



ABC's Weekly Federal Legislative Update June 15, 2020

Introduction

The Senate will cast its final vote on The Great American Outdoors Act, a conservation measure that will provide mandatory funding for the Land and Water Conservation Fund and create a five-year 9.5 billion trust fund to address a backlog in maintenance at National Parks and on public land. The House will return to session next week but in the interim is holding Judiciary Committee mark-up on legislation that would curtail the transfer of military equipment to police departments.

Administration

Congress

[Update on House Agenda](#)

The House is expected to return to Washington on June 22. The following story contains information the likely agenda.

George Cahlink of E&E Daily wrote on June 10, "The House is now expected to return to session the week of June 22 to consider legislation in response to the killing of George Floyd at the hands of a Minneapolis police officer. The death of the unarmed black man has led to widespread protests and calls for policing reform.

"House Majority Leader Steny Hoyer (D-MD) announced yesterday the chamber would come back a week earlier than expected to vote on the legislation that is still being drafted. Floor votes are now expected on both June 25 and 26, Hoyer said.

"The 'Justice in Policing Act' is a response which we believe will be effective and comprehensive to ensuring better practices by police departments," Hoyer said.

"Among the changes proposed by Democrats would be barring police from using chokeholds, creating a federal database for tracking police misconduct, making lynching a federal crime and requiring police body cameras.

The House has been operating remotely for much of the spring amid the pandemic. It amended rules to allow for proxy and remote committee hearings and markups, and had released an updated work calendar last month.

“Senate Majority Leader Mitch McConnell (R-KY) said the chamber's only black Republican, Tim Scott of South Carolina, would lead the Senate response to "the obvious racial discrimination that we have seen on full display on our television screens over the last two weeks and [suggest] what is the appropriate response by the federal government.”

“McConnell yesterday declined to offer any specifics, saying he was awaiting Scott's recommendations.

“Both the House and Senate, meanwhile, appear no closer to an accord on the next pandemic relief package.

“Hoyer reiterated calls for the Senate to take up the House-passed "Health and Economic Recovery Omnibus Emergency Solutions Act," which would spend more than \$3 trillion to combat the coronavirus and help hard-hit local governments and businesses recover.

"We are still in a perilous situation, and action is necessary," said the House majority leader.

“Republicans have argued for a far narrower version, saying last week's better-than-expected jobs numbers show past aid has been effective and that a multitrillion-dollar plan may no longer be needed.

Senator John Barrasso (R-WY) in a partisan jab suggested Democrats want the economy to continue to tank to help their chances of winning over voters in this fall's elections.

"Nancy Pelosi and Chuck Schumer have promised them big checks if they were to happen to take over the majority in the Senate and the White House, as if there is a prize for having a bad economy and the prize is an election victory for the Democrats," he said.”

[Update on Stimulus Package](#)

In mid-May, the House passed the HEROs Act which is the latest legislative package to address the economic consequences of the Coronavirus. The Senate has yet to take up the package. The following story contains updates on the legislation.

On June 8, Geof Koss of [E&E Daily](#) submitted, “An unexpectedly better May jobs report appears to have done little to advance talks on additional COVID-19 stimulus legislation, as weeks of nationwide civil unrest over the death of George Floyd is thrusting police reform onto an already crowded legislative agenda.

“Top Democrats pointed to Friday's monthly jobs report — in which the nationwide unemployment rate fell to 13.3% after the economy added a surprising 2.5 million jobs — to argue for more stimulus for the pandemic-battered economy.

“Speaker Nancy Pelosi (D-CA) said the unexpected job gains were proof that "decisive action by Congress to support small businesses and workers can make a strong difference in our economy."

“She said, however, that more needs to be done. "[W]ith more than 100,000 Americans tragically dead, 21 million still out of work and state and local budgets collapsing, now is the worst possible moment to take our foot off the gas," she said in a statement.

“Republicans, who for weeks have resisted Democratic calls for additional stimulus, were jubilant over the jobs report.

“While noting that the "economic comeback is just beginning," Senate Majority Leader Mitch McConnell (R-KY) said Friday that "even in these early days of our careful reopening, the American people are already trouncing expert predictions and starting to come back strong."

“He did not rule out additional COVID-19 stimulus but reiterated the GOP position that it must "be laser-focused on helping schools reopen safely in the fall, helping American workers continue to get back on the job, and helping employers reopen and grow."

"We must keep the wind in our sails, not slam the brakes with left-wing policies that would make rehiring even harder and recovery even more challenging," McConnell said in a statement.

“Senate Minority Leader Chuck Schumer (D-NY) warned Republicans that another great depression looms without additional action. "Now is not the time to be complacent or take a victory lap," he said Friday.

“But chief White House economic adviser Larry Kudlow said Friday he did not expect serious talks on more stimulus to start until after July 4, even as President Trump said he was open to more stimulus, noting the trillions already enacted.

"We are set up to do more if we want," Trump said Friday. "I think we should because ... we are dominant."

“The president spoke at a White House event to tout the employment figures and sign legislation to expand the Paycheck Protection Program.

Infrastructure

“Much of the debate over the next round of COVID-19 relief will be regarding state and local funding, as well as extending unemployment benefits, but House Democrats are also readying infrastructure legislation for the floor in the coming weeks.

“The nearly \$500 billion surface transportation reauthorization measure unveiled last week is slated for floor action in early July, and additional packages are expected to emerge, as well.

“Numerous groups and lawmakers have continued their lobbying for a variety of energy and environment policies, including expanded funding for energy efficiency and renewables tax credits and improvements to national labs.

"The national laboratories are a national treasure," wrote lawmakers in one letter, led by Representatives Ben Ray Lujan (D-NM) and Chuck Fleischmann (R-TN.). "An investment in their infrastructure is an investment in American workers and the U.S. economy today for a prosperous and secure tomorrow."

“On Friday, environmentalist and clean energy interests pushed lawmakers to include a \$35 billion clean energy fund in future pandemic or infrastructure legislation

“The Senate is moving forward with its own path on highway, water projects and drinking water legislation but is focusing this week on public lands.

Police reform

“Widespread protests over Floyd's death at the hands of Minneapolis police are adding another weighty issue to the congressional agenda.

“House and Senate Democrats this morning will unveil a sweeping police reform bill in response to the protests.

"We need to look at the training that is done with law enforcement," Congressional Black Caucus Chairwoman Karen Bass (D-CA) said on CNN's "State of the Union" yesterday. "We need to do things in accountability, transparency and training that we believe would make a big difference."

“House Minority Leader Kevin McCarthy (R-CA), who for weeks has slammed House efforts to work remotely, said last week that the chamber should return to session to begin discussing legislation regarding policing.

"I think we could easily find common ground on both sides. And we could do it swiftly. But it's more difficult if we're away. It's more difficult to have those conversations and listen and looking at one another, not remotely, but sitting inside a room and being able to talk and listen," McCarthy told reporters.

“McCarthy cited a few possible areas of compromise, including more money for police training, stronger oversight and audits of police forces, and altering rules to make it easier to fire bad cops.

“The House, for now, does not have any floor votes scheduled until the last week of June and instead is focusing on preparing legislation that can move to the floor soon thereafter.

“Among those items are the fiscal 2021 spending bills, the annual defense authorization bill and a more than \$500 billion infrastructure package.

“House Appropriations Chairwoman Nita Lowey (D-NY) announced last week that her panel plans to use the first two weeks of July to mark up the spending bills and would then move them to the floor in the later part of the month.”

Reporter George Cahlink contributed.

[Appropriations: House Spending Legislation to be Unveiled in July](#)

The following story contains an update on the FY 2021 Appropriations process.

E&E Daily reporter George Cahlink published on June 8, “Energy and environmental agencies will get a better sense of their fiscal 2021 funding next month when House appropriators are due to mark up all 12 of the annual spending bills.

“House Appropriations Chairwoman Nita Lowey announced late last week in a "dear colleague" letter that the 12 subcommittees will mark up the bills the week of July 6, followed by full committee action the week of July 13. She also said the bills would be on the floor the weeks of July 20 and 27.

"It will be an extremely busy month, which is nothing new for our committees," said Lowey, noting additional details on the order of the bills being marked up will be announced later this month.

“The New York Democrat also said the markups would be held in rooms large enough to allow for social distancing.

“House Democrats had originally hoped to have all spending bills off the floor and passed by the end of June, but the chamber's remote working schedule and focus on pandemic aid have pushed it back.

“Both the House Energy and Water Appropriations Subcommittee and Interior-EPA Appropriations Subcommittee are far along in drafting their bills and neither are expected to face resistance to being called up in committee next month.

“Senate appropriators, meanwhile, remain on course to start marking up their bills the week of June 22nd with some likely on the floor in July, aides say.

“Expectations for funding increases are minimal after Congress reached a budget deal last year that calls for \$635 billion for domestic discretionary accounts for fiscal 2021, with a very modest boost of \$5 billion for domestic agencies, that will leave many at fiscal 2020 levels.

“Regardless of the markups, Congress won't send many, if any, spending bills to the president before the new fiscal year begins on Oct. 1.

“Instead, lawmakers will need to pass stopgap legislation, known as a continuing resolution, to keep government open and funded at current levels until at least after the elections.

Other

[NY State Struggles to Act On Landmark Climate Law](#)

The following story contains updates on the implementation of New York State's ambitious climate legislation which was passed on year ago.

Benjamin Storrow of [Climatewire](#) reported on June 11, “New York passed one of the most ambitious pieces of climate legislation in U.S. history in 2019. A year later, environmentalists and members of the state's newly formed Climate Action Council are raising concerns about what's being done to implement it.

“The council, which was established to craft a plan for reducing emissions, has met just once since the law's passage last June. Working groups intended to guide specific policy recommendations have yet to be staffed.

“And council members say they're unsure of the state's progress on key initiatives, such as the establishment of a social cost of carbon and an updated greenhouse gas inventory. Both are supposed to be done by year's end.

“Concern over implementation of the climate law — officially the Climate Leadership and Community Protection Act (CLCPA) — comes as New York struggles to address the coronavirus pandemic and a wave of protests over the killing of black Americans at the hands of police.

“The Empire State was the epicenter of the coronavirus outbreak in the U.S. and has seen massive demonstrations over police brutality.

“Environmentalists concede the state has good reason for moving slowly given the crises it faces. But they argue New York needs to accelerate its efforts if it is to build the green economy and achieve the climate targets envisioned by the law.

"The faster we can get the CLCPA moving, the faster we will get to the place where the benefits that are envisioned can help with the multiple challenges we are facing," said Cecil Corbin-Mark, deputy director of West Harlem Environmental Action Inc., or WE ACT as the environmental justice organization is commonly known.

"Mounting anxiety over implementation of the climate law was reflected in a **letter** sent to state officials Tuesday by NY Renews, a coalition of environmental groups. In it, the coalition expressed concern the state is not on track to meet the milestones laid out in the CLCPA.

"Raya Salter, NY Renews policy director and member of the Climate Action Council, said the state has an opportunity to make a green economy central to its wider recovery efforts.

"The legislation gives New York two years to develop a plan to reduce emissions 40% of 1990 levels by 2030 and 85% by 2050. The remaining 15% of emissions would need to be offset, making the state carbon neutral.

"The law also required that a Climate Justice Working Group convene within six months of the legislation's adoption. Members of that working group have not been appointed.

"The statute provides a timeline because the goals of the CLCPA are really intertwined with our recovery goals, or they should be in terms of making those win-win green investments," Salter said. "We will miss the window of opportunity as a state if we don't sync those agendas."

"There are some signs the CLCPA is taking hold.

"The state amended its energy plan to reflect the law's goals. A bill to expedite the permitting of renewable energy projects was passed as part of the state budget. And state regulators based their rejection of the controversial Williams pipeline on the law. The state Department of Environmental Conservation ruled the project, which would have delivered 400 million cubic feet of natural gas to New York daily, was inconsistent with the state's climate goals.

"Playing out on parallel tracks is a debate at the New York Independent System Operator over whether to implement a carbon price and a proposal to build a transmission line that would bring Canadian hydropower into New York City.

"The state also continues to pursue a massive build-out of offshore wind, but much of that effort hinges on federal officials to permit new facilities. Considerable uncertainty exists about where the federal permitting process stands after a project in neighboring Massachusetts was delayed last year over concerns from fishermen.

"Members of the Climate Action Council said Alicia Barton, the CEO of the New York State Energy Research and Development Authority and the council's co-chair, has made

repeated attempts to schedule a virtual meeting in recent months. Each attempt ultimately fell through. Council members expressed hope a second gathering would be convened online later this month.

“In a joint statement, NYSERDA and the Department of Environmental Conservation touted progress on the state's environmental initiatives, including a permanent ban on hydraulic fracturing, a decision to include small peaking power plants in the Regional Greenhouse Gas Initiative — a cap-and-trade program for power plants — and record investments from the state's green bank, which stood at \$117.5 million in the fourth quarter of last year. The departments said they plan to solicit public comment on the cost of carbon this summer.

"The State is actively implementing the CLCPA, even as the State responds to the COVID-19 pandemic. We share our stakeholders' sense of urgency," the departments said. "We will continue to advance a critical element of CLCPA implementation — the scoping plan — at the next Climate Action Council meeting, which is scheduled for later this month."

“Members of the Climate Action Council sought to strike a balance in interviews with E&E News, saying they understood the constraints facing New York even as they urged state officials to accelerate implementation of the law. Several said it is unclear where state efforts to implement key provisions of the act stood.

“Gavin Donohue, the president of the Independent Power Producers of New York Inc., a trade group representing power plant owners, said he did not know what progress had been made to establish a social cost of carbon. Donohue said he has seen little evidence of the state making moves to slash emissions outside the power sector, which has accounted for the vast majority of New York's emission reductions in recent decades.

"Are there RFPs [requests for proposals] going out of the MTA? Are they for gas buses or electric buses?" he asked, referring to the Metropolitan Transportation Authority. "As a council member, I am disappointed with the flow of information and not knowing what the state regulators are doing to comply with the statute. We're good in New York at writing press releases, but we're a little less perfected at the art of implementation."

“Cornell University professor Robert Howarth struck a similar tone. Howarth, who studies methane emissions from oil and gas operations, said he had made recommendations to state agencies about how to update New York's greenhouse gas inventory, but he has not heard back from state officials.

"Bottom line is we're not doing much, which is discouraging. Perhaps it is understandable, but we were off to a slow start even before that," Howarth said. "I assume agencies are doing a fair amount, but it is rather difficult to figure out."

“Unlike many climate laws, the CLCPA places an emphasis on environmental justice. Yet considerable ambiguity remains over how it would be implemented in communities of

color — which have borne a disproportionate share of deaths and hospitalizations during the coronavirus pandemic.

“The law commits to earmarking at least 35% of the benefits of climate spending on environmental justice communities. But what constitutes a benefit and which communities would qualify has yet to be determined, said Eddie Bautista, executive director of the New York City Environmental Justice Alliance.

“It's encouraging that several state agencies said they would honor the threshold, Bautista said. He added that he was eager to see those regulations finalized, even though he understood why they had not been.

"The combination of a pandemic, the greatest police brutality protest ever, the greatest recession ever, with that kind of perfect storm, I would have been surprised if they hit all the milestones," he said. "It stands to reason that some things would fall through the cracks."

“Corbin-Mark said he, too, understood the state's challenges but added there is little time to waste. New York City was consumed by sweltering heat the past two Julys.

“This year, residents are being urged to stay inside and limit their social interactions to avoid spreading the coronavirus. The dynamic speaks to the need for the state to make energy efficiency retrofits and install new air conditioning units in public housing, he said.

"This is a dangerous mix that is brewing now," Corbin-Mark said. "All of this speaks to the need to get the CLCPA moving."

Correction: An earlier version of this story misidentified Raya Salter's position. She is NY Renews policy director.