy in the strongly Republican area.

Also expect a busy week in committees, highlighted by trips to Capitol Hill by administration officials including Treasury Secretary Steven Mnuchin, Federal Housing Finance Agency Director Mark Calabria, Housing and Urban Development Secretary Ben Carson, and Transportation Security Administration Acting Deputy Administrator Patricia Cogswell.

**Elections & Politics**

**McMahon Becomes Trump’s Big Money Boss:** Linda McMahon is Trump’s anointed fundraising chief. And she wants all deep-pocketed Republicans to know it. The one-time wrestling executive left her position as Trump’s head of the Small Business Administration to become the chair of America First Action, a super-political action committee working to get Trump re-elected in 2020. While America First has the blessing of the president, rival pro-Trump super-PACs have sprouted up and are trying to raise money from the same deep-pocketed donors McMahon is targeting -- a common headache in campaign finance.

**Ryan Says He Doesn’t Think Biden Has Energy to Defeat Trump:** Democratic presidential candidate Rep. Tim Ryan (D-Ohio) said yesterday he doesn’t have faith that Biden can defeat Trump in the general election next year. “I just think Biden is declining,” Ryan said of the Democratic presidential campaign’s front-runner during a phone call. “I don’t think he has the energy. You see it almost daily. And I love the guy.” Ryan later said he didn’t realize he was speaking to a reporter and that he meant to be seeking donations for his campaign.

**Progressive Group to Wait to Give 2020 Nod:** Don’t expect Democracy for America, a progressive grassroots group, to pick an early champion in the Democratic nomination fight between Sanders and Warren. In the last cycle, the group endorsed Sanders in December 2015, two months before the first nominating contest. For 2020, it is likely to wait until some of the early primaries are over, said Democracy for America Chairman Charles Chamberlain. The group won’t survey its 1 million members on who to endorse before a clear consensus on the progressive candidate has emerged. Chamberlain said that probably won’t happen until after the “Super Tuesday” primaries on March 3.

**Warren Questions Pence’s Stay at Trump Hotel:** Warren wrote to Secretary of State Michael Pompeo, seeking information on Vice President Mike Pence’s stay at a property belonging to Trump during an official visit to Ireland this week. Warren said the incident was “another example of what appears to be open corruption in this administration.” She asked about the costs associated with Pence’s trip, whether the State Department reviewed his plans, and whether it was aware of a “suggestion” by the president for Pence to stay at the Trump International Golf Links & Hotel Doonbeg.

**Buttigieg Makes First TV Ad Buy of 2020 Bid:** Pete Buttigieg has booked his first television time of the 2020 campaign, reserving spots on Iowa cable systems starting Saturday. The South Bend, Ind., mayor is spending $87,110 for ads to run on CNN and MSNBC, according to Advertising Analytics, which tracks political commercials. His campaign has also spent small amounts of money on radio ads in the state. The bulk of the time was purchased in the Cedar Rapids and Des Moines markets.

**Starbucks’ Schultz Suspends Presidential Effort:** Starbucks’s Chairman Emeritus Howard Schultz is suspending his flirtation with running as an independent for president in 2020.

**Defense & Foreign Affairs**

**Reducing Violence in Afghanistan Is Key to Talks, Dunford Says**: Gen. Joseph Dunford, the outgoing chairman of the Joint Chiefs of Staff, said that U.S. negotiations with the Taliban would be considered successful if they led to less violence by the insurgent group and promoted peaceful dialogue among Afghans. “If you ask me what I would view as a successful negotiation right now, it would be a negotiation that does two things. It reduces the level of violence associated with the insurgency and it sets up the Afghans to have intra-Afghan dialogue,” Dunford said at the Council on Foreign Relations last night.

**Navy’s Top Auditor to Retire Under Harassment Allegations:** The Navy’s auditor general, under investigation by the Pentagon’s inspector general for alleged sexual harassment, has told his staff he plans to retire and has been transferred in the meantime. Ronnie J. Booth, the auditor general, informed his staff of the moves this week. He said in an email labeled an “all-hands” alert that he’s been reassigned as a “special assistant” to Navy Undersecretary Thomas Modly “for a period not to exceed 30 days.”

Booth has been accused of a “pattern of harassment, retaliation and hostility in the workplace” that has been “documented at length in multiple sources” dating to 2007, Rep. Jackie Speier (D-Calif.) wrote in a July 16 letter to Navy Secretary Richard Spencer and Modly. Booth was promoted to his current job in February despite Navy leaders being aware of the accusations, said Speier, who heads the House Armed Services military personnel panel.

**Ivanka Trump Visits Troubled Argentina:** The U.S. government approved $400 million in financing for Argentina’s road network during a visit by Ivanka Trump, the U.S. President’s daughter and adviser, to the Latin American country that’s struggling with a financial crisis on the eve of presidential elections. The Overseas Private Investment Corporation, an agency of the U.S. government tasked with helping American businesses invest in emerging markets, will bankroll around 430 miles of roads in the provinces of Buenos Aires, Santa Fe, Cordoba and Mendoza, according to a statement from Argentina’s Transport Ministry.

**Around the Administration**

**Fannie-Freddie Plan Seeks End of U.S. Control:** The Trump administration laid out its vision for releasing Fannie Mae and Freddie Mac from over a decade of federal control, issuing a long-awaited plan that marks the Trump administration’s boldest step yet toward closing one of the final chapters of the 2008 financial crisis. The proposal released yesterday by the Treasury Department suggests dozens of reforms to protect Fannie and Freddie from another housing crash, shrinking their dominant market shares and creating new competitors to the companies that backstop about $5 trillion of home loans. Yet, it is only an initial step in what still would be a long and arduous road to freeing the companies from the government’s grip.

Ending the Fannie and Freddie conservatorships—the federal shackles they’ve been under for more than a decade—has long been a goal for Treasury, with Treasury Secretary Steven Mnuchin predicting just weeks after Trump’s 2016 election win that the incoming administration would “get it done reasonably fast.” But writing a report, a benchmark that it took him almost three years to hit, is arguably the easy part. The task now gets much tougher.

**Pentagon’s Money Transfer for Wall Found Legal:** The Pentagon acted legally and within its authority when it transferred $2.5 billion of its budget to fund Trump’s border wall earlier this year, the Government Accountability Office found in an opinion released yesterday. Congress had requested the opinion on funds pulled from a Pentagon counter-drug fund as the Trump administration battles the ACLU and other groups in court over the move.

In July, the Supreme Court lifted a lower court injunction on the $2.5 billion as the case continues to be heard, for now clearing the way to begin construction on about 100 miles of barriers. The money is separate from $3.6 billion that the Pentagon announced Tuesday will be pulled from its military construction budget to fund border barriers under different statutory authority.

The Supplemental Nutrition Assistance Programpayments made during the partial government shutdown were improper, the GAO also said yesterday, Teaganne Finn reports. While the three-week continuing resolution authorized food benefits on or about November 2018, December 2018, and January 2019, “the February benefits did not fall within this time frame,” the GAO said.

At the time, the Agriculture Department said in a press release, the February benefits would be issued “earlier than usual,” and had the authority through a provision in the lapsed spending law that allows the federal government to make obligated payments within 30 days of expiration. However, USDA’s actions to make February payments early “goes beyond the limited flexibility Congress provided,” the GAO said. In addition, the department altered its historical pattern of obligations “solely because funding had lapsed.”

“USDA’s action was expressly approved by the Office of Management and Budget and supported by a legal opinion from that office,” a USDA spokesperson said in an emailed statement yesterday.

The GAO also found that the Interior Department violated statute during the partial government shutdown when it obligated certain fees for expenses that it would normally charge to Operation of the National Park System appropriations. The department acknowledged these obligations would have ordinarily been charged to the ONPS appropriation and recognized that its decision to obligate the Federal Lands Recreation Enhancement Act fees during the shutdown was a means to circumvent the effect of the lapse in ONPS funding, the GAO said.

**Labor Board, Congress at Stalemate:** The National Labor Relations Board has reached a stalemate with Democratic lawmakers seeking to know which cases the agency’s four members have decided to recuse themselves from due to potential conflicts of interest. NLRB Chairman John Ring (R) sent the House Education and Labor Committee a letter indicating that the board doesn’t plan to turn over members’ recusal lists or certain other other information requested in a broad inquiry into the agency’s ethics and recusal practices.

**What Else to Know Today**

**Dorian’s ‘Final Act’ Rattling the Carolinas:** Hurricane Dorian is battering the coast of North Carolina, where it may briefly make landfall with fierce winds and driving rains on its destructive march up the U.S. East Coast. The storm’s eye is about 15 miles from Cape Lookout, N.C., traveling northeast at almost 15 miles per hour, the National Hurricane Center reported at 4 a.m. New York time. Dorian is lashing the southern barrier islands of the Outer Banks with hurricane-force wind gusts.

**Census Hires Could Inflate U.S. Jobs Report:** U.S. jobs data due today may be inflated by Census Bureau hiring for the 2020 count, and economists say the underlying numbers may show that job gains are slowing. Nonfarm payrolls increased by about 160,000 in August, according to Bloomberg’s survey, a level that would be just under the prior month, but still more than enough to keep pace with growth in the working-age population. The unemployment rate is projected to hold at 3.7%, just above a 49-year low, though annual wage gains are seen cooling to 3%, the weakest in almost a year

# Agriculture News

# Agriculture Industry Road Tour Part of Push for Trump Trade Deal

By Megan R. Wilson | August 23, 2019 11:15AM ET

Farmers and other agriculture groups are using the August recess to take their lobbying on the road, driving an RV to farm fairs around the country to promote the president’s North American trade deal before Congress returns in September.

Farmers for Free Trade, which has driven the 25-foot RV roughly 18,000 miles around the country since April, is among the groups talking about the importance of trade, the USMCA pact and how the ratification process works as a means of drumming up support in key districts.

The USMCA, a new version of the North American free trade agreement, will be among the top priorities when Congress returns next month.

“There are a lot of folks outside of Washington, D.C., who don’t realize or understand that trade agreements need to be passed by Congress,” said Angela Marshall Hofmann, co-director of the group. Members of Congress have also requested the coalition roll into their town to hold events. The group has met with more than 30 lawmakers and their staff, as part of their bipartisan advocacy efforts.

**Trade War Push**

Farmers hurt by retaliatory tariffs and shrinking demand from China and the European Union as a result of President Donald Trump’s protectionist approach to trade policy makes the passage of the pact even more vital, the agriculture industry says.

China suspended its purchase of U.S. agriculture products, retaliating against the 10% tariff the Trump administration has slapped on about $300 billion worth of imported Chinese goods. China is the fourth largest market for American agriculture products—behind Canada, Mexico, and Japan—according to the U.S. Trade Representative. Agricultural exports to China totaled $9.3 billion in 2018.

Groups like the California Rice Commission, Dairy Farmers of America, the National Cattlemen’s Beef Association, the National Association of Wheat Growers, the U.S. Apple Association, and companies such as Cargill Inc., Hormel Foods Corp., and Kellogg Co., were among the more than 60 agriculture interests lobbying Congress and the administration on USMCA from April through June of this year, according to the most recent disclosures available.

Another group, the Pass USMCA Coalition, features some major industry groups and companies, including Dow Chemical Co., the National Association of Homebuilders, the National Chicken Council, the Pharmaceutical Research and Manufacturers of America (PhRMA), among others. Rick Dearborn, who left the White House last year, is its executive director.

A Bloomberg Government analysis of the forms shows the agriculture industry was the most active in lobbying on the deal, along with the automotive and manufacturing industries.

“We have approximately 100 members of Congress, of the House, who’ve never voted on a trade agreement,” said Michael Dykes, the head of the International Dairy Foods Association.

“So during this recess, we need to take this opportunity to educate them on the value and the benefit of trade to consumers and most importantly to their voters in their districts,” he said at an event held by the U.S. Chamber of Commerce in July.

**Destination D.C.**

Back in Washington, lobbyists have also been meeting with Democratic aides for members that are a part of a trade working group drafting a set of proposals—related to their concerns about environment, drug pricing, enforcement and labor—that will be presented in negotiations with the Trump administration, multiple K Street insiders said. The group is led by House Ways and Means Chairman Richard Neal (D-Mass.), whose panel has primary jurisdiction over the deal.

Unlike some industries affected by the three-country pact, farmers and agriculture industry groups generally aren’t seeking changes, they just want to make sure that the deal is implemented.

“There been a hesitancy from House Democrats to get too far over their skis during the recess on USMCA generally because they’re not sure of what’s happening with the working group. But that’s not been true with the farm aspect,” said Matt McAlvanah, who leads communications for Farmers for Free Trade. The group will end its 47-stop RV tour in Washington next month.

# USDA Cuts Buyout Amount to Researchers Declining to Move

Incentive payment amount cut to $10,000, conditions apply

Employees have until Aug. 26 to accept separation payment

By Teaganne Finn | August 20, 2019 5:58PM ET

The buyout for Agriculture Department researchers deciding not to transfer when their agencies are moved to Kansas City has been cut by 60% from the original estimated payment promised, according an employee union.

Employees are now being told they will only be getting $10,000 if they choose to take the USDA’s Voluntary Separation Incentive Payment, down from $25,000, according to a document obtained by the union. The document says the response whether to take the payment or not has to be received by Aug. 26.

To qualify for the payment, those accepting it must agree to leave the Economic Research Service or the National Institute of Food and Agriculture between Sept. 16 and Sept. 27, repay the government if they return to federal service within five years, and acknowledge that their decision to resign or retire “is voluntary and has not been coerced.”

A USDA spokesman said the agency is trying to do right by employees by offering a standard separation package to everyone who applies rather than larger payouts on a first-come, first-served basis. The spokesman did not comment on the payment amount.

The ERA and NIFA researchers voted to form a bargaining unit with the American Federation of Government Employees, a federal employee union. In June, the USDA announced it would be moving almost 600 ERS and NIFA employees outside of the Washington area.

“It’s hard to imagine USDA management finding more ways to demoralize the workers at these two agencies, yet they continue to top themselves at every turn,” said J. David Cox Sr., national president of AFGE.

**Make a Deal**

Earlier this month, the union came to an agreement with the USDA to have the agency consider work flexibility requests, such as working remotely, and incentive relocation payments for employees who agree to relocate. The requests for flexibility can be submitted until Sept. 3.

The first 100 employees were slated to be relocated by Aug. 1 and the last 247 staffers affected are projected to be relocated by Sept. 30.

# Federal Employee News

# Raise Now Virtually Certain, but How Much?

Fedweek - September 4, 2019

A decision by President Trump virtually guarantees that federal employees will receive a raise in January, but the size of that increase, and whether the amount will vary by locality, remains to be decided.

Trump late last week issued a letter to Congress stating his intent to set by default an across the board raise of 2.6 percent, with no locality-based component, in the event that no raise is passed into law before the end of the calendar year. It sets an “alternative” raise—alternative to a large increase that otherwise would take effect automatically in that situation under a 1990 federal pay law.

The letter is a routine action when Congress has not finalized a federal raise for the upcoming year by the end of August. However, Trump departed from the past practice of himself and his predecessors of repeating the raise proposal they originally made in their early-year budget message to Congress; Trump originally had called for a salary rate freeze for 2020.

The message gave no reason for changing positions on whether to grant a raise, although it did say that the reason for not allowing the raise to take effect was the potential cost: on top of a 2.6 percent across the board increase, locality raises averaging 24 percent, at a cost of $24 billion a year.

The House has passed an appropriations bill providing for an average 3.1 percent raise, to be divided as 2.6 percent across the board and 0.5 percentage points for locality pay, likely yielding raises ranging by locality from several tenths of a percentage point below 3.1 to several tenths above. The Senate has not drafted its version of that bill.

Federal employee organizations and some members of Congress active in workplace issues repeated their call for 3.1 percent, noting that military personnel are in line for a raise of that size. The principle of “pay parity” between the two had been followed regularly for many years although less so in recent years.

Under both Trump’s message and the House measure, the raise would take effect as usual with the first full pay period of the new year, which for most employees will begin January 5.

The “alternative” raise typically becomes a moot point because some decision is made on a raise by the end of the year, typically in the general government appropriations bill or some larger budget measure containing that bill. However, in some prior years it does take effect, as it did at the start of this year because Congress and the White House had hit a budgetary deadlock late last year. The freeze that Trump had advocated took effect for a time, only to be overridden by a later budget measure providing for an average 1.9 percent increase paid retroactively.

# Boost Support for Nursing Mothers, Nutrition Programs, OPM Tells Agencies

Fedweek - September 4, 2019

Federal agencies overall “continue to sustain and improve worksite health and wellness programs,” OPM has said, but still fall short in certain areas, including in complying with legal requirements to support nursing mothers in their workforces.

OPM’s “WellCheck” assessment, covering 181 worksites across 31 agencies, assigned points for compliance with law and guidance on health promotion and safety initiatives ranging from encouraging employees to take the stairs rather than the elevator to conducting training on avoiding accidents. Scores averaged 67 percent, ranging from 32 to 100 percent by worksite.

The most commonly followed practices included encouraging reporting of injuries and near misses, having automated external defibrillators available, and promoting use of flu vaccinations.

“On average, agencies scored the highest in addressing vaccine-preventable diseases, occupational health and safety, and tobacco-free living,” a memo says. “Agencies have the most room for improvement in the areas of nutrition, organizational supports, and supports for nursing employees.”

Regarding the latter, OPM noted that only 87 percent were in compliance with a law requiring them to provide a private space other than a restroom to express breast milk and to provide flexible scheduling, unpaid break times, and/or paid break times for that purpose. Guidance, although not law, encourages agencies to make healthy food and beverage choices available in their vending machines, cafeterias and snack bars, provide nutritional information beyond what is on a product’s label, and identify healthier choices with signs or symbols.

“Agencies should carefully review their WellCheck results related to nutrition and lactation support, identify program gaps, and create action plans to improve these areas to the maximum extent possible,” OPM said.

Agencies also should emphasize the availability of prevention benefits through the FEHB program and encourage employees to use those benefits, it said. “Many preventive care and support services are available at no or low cost to beneficiaries, including check-ups, vaccinations, tobacco cessation treatment, mental health assessment and referral and comprehensive support for nursing mothers,” it said.