

U.S. Advocacy Update - Thursday, January 21, 2021

Congress Senate

- The Senate Commerce, Science, and Transportation Committee held its nomination hearing today for former South Bend, Indiana Mayor Pete Buttigieg to be Secretary of Transportation. The hearing discussed President Biden's infrastructure and climate plans and his Executive Order mandating masks for public transportation, which was released today. Other focuses included federal grants, streamlining federal regulations, supporting rural and tribal communities, automated vehicles, and transportation electrification. The members also asked about Amtrak, broadband, trucking regulations, the Keystone XL pipeline, and airport concessionaires. Entry Level 1 (style "Evening Update Paragraph Text")
 - Sen. Jon Tester (D-MT) specifically commended Buttigieg for answering all questions directly and thoroughly. There was general bipartisan support and positive sentiment for the former Mayor to become Secretary of Transportation.
 - After the hearing, a spokesperson for Buttigieg clarified that Buttigieg does not support increasing the federal gas tax. Buttigieg said during the hearing that he would consider all possible funding options.
- The Senate Energy and Natural Resources Committee will hold a hearing on the nomination of Jennifer Granholm to be Secretary of Energy on January 27. This will be the first hearing for President Biden's energy/environment nominees. The hearings for Environmental Protection Agency (EPA) Administrator nominee Michael Regan and Department of the Interior Secretary Nominee Rep. Deb Haaland (D-NM) have not yet been scheduled.
- The Senate Committee on Commerce, Science, and Transportation [announced](#) that it will hold an executive session on January 27 to consider Committee rules and budget.
- Seven Senate Democrats sent a [letter](#) to the Senate Ethics Committee filing a complaint against Sens. Josh Hawley (R-MO) and Ted Cruz (R-TX) and requested an investigation into their role in objecting to election certification after the attack on the Capitol.
 - According to the letter, "by proceeding with their objections to the electors after the violent attack, Senators Cruz and Hawley lent legitimacy to the mob's cause and made future violence more likely."
- In response to President Biden's revocation of the Keystone XL pipeline permit, a group of Republican Senators led by Sen. Steve Daines (R-

MT) announced plans to introduce a bill to Congressionally authorize the pipeline. The group also announced plans to introduce a resolution requiring the Paris Climate Agreement to be submitted for Senate ratification.

- It is unlikely that either of these pieces of legislation will advance in the Democratically controlled Senate.
- Senate Minority Leader Mitch McConnell (R-KY) announced today that he will propose to Senate Majority Leader Chuck Schumer (D-NY) to give former President Donald Trump until early-February to prepare his legal case for his impeachment trial.
 - As a reminder, House Speaker Nancy Pelosi (D-CA) has yet to transmit the article of impeachment over to the Senate.

House

- The House voted on a waiver to allow retired General Lloyd Austin to serve as Secretary of Defense. The waiver was approved in a 326-78 vote.
 - General Austin will now have to separately receive a waiver from and be confirmed by the Senate.
- Reps. Barbara Lee (D-CA), Gregory Meeks (D-NY), Jim McGovern (D-MA), Adam Schiff (D-CA), and Anthony Brown (D-MD) sent a [letter](#) to President Biden urging him to work with Congress to reduce executive war powers, specifically the 2002 authorization for military force in Iraq and the 2001 authorization for the war on terrorism.
 - The letter encourages increased Congressional oversight of war power by requiring a sunset clause and clear outline of mission objectives, targeted countries, and adversaries.
- Chair of the House Oversight and Reform Committee Carolyn Maloney (D-NY) sent a [letter](#) to Federal Bureau of Investigation (FBI) Director Christopher Wray calling on the FBI to investigate the role of Parler in the attack on the Capitol and its planning.
 - The letter also asked the FBI to investigate whether Parler acts as a “conduit for foreign governments” looking to stoke divisions in the U.S.
- Rep. Gus Bilirakis (R-FL) will be the Ranking Member of the House Energy and Commerce Committee’s Subcommittee on Consumer Protection, replacing Rep. Cathy McMorris Rodgers (R-WA) who took over as Ranking Member of the full Committee. This role affords Rep. Bilirakis with influence over issues central to the subcommittee, such as Section 230, data privacy, and misinformation on social

media. It also oversees like autonomous vehicles. Rep. Jan Schakowsky (D-IL), who chaired the Subcommittee on Consumer Protection in the 116th Congress, will continue to do so.

- Rep. David McKinley (R-WV) will replace retired Rep. John Shimkus (R-IL) as Ranking Member of the House Energy and Commerce Committee's Subcommittee on Environment and Climate Change. Rep. McKinley previously introduced legislation with Rep. Kurt Schrader (D-OR) to reduce carbon emissions in the power sector 80% by 2050.
- Rep. Fred Upton (R-MI) will remain Ranking Member of the House Energy and Commerce Committee's Subcommittee on Energy in the 117th Congress.
- Rep. Morgan Griffith (R-VA) will replace Rep. Brett Guthrie (R-KY) as the Ranking Member of the House Energy and Commerce Committee's Subcommittee on Oversight and Investigations. Rep. Guthrie will now be Ranking Member of the Subcommittee on Health.
- Rep. Bob Latta (R-OH) will remain Ranking Member of the House Energy and Commerce Committee's Subcommittee on Communications and Technology.

Administration Staffing

- President Biden named additional acting agency secretaries that include:
 - Jane Nishida will serve as Acting Administrator of the Environmental Protection Agency (EPA). Nishida is currently EPA Deputy Assistant Administrator for International and Tribal Affairs.
 - Scott de la Vega will serve as Acting Secretary of Interior. Vega is currently Associate Solicitor for General Law at the Department of Interior.
 - Phil Rosenfelt will serve as Acting Secretary of Education. Rosenfelt is currently Deputy General Counsel for Program Service at the Department of Education.
 - Lana Hurdle will serve as Acting Secretary of Transportation until Pete Buttigieg's confirmation. Hurdle is currently Deputy Assistant Secretary for Budget and Programs at the Department of Transportation.
 - Acting Deputy Secretary Wynn Coggins, already in place at the Department of Commerce, will temporarily lead the department until the Senate confirms President Biden's nominee. As a reminder, Rhode Island Governor Gina Raimondo's nomination is to be considered by the Senate Commerce Committee on Tuesday, January 26.
- Additional staff for the Department of Transportation (DOT) have been announced and include:

- Stephanie Pollack, deputy administrator, Federal Highway Administration (FHWA)
- Meera Joshi, deputy administrator, Federal Motor Carrier Safety Administration (FMCSA)
- Amit Bose, deputy administrator, Federal Railroad Administration (FRA)
- Nuria Fernandez, deputy administrator, Federal Transit Administration (FTA)
- Lucinda Lessley, deputy administrator, Maritime Administration (MARAD)
- Steve Cliff, deputy administrator, National Highway Traffic Safety Administration (NHTSA)
- A. Bradley Mims, deputy administrator, Federal Aviation Administration (FAA)
- Florence Chen, special assistant for policy
- Tatjana Kunz, special assistant for policy
- Christopher Coes, principal deputy assistant secretary for transportation policy
- Robin Hutcheson, deputy assistant secretary for safety policy
- Michael Shapiro, deputy assistant secretary for economic policy
- Sophie Shulman, deputy chief of staff for policy
- John Putnam, deputy general counsel
- Alex Pena, special assistant to the general counsel
- Ann Carlson, chief counsel, NHTSA
- Subash Lyer, chief counsel, FTA
- Andrew Rogers, chief counsel, FHWA
- Casey Clemmons, special assistant, Pipelines and Hazardous Materials Safety Administration (PHMSA)
- Diana Lopez, senior adviser to the administrator, FRA
- Charlene Wang, special assistant, FHWA
- Laurence Wildgoose, assistant administrator for policy, intergovernmental affairs and environment, FAA
- Charles Small, deputy assistant secretary for intergovernmental affairs
- Edward McGlone, deputy assistant secretary for congressional affairs (House)
- Mohsin Syed, principal deputy assistant secretary for congressional affairs (Senate)
- Allie Panther, White House liaison
- Will Rasky, special assistant for governmental affairs
- Laura Schiller, chief of staff
- Carlos Monje, senior adviser and acting chief of staff
- Danielle Hirshberg, deputy chief of staff for operations
- Justine Hong, director of executive secretariat
- Victoria Baecher Wassmer, deputy assistant secretary for finance and budget
- Philip A. McNamara, assistant secretary for administration
- Courtenay Raymond, director of scheduling and advance

- Dani Simons, assistant to the secretary and director of public affairs
 - Robert Hampshire, principal deputy assistant secretary for research and technology
 - Maurice Henderson, senior adviser
 - Irene Marion, director, Office of Civil Rights
 - Annie Petsonk, principal deputy assistant secretary for aviation and international affairs
 - Vinn White, senior adviser for implementation
- President Biden announced additional members of the Department of Energy's senior staff, including:
 - Kelly Speakes-Backman to be Principal Deputy Assistant Secretary of Energy Efficiency and Renewable Energy
 - Jennifer Wilcox to be Principal Deputy Assistant Secretary for Fossil Energy
 - Vanessa Chan to be Chief Commercialization Officer
 - Shalanda Baker to be Deputy Director of Energy Justice
 - Jennifer Jean Kropke to be Director of the Energy Jobs Office
 - Christopher Davis to be Senior Adviser to the Energy Secretary
 - Avi Zevin to be Deputy General Counsel for Energy Policy
 - Federal Energy Regulatory Commission (FERC) Commissioner Rich Glick was selected to be the new FERC Chair. His term does not require Senate approval and will go through June 2022. Glick has served as a Commissioner for three years, providing consistent support for greenhouse gas emissions reduction. FERC is expected to have a 3-2 Republican majority until Commissioner Neil Chatterjee's term ends on June 30.
 - Mark Mazur will temporarily serve as Deputy Assistant Secretary for Tax Policy at the Department of Treasury. Mazur is currently the Director of the Tax Policy Center and previously served in the Department of the Treasury during the Obama Administration.
 - Federal Communications Commission (FCC) Commissioner Jessica Rosenworcel will serve as Acting Chair of the FCC. Rosenworcel has served on the FCC since 2012, focusing on increasing broadband deployment to close the digital divide.
 - Christopher Hoff has been named Deputy Assistant Secretary for Services at the Department of Commerce and will lead negotiations with the European Union to create a new Privacy Shield framework.
 - Nora Todd has been selected to be Chief of Staff for the U.S. Trade Representative (USTR). Todd is currently the Chief Economic Adviser to Sen. Sherrod Brown (D-OH).

Policy Agenda

- President Biden signed a directive to direct the Federal Emergency Management Agency (FEMA) to use disaster aid funding for full reimbursement of personal protective equipment (PPE) and cleaning supplies necessary to reopen schools.
- The Biden Administration signed an [Executive Order](#) last night that will begin the process of reversing a wide variety of the Trump Administration's energy and environmental policies. This will cover many recent Environmental Protection Agency (EPA) policies from the Trump Administration on methane emissions, carbon dioxide limits, the Clean Air Act, mercury limits, and science transparency. It also addressed the Department of Interior's oil and gas leasing in the Arctic National Wildlife Refuge.
 - President Biden also directed the Office of Management and Budget (OMB) to find ways to improve regulatory review, in order to address concerns of rules favoring industry interests.
- The Department of the Interior [ordered](#) that the approval process for all new drilling permits on federal lands be suspended for 60 days. This includes "any onshore or offshore fossil fuel authorization, including but not limited to a lease, amendment to a lease, affirmative extension of a lease, contract or other agreement, or permit to drill."
- During his inaugural address yesterday, President Biden pledged to restore international relations and U.S. global leadership, which was supported by his rejoining of the Paris Climate Agreement.
 - However, the Executive Order revoking the Keystone XL pipeline permit will likely cause problems with Canada, as Canadian Prime Minister Justin Trudeau has consistently supported the pipeline.
- Following the use of social media to plan the attack on the Capitol, many progressives are urging President Biden against adding tech company officials to his Administration.
 - A coalition of advocacy groups sent a [letter](#) to President Biden opposing the consideration of Renata Hesse for an antitrust enforcement position in the Department of Justice. Hesse has worked for Google and Amazon.

General Administration

- Internal Revenue Service (IRS) Commissioner Charles Rettig said today that it may be difficult for the IRS to distribute another round of stimulus checks to Americans during this year's tax filing season. Commissioner Rettig said his agency needed some time to "program and program." The second round

of stimulus checks led the IRS to delay the tax filing season to February 12, and the agency now needs time to update their files ahead of that date.

COVID-19

- In order to fulfill the goals of his [National Strategy for the COVID-19 Response and Pandemic Preparedness](#), President Biden signed ten Executive Orders and took other actions. A fact sheet on these orders can be found [here](#). The actions include:
 - Increasing production and equitable distribution of vaccination supplies, testing supplies, and personal protective equipment (PPE). *The full Executive Order may be found [here](#).*
 - Reimbursing states for National Guard and emergency supply costs. *The full Memorandum may be found [here](#).*
 - Creating a COVID-19 Pandemic Testing Board to increase testing capacity and access. *The full Executive Order may be found [here](#).*
 - Authorizing increased research into treatment and clinical care.
 - Enhancing data collection, production, sharing, and analysis. *The Full Executive Order may be found [here](#).*
 - Improving the vaccination program by establishing community vaccination centers and a federal pharmacy program.
 - Requiring guidance on reopening schools from the Departments of Education and Health and Human Services. *The full Executive Order may be found [here](#).*
 - Requiring guidance on worker safety from the Occupational Safety and Health Administration (OSHA). *The full Executive Order may be found [here](#).*
 - Mandating masks in airports and on public transportation and requiring negative COVID-19 tests from international air travelers into the U.S. *The full Executive Order may be found [here](#).*
 - Establishing a COVID-19 Health Equity Task Force to ensure equitable access, support, and data collection. *The full Executive Order may be found [here](#).*
 - Restoring U.S. leadership in global health and the international humanitarian response to COVID-19. *The full Executive Order may be found [here](#).*
- The Florida Department of Health issued [guidelines](#) to decrease COVID-19 vaccine tourism to the state, as Florida has become a popular destination for

international visitors looking to receive the COVID-19 vaccine. The guidelines now require proof of residency for all hospitals, Publix Super Markets, and state-run vaccine administration sites.

- New York Governor Andrew Cuomo announced that the state is facing a week-to-week shortage of the COVID-19 vaccine, creating “a constant pattern of basically running out, waiting for the next week’s allocation and then starting up again” New York currently has 7M residents eligible to receive the vaccine and administers a daily average of 65,000 doses.

Other News

- Before leaving office yesterday, former President Trump issued a proclamation that removed the 10% tariff on aluminum from the United Arab Emirates (UAE), replacing the tariffs with quotas. The UAE is the third largest exporter of aluminum to the U.S.
 - As a reminder, former President Trump imposed these tariffs in 2018 for national security purposes.
- Following Sweden's ban on the use of equipment from Chinese companies Huawei and ZTE from its 5G networks in October, China urged “Sweden to immediately correct the mistake, and meet China half-way and find solutions on the basis of preserving China-Sweden economic and trade cooperation.”
 - The Chinese Ministry of Commerce also accused Sweden of violating World Trade Organization rules by banning Chinese companies from 5G auctions.
- Google requested that the antitrust suit against its advertising technology that it is currently facing in a Texas federal court be transferred to California. Google argued that it is facing six additional antitrust suits in California, which is closer to its headquarters and necessary resources.
 - It is unlikely that Texas will agree to this transfer as the Texas Attorney General, who leads the suit, selected the specific court for its reputation of quickly hearing cases.
- The D.C. Circuit Court of Appeals issued a temporary stay on EPA exemptions for three refineries from Renewable Fuel Standard requirements, asking the EPA to explain the action by February 3. It is likely that the Biden Administration’s EPA will use exemptions in a more limited capacity.
- The Biden Administration has already received support for yesterday’s COVID-19 and immigration Executive Orders from tech companies. These companies include Microsoft, Amazon, Google, Twitter, and IBM, among others. Facebook has also been supportive of the Biden Administration addressing immigration reform. As a reminder and as we shared in our update last night, TechNet and the Information

Technology Industry Council joined a letter by the National Immigration Forum urging the Biden Administration and Congress to quickly pass comprehensive immigration reform, including improvements to high-skilled worker visas.

- Members of the Information Technology Industry Council include Microsoft, Facebook, Google, Apple, Amazon, IBM, and Oracle.