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Washington Report Headlines

Congressional & Administration News

- Kavanaugh Fight, Spending Bills: What to Watch Today, Next Week

Agriculture News

- Senate Ag's Top Democrat Sees December as Farm Bill Deadline

Federal Employee News

- Uncertainty in Avoiding Shutdown; Raise Issue Still Unsettled
- Many Moving Parts on Reorganization Ideas

Congressional & Administration News

Kavanaugh Fight, Spending Bills: What to Watch Today, Next Week

By Robin Meszoly and Giuseppe Macri | September 21, 2018

Bloomberg Government

All eyes will be on the Senate Judiciary Committee's handling of the 36-year-old sexual assault allegation against Supreme Court nominee Brett Kavanaugh when lawmakers return to Washington next week.

Chairman Chuck Grassley(R-Iowa) has invited Kavanaugh and his accuser, Christine Blasey Ford, to testify before the panel. Ford's attorney, Debra Katz, said Ford couldn't appear on Monday as Grassley had planned, according to a Senate aide familiar with the negotiations, Laura Litvan and Arit John report. The aide, who spoke on condition of anonymity, said Katz also told the committee by telephone that Ford didn't want Kavanaugh in the room when she testified and that lawmakers, not outside lawyers, be allowed to ask her questions to avoid a trial-like setting.

She also asked that Mark Judge, a classmate of Kavanaugh's who Ford says was present when the alleged attack occurred more than 30 years ago, be called to testify, along with other possible witnesses, according to the aide.

The aide said that no final decisions had been made and that the Republicans who control the committee asked for time to consider the requests. Grassley's office didn't immediately respond Thursday to queries on whether he'll agree to a delay, hold the hearing Monday without Ford, or cancel it.

Kavanaugh has denied Ford's allegation and said he's ready to testify anew before the panel.

Republicans, seeking to hang onto their 51-49 majority in the November midterms, have been treading carefully to avoid a further erosion of support from women and independent voters. One of the key undecided senators is

Lisa Murkowski (R-Alaska) who received more pressure yesterday when Alaska Governor Bill Walker and Lieutenant Governor Byron Mallott announced they oppose Kavanaugh's confirmation, citing his positions on health care, labor laws and the Indian Child Care Act.

Spending Rush: Congress is racing to complete as many appropriations measures as possible before the beginning of the new fiscal year on Oct. 1.

President Donald Trump plans to sign into law today a three-bill spending package covering Military Construction-VA, Energy and Water, and Legislative Branch appropriations (H.R. 5895). The measure would provide slightly more than one-tenth of federal discretionary spending for fiscal 2019.

House members hope to send Trump a second, much larger spending bill (H.R. 6157) that would provide fiscal 2019 funding for Defense and Labor-HHS-Education. That covers about 70 percent of discretionary spending for the coming fiscal year. The package also includes a stopgap measure funding other agencies through Dec. 7. The Senate passed the measure 93-7 earlier this week.

Key lawmakers including Senate Majority Whip John Cornyn (R-Texas) and Appropriations Chairman Richard Shelby (R-Ala.) have said they're open to providing additional money for hurricane relief through a supplemental appropriations package, but it's unclear how much money will be necessary. Lawmakers aren't sure yet if they need to rush to pass an emergency measure before they go home to campaign for the November midterm elections, or if the issue can wait until the lame-duck session.

Nominations Queue: When the Senate returns next week, it plans to vote on Jackie Wolcott's nomination to be the U.S. representative to the International Atomic Energy Agency and to the Vienna Office of the United Nations. The chamber will also vote on cloture — or limiting debate — on the nomination of Peter Feldman to be a member of the Consumer Product Safety Commission. Feldman is up for a term ending Oct. 26, 2019, and a seven-year term starting the following day.

FAA Deadline: The House could vote on a compromise measure reauthorizing the Federal Aviation Administration Tuesday as well as a short-term extension — the sixth since 2015 — in case the Senate fails to get the bill a vote before the Sept. 30 deadline. A controversial trucking hours of service provision will not be included, according to a senior congressional aide. The House and Senate transportation committees are aiming today to release legislative language on a compromise FAA bill.

Farm Bill: The leaders of the House and Senate Agriculture committees are staring at a Sept. 30 deadline to compromise on legislation reauthorizing farm programs. A 31-year-old federal program that pays artificially high interest rates to rural electric service providers — and that critics say has outlived its purpose — is potentially on the chopping block.

A fight over big changes to the rural electricity program could add another hurdle. At stake is about \$2.3 billion over a decade that Senate conferees are hoping to save and use for other rural development programs, while the House proposed no changes to the program. The Senate panel's ranking Democrat, Debbie Stabenow (Mich.) said she agrees with Chairman Pat Roberts (R-Kan.) that the deadline could stretch to December.

More of Next Week's Highlights

Data Privacy: The Senate Commerce, Science and Transportation Committee on Wednesday "will examine privacy policies of top technology and communications firms" and consumer privacy, according to the committee website. Witnesses include AT&T Global Public Policy Senior Vice President Len Cali, Amazon.com Vice President and Associate General Counsel Andrew DeVore, Google Chief Privacy Officer

Keith Enright, Twitter Global Data Protection Officer and Associate Legal Director Damien Kieran, Apple Vice President for Software Technology Guy Tribble, and Charter Communications Policy & External Affairs Senior Vice President Rachel Welch.

Lawmakers are increasingly focusing on the data collection and usage practices of social media and other tech companies. Ahead of the hearing, Google said it allows other companies to scan data from Gmail accounts for advertising purposes, according to a letter from a company vice president to Senate Commerce Committee Republicans obtained by Bloomberg Law.

Chemical Crisis: The Senate Homeland Security and Governmental Affairs Federal Spending Oversight and Emergency Management Subcommittee on Wednesday holds a hearing on the federal role in addressing persistent toxic chemicals found in drinking water and at waste sites. States are stepping up because they see the Environmental Protection Agency as dragging its feet, Gerald B. Silverman reports. They are driven by findings that perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), and chemicals like them are pervasive across the country, including at military sites and near manufacturing plants. Witnesses from the EPA, Health and Human Services and Defense departments, and the Government Accountability Office are scheduled to testify.

Nominations: The Senate Armed Services Committee on Tuesday holds a hearing on the nominations of Army Gen. Robert B. Abrams for reappointment to the grade of general and to be commander of the United Nations Command/Combined Forces Command/U.S. Forces Korea, and Navy Vice Adm. Craig S. Faller to be admiral and commander of U.S. Southern Command.

Authenticating Taxpayers: A House Ways and Means subcommittee plans to delve into how the Internal Revenue Service employs online tools and applications to determine that taxpayers are who they say they are in tax filings. The Wednesday hearing will also focus on how the IRS handles weaknesses in its process, Kaustuv Basu reports.

Global Space Race: National Aeronautics and Space Administration chief James Bridenstine is back before the Senate Commerce, Science and Transportation Subcommittee on Space, Science, and Competitiveness for a hearing Wednesday on the “Global Space Race: Ensuring the United States Remains the Leader in Space.” The hearing — the third in a series potentially contributing to a NASA authorization — will examine the challenges NASA faces in undertaking human and robotic exploratory missions, its research in aeronautics and space technology, and how the agency’s current and planned initiatives will affect its future mission goals.

Military Air Mishaps: The House Armed Services Seapower and Projection Forces Subcommittee plans a Friday hearing into contributing factors to C-130 mishaps and other intra-theater airlift issues. Witnesses include two from the Air Force: Lt. Gen. Jerry Harris, deputy chief of staff for strategic plans and programs; and Lt. Gen. Donald Kirkland, commander of the Air Force Sustainment Center. Navy Rear Adm. Scott Conn, director of air warfare at the Office of the Chief of Naval Operations, also is scheduled to appear.

Pentagon Cyber Readiness: The Senate Armed Services Cybersecurity and Personnel subcommittees meet for a joint hearing Wednesday on the Defense Department’s cyber operational readiness. Defense Department witnesses include Chief Information Officer Acting Principal Deputy Essye B. Miller, U.S. Cyber Command Deputy Commander Lt. Gen. Vincent R. Stewart of the Marine Corps, commander of Army Cyber Command Lt. Gen. Stephen G. Fogarty, and Principal Deputy Cyber Adviser and Senior Military Adviser for Cyber Policy Brig. Gen. Dennis A. Crall of the Marines.

SNAP Fraud: The House Oversight Healthcare, Benefits, and Administrative Rules and Intergovernmental Affairs subcommittees meet for a joint hearing Wednesday on fraud in the Supplemental Nutrition Assistance

Program. The largest partisan divide over the new farm bill (H.R. 2) currently being negotiated in Congress is over work requirements for enrollment in SNAP. House lawmakers proposed to tighten and add a mandatory work training program. Senate negotiators have balked at those changes.

China Tech Competition: The House Oversight Information Technology Subcommittee scheduled a hearing on countering Chinese innovation and technology on Wednesday.

TSA Misconduct: The House Oversight Committee will examine misconduct and retaliation at the Transportation Security Administration Wednesday.

National Defense Impact: The House Armed Services Committee holds a hearing Wednesday on the impact of national defense on the economy, diplomacy and international order. Witnesses include former Secretary of State Henry Kissinger.

Agriculture News

Senate Ag's Top Democrat Sees December as Farm Bill Deadline

By Teaganne Finn | September 18, 2018
Bloomberg Government

The ranking Democrat on the Senate Agriculture Committee said Tuesday she agrees with Chairman Pat Roberts' (R-Kan.) assessment that lawmakers negotiating a new farm bill face no firm deadline until December, despite the Sept. 30 expiration of current law.

"We've still got some pretty substantial differences in policy on a number of different titles," Sen. Debbie Stabenow (D-Mich.) said. She said House and Senate negotiators were nowhere close to reaching a compromise. The chairmen and ranking members of the House and Senate committees held a phone call Tuesday to continue farm bill talks, according to two House Agriculture Committee aides.

"The good news is that the real deadline isn't Sept. 30. It's actually December," Stabenow said, echoing a point made last week by Roberts. Current farm program authorizations expire Sept. 30 or the applicable crop year. The latter language is seen as giving lawmakers some leeway on timing.

The farm bill (H.R. 2) being negotiated would authorize agriculture-related programs for five years (Public Law 113-79). The largest partisan divide is over work requirements for the Supplemental Nutrition Assistance Program (SNAP). House lawmakers proposed to tighten and add a mandatory work training program. Senate negotiators have balked at these changes.

Roberts told reporters Sept. 17 "some progress" has been made, but the real issue is SNAP. "As this draws to the final week here, we have to come to some agreement," he said.

Federal Employee News

Uncertainty in Avoiding Shutdown; Raise Issue Still Unsettled

FedWeek | September 19, 2018

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With a September 30 deadline just ahead to funding for federal agencies when current spending authority expires with the end of the fiscal year, Congress is moving toward providing some agencies with full-year funding but only temporary funding for others—leaving those to face another such deadline.

Of the 12 regular appropriations bills for the government, nine have been included in one of three bundles, with differing prospects for enactment before month's end. The most advanced is one covering VA and military construction, Energy and water programs and the legislative branch. Both the Senate and House have now passed that bill and have sent it to President Trump for an expected signature.

Next in line is a bill covering DoD, Labor, HHS, Education and related agencies and which also temporarily extends funding through December 7 for all agencies whose budgets are not passed into law by month's end. The Senate has approved that bill and a House vote is pending.

A third bill will cover Agriculture, Transportation, HUD, Interior and related agencies, plus the IRS and financial regulatory agencies and general government matters. However, prospects for its enactment before month's end are uncertain since a House-Senate conference on it isn't yet finished.

That bill is where Congress ultimately will have to decide between a pay freeze for federal employees in 2019 as the White House advocates or an average 1.9 percent raise as the Senate has backed. Some House Republicans who favor paying the raise have said they are optimistic that the bill will provide for one but that decision is still to be finalized.

In addition, the bill for DoD and others includes money to pay for a 1.9 percent raise, although only for the agencies it covers and only if another bill ultimately provides for a raise.

Many Moving Parts on Reorganization Ideas

FedWeek | September 19, 2018

Language in budget bills advancing in Congress to restrict agency reorganization authority could be just the first of many such moves against other controversial provisions of the administration's government reorganization plan, although there also is pressure to move ahead.

After already having passed a measure restricting the planned reorganization of the Army Corps of Engineers and several other smaller agencies, Congress is set to consider next week a bill (HR-6157) saying that agencies it funds—DoD, Labor, HHS, Education and related agencies—“shall not reallocate resources or reorganize activities except as provided” in the bill. That bill is considered a high priority item because it also extends through December 7 spending authority for agencies whose regular appropriations bills won't be enacted by the end of the current fiscal year September 30.

Also, the House version of a third multi-agency bill in progress, which contains government-wide policies, requires agencies to notify and consult with Congress before “any significant reorganization or restructuring of offices, programs, or activities” while the Senate version requires similar notice before reprogramming funds.

Also, some members of Congress want to add language to block Agriculture's plans to shift two of its components out of the national capital area, a move the department says it expects to carry out—even with no destination yet chosen—by the end of next year.

Other controversial elements of the reorganization plan announced in the summer that could be similarly targeted include privatizing air traffic control functions and the Postal Service, and turning OPM into a policy arm of the White House while shifting its operational parts to GSA and DoD.

Meanwhile, though, a bill newly introduced in the House (HR-6787) would create an expedited process for Congress to consider legislation that the administration proposes to carry out reorganizations. A companion bill (S-3137) previously was offered in the Senate.

Also, the White House recently convened a “summit” on federal workforce-related issues which was not open to the media or federal unions. According to accounts from participants on social media, the session focused on familiar themes of the administration including restructuring agencies and retraining affected employees as the government increasingly uses robotics, artificial intelligence and other arising technologies.