



## ABC's Weekly Federal Legislative Update May 4, 2020

### Introduction

The Senate returns to Washington today to begin work on the Spring calendar including confirmation hearings for the Director of National Intelligence and the inspector general of the Nuclear Regulatory Commission. The House plans on returning next week. Both Chambers will be focused on the next steps in addressing the Coronavirus as well as tackling the annual appropriations process. The following is news from Washington, D.C.

### Administration

### Congress

***The Senate returns to Washington today while the House remains recessed. The following two stories discuss what may be contained in the next federal relief package to combat the health and economic problems caused by the Coronavirus.***

#### [Next Steps on COVID 19 Relief Uncertain as Senate Returns to Washington](#)

Geof Koss and George Cahlink of [E&E Daily](#) wrote on May 4, "The Senate returns to session today amid growing tensions between the two parties over future COVID-19 stimulus, oversight of the trillions already enacted and whether the chamber should even be meeting at all amid a pandemic.

"Senators will vote this evening to confirm Robert Feitel to be inspector general of the Nuclear Regulatory Commission, with further action expected to confirm judicial nominees.

"Democrats are less than thrilled to be returning to Washington, with Senator Joe Manchin (D-WV) last week calling it "shameful that [Majority Leader] Mitch McConnell is calling the U.S. Senate back to D.C. to vote on confirmation of his unqualified judge and nominees unrelated to the COVID-19 pandemic."

“But the Kentucky Republican said he looked forward to seeing his colleagues again today, pointing to guidelines from the Office of the Attending Physician that he said would allow the Senate to safely conduct its business.

"We will continue to stand together for the American people — even as we stand 6 feet apart," McConnell said Friday.

“Speaker Nancy Pelosi (D-CA) said the House is likely to return next week, after scrapping plans to come back today amid concerns raised by the Capitol physician.

"It's better to wait," said Pelosi, referring to the still increasing number of cases in the District of Columbia.

“She declined to weigh in on the Senate's decision to come back but noted the House has more than four times as many members as the Senate.

'CARES Act II'

“As unemployment claims continue to rise by millions each week, the two parties and the White House are increasingly at odds over another round of COVID-19 stimulus.

“White House National Economic Council Director Larry Kudlow conceded yesterday that more help from Congress may be needed but cautioned against rushing into talks.

"There may well be additional legislation," Kudlow said on CNN's "State of the Union."  
"There's kind of a pause period right now."

“Kudlow added: "You know, we have put up \$3 trillion of direct federal budget assistance in one way or another. The Federal Reserve has actually put in as much as \$4 [trillion], \$6 trillion. So it's a huge, huge package. Let's see how it's doing as we gradually reopen the economy. We probably will have some ideas."

“But Pelosi told reporters last week that the House's top priority upon returning would be moving a second version of the Coronavirus Aid, Relief and Economic Security Act with at least \$1 trillion for state, county and local governments to combat and deal with the health and economic fallout from the pandemic.

"To the extent that we can keep the states and localities sustainable, that's our goal. And by the way, that money is not just for one year, that could be for as much as three years, maybe even four in certain cases," she said.

“Pelosi said the aid to the state and local governments should include Indian tribes, which already have received \$8 billion in the first stimulus package to respond and recover from the virus.

“Pelosi said she is not interested in a deal floated by McConnell that would trade state and local government aid for providing liability protections for employers from lawsuits as they reopen.

"Especially now, we have every reason to protect our workers and our patients in all of this. So we would not be inclined to be supporting any immunity from liability," she said.

“Senate Minority Leader Chuck Schumer (D-NY) slammed McConnell's demand as "another example of the Republicans' misplaced priorities."

"How does that make sense?" Schumer told reporters last week. "During this global health crisis, they're worried about protecting the companies; Democrats are fighting to protect the workers."

“But House Minority Leader Kevin McCarthy (R-CA) said he agreed with McConnell about the need for a liability shield.

"We need to give individuals the protection," McCarthy told reporters last week. "The last thing we need is an aspect of coming back and slowing down our ability to do what we need to have happen."

“McCarthy did not rule out funding to state and local governments but said it would have to come with strict guidelines so that the money only could be used for pandemic-related work.

"If you go and apply this directly just to a state, to a governor itself, and you give them a lot of flexibility, they will use it to pay off other things and not help the cities and counties where people really need it," said McCarthy.

“President Trump, during a Fox News interview, said about the state and local aid, "We have to be very careful about that."

“The president doubled down on a long-standing demand, saying, "We're not doing anything until we get a payroll tax cut."

#### Appropriations, infrastructure

“The standoff threatens House markups of the 12 annual spending bills, which aren't likely to happen until there's an agreement on more COVID-19 stimulus, aides say.

“Pelosi also said a multibillion-dollar infrastructure package that congressional Democrats and the White House had suggested could be part of the stimulus is unlikely.

"We talked about this before, but then the urgency of getting money into people's pockets was so pervasive that that became the priority," she said.

“Pelosi did say that ensuring access to clean drinking water remains a priority and suggested the package would likely include a provision barring utility companies from turning off water service to delinquent customers during the pandemic.

“McCarthy said he still favors billions in spending for the Department of Energy to fill up the Strategic Petroleum Reserve with domestic crude, which faces a glut amid the economic downturn and global oil price war.

"We tried to put that into the CARES Act. That is one of those things that the speaker got kicked out when she added more money to the Kennedy Center," said McCarthy, noting the administration is now at least leasing space in the SPR to oil companies to store their excess supply.

“But many Democrats are adamantly opposed to helping oil and gas companies weather the coronavirus, raising hurdles for legislating relief for fossil fuel and clean energy interests alike in stimulus talks that are likely to be focused on items directly related to the pandemic.

#### Oversight tensions

“Oversight of the \$2 trillion CARES Act enacted in March, as well as the hundreds of billions included in earlier COVID-19 packages, continues to be hotly contested as well.

“Senate Democrats last week called on McConnell and every Senate committee chair to hold public hearing on the pandemic, including federal lending programs that Republicans and the White House have called to be opened to fossil fuel interests.

“Pelosi said she expected the House Select Subcommittee on the Coronavirus Crisis would begin ramping up this week with seven Democrats appointed last week to the panel, which is being led by Majority Whip James Clyburn (D-SC). She said she expects GOP leaders to name their five members to the panel as well.

"I don't know why they would be opposed to looking into waste, fraud and abuse, price gouging, profiteering and the rest, and the implementation of the intention of Congress in the interest of the American people — America's families — America's workers, and we hope that they will participate," she said.

“McCarthy, who like most Republicans voted last month against creating the select committee, said he would decide this week whether to name members to the panel.

“He said the select committee is redundant to several layers of oversight already in place, including an independent, bicameral congressional commission created by the CARES Act, and warned it would become a partisan venue to attack the Trump administration.”

[House Chamber Remains Out of Session This Week](#)

“On April 28, Nick Sobczyk of Greenwire published, “The House will not return to Washington next week as planned, Majority Leader Steny Hoyer (D-MD) said this morning, reversing course from the announcement leadership made just yesterday.

“Hoyer said he made the call last night after consulting with the attending physician, pointing to ongoing pandemic danger and stay-at-home restrictions in the District of Columbia and surrounding area.

“In any case, Hoyer added, the next round of COVID-19 relief — the congressional follow-up to the Coronavirus Aid, Relief and Economic Security (CARES) Act — likely won't be ready for floor consideration next week.

"We made a judgment that we will not come back next week but that we hope to come back very soon to consider the CARES 2 piece of legislation, which we think is a very important piece which deals with assistance to state, local and tribal governments," Hoyer told reporters on a conference call.

“Leaders from both chambers initially said yesterday that they would return from recess May 4 to continue negotiations on pandemic aid. The Senate is still scheduled to vote Monday evening to confirm Robert Feitel to be inspector general of the Nuclear Regulatory Commission. David Popp, a spokesman for Senate Majority Leader Mitch McConnell (R-KY), said on Twitter this morning that the Senate's plans remain unchanged.

“It's not clear how, exactly, the Senate plans to change its day-to-day operations next week to deal with the pandemic, though McConnell said yesterday that the chamber will "modify routines in ways that are smart and safe."

“When asked about the House's change of plans, President Trump said, "They don't want to come back." He said, "They're enjoying their vacation."

“Hoyer said he wants House committees to resume regular business via virtual meetings. The majority leader said he's set to meet today with Minority Leader Kevin McCarthy (R-CA) and top lawmakers on the House Administration and Rules committees about remote work.

“The goal is for the committees to be able to "have hearings, have markups, report bills out so that we will have product to consider at a time when we are back in full session," Hoyer said.

"Technology has enabled us to do things without physically being in the same place together," Hoyer told reporters. "That's what I hope we will achieve for committees."

“Congressional talks on the next round of stimulus are stalled, and Republicans have generally been skeptical of spending more money after passing more than \$2 trillion through the CARES Act.

"But fault lines are beginning to emerge. Hoyer stressed that Democrats want to continue pressing for vote-by-mail provisions opposed by Republicans.

"And McConnell has suggested he wants to protect businesses from "years of endless lawsuits," an idea Hoyer downplayed this morning.

"We really haven't talked about that idea," Hoyer said, "but we certainly don't think that acting on behalf of individuals and employees in a positive sense should be contingent upon liability questions."

## **Other**

### [Alabama Sues Tyson Foods Over Wastewater Spill](#)

[Greenwire](#) published on May 1, "The state of Alabama sued Tyson Foods Inc. yesterday over a 2019 wastewater spill that caused the largest recorded fish kill in the state.

"The Alabama attorney general's office filed the suit, saying Tyson was negligent "by causing a public nuisance," AL.com reported.

"A pipe failure at the Tyson plant caused over 200,000 gallons of "insufficiently-treated wastewater" to flow into the Mulberry Fork of the Black Warrior River, leading to the deaths of around 175,000 fish, the attorney general's office said.

"A statement from Attorney General Steve Marshall (R) said the office wants the state and the community to be compensated for damage done to the environment.

"Tyson Foods spokesman Worth Sparkman said the company was disappointed with the state's decision to file the lawsuit.

"Sparkman said the company has tried for months to work with the state, offering to "initiate conservation and community projects including river access in the area of the accidental release."

"On June 8, 2019, a pipe failed at the River Valley Ingredients poultry processing facility in Hanceville, sending huge amounts of partially treated wastewater into the river, the paper reported. Described as the "largest poultry rendering facility in the country," the facility would take parts of chicken not desired for human consumption and turn it into animal and pet feed.

"The wastewater largely contained organic poultry material, which later caused bacteria in the water to increase, depriving the fish of oxygen.

"The Alabama Department of Conservation and Natural Resources said the reported number of fish killed was conservative considering direct counting wasn't possible.

“Tyson said an outside contractor poorly installed temporary piping, which caused the spill. — *Associated Press*”

### No Good Answer to Meat Industry Problems

Marc Heller of [Greenwire](#) reported on April 30, “President Trump's order this week for meat-packing plants to stay open despite the coronavirus pandemic presents challenges, but closing plants comes with its own set of issues.

“Farmers have been forced to euthanize tens of thousands of pigs, cattle and other livestock, with more on the way as the industry struggles to resume production at levels near pre-pandemic levels. The government can't compensate farms for those lost animals, though, because they weren't sick, House Agriculture Chairman Collin Peterson said yesterday.

“Even with Trump's order in place, supply chain disruptions continue to have a ripple effect that won't go away soon. Farmers are lobbying for aid, and the industry is still figuring out how to handle animals once they're euthanized in meatpacking plants or on farms, where burying them carries environmental concerns.

“Farmers will need an additional jolt of help in the next coronavirus aid package, Peterson said.

“Speaking at an event in his Minnesota congressional district, Peterson, a Democrat, said he'll push to give the Agriculture Department more leeway to compensate farmers for the tens of thousands of animals being killed because closures prevent them going to market.

“I'll get the secretary authority to pay producers retroactively,” Peterson said at the livestreamed news conference, where he and other officials wearing face masks touted JBS USA Holdings Inc. for converting a meatpacking plant into a euthanizing facility.

“It's going to be in there, I guarantee you,” Peterson said.

“The outlines and timing of the next measure in Congress aren't clear, but several agriculture groups have been pushing for additional help. Lawmakers already provided \$9.5 billion in direct assistance in a recent measure to help fill the gap from lost markets. They boosted funding for USDA's Commodity Credit Corp., which can buy farm products.

“But the CCC money has run out, lawmakers say, leading to calls for another dose of aid.

“Also complicating the picture are questions about how much direction Congress should give USDA in distributing assistance. Peterson said he opposes a bill by members of his own committee, including Representatives Cindy Axne (D-IA) and Austin Scott (R-GA), to

provide \$50 billion to the Agriculture secretary's office without dictating where to use it. He said he's talking to the bill's sponsors to give the measure more direction.

“Pork producers have been hit especially hard. They are dealing with lost income as well as a lack of access to Small Business Administration loans due to restrictions on how those funds are awarded. Producers have to have shown a profit in 2019, and as much as a quarter of the hog industry doesn't meet that definition, according to the National Pork Producers Council.

“The NPPC predicted in a news release that many generational family farms could face bankruptcy.

“The pork industry in particular faces the challenge of handling extra animals safely, humanely and in an environmentally responsible way. Peterson said he had initially thought carcasses managed by JBS could be buried in a 12-foot trench at a local landfill, but the water table is too high there.

“Farmers can compost animals on their property, but that's an expensive measure that requires mixing with wood chips, Peterson said. Other animals can go to rendering plants if they're close enough.

"There is no good answer," Peterson said.

“The meat industry has been hobbled by two pandemic-related issues: plant closures due to sick workers and crumbling demand due to the closure of restaurants. As much as 70% of the bacon sold in the United States goes to restaurants, Peterson said.

“Trump's executive order Tuesday to keep meatpacking plants open could ease the situation, and industry groups such as the North American Meat Institute — representing meatpackers — praised the move. Peterson said Agriculture Secretary Sonny Perdue told him over the weekend that he'd like some plants to open within a few days.

“But Peterson and other officials in Minnesota said workers will need personal protective equipment, and because of the need for distance between employees, plants won't be able to move as many animals as before the pandemic.

"They're not going to be able to do 21,000 hogs a day like before," Peterson said.

“The JBS plant retooled to euthanize animals can do with about 10 workers, he said, although it's likely to fall short of the 13,000 animals a day that the congressman earlier this week predicted.

Supply chain 'vulnerabilities'



“The crisis has given animal welfare groups an opening to criticize meatpacking practices, and skeptics of the industry have stepped up calls for consumers to eat less meat.

“Researchers at the University of Michigan and Tulane University said in a study that replacing half of animal-based products with plant-based foods would prevent more than 1.6 billion tons of greenhouse gas emissions by 2030.

"The COVID-19 pandemic has exposed the meat supply chain's vulnerabilities, but our food system faces even greater long-term threats from climate change," said Stephanie Feldstein, population and sustainability director at the Center for Biological Diversity. "We desperately need policymakers to support sustainable diets and a resilient food system."

“JBS, in a 2018 sustainability report, said the company is 89% on the way to reducing greenhouse gas intensity by 20%.

“The Animal Welfare Institute said JBS had more animal welfare violation reports than any other meat company from 2016 to 2018, including "multiple incidents of failing to stun animals before shackling and hanging them to be dismembered, likely causing the animals excruciating pain."

“The organization's mission includes to "abolish factory farms, support high-welfare family farms, and achieve humane slaughter for animals raised for food," according to its website.

“In its sustainability report, JBS said its plants are regularly monitored by independent auditors and governed by "the Five Freedoms": "Freedom to express natural behavior," "Freedom from injury and disease," "Freedom from discomfort," "Freedom from thirst and hunger," and "Freedom from fear and distress."