



## ABC's Weekly Federal Legislative Update April 6, 2020

### Introduction

Congress remains on recess until April 20 while staff members work from home. The Congress is beginning to focus on the next round of stimulus to help mitigate the economic fall out resulting from the coronavirus. Below is news from Washington, D.C.

### Administration

### Congress

#### [Update on Fourth Stimulus Package Priorities](#)

***Late last week, Speaker Pelosi announced that the House would no longer be focusing on an Infrastructure package for the next coronavirus stimulus package. Below is a story outlining the latest priorities.***

Geof Koss of [E&E Daily](#) wrote on April 6, "The worsening health and economic fallout from the COVID-19 pandemic are upending the next phase of stimulus talks, with Democrats eyeing immediate further assistance to individuals and small businesses.

"Following Friday's record-high unemployment report, which showed 700,000 lost jobs in March, Speaker Nancy Pelosi (D-CA) told House members over the weekend that the next stimulus will echo the priorities Democrats fought for in the \$2 trillion Coronavirus Aid, Relief and Economic Security (CARES) Act package signed into law just 10 days ago.

"We must double down on the down-payment we made in the CARES Act by passing a CARES 2 package, which will extend and expand this bipartisan legislation to meet the needs of the American people," Pelosi wrote Saturday.

"CARES 2 must go further in assisting small businesses including farmers, extending and strengthening unemployment benefits and giving families additional direct payments."

"The upcoming legislation, which Pelosi said she hopes to bring to the floor later this month, would also provide "desperately needed resources for our state and local

governments, hospitals, community health centers, health systems and health workers, first responders and other providers on the frontlines of this crisis."

"Missing from the speaker's weekend "Dear Colleague" letter was any mention of infrastructure, which just four days earlier Pelosi had indicated would be a major focus of the fourth legislative response to COVID-19. That bill was to be modeled on the \$760 billion infrastructure plan unveiled by House Democrats in January, which would have included tens of billions of dollars for water system and electric grid upgrades.

"In an appearance on CNBC on Friday, Pelosi signaled that items included in the broader infrastructure bill may need to wait for an even later COVID-19 stimulus bill.

"While I'm very much in favor of doing some of the things that we need to do to meet the needs — clean water, more broadband and the rest of that — that may have to be for a bill beyond this," she said.

"The shift in tone in recent days suggests the next stimulus will revive the controversies of the first three COVID-19 emergency bills, including individual direct payments, unemployment benefits, more funds for health care and medical supplies, and oversight of the just-enacted \$2 trillion package — the largest in U.S. history.

"That could again sideline broader economic aid for clean energy sectors and drinking water upgrades sought by many Democrats.

"Conservation and outdoor recreation groups also are working to get the "Great American Outdoors Act," S. 3422, included in a future coronavirus stimulus package.

"I know there is a real interest in broadening the next stimulus package," said Representative Jared Huffman (D-CA), who leads the Natural Resources Subcommittee on Water, Oceans and Wildlife. "Our natural infrastructure has to be part of our broader national infrastructure initiative."

"The legislation would permanently fund the Land and Water Conservation Fund and make a \$9.5 billion investment in fixing the country's ailing parks and public lands.

"We may have a window of opportunity here," said Huffman, who added that there was momentum behind the bill even before the pandemic.

"Still, House Appropriations Chairwoman Nita Lowey (D-NY) said this weekend that the next stimulus under construction will aim more broadly at infrastructure.

"We can build a more resilient economy with robust investments in smart, safe infrastructure, including bringing clean water and the promise of high-speed broadband to every American community," Lowey said in the Democrats' weekly address.

Green New Deal talk

“Republicans have been cool to Democrats' calls to quickly move more stimulus, noting that the ink is barely dry on the last one.

“House Minority Leader Kevin McCarthy (R-CA) accused Pelosi of pushing sweeping policy changes that unnecessarily held up the last round of stimulus talks.

"She wanted to deal with election law; she wanted to deal with Green New Deal," McCarthy told reporters last week.

“McCarthy called it premature to even talk of more stimulus, although he wouldn't rule out infrastructure in subsequent COVID-19 legislation.

"I am for infrastructure in the future, but the one thing I do want to make sure is that it is targeted, that it works. I have been through the experience of what these shovel-ready projects are and saw the waste that was used. I do not think this is the time and place for that."

“However, McCarthy is among the GOP lawmakers from oil districts who have expressed support for President Trump's call to fill the Strategic Petroleum Reserve with private-sector crude. The administration unsuccessfully sought \$3 billion to enable an SPR purchase in the last stimulus talks.

“In addition to the SPR funds, Senate Finance Chairman Chuck Grassley (R-IA) told reporters last week that another provision in play during recent negotiations would have preempted state laws to build oil pipelines.

“Future negotiations on energy stimulus may be informed by President Trump's meeting on Friday with top oil executives.

## Oversight

“Meanwhile, the two parties and the White House are also increasingly at odds over congressional oversight of the \$2 trillion CARES Act.

“Trump stoked controversy Friday by nominating a White House lawyer to be the special inspector general for pandemic recovery — a position created by the new law that was added at Democrats' insistence to facilitate Hill oversight of the more than \$500 billion in federal loan authority contained in the measure.

“Trump's pick, Special Assistant to the President and White House Senior Associate Counsel Brian Miller, did little to assuage Democrats already unhappy with a Trump signing statement that said he may ignore parts of the law.

“Senate Minority Leader Chuck Schumer (D-NY) panned Trump's pick. "This oversight position, which will be responsible for overseeing hundreds of billions of taxpayer dollars, requires complete independence from the president and any other interested

party to assure the American people that all decisions are made without fear or favor," Schumer said in a statement.

"To nominate a member of the president's own staff is exactly the wrong type of person to choose for this position," said Schumer.

"In the House, Democrats and Republicans are at odds over Pelosi's proposal to create a select committee to conduct oversight of the law, which top GOP leaders last week slammed as unnecessary and politically motivated.

"House Majority Whip Jim Clyburn (D-SC), who will chair the panel, dismissed accusations that its work will be aimed at undermining Trump, calling it an appropriate instrument for Congress to oversee the massive law.

"We're not going to be looking back on what the president may or may not have done back before this crisis hit," Clyburn said yesterday on CNN's "State of the Union."

"The crisis is with us. The American people are now out of work, millions of them out of work. The question is whether or not the money that's appropriated will go to support them and their families, or whether or not this money will end up in the pockets of a few profiteers."

*Reporter Kellie Lunney contributed.*

#### [Possible Infrastructure Focus in a Future Stimulus Package](#)

***While its understood that the next stimulus package will not have Infrastructure as a focus, the following article discusses what may be included in such a package should it come into focus.***

On April 6, Maxine Joselow of E&E Daily submitted, "Both President Trump and congressional Democrats have voiced support for addressing infrastructure in a future coronavirus stimulus package, raising hopes among infrastructure advocates.

"But Democratic demands for climate change provisions could spark opposition from Republicans and slow down the negotiations, observers say.

"Trump took to Twitter last week to urge lawmakers to send him a \$2 trillion infrastructure package that would be "VERY BIG & BOLD."

"Senate Democratic Leader Chuck Schumer of New York responded, "I agree that we should fight for an infrastructure bill, but it has to be big, bold, pro-worker, and green."

"House Speaker Nancy Pelosi (D-CA) had been telling reporters that the fourth aid package could take shape by the end of this month, adding that it could include elements of the infrastructure framework released by House Democrats in January.

“More recently, she has backtracked on her push for infrastructure, saying it could end up in another economic stimulus package sometime down the road. The January framework would provide a total investment of \$760 billion over five years, including tens of billions for climate-friendly initiatives such as clean energy projects, public transit upgrades and efforts to reduce carbon emissions from transportation.

“Leaders of the House Future of Transportation Caucus also wrote to Pelosi last week urging her to prioritize sustainability in any upcoming infrastructure investment.

"Our next transportation system must be sustainable and address the challenges of climate change. According to the Environmental Protection Agency, the transport sector is now the leading contributor to national greenhouse gas emissions," wrote Democratic Representatives Ayanna Pressley of Massachusetts, Jesús "Chuy" García of Illinois and Mark Takano of California.

"By providing safe and convenient alternatives to driving, we can enable people to take fewer and shorter car trips," they wrote.

"This will reduce pollution and slow the growth in carbon emissions from the transport sector. Additionally, damage to infrastructure from the increased frequency of extreme weather events demand that we invest in infrastructure resilience and maintenance of our transportation network."

“Yet the Democratic appetite for climate action could face strong GOP headwinds. Republicans recently bashed Democrats for seeking to include climate provisions in the third coronavirus aid package, including requirements for airlines to reduce carbon emissions and tax breaks for clean energy.

“In particular, GOP lawmakers sought to compare Democratic climate demands to the Green New Deal, the divisive plan to wean the country off fossil fuels in a decade with a government-led jobs program.

"Democrats won't let us fund hospitals or save small businesses unless they get to dust off the Green New Deal," Senate Majority Leader Mitch McConnell (R-Ky.) said on the floor last month during the debate over the third package.

DeFazio holds out hope

“House Transportation & Infrastructure Chairman Peter DeFazio (D-Ore.), who is crafting his own surface transportation reauthorization bill, pushed back on the criticism from McConnell and others.

"Not only do we need to invest in our infrastructure to bring it into the 21st Century and create millions of jobs, we need to do it the right way to make sure new infrastructure

lasts for generations, not just until the next extreme weather event. That's common sense and a better use of taxpayer dollars," said DeFazio in a statement.

"And despite the misleading rhetoric from Leader McConnell, there are a number of Republicans who agree that we must account for a changing climate when it comes to infrastructure," the lawmaker said.

"A House Democratic aide told E&E News that DeFazio remains optimistic about the potential for finding climate provisions that can earn GOP support.

"The aide noted that the Senate Environment and Public Works Committee last year unanimously passed S. 2302, "America's Transportation Infrastructure Act," which contained the first-ever climate title aimed at curbing transportation emissions and improving the resiliency of projects to extreme weather events.

"I would point to the Senate EPW bill that passed in July that had a climate title for the first time ever. So I think DeFazio sees an opening," the aide said.

"I think McConnell may not speak for all of them," the aide added. "And DeFazio is hopeful that there are some bipartisan provisions that we can agree on."

"But in a sign of differing priorities, House T&I Committee Republicans in January released a list of infrastructure principles that failed to mention climate.

"T&I Committee ranking member Sam Graves (R-MO) also omitted climate in a statement last week on the need to address infrastructure in a future package, although he stressed the importance of reaching across the aisle.

"Infrastructure always has been and always will be the backbone of our economy," Graves said. "Congress can help provide a strong economic recovery and a strong economic future by working in partnership — not partisanship — to address America's infrastructure needs."

'A uniquely bad time'

"Several interest groups in Washington are urging Congress to pass a climate-friendly infrastructure measure to help the country recover from the COVID-19 crisis.

"Kevin DeGood, director of infrastructure policy at the left-leaning Center for American Progress, wrote in a blog post last week that any infrastructure stimulus package should include a mandate to transition the country away from fossil fuels.

"Any stimulus package must be climate smart," DeGood wrote. "This means making a sizable down payment on transitioning the U.S. economy away from fossil fuels and toward clean energy with the goal of all economic production achieving net-zero carbon emissions by 2050."

“Ken Irvin, a partner who represents energy companies at the law firm Sidley Austin LLP, said in an interview that a climate-friendly infrastructure measure could put more Americans back to work building electric vehicle charging stations.

"From what I do on behalf of energy companies, I can see a lot of advantages in using infrastructure investment to put people back to work," he said. "They could be repairing roads and bridges, and along the way installing charge points for electric vehicles."

“But Marc Scribner, a senior fellow at the Competitive Enterprise Institute, said in an interview that lawmakers should hold off on passing a major infrastructure package until the full economic effects of the COVID-19 pandemic are known.

“Rather than a comprehensive package, Scribner called for lawmakers to simply pursue a short-term extension of the 2015 Fixing America's Surface Transportation (FAST) Act, which expires Oct. 1.

"We have no idea how travel behavior is going to change after the shutdown orders are lifted. Will people continue to work from home? We don't know," he said.

"So it's a uniquely bad time to try to do a comprehensive reauthorization," he added. "We need a clean extension of the current law, and that's it."

### [Lawmakers That Have Tested Positive for the Coronavirus](#)

***The following article discusses which lawmakers have been affected by the coronavirus.***

Greenwire reporter Nick Sobczyk published on March 30, “Representatives Mike Kelly (R-PA) and Joe Cunningham (D-SC) both announced Friday they have tested positive for COVID-19, adding to the list of lawmakers with confirmed cases of the disease caused by the novel coronavirus.

“Cunningham, a member of the Natural Resources Committee and a major opponent of offshore drilling, had been self-quarantined since March 19 after coming in contact with another member who tested positive.

“The Democrat reported he felt fine except that he has been unable to smell or taste anything, a symptom of the disease.

"While my symptoms have begun to improve, I will remain at home until I know it is safe to leave self-quarantine," he said in a statement. "I will continue to tele-work from home as Congress conducts its ongoing response to this public health crisis and my office will continue its urgent work of serving the people of the Lowcountry."

“Kelly, meanwhile, said he went to a drive-thru testing site after experiencing "mild flu-like symptoms" last week.

"My symptoms remain mild, and I will serve the 16th district from home until I fully recover," he said in a statement.

*"The Hill* reported that two United States Capitol Police employees have also tested positive for the virus.

"Two other lawmakers — freshman Representatives Katie Porter (D-CA) and Ayanna Pressley (D-MA) — said Friday that their COVID-19 tests came back negative.

"Both houses are in recess after clearing a massive \$2 trillion pandemic relief package. While lawmakers had been practicing various forms of social distancing as they worked on the legislation, a handful of positive tests began rolling out during the last two weeks.

"Representative Mario Diaz-Balart (R-FL) was the first lawmaker to test positive, followed by Utah Democratic Representative Ben McAdams.

"So far, McAdams appears to be the lawmaker who has experienced the most serious symptoms of COVID-19, such as severe shortness of breath. He was hospitalized March 20, but local news outlets reported Saturday he had been released.

"Senator Rand Paul (R-KY) is the only confirmed case in the Senate. Paul is asymptomatic and in quarantine, but he had been on Capitol Hill conducting normal business shortly before his positive test was announced.

"Dozens of other lawmakers have entered self-quarantine during the last month, including some senators who had contact with Paul and at least one member of leadership — House Minority Whip Steve Scalise (R-LA).

"Representatives Lizzie Fletcher (D-TX) and Seth Moulton (D-MA) are both in quarantine with flu-like symptoms and potential cases of COVID-19.

"Moulton said he was told by a doctor he did not qualify for a test, since his symptoms were mild, while Fletcher has not yet announced the results of her test.

"But the Texas Democrat, who represents a wealthy section of Houston, has stayed active in isolation despite reporting a 101-degree fever. Fletcher participated in a telephone town hall on COVID-19 on Friday.

"This afternoon Representative Nydia Velázquez (D-NY) said the attending physician at the Capitol told her she likely has coronavirus, after reporting fever, aches, congestion and upset stomach. The congresswoman is self-isolating.

"In addition to the positive tests among lawmakers, the pandemic has rippled through the broader Capitol Hill community.



“Tours of the Capitol were suspended earlier this month, and Congress is expected to take an extended recess, with the Senate tentatively set to return April 20.

“The Senate sergeant at arms said today that restrictions at the Capitol complex — limiting access to lawmakers, official visitors, staff and credentialed press — will be extended through May 1.”

**Other**