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Ladies & Gentlemen,

Below please find this week's edition of *Executive Insight Brief* from The Roosevelt Group.

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Executive Insight Brief

May 26, 2023

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Notable Headlines

- [Biden, McCarthy See Progress but No Deal on Debt Ceiling](#)
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Worth reading: [The Policy Fights Where DeSantis Sees His Chance to Hit Trump](#)

Aerospace & Defense

[South Korean Artillery Supply Allows U.S. to Delay Decision on Cluster Munitions for Ukraine \(WSJ\)](#)

South Korea is proceeding with the transfer of hundreds of thousands of artillery rounds for Ukraine, a move that U.S. officials said would make Kyiv's planned offensive against Russian forces effective and allow the White House to delay a fraught decision about whether to supply cluster munitions banned by many countries. The decision marks a turnabout by Seoul, which had pledged the artillery in November but then balked at providing lethal assistance, following months of U.S. pleas for help as the Pentagon's own supply of artillery dwindles. Under the confidential arrangement, South Korea is transferring the shells to the U.S., which in turn has arranged for them to be sent to Ukraine. The White House declined to comment, as did a South Korean government spokesman in Seoul. The Pentagon declined to say how the shells are being sent or when the transfer is to be completed, but acknowledged that it has been in discussion with Seoul on buying its ammunition. South Korea's contribution of rounds has enabled the Biden administration to delay for now a decision on whether to send cluster munitions—the "dual-purpose improved conventional munition" in Pentagon parlance—to the Ukrainians. The breakthrough on South Korea's ammunition supply comes soon after Washington and Seoul issued a joint declaration on security issues during South Korean President Yoon Suk Yeol's visit to Washington last month, another move to strengthen ties. That declaration gave Seoul a greater voice in consultations over a potential American nuclear response to a North Korean attack, in return for a pledge to forgo the development of its own nuclear weapons. Washington first approached the Seoul government last year and asked it to provide artillery for the war in Ukraine. The two sides worked out an initial confidential agreement, but the South Koreans got cold feet after it emerged in the media, according to U.S. officials.

[Seeking a Bigger Bang, U.S. Invests in Advanced Explosives](#)

[F-16s won't be a 'magic weapon' for Ukraine, Milley warns \(Politico\)](#)

The military's top general cautioned Thursday that F-16s won't act as a "magic weapon" for Ukraine, but the U.S. is fully behind a group of NATO allies taking the lead on training and potentially transferring the jets to Kyiv. "The Russians have 1,000 fourth-generation fighters," Joint Chiefs Chair Gen. Mark Milley told reporters at the Pentagon following a virtual meeting of the multinational Ukraine Defense Contact Group. "If you're gonna contest Russia in the air, you're gonna need a substantial amount of fourth and fifth generation fighters, so if you look at the cost curve and do the analysis, the smartest thing to have done is exactly what we did do, which is provide a significant amount of integrated air defenses to cover the battlespace and deny the Russians the airspace." Milley's comments followed similar points made this week by Air Force Secretary Frank Kendall, who said the jets are "not going to be a dramatic game-changer" for Ukraine, though "it's something that makes sense for them. It's going to help them" in the long run. Fighter jets are vastly more expensive than artillery rounds and ground vehicles, which Western allies have focused on flooding into Ukraine to help push Russian forces back in the south. Spending the money on those near-term weapons, as opposed to expensive warplanes with their complex logistical needs, has been worthwhile, Milley said. "If you look at the F-16, 10 F-16s [cost] a billion dollars, the sustainment cost another billion dollars, so you're talking about \$2 billion for 10 aircraft," Milley said, adding that if the planes had been sent sooner, they would have eaten up the funding for those other capabilities that have put Ukraine on their front foot. "There are no magic weapons in war, F-16s are not and neither is anything else," he said. Also Thursday, Defense Secretary Lloyd Austin announced that Denmark and the Netherlands are taking the lead in the joint coalition to train Ukrainian pilots on modern fighter jets. He said Norway, Belgium, Poland and Portugal have also pledged to take part in the training. The coalition plans to train roughly 20 Ukrainian pilots initially, although the exact number will depend on the countries' capacity to support the project, according to a UK government spokesperson, who was granted anonymity to discuss details ahead of an announcement. Ukraine will require a pipeline of pilots to learn the fundamentals of flying who can then move up to jets, the spokesperson said. To that end, the first stage of instruction will focus on ground-based basic training of Ukrainian pilots, who will then be ready to learn specific airframes, such as the F-16 and others. The F-16 training will take place at a site in Europe, Defense Department officials have said.

[China Committee wants Congress to establish a Taiwan weapons stockpile](#)

[CQ Brown is Biden's pick for next Chairman of the Joint Chiefs – here's how he might approach the role \(Breaking Defense\)](#)

President Joe Biden today officially nominated Air Force Chief of Staff Gen. CQ Brown as the next chairman of the Joint Chiefs of Staff, setting up a Senate confirmation vote for Brown to take the reins as the nation's top military advisor. The widely-anticipated move, which was first reported by Politico, comes at a critical juncture for the Pentagon. The department is attempting to shift from its War on Terror assets and training into a military focused largely on China — known within Pentagon parlance as the nation's "pacing challenge" — as well as countering what officials call the "acute threat" posed by Russia in Europe. Speaking in the Rose Garden, Biden this afternoon praised Brown as a leader who has built a reputation as an "unflappable and highly effective leader." Brown's tenure will undoubtedly be dominated by Beijing. Should Brown be confirmed, by the end of his four-year tenure in 2027, officials have said Chinese President Xi Jinping has instructed his military to be prepared to invade Taiwan. As a former commander of US air forces in the Middle East and Indo-Pacific with previous stints in Europe as well, Brown has seen first hand how older platforms have performed well in uncontested environments flying sorties over places like Afghanistan but could be ill-prepared to survive the kinds of integrated air defenses that have proven their worth in the ongoing Ukraine war. Brown would be the first Air Force officer to hold the post since 2005, following what many viewed as a snub by then-President Donald Trump of former Air Force Chief of Staff David Goldfein. Brown would also be the second Black man confirmed to the post after previously serving as the first-ever Black man to lead a military branch, and would join Defense Secretary Lloyd Austin as the first pair of Black men to lead the DoD. Austin praised Brown's nomination, saying in a statement he "enthusiastically" supports Biden's pick and said Brown "has developed the expertise, the vision, and the warfighting acumen to help the President and senior DoD leaders navigate today's toughest national security challenges."

Budget & Appropriations

[In Debt-Limit Fight, Biden Scores a Win on Defense Spending \(Bloomberg\)](#)

Republican debt-limit negotiators are setting aside demands for large increases in defense spending and instead settling for a smaller increase President Joe Biden sought in his budget proposal, people familiar with the talks said. The emerging consensus on a defense number marks a significant victory for Democrats, who have been trying to bat back Republican efforts to augment Biden's proposed \$886.3 billion proposal for national security next year, which is already a 3.3% increase over current levels. The Pentagon would receive \$842 billion of that request, according to the people, who spoke on condition of anonymity because no final agreement has yet been concluded. House Speaker Kevin McCarthy acknowledged Republican hopes for a defense build-up would

have to be curtailed but didn't disclose specifics of what is under consideration. "I know people would like to spend more," he told reporters at the Capitol on Thursday. But, he added, this is "where we are." Republicans have also demanded dramatic cuts to domestic spending in exchange for their agreement to raise the debt ceiling before June 1, the date by which Treasury Secretary Janet Yellen warns the US could run out of cash to pay its bills. Funding levels for non-defense accounts are still being negotiated. McCarthy signaled he was willing to agree to the president's requested level for defense accounts, according to two of the people, after the GOP was pressing for an increase. Republican proposals to boost defense spending even as they demand sharp cuts to the rest of the federal budget have provoked determined opposition from Democrats. Defense spending already makes up more than half of the US discretionary budget. Should a deal be reached soon, Tuesday is emerging as the likely day for a House vote. The Senate would then need to act quickly to send it to Biden's desk before the June 1 deadline.

[Leadership dynamics explain why there's still no debt limit deal](#)

[Biden Administration Dusts Off Contingency Plan if Debt-Ceiling Deadline Passes \(WSJ\)](#)

The Treasury Department is preparing to change how the U.S. processes federal agencies' payments if the debt ceiling is breached, dusting off a contingency plan crafted after the 2011 borrowing-limit standoff, people familiar with the matter said. Just days away from becoming unable to pay all of the government's bills on time unless Congress raises the debt limit, Treasury officials have been quietly laying the groundwork for potentially delaying some payments after June 1. Under the backup plan created for a debt-limit breach, federal agencies would submit payments to the Treasury Department no sooner than the day before they are due, the people familiar with the talks said. That would represent a change from the current system, in which agencies may submit payment files well before their due dates. The Treasury Department processes them on a rolling basis, often ahead of the deadlines. Some payments are already sent to the department one day early, one person said. The plan would enable the Treasury to make daily decisions about whether it can pay all of the government's bills the next day. It has been discussed across the government, but the department hasn't instructed agencies to change how they pay bills. In those conversations, Treasury officials have also discussed how they would likely delay payments until they have enough cash to pay the full day's worth of bills, according to people familiar with the matter, though no final decision has been made about how delayed payments could be resolved. Officials across the federal government are bracing for the possibility that Congress won't raise the roughly \$31.4 trillion borrowing cap in time. Treasury Secretary Janet Yellen has warned that the U.S. could become unable to pay all of its bills on time as soon as June 1 if lawmakers don't act. The contingency plan discussed with federal agencies doesn't specify whether the U.S. would try to make sure it pays certain bills on time. But because the reliability of Treasury securities are central to the global financial system, officials at the Treasury

Department and the Federal Reserve in the past discussed giving priority to debt payments. In public minutes from meetings in 2011 and 2013, Fed officials discussed their plan with the Treasury Department to ensure that the government paid back investors for principal and interest on the debt. All other bills would be subject to a day-by-day evaluation of whether the government had enough cash to pay them, according to the documents. In recent conversations with other agencies about how payments could be delayed, Treasury officials haven't indicated whether the U.S. would make debt payments the priority, according to people familiar with the conversations. The Treasury Financial Manual, a publication describing how to manage the government's finances, lays out the plan to shift to a day-by-day payment system under a "debt ceiling constraint." It doesn't state whether the U.S. would give priority to debt payments.

[House conservatives blanch at leaked details of McCarthy-Biden debt talks](#)

[Hill-favored projects called defense budget's 'black hole' \(Roll Call\)](#)

Congress directed the Pentagon to spend \$12.2 billion in the current fiscal year on nearly 1,000 different "program increases" in the Defense spending bill's research account alone, projects pushed by lawmakers that the Defense Department did not publicly request, according to a previously unpublicized database. As spending on the overall defense budget grew in the last several years, the number of these lawmaker-inserted projects has ballooned from 600 in fiscal 2021 to 996 today, a 66 percent hike, according to the database, compiled by Taxpayers for Common Sense, a nonpartisan group that monitors government spending. The initiatives, which average \$12 million apiece, are each tiny when considered separately, at least in the massive Pentagon budget, which is more than \$800 billion. For that reason, the individual projects, like the larger phenomenon of surging congressional additions to the defense research budget, have received virtually no attention in the press. "It's grown to more than \$12 billion crammed into the services research accounts out of public view and without oversight," Steve Ellis, president of Taxpayers for Common Sense, said in an interview. To be sure, Congress has a duty to write defense spending bills as it sees fit. What's more, on many occasions these congressional "plus-ups" or "adds" — which are often supported by Defense Department officials at military research labs or executives at start-up companies, even if not by senior Pentagon leadership — have led to what are widely considered useful outcomes. These include Predator drones that transformed military operations, and the Maui Space Surveillance Complex, where Air Force personnel track space objects and conduct laser research. But the recent uptick in congressionally initiated spending on hundreds of defense research projects has gone on with little transparency or independent oversight. It is not clear how much the U.S. military has gotten out of it all. And there are unresolved questions about how often the contracts that follow from these appropriations are

competitively awarded, as advertised. That is the upshot from interviews with a dozen current and former congressional aides, lobbyists, Defense Department officials, auditors and nongovernmental experts on military budgets, most of whom requested anonymity because they are, with a few exceptions, still participants in the defense budget process and are concerned about professional consequences. A former senior Pentagon financial official said the department has a lot of measures for gauging the effectiveness of weapons but “less often do we ask: ‘Did we get our money’s worth?’” As Congress gears up to begin writing defense authorization and appropriations bills for fiscal 2024 in the coming weeks, any newly proposed defense research program increases may draw more scrutiny than usual, especially if the budget deal that emerges from debt limit talks puts downward pressure on Pentagon spending. The defense research projects are not the only additions to the Pentagon budget that are not requested. Congress adds billions each year for everything from weapons to medical research, much of which is not publicly endorsed or is even, in some cases, opposed by Defense Department leaders.

Advanced Technologies

[Why North and South Korea Have Big Ambitions in Space: An ‘Unblinking Eye’ \(WSJ\)](#)

The two Koreas are elevating a space race aimed at modernizing how each country monitors the other’s improving military firepower. As hopes for a diplomatic breakthrough have dimmed in recent years, North and South Korea have grown more antagonistic toward one another and upped their displays of military might. They have traded missile tests. Pyongyang has sent drones that flew over downtown Seoul. South Korea has sharpened security and defense ties with the U.S. and Japan. The rise in tensions has elevated the importance—and need—for spy-satellite technology that neither country now has. South Korea cleared a significant technological marker on Thursday, launching multiple commercial satellites aboard a homegrown rocket for the first time. North Korea’s Kim Jong Un regime stands poised to soon fly its first military reconnaissance satellite. Nuri, South Korea’s three-stage liquid-fuel rocket, blasted off at 6:24 p.m. local time Thursday from the Naro Space Center in Goheung, a city on the country’s southern coast. The 200-ton rocket launched into space and deployed eight satellites into orbit about 342 miles above Earth, about 13 minutes after liftoff. Seoul has the clear technological advantage, weapons analysts say, though Pyongyang has been quick to advance its sanctioned missile program to develop long-range rockets that can carry satellites. Both nations remain years away from having a full-fledged network of spy satellites. But attaining the technology would allow the countries to identify military targets to precisely launch strikes during potential conflict without relying on their allies’ satellite technology for information. In North Korea’s case, space-based satellite technology is essential for its nuclear strategy. Having eyes in the sky would serve as an additional asset to launching nuclear strikes with better accuracy, said Yang Uk, a military expert at the Asan Institute for Policy Studies, a think tank in Seoul. Should the technology progress enough, North

Korea could potentially identify nuclear strike targets in the U.S., he added. The U.S. possesses the most military satellites in the world, and allies like South Korea rely on Washington for information, such as monitoring the Kim regime's strategic facilities. But Seoul has long held ambitions to harness an independent space reconnaissance program. Doing so, South Korean officials have said, would enable the country to keep an "unblinking eye" on their northern neighbors. Furthermore, Seoul's military has been in the process of regaining full operational control of its military from Washington, which South Korean President Yoon Suk Yeol said would require South Korea to secure and operate reconnaissance assets.

[South Korea warns US could 'overburden' its chipmakers with China limits](#)

[OpenAI warns over split with Europe as regulation advances \(Financial Times\)](#)

OpenAI chief Sam Altman has warned that Brussels' efforts to regulate artificial intelligence could lead the maker of ChatGPT to pull its services from the EU, in the starkest sign yet of a growing transatlantic rift over how to control the technology. Speaking to reporters during a visit to London this week, Altman said he had "many concerns" about the EU's planned AI Act, which is due to be finalized next year. In particular, he pointed to the European parliament's move this month to expand its proposed regulations to include the latest wave of general purpose AI technology, including large language models such as OpenAI's GPT-4. "The details really matter," Altman said. "We will try to comply, but if we can't comply we will cease operating." Altman's warning comes as US tech companies prepare for what some predict will be a drawn-out battle with European regulators over a technology that has shaken up the industry this year. Google's chief executive Sundar Pichai has also toured European capitals this week, seeking to influence policymakers as they develop "guardrails" to regulate AI. The EU's AI Act was initially designed to deal with specific, high-risk uses of artificial intelligence including its use in regulated products such as medical equipment or when companies use it in important decisions for granting loans and making hiring decisions. However, the sensation caused by the launch of ChatGPT late last year has caused a rethink, with the European parliament this month setting out extra rules for widely used systems that have general applications beyond the cases previously targeted. The proposal still needs to be negotiated with member states and the European Commission before the law comes into force by 2025. The latest plan would require makers of "foundation models" — the large systems that stand behind services such as ChatGPT — to identify and try to reduce risks that their technology could pose in a wide range of settings. The new requirement would make the companies that develop the models, including OpenAI and Google, partly responsible for how their AI systems are used, even if they have no control over the particular applications the technology has been

embedded in. The latest rules would also force tech companies to publish summaries of copyrighted data that had been used to train their AI models, opening the way for artists and others to try to claim compensation for the use of their material. US tech companies have urged Brussels to move more cautiously when it comes to regulating the latest AI, arguing Europe should take longer to study the technology and work out how to balance the opportunities and risks.

[The AI side of AUKUS: UK reveals ground-breaking, allied tech demo](#)

[White House Releases New AI National Frameworks \(Defense One\)](#)

The White House launched a series of new executive initiatives on fostering a culture of responsible artificial intelligence technology usage and practice within the U.S. on Tuesday, featuring a national strategic R&D plan and education objectives. Following previous national frameworks, the three new announcements from the Biden administration act as guidelines to help codify responsible and effective AI algorithm usage, development and deployment, absent federal law. "The federal government plays a critical role in this effort, including through smart investments in research and development (R&D) that promote responsible innovation and advance solutions to the challenges that other sectors will not address on their own," the strategic plan executive summary reads. Among the three announcements include a new roadmap of priority R&D areas in the AI sector for federal investments, a public request for information on how the federal government can best mitigate AI system risk, and an analysis documenting benefits and risks to AI technologies in education. The R&D Strategic Plan, developed by the White House Office of Science and Technology Policy, is composed of several pillars to invest in safe-by-design AI systems that can be implemented in a social context. Those pillars include prioritizing long-term investments in responsible AI; developing methods for enhanced human-AI collaboration and understanding; thoroughly compiling a definitive list of ethical, legal and societal risks and benefits to AI system deployment; developing shared public datasets for broad AI algorithmic training; evaluating the needs of an AI-savvy workforce; expanding public and private sector partnerships; and establishing international collaborations on AI research efforts. "The federal government plays a critical role in ensuring that technologies like AI are developed responsibly, and to serve the American people," the plan's fact sheet reads. "Federal investments over many decades have facilitated many key discoveries in AI innovations that power industry and society today, and federally funded research has sustained progress in AI throughout the field's evolution."

Military Installations & Communities

[Leaders Let Problems Mount at Brutal SEAL Course, Navy Finds \(NYT\)](#)

The notoriously grueling Navy SEAL selection course grew so tough in recent years that to attempt it became dangerous, even deadly. With little oversight, instructors pushed their classes to exhaustion. Students began dropping out in large numbers, or turning to illegal drugs to try to keep up. Unprepared medical personnel often failed to step in when needed. And when the graduation rates plummeted, the commander in charge at the time blamed students, saying that the current generation was too soft. Those are the findings of a lengthy, highly critical Navy report released on Thursday, detailing how “a near perfect storm” of problems at the Basic Underwater Demolition/SEAL course, known as BUD/S, injured large numbers of students, sent some to the hospital and left one dead. “The investigation revealed a degree of complacency and insufficient attentiveness to a wide range of important inputs meant to keep the students safe,” the report concludes. The Navy ordered a review of the course in September, days after The New York Times reported that instructors kept students in frigid water for long periods, denied them sleep, hit and kicked them, and refused to allow many injured students to receive medical care unless they first quit the course, which is held on the beach at Naval Base Coronado near San Diego. Students said that medics regularly did not intervene, and sometimes participated in the abuse. The problems came to a head with the February 2022 death of Seaman Kyle Mullen, a SEAL candidate who had been suffering from pneumonia and other ailments for days during the course’s most grueling section, known as Hell Week, but received no meaningful intervention from instructors or the course medical staff. Based on the findings in the report, the Navy has made a number of changes in the course, and has reassigned eight sailors and officers for failing to perform their duties, including the commodore of the Navy Special Warfare training center, Capt. Brian Drechsler, and the training command’s chief medical officer, Dr. Erik Ramey. A Navy spokesman said a number of Navy personnel had been referred to Navy legal authorities for possible punishment.

[Army Special Operations Could Be Cut 10% as Military Looks to Conventional Warfare](#)

[Rogers launches probe into Space Command HQ delay \(Politico\)](#)

House Armed Services Chair Mike Rogers (R-Ala.) is launching a probe into changes in U.S. Space Command’s mission and headquarters requirements, turning up the heat on

the Biden administration over the permanent home for the re-established four-star command. Rogers declared in a letter Thursday that the panel will pursue the issue after Air Force Secretary Frank Kendall told lawmakers from Alabama, the initial choice to permanently host Space Command, in a meeting that he found "fundamental changes" made to mission and headquarters requirements and expenditures at the unit's temporary facilities in Colorado that "are apparently divorced from DoD's stated policy." "Secretary Kendall informed the delegation that he launched his own investigation into these irregularities," Rogers wrote to Kendall and Space Command head Gen. James Dickinson. "The Committee on Armed Services will also undertake its own investigation into this matter." Alabama's mostly Republican delegation has accused the administration and lawmakers from Colorado, who stand to lose Space Command, of playing politics following reports that they're considering reversing a decision by the Trump administration to relocate the command to Huntsville. Rogers did not outline what specific changes were made that alarmed him and other lawmakers. But the Armed Services chair has previously alleged "politically motivated interference" by Biden officials in the final decision on the headquarters, and the missive could indicate a concern about steering the command to remain in Colorado. Rogers asked Kendall and Dickinson to provide the committee with documents and communications since Biden took office related to changes in Space Command's mission or facilities requirements, facilities used by Space Command at its temporary headquarters in Colorado Springs, and any directive related to changing its missions or policies. Both officials were given a June 8 deadline. He also requested Kendall provide Armed Services with documents related to his review of changes at Space Command and all records, interviews, notes and other information relied on in the review by June 16. The Air Force was slated to make a final call on the location of the command by December, but no decision has been made nearly five months later. Colorado's delegation has sought to undo the decision to move Space Command across the country, made in the final days of then-President Donald Trump's term. They argue choosing Alabama was a politically motivated selection by Trump and that the new space cell will be fully operational quicker if it remains at Peterson Space Force Base in Colorado Springs. Alabama lawmakers, meanwhile, have argued the delay by the Biden administration is political. They point to Huntsville's Redstone Arsenal outranking Colorado Springs in official basing criteria.

[The Space Force's new fitness regime has landed](#)

[House Passes Bill to Permanently Authorize VA's Tech Training Program \(Nextgov\)](#)

The House overwhelmingly passed legislation on Wednesday to permanently authorize the Veteran Employment Through Technology Education Courses—or VET-TEC—program, which provides eligible veterans with tuition support to receive training for careers in the tech sector. The 409-9 vote came after a pair of senators introduced

legislation in the upper chamber earlier this week to similarly extend the program. The VET-TEC Authorization Act—introduced by Reps. Juan Ciscomani, R-Ariz., and Ro Khanna, D-Calif., on March 21—would permanently fund the Department of Veterans Affairs’ VET-TEC program, a five-year pilot that was established following passage of the Harry W. Colmery Veterans Educational Assistance Act in 2017. The program provides veterans with “the opportunity to enroll in high technology programs of education that the [VA] Secretary determines provide training or skills sought by employers in a relevant field or industry.” The pilot officially launched in 2019, and has “an 84 percent graduation rate for the 12,000 veterans who’ve already completed it,” according to Ciscomani’s office. “The authorization of the VET-TEC training program will empower a new wave of veterans when transitioning from their time in uniform to the workforce,” Ciscomani added in a statement following the House passage of the bill. “I am proud to have bipartisan support for this important effort and thrilled to see it coming one step closer to law.” House Speaker Kevin McCarthy, R-Calif.—who sponsored the original VET-TEC Act that was signed into law in 2017—tweeted after the vote that passage of the bill would allow VA “to expand and extend the program for many more years to come.” The legislation favorably passed the House Veterans’ Affairs Committee in a markup on April 28. Rep. Mike Bost, R-Ill.—who chairs the panel—said at the time that VET-TEC providers told the committee earlier in the week that the program had run out of funding and was unable to accept any new students. The bill’s overwhelmingly bipartisan passage in the House came just a day after Sens. Kevin Cramer, R-N.D., and Angus King, I-Me., introduced similar legislation in the Senate to permanently fund the program.

Homeland Security

[Oath Keepers Founder Stewart Rhodes Sentenced to 18 Years for Seditious Conspiracy \(WSJ\)](#)

A federal judge sentenced Oath Keepers founder Stewart Rhodes to 18 years in prison for plotting to forcefully prevent the peaceful transfer of presidential power, capping the seditious-conspiracy case against the far-right group’s leader with the stiffest punishment to date stemming from the Jan. 6, 2021, attack on the Capitol. Judge Amit Mehta handed down the sentence on Thursday at a federal courthouse just blocks from the Capitol after a more than three-hour hearing in which prosecutors underscored Rhodes’s role in orchestrating what they called an attack on democracy. In extended remarks, Mehta said it was clear that Rhodes “wanted the democracy in this country to devolve into violence.” “You, sir, present an ongoing threat and a peril to this country, to the republic and the very fabric of our democracy,” the judge said. Before issuing the sentence, Mehta sided with the Justice Department’s request to apply an enhanced terrorism penalty for Rhodes, saying the Oath Keepers leader had committed an offense against an “institution of American democracy at its most important moment—the transfer of power.” “That’s pretty significant,” the judge said. “That’s what the jury found, and I agree with them.” In a

separate case earlier this month, Mehta, an Obama appointee, ordered a 14-year prison term that previously stood as the longest sentence in the wave of more than 1,000 prosecutions arising out of the Capitol attack. Wearing an orange prison jumpsuit and his signature black eye patch, Rhodes stood up during the hearing to deliver a defiant address railing against what he called the “systemic violence from the left” and efforts to “shut down the free speech” of former President Donald Trump’s supporters. Federal prosecutors had recommended a 25-year sentence for Rhodes, with assistant U.S. attorney Kathryn Rakoczy arguing Thursday that he oversaw a conspiracy to “intimidate and coerce” lawmakers who had gathered to certify President Joe Biden’s victory over Trump. “That is terrorism,” she said, “and it is conduct that threatened and continues to threaten the rule of law in the United States.” The seditious-conspiracy charge carries a maximum penalty of 20 years in prison, but Rhodes was convicted on other charges as well.

[Securing U.S. Intellectual Property ‘Top Priority’ for Federal Law Enforcement](#)

[Chinese Malware Hits Systems on Guam. Is Taiwan the Real Target? \(NYT\)](#)

Around the time that the F.B.I. was examining the equipment recovered from the Chinese spy balloon shot down off the South Carolina coast in February, American intelligence agencies and Microsoft detected what they feared was a more worrisome intruder: mysterious computer code appearing in telecommunications systems in Guam and elsewhere in the United States. The code, which Microsoft said was installed by a Chinese government hacking group, raised alarms because Guam, with its Pacific ports and vast American air base, would be a centerpiece of any American military response to an invasion or blockade of Taiwan. The operation was conducted with great stealth, sometimes flowing through home routers and other common internet-connected consumer devices, to make the intrusion harder to track. The code is called a “web shell,” in this case a malicious script that enables remote access to a server. Home routers are particularly vulnerable, especially older models that have not had updated software and protections. Unlike the balloon that fascinated Americans as it performed pirouettes over sensitive nuclear sites, the computer code could not be shot down on live television. So instead, Microsoft on Wednesday published details of the code that would make it possible for corporate users, manufacturers and others to detect and remove it. In a coordinated release, the National Security Agency — along with other domestic agencies and counterparts in Australia, Britain, New Zealand and Canada — published a 24-page advisory that referred to Microsoft’s finding and offered broader warnings about a “recently discovered cluster of activity” from China. Microsoft called the hacking group “Volt Typhoon” and said that it was part of a state-sponsored Chinese effort aimed at not only critical infrastructure such as communications, electric and gas utilities, but also maritime

operations and transportation. The intrusions appeared, for now, to be an espionage campaign. But the Chinese could use the code, which is designed to pierce firewalls, to enable destructive attacks, if they choose. So far, Microsoft says, there is no evidence that the Chinese group has used the access for any offensive attacks. Unlike Russian groups, the Chinese intelligence and military hackers usually prioritize espionage. The Biden administration has declined to discuss what the F.B.I. found as it examined the equipment recovered from the balloon. But the craft — better described as a huge aerial vehicle — apparently included specialized radars and communications interception devices that the F.B.I. has been examining since the balloon was shot down. It is unclear whether the government's silence about its finding from the balloon is motivated by a desire to keep the Chinese government from knowing what the United States has learned or to get past the diplomatic breach that followed the incursion.

[The China Hawk in Washington Rattling Corporate Boardrooms](#)

[America's nuclear secrets are vulnerable to fraudsters and spies, watchdog report says \(NBC News\)](#)

A new watchdog report says the federal agency that keeps the nation's nuclear secrets has failed to establish an "insider threat" program to guard against fraudsters, leakers and spies in its midst, a decade after a presidential order to do so. The bluntly-worded report by the Government Accountability Office says the Energy Department has for years failed to act on recommendations from four independent reviewers pointing to gaping holes in its efforts to create an insider threat program. And it notes that in 2017, the most recent year data was available, there were about 250 unclassified insider threat-related security incidents, including sending classified information over unclassified systems, leaving security areas unattended and not properly protecting classified information. There were also several malicious incidents, the report notes, including a nuclear safety program manager sentenced to 18 months in prison for accepting almost \$500,000 in bribes in exchange for official acts. "The theft of nuclear material and the compromise of information could have devastating consequences," the GAO said. "Threats can come from external adversaries or from 'insiders,' including employees or visitors with trusted access... Such threats could have significant consequences for national security and could include unauthorized release of classified information; workplace violence; or improper access to sensitive nuclear weapons, material." The GAO report comes after NBC News reported exclusively last year that at least 154 Chinese scientists who worked on government-sponsored research at the Energy Department's Los Alamos National Laboratory over the last two decades have been recruited to do scientific work in China — some of which helped advance military technology that threatens America's national security. A report by Strider Technologies described what it calls a systemic effort by the Chinese government to place Chinese scientists at Los Alamos, where nuclear weapons were first developed. Many of the scientists were later lured back to China to help make

advances in such technologies as deep-earth-penetrating warheads, hypersonic missiles, quiet submarines and drones, according to the report. It said the scientists were paid as much as \$1 million through participation in Beijing's "talent programs," designed to recruit Chinese scientists to return to the Asian country. A former Los Alamos scientist pleaded guilty in 2020 to lying about his involvement in a Chinese recruitment program, but most of the conduct described in the report appears to have been legal. The kind of technology transfer described in the Strider report is among the risks that insider threat programs are designed to mitigate. In a written response included in the GAO report, the Energy Department said it agreed with all the recommendations, and made a series of promises to essentially do better.

Transportation & Infrastructure

[U.S. warns China could hack infrastructure, including pipelines, rail systems \(Reuters\)](#)

The U.S. State Department warned on Thursday that China was capable of launching cyber attacks against critical infrastructure, including oil and gas pipelines and rail systems, after researchers discovered a Chinese hacking group had been spying on such networks. A multi-nation alert issued Wednesday revealed the Chinese cyber-espionage campaign had been aimed at military and government targets in the United States. The Chinese government has rejected assertions that its spies are going after Western targets, calling the warning issued by the United States and its allies a "collective disinformation campaign." U.S. officials said they were still in the process of getting their arms around the threat. "We've had at least one location that we didn't know about since the hunt guide was released come forward with data and information," Rob Joyce, the U.S. National Security Agency's (NSA) cybersecurity director, told Reuters. The agency disclosed technical details earlier to help critical service providers detect the spying. The U.S. Cybersecurity and Infrastructure Security Agency (CISA) separately said it was working to understand "the breadth of potential intrusions and associated impacts." That would help it "provide assistance where needed, and more effectively understand the tactics undertaken by this adversary," CISA's executive assistant director, Eric Goldstein, told Reuters. Part of the challenge in defending against this espionage work is that it's more covert than regular spy operations, according to researchers and officials. Microsoft analysts who identified the campaign, which they dubbed Volt Typhoon, said it "could disrupt critical communications infrastructure between the United States and Asia region during future crises" - a nod to escalating U.S.-China tensions over Taiwan and other issues. "The U.S. intelligence community assesses that China almost certainly is capable of launching cyberattacks that could disrupt critical infrastructure services within the United States, including against oil and gas pipelines and rail systems," State Department spokesperson Matthew Miller said in a press briefing. "It's vital for government and network defenders in the public to stay vigilant." U.S. agencies have been pushing for improved cybersecurity practices in its majority-privately held critical infrastructure

industry, after the 2021 hack of the key Colonial Pipeline disrupted nearly half of the U.S. East Coast's fuel supply. Intelligence agencies in the United States, Britain and their close allies issued an alert Wednesday to warn about Volt Typhoon.

[Strikes in Europe: How to Plan Around Them](#)

[Boeing CEO warns biofuels will 'never achieve the price of jet fuel' \(Financial Times\)](#)

Boeing's boss has warned that new climate-friendly biofuels will "never achieve the price of jet fuel", pouring cold water on a central pillar of the aviation sector's strategy to slash emissions. Airlines say sustainable aviation fuels (SAF) — made from food waste such as cooking oil and plants — can bring rapid decarbonisation by replacing the kerosene-type fuels, such as Jet A, used in aircraft today. But SAF currently accounts for less than 1 per cent of global aviation consumption and trades for at least twice the price of traditional jet fuel. "We will create scale and get more economic," Boeing chief executive Dave Calhoun said. But he added: "No, I don't think we will ever achieve the price of Jet A. I don't think that will ever happen. It is more positive and it will have an impact, but it's gonna be what it's gonna be." The comments from Calhoun echo concerns raised privately in the sector about the difficulties — and expense — involved in decarbonising an industry that, in creating mass transcontinental travel, represented one of the crowning achievements of the petroleum era. "He's saying the quiet bit aloud," said Robert Campbell, head of energy transition research at Energy Aspects, referring to Calhoun's comments. "There are no cheap ways to do SAF — if there were, we would already be doing them." Tax credits for SAF production in the US were among vast clean energy subsidies in the Biden administration's sweeping Inflation Reduction Act (IRA), passed last year. The EU has also mandated that airports use increasing volumes of SAFs to fuel jets in Europe. The International Air Transport Association, a trade group including the world's biggest airlines, set a target in 2021 to achieve net zero emissions by 2050. SAF would account for 65 per cent of the abatement, IATA reckons. But the move would be costly, said Willie Walsh, the former chief executive of British Airways, who runs IATA. "Passengers will have to pay higher fares. We need to be honest with our customers", Walsh said. "Airlines are not in a financial position to absorb that cost, so ultimately it will have to be passed on to consumers." The US price of sustainable aviation fuel on Friday closed at \$6.83 a gallon, while a gallon of jet fuel cost \$2.34, according to energy data provider Argus Media.

[Siemens Energy Plans U.S. Power Grids Push to Tap Into IRA Boost](#)

[Container Shipping Has Cratered, as Ship Owners Try to Avoid Unprofitable Trips \(WSJ\)](#)

Boxship owners are losing money on once-lucrative trans-Pacific routes from Asia as weaker demand for apparel, furniture and electronics cuts into ocean carriers' earnings. It is an ominous sign as the shipping industry approaches its peak season. Demand normally rises during the summer and early autumn as retailers bring in higher levels of merchandise for crucial selling periods, such as the year-end holidays. Ship operators including A.P. Moller-Maersk and Hapag-Lloyd say they need freight rates to increase to cover their operating costs. For now, there are too many ships in the water bidding for cargo, resulting in heavy competition on prices. Average daily freight rates from Asia to the U.S. West Coast across the Pacific are at roughly \$1,500 per 40-foot container, compared with more than \$14,000 a year ago, according to the Freightos Baltic Index. The cost to send a box from Asia to Europe is at roughly \$1,400, compared with nearly \$11,000. The rates for both trade lanes are hovering around 2019 levels, but fuel and labor expenses are higher now than before the pandemic. "Spot rates are at a level that in the long run are not sustainable, with costs up by 25% to 30% since 2019," Rolf Habben Jansen, chief executive of Hapag-Lloyd, said on the German box-ship company's earnings call earlier this month. In some cases, certain voyages don't make sense "because you simply lose too much money," he said. Box-ship operators were among the biggest pandemic winners. Orders for imported goods began to climb in 2020 as consumer spending surged on demand for products as diverse as electronics and chairs. Supply-chain delays made slots on ships harder to get, helping push freight rates up to about \$20,000 a box on some routes. Several companies posted record profits, largely because of higher prices and elevated demand. Demand began to taper last year as orders to move cargo dried up, prompting carriers to cancel sailings along some of the world's busiest trade routes. Pricing power for ship operators has diminished, but some publicly listed operators still produced hefty early-year profits. A recovery in prices during the peak season is doubtful, said Peter Sand, chief analyst at shipping-data provider Xeneta. "The shippers are in the driving seat to set freight rates," he said.

Biotechnology & Healthcare

[HIV infections drop, but racial gaps remain \(Politico\)](#)

Data from the Centers for Disease Control and Prevention released Tuesday shows a significant drop in new HIV infections across the U.S. — a 12 percent decrease between 2017 and 2021. Young people accounted for the bulk of the progress during that period, with new infections dropping 34 percent among 13- to 24-year-olds. Still, 1.2 million people in the U.S. had HIV in 2021, and one of every eight of those was not aware of their status, raising the risk for transmission and threats to their own health without treatment. Just 58 percent were taking adequate medication to suppress their viral load. And despite new preventive drugs and self-testing options, health officials warned that progress remains both inadequate and fragile. "At least three people in America get HIV every day,

and that is far too many,” Jonathan Mermin, the director of the CDC’s National Center for HIV, Viral Hepatitis, STD and TB Prevention, told reporters Tuesday. Progress was also uneven among racial groups, demonstrating that barriers remain to people of color accessing testing and treatment. While white gay and bisexual men between ages 13-24 saw a 45 percent drop in infections, it was just 36 percent for Latinos and 27 percent for Black men. A big driver of that disparity, the CDC found, was access to HIV prevention medication, known as pre-exposure prophylaxis, or PrEP, which is highly effective at blocking transmission of the virus. Overall progress on getting PrEP to people who could benefit from it was significant, with uptake surging from 13 percent in 2017 to 30 percent in 2021. But there’s a wide gap between the 78 percent of white people in that category taking the medication versus 21 percent of Latinos and 11 percent of Black people.

[Social media can put young people in danger, U.S. surgeon general warns](#)

[Multivitamins may help slow loss of memory as people get older \(NBC News\)](#)

Multivitamin supplements may help slow the normal forgetfulness that comes with aging, researchers reported Wednesday. The analysis of data from more than 3,500 older participants showed that those who took a daily Centrum Silver pill over a period of three years had better memories than those who received a placebo treatment, according to the report published in *The American Journal of Clinical Nutrition*. The effects seen in the study are “very, very encouraging,” said study co-author Adam Brickman, a professor of neuropsychology at the Vagelos College of Physicians and Surgeons at Columbia University. “Cognitive change and memory loss are a top health concern for older adults,” he said. “And we don’t have many strategies to mitigate the changes that come with aging. So it’s encouraging that a supplement can help address one of the main health concerns older adults have.” To explore whether a daily multivitamin could benefit cognitive function, the researchers turned to participants in the Cocoa Supplement and Multivitamin Outcomes Study (COSMOS), a multiyear study which has enrolled 21,442 older men and women to investigate the effects of cocoa supplements and multivitamins on cognition and the risk of cancer and cardiovascular events. Haleon, formerly known as Pfizer Consumer Healthcare, makes Centrum Silver and provided vitamins used in the trial. Mars Edge, part of the Mars candy and snack maker, partially funded the study with the National Institutes of Health. Neither company had any role in designing the trial or input in the findings. For the new study, Brickman and his colleagues followed a subset of 3,562 individuals from the larger trial who were randomly assigned to receive a multivitamin or a placebo.

[FDA grants full approval to Pfizer’s Paxlovid](#)

[This Panel Will Decide Whose Medicine to Make Affordable. Its Choice Will Be Tricky \(Kaiser Health\)](#)

Catherine Reitzel's multiple sclerosis medication costs nearly \$100,000 a year. Kris Garcia relies on a drug for a blood-clotting disorder that runs \$10,000 for a three-day supply. And Mariana Marquez-Farmer would likely die within days without her monthly \$300 vial of insulin. At best, a Colorado panel of medical and pharmacy experts seeking to cut the costs of expensive drugs will be able to help only one of them. Starting this summer, the state's Prescription Drug Affordability Board will choose up to 18 high-cost drugs for review over the next three years to determine if the medications are unaffordable and whether to cap what health plans and consumers pay for them. But with hundreds of expensive drugs to choose from, the board members face tough decisions about who will get help now and who will have to wait. Do they tackle drugs with extremely high costs taken by only a handful of patients, or drugs with merely very high costs taken by a larger group? Should they consider only out-of-pocket costs paid by consumers, such as for insulin, whose copays Colorado caps at \$50 a month, or the total cost of the drug to the health system? Will they weigh only drug prices, or will they try to right social wrongs with their choices? And what does "affordable" even mean? "That question alone is a lot harder to answer than it might seem at face value," said Jennifer Reck, project director for the National Academy for State Health Policy's Center for State Prescription Drug Pricing. "You immediately get into how utterly complex our drug supply chain is, how opaque it is, how many different prices there are," she said. Maryland was the first state to establish a drug affordability board in 2019, but funding challenges and the pandemic have slowed its progress.

Climate & Development

[Supreme Court curbs EPA power to protect some wetlands \(The Hill\)](#)

The Supreme Court has narrowed which waters are subject to federal protections under the Clean Water Act, limiting the Environmental Protection Agency's authority in terms of where it can implement safeguards. In the decision, the court ruled that in order for a wetland to receive protection, it needs to have a "continuous surface connection" with a protected body of water, making the two areas "indistinguishable" from one another. The opinion was authored by Justice Samuel Alito, who was joined by a majority of his fellow conservatives: John Roberts, Clarence Thomas, Neil Gorsuch and Amy Coney Barrett. The opinion overturned a lower court decision that used a different standard, ruling that certain wetlands did merit Clean Water Act protections because they had an ecologically "significant nexus" to other protected waters. The judgment overturned that case, in favor of Idaho landowners Michael and Chantell Sackett, who had previously been prevented from building a home on land they owned because it contained wetlands. While all nine justices agreed that the case should be overturned, they differed as to what

the standard should be for protecting wetlands moving forward. In two separate concurring opinions, one from conservative Justice Brett Kavanaugh and another authored by liberal justice Elena Kagan, who was joined by Sonia Sotomayor and Ketanji Brown Jackson, the four argued that protected waters should also include those that are separated from protected water by something like a man-made barrier.

[Military must focus on short- and long-term challenges of climate change, report finds](#)



[US forecasters call for near-normal Atlantic hurricane season \(Reuters\)](#)

The Atlantic hurricane season will bring an average number of ocean storms and hurricanes this year, the National Oceanic and Atmospheric Administration (NOAA) said on Thursday. NOAA forecasters estimate 12 to 17 named storms of which five to nine of those will develop into hurricanes and one to four will become major hurricanes during the June 1 to Nov. 30 season. A tropical storm brings sustained winds of at least 39 miles per hour, a hurricane has winds of at least 74 mph and major hurricanes pack winds of at least 111 miles per hour and can bring devastating damage. Last year broke a six-year string of above-normal hurricane seasons with the strongest that year being Hurricane Ian, which spawned 150 mph winds and hit Florida and South Carolina. There is a 40% chance of a normal hurricane season and 30% chances each of an above-average or below-average season, NOAA Administrator Rick Spinrad said in a media briefing. NOAA estimates a 93% chance of an El Niño weather phenomenon during the core hurricane season, said Matthew Rosencrans, NOAA's lead hurricane forecaster. During El Niño, winds blowing west along the equator slow down, and warm water is pushed east, creating warmer surface ocean temperatures and the potential for stronger storms. Atlantic Ocean surface temperatures "are warmer than we were last year and as warm as we were in 2020, Rosencrans said.

[Heat Wave and Blackout Would Send Half of Phoenix to E.R., Study Says](#)

[A Breakthrough Deal to Keep the Colorado River From Going Dry, for Now \(NYT\)](#)

Arizona, California and Nevada have agreed to take less water from the drought-strained Colorado River, a breakthrough agreement that, for now, keeps the river from falling so low that it would jeopardize water supplies for major Western cities like Phoenix and Los Angeles as well as for some of America's most productive farmland. The agreement, announced Monday, calls for the federal government to pay about \$1.2 billion to irrigation districts, cities and Native American tribes in the three states if they temporarily use less water. The states have also agreed to make additional cuts beyond the ones tied to the federal payments to generate the total reductions needed to prevent the collapse of the river. Taken together, those reductions would amount to about 13 percent of the total water use in the lower Colorado Basin — among the most aggressive ever experienced in the region, and likely to require significant water restrictions for residential and agriculture uses. The Colorado River supplies drinking water to 40 million Americans in seven states as well as part of Mexico and irrigates 5.5 million acres of farmland. The electricity generated by dams on the river's two main reservoirs, Lake Mead and Lake Powell, powers millions of homes and businesses. But drought, population growth and climate change have dropped the river's flows by one-third in recent years compared with historical averages, threatening to provoke a water and power catastrophe across the West.

Next Week's Hearings

Armed Services Committees

House: None listed

Senate: None listed

Appropriations Committees

House: None Listed

Senate: None listed

Homeland Security Committees

House: None Listed

Senate: Wednesday, May 31st, 10:00am EST: "[Modernizing DHS'S Mission-Critical Legacy IT Systems](#)"

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