



ABC's Weekly Federal Legislative Update October 13, 2020

Introduction

Welcome to a wild week in Washington. The House is in recess. Business on the Senate floor has been suspended due to three Republican Senators testing positive for COVID 19 but the Senate Judiciary Committee is moving forward to confirmation hearings for Judge Amy Coney Barrett. Negotiations over the latest round of stimulus continue to ping pong back and forth between the House, the Administration and the GOP Senate. Current negotiations on a new economic stimulus plan has left talks at a familiar stalemate with Republicans and well as Democrats balking over President Trump's latest offer. Speaker Pelosi and Treasury Secretary Steven Mnuchin are expected to talk more this week. Even if they manage to strike a deal, there's almost no chance of getting legislation written and passed by Congress before the election, in which control of the White House and the Senate is at stake.

President Trump's unpredictable changes last week -- first calling off talks via tweet, then saying he wanted a bigger package than even Democrats have proposed -- may have hardened the Speaker's resolve to stick with the Democrat's \$2.2 trillion proposal. Below is news from Washington, D.C.

Administration

[Update on COVID 19 Relief Package and Debate Schedule](#)

The following three stories contain information on the latest round of COVID 19 relief negotiations.

Timothy Cama of [Greenwire](#) wrote on October 8, "Update on COVID 19 Discussions and Debate Schedules

"President Trump bowed out of next week's scheduled debate against his Democratic challenger Joe Biden after organizers decided to conduct the event remotely.

"The president is also speaking out about COVID-19 talks with House Democrats, and he appears to be backtracking from his decision earlier this week.

“The Commission on Presidential Debates announced this morning that Biden and Trump would participate remotely in the session planned for Thursday, Oct. 15, in Miami.

“The move, the commission said, was "in order to protect the health and safety of all involved" following the president's COVID-19 diagnosis.

“Moderator Steve Scully of C-SPAN will lead the debate from Miami as planned, along with participants who will ask questions in a town hall format.

“But Trump, who said he learned of the change this morning, didn't consent and said he wouldn't participate.

"I'm not going to waste my time on a virtual debate. That's not what debating's all about. You sit behind a computer and do a debate; it's ridiculous. And then they cut you off whenever they want," the president told Fox Business' Maria Bartiromo in a live phone interview on "Mornings with Maria" shortly after the commission's announcement.

“Trump called Scully a "Never Trumper" and said organizers changed to the remote format because "they're trying to protect Biden. Everybody is."

“Trump was diagnosed with COVID-19 less than a week ago, though he says he is completely cured after being treated at Walter Reed National Military Medical Center with a variety of therapies, including an experimental antibody treatment.

“Debate organizers have wrestled in recent days with how to protect candidates and others at debates, and have already instituted measures like smaller audiences, more spacing and, at yesterday's vice presidential debate, plexiglass barriers.

“But Trump said the remote debate format is unnecessary, despite his diagnosis. "There's no reason — I'm in great shape," he said on Fox Business.

“Biden's campaign agreed to the remote format, but said Trump should still have to face voters, so it is asking the debate commission to move the town hall-style debate one week to Oct. 22.

"The voters should have a chance to ask questions of both candidates, directly," Kate Bedingfield, Biden's communications director, said in a statement.

“Trump's campaign also called for the town-hall style debate to be Oct. 22. But officials also want the debate currently scheduled for Oct. 22 to still happen, and to move it to Oct. 29 — less than a week before Election Day.

"The American people should not be deprived of the chance to see the two candidates for president debate face to face two more times just because the Commission on

Presidential Debates wants to protect Joe Biden," Trump campaign manager Bill Stepien said in a statement.

"The debate commission has not weighed in on potentially moving the events.

More fracking talk

"Trump used this morning's interview to bash Biden and his running mate, Senator Kamala Harris of California, over fracking and claimed they would ban the oil and natural gas recovery process nationwide if elected.

"Both candidates want to ban fracking on federal land and have denied they would seek to do so elsewhere, but Vice President Mike Pence repeatedly claimed otherwise in yesterday's debate.

"[Biden] goes out, and he says 'No fracking' for months during the Democrat debates. And then he gets up and he says, 'No, we're going to frack,'" Trump said, referring to the times Biden indicated he wanted to ban fracking but later walked it back.

"Pennsylvania will never go for him, because Pennsylvania has a million jobs that are fracking. Fracking is energy. It's what they do now, fracking. And you got a million jobs that are energy. Their energy costs would triple if they didn't do fracking. The energy costs in our country would quadruple if we didn't frack," Trump said.

"So he goes around bragging to the liberal Democrats, to the radical left, 'There'll be no fracking.' Then he gets on the stage in a more normal time, with people, like, that are normal, like us, that have to have fracking, for the jobs, for the costs, for the — we're energy independent now because of fracking," the president said.

"Trump later took to Twitter to repeat his argument about Biden and fracking, and accused the media of letting the former vice president off the hook.

"Biden has said numerous times that he doesn't want to ban all fracking, and it's doubtful he would have the authority to do so outside of federal land if he were president.

Pandemic negotiations

"Trump also said he and his administration are again negotiating toward potential COVID-19 relief and economic stimulus legislation, after he tweeted earlier this week that he was stopping talks until after Election Day.

"We're starting to have some very productive talks. And [House Speaker Nancy Pelosi (D-CA)] wants to happen, too; she doesn't want it not to happen," he said.

"We really need it. It wasn't our workers' fault, it wasn't our airlines' fault that China did this terrible thing to us, and I will not be forgetting about that. ... We started talking again, and we're talking about airlines, and we're talking about a bigger deal than airlines. We're talking about a deal with \$1,200 [stimulus check] per person; we're talking about other things," Trump said.

"Earlier this week, Trump said he would sign stand-alone legislation to help airlines and small businesses, but Pelosi told reporters that a stand-alone airline bill was only possible in tandem with a broader package.

"Let me just be really clear: I have been very open to having a stand-alone bill for the airlines, or part of a bigger bill, but there is no stand-alone bill without a bigger bill," said Pelosi.

"We're happy to review what that stand-alone bill would look like as part of a bigger bill if there is a bigger bill," she said.

"Pelosi's deputy chief of staff, Drew Hammill, said the speaker and Treasury Secretary Steven Mnuchin spoke for 20 minutes last night and agreed to speak again today."

Reporters Geof Koss and Manuel Quiñones contributed.

[Update on COVID 19 Relief Package](#)

On October 6, Geof Koss of [E&E News PM](#) reported, "President Trump announced this afternoon that he had ordered an end to negotiations on another round of COVID-19 relief until after the Nov. 3 election, calling on the Senate to instead focus on confirming Amy Coney Barrett to the Supreme Court.

"In a series of Twitter posts, Trump rejected the \$2.4 trillion package that Speaker Nancy Pelosi (D-CA) has been pushing in negotiations with Treasury Secretary Steven Mnuchin.

"Nancy Pelosi is asking for \$2.4 Trillion Dollars to bailout poorly run, high crime, Democrat States, money that is in no way related to COVID-19," the president wrote. "We made a very generous offer of \$1.6 Trillion Dollars and, as usual, she is not negotiating in good faith. I am rejecting their request, and looking to the future of our Country."

"In a follow-up post, Trump wrote he had instructed his aides to halt negotiations until after the election, when "immediately after I win, we will pass a major Stimulus Bill that focuses on hardworking Americans and Small Business."

“He called on Senate Majority Leader Mitch McConnell (R-Ky.) to "focus full time" on approving Barrett, whose confirmation hearings before the Judiciary Committee will get underway next week.

“Trump's Twitter posts followed reports that he held a conference call earlier this afternoon with Mnuchin, McConnell and House Minority Leader Kevin McCarthy (R-CA).

“GOP leaders have been wary of the ongoing talks between Pelosi and Mnuchin, who were supposed to speak again later today in hopes of getting a deal.

“The president's decision to halt talks also came just hours after a speech by Federal Reserve Chair Jerome Powell, who warned that an economic recovery from the pandemic is at risk without further government support.

“But on Twitter, Trump argued: "Our Economy is doing very well. The Stock Market is at record levels, JOBS and unemployment ... also coming back in record numbers. We are leading the World in Economic Recovery, and THE BEST IS YET TO COME!"

“The decision to suspend talks represents a reversal from Trump's position over the weekend, when the president — hospitalized for treatment for his own COVID-19 infection — called for Congress to pass a stimulus bill.

“Still, talks between Pelosi and Mnuchin have struggled despite near-daily contact, with the two sides far apart on multiple issues.

“In a statement, Pelosi slammed Trump for disregarding Powell's warnings from earlier today. "Clearly, the White House is in complete disarray," she said.

"Walking away from coronavirus talks demonstrates that President Trump is unwilling to crush the virus, as is required by the Heroes Act," she said.

"He shows his contempt for science, his disdain for our heroes — in health care, first responders, sanitation, transportation, food workers, teachers, teachers, teachers and others — and he refuses to put money in workers' pockets, unless his name is printed on the check."

“The speaker added: "At the same time, the President is abandoning meeting the needs of our children as they adjust to learning in-person, virtual or hybrid. Instead, Trump is wedded to his \$150 billion tax cut for the wealthiest people in America from the CARES Act, while he refuses to give real help to poor children, the unemployed and America's hard working families."

Congress

[Update on COVID 19 Relief Package](#)

E&E Daily reporter Geof Koss submitted on October 12, "The Trump administration moved closer to Democrats' demands for a \$2.2 trillion COVID-19 relief package over the weekend, but not enough to sway House Speaker Nancy Pelosi.

"Talks "remain at an impasse," the California Democrat wrote to her caucus yesterday, ticking off a laundry list of major disagreements with the White House, including total overall funding, policy differences on testing and tracing, and a lack of aid for tribes, territories and communities of color.

"It is hard to understand who is shaping their approach, which to date has been a miserable and deadly failure," she wrote.

"The speaker's pessimism came despite the Trump administration's \$1.8 trillion proposal offer, which came about \$300 billion closer to the \$2.2 trillion Democrats have set as a floor for the latest phase of pandemic relief.

"That plan was panned by Senate Republicans on a Saturday conference call with Treasury Secretary Steven Mnuchin and White House chief of staff Mark Meadows, with the cost of the proposal among other complaints.

"It also came amid more mixed signals from the Trump administration, including White House National Economic Council Director Larry Kudlow, who suggested yesterday that Senate Republicans would go along with a deal if one materialized.

"If an agreement can be reached here, they will go along with it," Kudlow said on CNN's "State of the Union."

"Senator Lindsey Graham (R-SC), who is facing his toughest reelection fight against Democratic challenger Jaime Harrison, said Friday during the pair's debate that he would support a \$2 trillion stimulus package.

"Trump, Kudlow suggested yesterday, may be open to a package even larger than the \$2.2 trillion sought by Democrats.

"President Trump actually has always said — I mean, I have heard him say it in the Oval — as far as the key elements are concerned, the checks, the unemployment assistance, the small business assistance — we have got to help airlines out — he would go further," Kudlow said.

"However, after Pelosi denounced their latest proposal, Mnuchin and Meadows asked House and Senate members yesterday to redirect around \$130 billion in unused Paycheck Protection Program funds for a new round of small business assistance while broader talks continue.

"Senate Majority Leader Mitch McConnell (R-KY) continued to strike a pessimistic tone about the Pelosi-Mnuchin talks.

"I don't know whether we'll get another [virus relief] package or not," he said Friday in Tompkinsville, Ky.

Reporter Emma Dumain and the Associated Press contributed to this report.

Other

The following two stories discuss support for electric vehicles including electric trucks.

[Push for Support for Electric Vehicles](#)

David Ferris of [E&E Daily](#) wrote on October 7, "A new coalition of truck makers and electric-fueling players is asking Congress to spend billions of dollars to speed up the arrival of electric fleet trucks and charging infrastructure.

"The National Zero-Emission Truck Coalition, which came together in June, has been exploring how the government could apply the kind of federal support that's boosted electric passenger cars to big commercial vehicles.

"There's no federal tool set to help us do that," said Bill Van Amburg, a vice president at Calstart, a clean transportation nonprofit that convened the group.

"In a letter today to Republican and Democratic leaders, the coalition said that electric commercial vehicles would create jobs and address the threat of climate change.

"It also plays a key part in improving air quality, which is a big concern in our region," said Michael Backstrom, the managing director of energy and environmental policy at Southern California Edison, one of two California utilities that joined the group.

"The pandemic is accelerating a shift to electric trucks, as an explosion of online ordering by homebound consumers is coinciding with an embrace of the new technology by companies like UPS and Amazon.com Inc.

"The industry group asks for the federal government to dedicate at least \$2 billion to subsidize the making and deployment of electric fleet trucks over five years.

"It seeks not a tax credit but a direct credit or other incentive at the point of sale to make the decision more compelling for fleet managers.

"Any vehicle that has zero emissions would be eligible, including trucks running on batteries or hydrogen.

"Further, the letter calls for a suspension of the federal excise tax on heavy-duty vehicles, and for using existing Department of Transportation and Federal Highway Administration programs to support electric vehicle-truck initiatives in states.

“To stimulate EV infrastructure, the group seeks to beef up the tax credit for alternative fuel infrastructure. It would also employ a direct rebate by the Department of Energy and increase funding in research and development to the tune of \$250 million a year.

“The letter is signed by dozens of truck manufacturers and their suppliers.

“They include a bevy of new pure e-truck companies like BYD Motors Inc., Arrival Ltd. and Rivian; industry heavyweights like Ford Motor Co., Navistar International Corp., Daimler Trucks North America LLC and Paccar Inc.; and traditional truck component suppliers including Cummins Inc., Eaton and Meritor Inc.

“The letter is also signed by electricity suppliers such as ChargePoint Inc. and Greenlots, which is owned by oil giant Royal Dutch Shell PLC.

This story also appears in Energywire.

[Electric Vehicles: Automakers Bet That EVs Are Better Than Gas Cars.](#)

On October 6, David Ferris of Energywire reported, “As Ford Motor Co., General Motors Co. and Volkswagen AG recently have unveiled marquee electric cars, they have let slip a remarkable admission for companies built on oil: Electric models will in some ways be superior.

“Volkswagen has described its upcoming ID.4 SUV as a combination of its best cars. GM suggests future electric vehicles will be “more responsive than its internal combustion equivalents.” Ford says its electric F-150 will transform tailgating parties, while being cheaper to own, and faster and more powerful than any truck it's ever made.

“These claims may not surprise EV owners: The vehicles are quiet, require little maintenance, are cheaper in most places to fuel and can rocket off the line from a standstill.

“But until now, the major automakers have been loath to say so. Embracing EVs is a treacherous pivot in a highly competitive market where traditional automakers must compete against one another while also fending off new electric vehicle makers like Tesla Inc. and Rivian Automotive Inc. — companies that aren't burdened with a legacy to protect.

“The foundation of the global automotive market is still the internal combustion engine, and despite the billions of dollars that car companies have committed to building EVs for the future, today's balance sheet depends on selling the gas-powered ones on the lot.

“More automakers are starting to say out loud that EVs are better in some ways,” said Chelsea Sexton, an auto analyst and advocate who famously skewered GM in the documentary “Who Killed the Electric Car?”

“While all traditional global automakers are moving toward electric vehicles to some degree, it is GM and Ford, the largest U.S. automakers, and VW, one of the world's largest brands, that are doing so most publicly in America.

“In the span of the next two years, Americans will see Ford electrify the country's longtime bestselling vehicle, the F-150 truck, and the storied Mustang brand with the Mach-E. GM aims to reinvigorate the Cadillac with an electric crossover called the Lyriq and roll out an electric version of the Hummer, which was once the stereotype of the exhaust-spewing SUV.

“Meanwhile, Volkswagen is pinning its U.S. hopes on the ID.4, the first in what is expected to be a long line of EVs and a transition away from its diesel scandal five years ago.

“Marketing experts said that companies like GM, Ford and VW are walking a tightrope by trying to get customers excited about the new product without diminishing enthusiasm for the old. They are at the early phase, when the electric models are promised but not yet delivered.

"How do you still sell the internal combustion engine cars when you're trying not to disparage them as you sell EVs?" asked Reid Carr, a marketing expert and CEO of Red Door Interactive who has worked on EV programs.

“Companies in other industries have navigated contradictions: the Coca-Cola Co. has unleashed Diet Coke and Coke Zero without killing off its sugar king. Burger King has introduced the Impossible Whopper without abandoning beef patties.

“But there have also been cases when technology companies with complex products failed to catch the wave at the right time. Polaroid Corp., the famed maker of instant film, perished in the transition to digital photography. Sony Corp., once the king of the CD and Walkman cassette players, lost its music mantle to Apple Inc. and Google.

“The electric transition puts incumbents like Ford, GM and Volkswagen at an empirical disadvantage, according to a [study](#) by business researchers at the University of Pennsylvania and the University of Southern California.

“Looking at utilities transitioning to clean energy as an example, the study found that the value of a firm disrupting itself often declines as the company stretches in two directions.

"Ironically, those incumbents potentially most threatened by the change seem to be least rewarded for their efforts to renew themselves," the authors said.

Ford's EV makeover

“Ford is the automaker that has ventured furthest to compare its future EVs to its current models with gas tanks.

“Its electrification push has been underway for several years: It is spending \$11.5 billion on EVs by 2022, compared to GM's \$20 billion by 2025 and VW's \$35 billion by 2023. All the while, the automakers have made only anodyne statements about EVs' capabilities.

“Some of that continues today. Ford says its Mach-E will deliver "the exhilaration expected of Mustang" without mentioning that the highest-end model of this SUV will go from zero to 60 in three seconds — faster than the Shelby GT500, the fastest internal-combustion Mustang the company has ever made.

“Marketing experts said that is the playbook for an incumbent: Don't knock the old product, but try to attract early adopters for the new market.

“In the case of Ford and other automakers, that means bringing the snazziest, high-tech upgrades first to the new product.

"They are going for that complementary market without cannibalizing the original brand," said Robert Amberg, chief marketing officer of Jabian Consulting, a strategic management firm.

“For example, the 2021 Mach-E is where Ford will debut over-the-air updates, according to Ford spokeswoman Emma Bergg. It is following Tesla, which for years has had the ability to adjust battery performance, braking and steering and to fix flaws by remote, like a computer.

“The Mach-E will also be the first Ford model to get the latest version of Sync, the company's communication, entertainment and navigation system, and will be the first to allow a customer to pre-configure a vehicle, like setting air conditioning preferences and entering favorite destinations into the map.

“Then there's the Ford F-150 truck, where the car company is most loudly proclaiming that its electric models will outdo all comers, including its own vehicles.

“The Dearborn, Mich.-based automaker made a splash last year showing an electric prototype towing a million-pound freight train and recently released another video of an electric F-150 speeding up a 60-degree grade with a trailer.

The electric F-150 is targeted at the truck's core base of farmers, builders and other hands-on professionals. "It will be a seriously capable, purpose-built tool for serious truck customers," Ford said.

But it didn't stop there.

“The dual electric motors, Ford said, are "targeted to deliver more horsepower and torque than any F-150 available today, the fastest acceleration, and the ability to tow

heavy trailers," and will "require significantly less maintenance than a typical gasoline engine, creating more than 40 percent savings for its lifetime total cost of operation."

"Ford has also highlighted the ability of new hybrid-electric F-150s to serve as a "mobile generator" and charge energy-hungry devices off the truck itself.

"The feature on certain EcoBoost models could, for example, allow a tailgater to simultaneously power a television, speakers, a small electric heater, a blender and a minifridge.

"The first hybrid full-size F-150s, with a drivetrain called PowerBoost, have an option to create 7.2 kilowatts, which Ford says provides enough power for the tools to frame a house, including electric saws, drills, an air compressor and floodlights.

"Ford has also borrowed a page from Tesla in promoting the "giant front trunk" on the F-150 — referring to the spot under the hood freed up by removing the gas engine's machinery. Ford has highlighted its tailgating possibilities by circulating a photo of a Mach-E's nose full of shrimp cocktail.

"Ford insists it is not confusing the message as it continues to sell gas cars.

"It is not so much about being bigger or better than [the internal combustion engine], more that electrification brings unique opportunities and we will be optimizing those opportunities and playing to our strengths," Bergg said.

'The best things ... in one package'

"GM and Volkswagen are more circumspect in their marketing.

"GM's new electric models include the Cadillac Lyriq as well as the Hummer EV, billed as having the ability to move diagonally in "crab mode".

"So far, its assertions that EVs are superior are limited to claims about batteries.

"A few weeks ago, GM issued a statement about its new Ultium battery system, calling it "more responsive than its internal combustion equivalents with precision torque control of its motors for smooth performance," among other benefits.

"If it were to make direct comparisons, they would be shocking.

"The new electric Hummer is billed to have 1,000 horsepower, which would make it substantially more powerful than the Corvette ZR1, a superfast luxury car that GM states has the "most powerful engine ever offered in a Chevy production vehicle." The attributes extend to speed. The Hummer, whose chunky profile is the opposite of sleek, will go from zero to 60 in three seconds. That would have it crossing the line

almost as fast as the new Corvette Stingray, which GM recently billed as the "quickest in its history."

"Then there's Volkswagen. Two weeks ago, the CEO of the automaker's American arm, Scott Keogh, introduced the ID.4, an electric compact SUV that is the cornerstone of VW's ambitions.

"It drives like a GTI, it has the packaging of a Tiguan and the purpose of the Beetle," said Keogh, calling to mind the automaker's top sporty hatchback, its midsize SUV and its most popular vehicle ever, respectively. "All the best things about VW in one package."

"The challenge of disruption will become more intense for traditional automakers as new electric cars and legacy gas cars appear side by side in the showroom — and potential customers start to ask pointed questions.

"The signals by Ford, GM and VW are "mostly pertaining to vehicles that aren't here yet," Sexton, the auto analyst, pointed out.

"It's one thing when there's limited risk to your market," she added. "It's another thing to have it in mass production, put it next to your existing vehicles, and then compare it."