

U.S. Advocacy Update - Friday, January 22, 2021

Congress

Senate

- The Senate confirmed retired General Lloyd Austin to be Secretary of Defense today in a 93-2 vote, after approving his waiver to serve in the position last night in a 69-27 vote.
 - Sens. Josh Hawley (R-MO) and Mike Lee (R-UT) voted against the confirmation.
- The Senate Finance Committee unanimously voted to advance Janet Yellen's nomination to be Treasury Secretary out of the Committee, allowing for a confirmation vote on the Senate floor. The Committee approved the nomination 26-0. It is possible Yellen receives a vote by the full Senate today.
- Outgoing Senate Finance Committee Chairman Chuck Grassley (R-IA) said that he will ask Katherine Tai, who is the nominee to the U.S. Trade Representative (USTR), for more information about the Biden Administration's trade plans.
 - Specifically, Sen. Grassley is seeking details on the Biden Administration's approach to China, free trade negotiations with the United Kingdom and Kenya, and a potential new trade agreement with Japan.
- Incoming Senate Banking, Housing, and Urban Affairs Committee Chairman Sherrod Brown (D-OH) voiced his opposition to Michael Barr being nominated to be Comptroller of the Currency. Barr previously served as Assistant Treasury Secretary for Financial Institutions during the Obama Administration, but progressives have voiced skepticism over how he will address inequality and climate change.

House

- Following earlier reports that Senate Minority Leader Mitch McConnell (R-KY) sought to push the impeachment trial to February, and Speaker of the House Nancy Pelosi (D-CA) announcing her intent to send the article of impeachment to the Senate on Monday, Senate Majority Leader Chuck Schumer (D-NY) and Leader McConnell reportedly reached a compromise on the schedule for President Trump's impeachment trial. The final schedule is a compromise between Leader McConnell's pitch to push the start of the trial to February 11, and Democrats' desire to see a faster resolution to the situation.
 - Under the new schedule, Speaker Pelosi will send the article of impeachment to the Senate on Monday, January 25. Per Senate

rules to convene the impeachment trial the day following the receipt of articles, the chamber will convene Members and issue a summons to Former President Trump. Former President Trump's response is due to the Senate by February 2. Pre-trial briefs are due from the House and Former President Trump on February 2 and February 8, respectively.

- The trial itself will begin during the week of February 8. During the "pre-trial" period, between February 2 and 8, the Senate will pause the impeachment proceedings in order to confirm additional members of President Biden's Administration nominees.
 - President Biden endorsed a delay in starting the trial earlier today, favoring the Senate having more time to consider his nominees.
- House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) announced that Members of Congress are currently drafting proposed additions to President Biden's COVID-19 relief package, some of which would expand transportation relief funding.
- As a reminder, President Biden's package includes \$20B for transit relief, but reportedly the additions will cover "the various modes out there that had big asks that weren't met" in the previous relief bill.
- Rep. Earl Blumenauer (D-OR) said that the Biden Administration provides an opportunity to boldly reform transportation policy, eliminating the need to raise the federal gas tax. A Vehicle Miles Traveled fee is reportedly gaining support.
- Rep. Blumenauer has historically supported raising the gas tax but acknowledged that the tax is becoming less fair as it disproportionately falls "on rural and small-town America, on lower income citizens."
- House Ways and Means Committee Chairman Richard Neal (D-MA) introduced the Emergency Pension Plan Relief Act ([H.R. 409](#)) to provide relief to multiemployer and single employer pension plans. A press release on the bill can be found [here](#).
- House Education and Labor Committee Chairman Bobby Scott (D-VA) and 13 other House Democrats introduced the Emergency Pension Plan Relief Act ([H.R. 423](#)) to stabilize multiemployer and single employer pension plans during COVID-19.
- According to a [press release](#), the bill would also remove multiemployer plans' ability to cut participants' benefits and double the guarantee for participants.
- Rep. Ed Case (D-HI) and five other House Democrats introduced the Safe and Quiet Skies Act ([H.R. 389](#)) to establish safety and community

- disruption requirements for commercial air tour operations, including helicopters and small planes.
- According to a [press release](#), the bill would require the Federal Aviation Administration (FAA) to adopt the strict safety recommendations of the National Transportation Safety Board (NTSB).
- Reps. Earl Blumenauer (D-OR) and Suzanne Bonamici (D-OR) introduced a bill ([H.R. 385](#)) to create a Department of Transportation (DOT) grant program for research covering the impact of highly automated vehicles on “land use, urban design, transportation, real estate, and municipal budgets.”
 - Reps. Earl Blumenauer (D-OR) and Alan Lowenthal (D-CA) introduced a bill ([H.R. 383](#)) to add eligibility requirements for the surface transportation system funding alternatives program.
 - Rep. Ted Lieu (D-CA) introduced a bill ([H.R. 406](#)) to ban the sale of shark parts.
 - Reps. Virginia Foxx (R-NC) and Garret Graves (R-LA) introduced the Protecting American Resources, Innovation and Sovereignty (PARIS) Act ([H.R. 395](#)) to require the President to submit the nationally determined contribution for the Paris Climate Agreement to Congress before submitting it to the United Nations.
 - According to a [press release](#), the bill would require “explicit details on the projected economic and workforce impacts.”
 - Reps. Eleanor Holmes Norton (D-DC), Stephen Lynch (D-MA), and Carolyn Maloney (D-NY) introduced the National Commission on the Insurrectionist Attack Upon the United States Capitol Act ([H.R. 410](#)) to establish a commission to investigate the attack on the Capitol.
 - As stated in a [press release](#), the commission would examine evaluation preparedness and response in order to create recommendations to prevent future attacks.
 - Rep. Lauren Boebert (R-CO) introduced the No Mask Mandates Act ([H.R. 375](#)) to overturn President Biden’s mask mandate related to federal property and international travel. As stated in a [press release](#), the bill would allow masks to be encouraged but not mandated.
 - Rep. Marjorie Taylor Greene (R-GA) introduced articles of impeachment against President Biden ([H.Res. 57](#)). According to a [press release](#), the articles are in response to abuses of power and enabling bribery while serving as Vice President.

Administration

Staffing

- Multiple new appointments to the Environmental Protection Agency (EPA) were announced, which include:
 - Dan Utech to be Chief of Staff
 - Radha Adhar to be Deputy Associate Administrator for Congressional Affairs
 - Vicki Arroyo to be Associate Administrator for Policy
 - Tomás Carbonell to be Deputy Assistant Administrator for Stationary Sources in the Office of Air and Radiation
 - Alison Cassady to be Deputy Chief of Staff for Policy
 - Dimple Chaudhary to be Deputy General Counsel for Nationwide Resource Protection Programs
 - Rosemary Enobakhare to be Associate Administrator for Public Engagement and Environmental Education
 - Philip Fine to be Principal Deputy Associate Administrator for Policy
 - Radhika Fox to be Principal Deputy Assistant Administrator in the Office of Water
 - Michal Freedhoff to be Principal Deputy Assistant Administrator in the Office of Chemical Safety and Pollution Prevention
 - Joe Goffman to be Principal Deputy Assistant Administrator in the Office of Air and Radiation
 - Lindsay Hamilton to be Head of Public Affairs
 - Sinceré Harris to be White House Liaison
 - Melissa Hoffer to be Principal Deputy General Counsel
 - Casey Katims to be Deputy Associate Administrator for Intergovernmental Affairs
 - John Lucey to be Special Assistant to the Administrator

- Several key appointments to the Department of Education were announced today, including:
 - Sheila Nix as Chief of Staff. Nix has been a longtime adviser to President Biden and previously served as Chief of Staff to Dr. Jill Biden and most recently as a Senior Adviser to Kamala Harris on the Biden Campaign.
 - Claudia Chavez as White House Liaison. Chavez served on the Biden-Harris transition team and previously worked for Mayor Rahm Emanuel as Deputy Director for Legislative Council and Government Affairs.
 - Suzanne Goldberg as Deputy Assistant Secretary for Strategic Operations and Outreach in the Office for Civil Rights. Goldberg is also serving as Acting Assistant Secretary.
 - Ian Rosenblum as Deputy Assistant Secretary for Policy and Programs in the Office of Elementary and Secondary Education. Rosenblum was previously the Executive Director of equity-focused education thinktank Ed-Trust-New York.

- Evelyn Remaley was selected to be Acting Chief of the National Telecommunications and Information Administration (NTIA). Remaley is currently Associate Administrator for Policy Analysis and Development at the NTIA.

Policy Agenda

- President Biden signed two Executive Orders today.
 - The first order directed the Department of Agriculture to review the possibility of increasing food assistance benefits and funds. It also directed the Department of the Treasury to ensure that 8M people who are eligible for relief payments receive their unclaimed stimulus and called on the Department of Labor to clarify unemployment benefit guidelines.
 - The second order repeals actions taken by former President Trump in order to restore collective bargaining power, increase worker protections, and eliminate the Schedule F classification for federal employees. It also directs agencies to ensure all federal employees reach a \$15/per wage.
- President Biden was scheduled to speak to Canadian Prime Minister Justin Trudeau today, marking his first call to the leader of a foreign government. The conversation likely discussed President Biden's revocation of the Keystone XL pipeline permit.
 - Despite his opposition to the revocation, Prime Minister Trudeau said that he "acknowledge[s] the President's decision to fulfil his election campaign promise on Keystone XL."
- EPA Acting General Counsel Melissa Hoffer has directed the Department of Justice's Environment and Natural Resources Division to request a pause in litigation involving any rule issued by the EPA under President Trump.
 - Should a freeze of litigation not be achieved, Hoffer directed the Justice Department to instead seek extensions of proceedings until the Administration can address the rule in question.

Other News

- John Williams was unanimously reappointed to be President of the Federal Reserve Bank of New York by the board of directors today. Williams has been in this position since 2018 and his new term will last through March 1, 2026.
- The Supreme Court considered whether to hear a case concerning former President Trump's Twitter account today. The case consists of a lawsuit against Trump filed by the Knight First Amendment Institute at Columbia University for blocking his critics on Twitter, which was ruled to be a violation of the First Amendment by an appeals court.

- The Department of Justice previously asked the Supreme Court to hear the case but asked that the previous ruling be vacated this week as Trump left office.
- A coalition of technology trade groups sent a [letter](#) to President Biden warning against a global pattern of “digital protectionism.” According to the letter, U.S. competitiveness could be harmed by other countries adopting digital services taxes, content moderation regulations, and data movement restrictions.
 - The groups suggest that President Biden engage in multilateral trade negotiations, oppose European tech taxes, and directly engage with China and India on digital trade.
- Volkswagen failed to meet the European Union’s carbon emissions target for 2020 and will have to pay a fine of hundreds of millions of euros. According to Volkswagen, the emissions target was not met as COVID-19 delayed the development of its electric vehicles.
 - Volkswagen has set a goal to be carbon neutral by 2050.
- Unilever [announced](#) that it is requiring its suppliers to pay employees a living wage by 2030 and will contribute \$2.4B annually to minority-owned businesses. In order to determine a living wage in each of its 190 countries of operation, Unilever said it will work with “suppliers, other businesses, governments and NGOs – through purchasing practices, collaboration and advocacy.”
- *New Hampshire v. Massachusetts*, which seeks to address virtual worker’s income taxes, could reshuffle state revenue received from income taxes.
 - A decision on whether the U.S. Supreme Court will hear the case will reportedly be made soon.
 - States with large employment centers, such as New York and Massachusetts, could lose billions of dollars while states with many out-of-state commuters, like New Jersey and Connecticut, could potentially see much more revenue.
- The chemical companies DuPont, Chemours, and Corteva agreed to a \$4B settlement on lawsuits over liability for the use of per- and polyfluoroalkyl substances (PFAS). The companies will share the cost of the settlement and create a \$1B fund for future PFAS liability.

Federal Register Notices

- The Federal Communications Commission (FCC) requested comments on the potential authorization of direct communications between unlicensed 6 GHz band client devices. Comments must be submitted by February 22. The notice can be found [here](#).

- Former President Trump issued a Proclamation “Terminating Suspensions of Entry Into the United States of Aliens Who Have Been Physically Present in the Schengen Area, the United Kingdom, the Republic of Ireland, and the Federative Republic of Brazil.” This would allow international travel into the U.S. from these areas given the new requirements for negative COVID-19 tests. The notice can be found [here](#).
- Former President Trump issued an Executive Order “Protecting the United States From Certain Unmanned Aircraft Systems.” The order would direct federal agencies to review their authority to limit the procurement of foreign made unmanned aircraft systems (UAS). The notice can be found [here](#).
- The Department of State designated Cuba as a state sponsor of terrorism. The notice can be found [here](#).
- The U.S. Trade Representative (USTR) found that Vietnam’s currency valuation practices are unreasonable and place a burden on U.S. commerce, beginning Section 301 actions. The notice can be found [here](#).