



## ABC's Weekly Federal Legislative Update October 19, 2020

### Introduction

The Senate plans to vote on GOP proposals for a roughly \$500 billion economic recovery bill and additional funding to aid small businesses starting tomorrow. A standalone vote on more funds for the Paycheck Protection Program will be held tomorrow, followed by the main relief bill the following day. Speaker Pelosi set a deadline of tomorrow to reach an agreement with the Administration on a much larger coronavirus relief package. The President has said he's ready to match the \$2.2 trillion spending levels demanded by Democrats -- or go higher -- despite repeated warnings by McConnell that most GOP senators will oppose a measure that large. The size of the bill is not the only obstacle. The two sides are still debating over language on a national plan to control the virus. Differences also remain on several key issues, including aid to states and GOP demands for an employer liability shield, which have stalled a deal for months. The following is news from Washington, D.C.

### Administration

### Congress

#### [COVID 19 Relief Package](#)

***The following story contains the latest update on a possible COVID 19 relief package.***

Emma Dumain of E&E Daily reported on October 19, "Senate Majority Leader Mitch McConnell is planning to force his members to vote this week on a roughly \$500 billion coronavirus relief package.

"House Speaker Nancy Pelosi, meanwhile, is giving herself until tomorrow to reach a deal with Treasury Secretary Steven Mnuchin on a larger stimulus bill that can be voted on before Election Day.

"The parallel tracks being pursued by the Kentucky Republican and California Democrat underscore the pressure lawmakers are under to take some legislative action related to the pandemic prior to Nov. 3 — paired with the deep uncertainty that there will be a breakthrough in negotiations with the White House that has been elusive for months.

“McConnell said in a statement Saturday that the Senate will vote tomorrow on legislation to give the Paycheck Protection Program, or PPP, another cash infusion.

“Then, on Wednesday, senators will vote on a "\$500B+ proposal" that would authorize a second round of PPP funding and provide more than \$100 billion for school safety.

“That bill, which McConnell has yet to formally introduce, would extend expanded unemployment benefits and provide money for "more testing," "more tracing," "more funding for Operation Warp Speed to produce a vaccine" and "more funding to distribute that vaccine across the country."

"Nobody thinks this ... proposal would resolve every problem forever," McConnell explained. "It would deliver huge amounts of additional help to workers and families right now while Washington keeps arguing over the rest."

“GOP leaders are looking to get some political cover ahead of the elections, with many voters angry Congress hasn't passed any form of pandemic relief since the spring.

“McConnell's bill will also serve as a dare to Democrats who have so far rejected the Republican offer as not doing enough to address the scope of the crisis.

"I've been trying to get Democrats to do a highly targeted bill dealing with COVID-19. ... [T]hey are still insisting upwards of a \$2.5 trillion grab bag," McConnell said in Louisville, Ky., late last week.

"I'm putting on the floor what we think is appropriate to tackle this disease at this point. ... I'm not anticipating that [Democrats] are going to support it, but I'm giving them the opportunity, so we'll see," he said.

“At the same time, McConnell is betting congressional Republicans will be able to block out the noise coming from President Trump's Twitter account.

“Though Trump was at one point calling for Mnuchin to pull out of negotiations with Pelosi, late last week he was tweeting demands for lawmakers to come up with a "big" deal above the \$1.8 trillion mark.

“Trump's tweets appeared to be having some effect on Republicans, with Senator Lindsey Graham (R-SC) along with in-cycle GOP senators expressing willingness to go up to the \$2 trillion mark if necessary.

“Then again, going as high as \$2 trillion would surely cost McConnell some necessary Republican support from the conference's staunchest fiscal hawks.

"We have some votes for something that would be bigger," Senator John Thune (R-S.D.), the Senate majority whip, conceded in a Fox News interview last week.

"But the bigger it gets, the fewer Republican votes you're going to have," he said. "I have to count the votes. So I kind of know what that threshold is."

"Trump yesterday repeated his willingness to back a stimulus package larger than what House Democrats have been pushing.

'They crossed it all out'

"On Saturday, after previously saying there was no appetite among his members for a relief bill in the trillions, McConnell acknowledged that "if Speaker Pelosi ever lets the House reach a bipartisan agreement with the administration, the Senate would of course consider it."

"Yesterday, Pelosi confirmed to ABC News' George Stephanopoulos that she and Mnuchin had a deadline for tomorrow to agree to the terms of a new coronavirus relief package that Congress could pass before the elections.

"If they cannot meet that deadline, she said, it's not likely a new tranche of relief will be signed into law until after that time. She gave specific details about the ongoing sticking points.

"They took out 55% of language that we had there for testing and tracing," Pelosi said of the administration. "They changed 'shall' to 'may,' 'requirements' to 'recommendations,' a 'plan' to a 'strategy,' not a strategic plan."

"She explained the White House proposed eliminating language related to contact tracing in communities of color, which are bearing the brunt of COVID-19 infections and deaths.

"They crossed it all out," Pelosi said. "Instead, they put in this sentence: 'Contact tracing will be paid for by the federal government as part of the \$75 billion.' OK, we agree to that. 'But given state difference, each state shall establish a strategy that is appropriate to its circumstances. The [Centers for Disease Control and Prevention] can provide guidance to the states on elements.' ... You cannot leave it up to the states to decide how they are going to address the minority community."

"In a follow-up letter to House Democrats yesterday afternoon, Pelosi said relevant committee chairs were reviewing language related to "liability and [the Occupational Safety and Health Administration], small business, health care providers, and elections."

"The speaker said she was "optimistic that we can reach an agreement before the election."

'Depends on the administration'

“Like McConnell, Pelosi is under tremendous pressure to deliver for her members in the coming days and show her party is working and getting results.

“In recent days, she has been scrutinized by fellow Democrats who say she should stop putting bills on the floor that are guaranteed to be dead on arrival in the Senate.

“The Democratic-controlled House passed H.R. 6800, the "Heroes Act," back in May, 2018-19, that would have released \$3 trillion for a range of pandemic response and recovery efforts.

“Earlier this month, House Democrats brought forward a scaled-down, \$2.2 trillion "Heroes 2.0." It passed the House 214-207, with 18 frustrated House Democrats voting "no."

"I ultimately cannot vote for a one-sided bill whose primary purpose is more a messaging exercise than a real solution to a generational public health and economic crisis," said Representative Joe Cunningham (D-S.C.), a vulnerable, centrist freshman who also voted against the first "Heroes Act" for similar reasons.

“Even progressive Democrats, like Representative Ro Khanna of California, have urged Pelosi to accept one of the latest White House offers in the days ahead.

“Pelosi was adamant yesterday that if Congress doesn't pass relief legislation before Election Day, it's not her fault.

“When asked whether the American people will get more federal relief amid the fallout of the pandemic before Nov. 3, Pelosi told Stephanopoulos, "That depends on the administration."

### [Democrats to hold Leadership Races Early in Lame Duck](#)

***Democrats have released their plans on leadership races which will be held early on in the lame duck session.***

On October 16, George Cahlink of [E&E Daily](#) wrote. “House Democrats will act quickly to pick their leaders and committee chairs in the lame-duck session that will be held after the Nov. 3 election.

“Democratic Caucus Chairman Hakeem Jeffries of New York announced this week that the elections for party leadership will take place on Nov. 18 and 19, followed by the selection of committee chairs the week of Nov. 30. Jeffries said it's important to hold elections early and "begin our important work promptly."

“Assuming Democrats keep the House, the party's top leadership is widely expected to remain the same, including Speaker Nancy Pelosi of California, Majority Leader Steny Hoyer of Maryland, Majority Whip Jim Clyburn of South Carolina and Jeffries.

“Democratic Congressional Campaign Chairwoman Cheri Bustos of Illinois has yet to announce her plans, although she is seen as more likely than not to stay at the helm of the caucus's campaign arm.

“The highest-ranking opening is the No. 4 post in the Democratic hierarchy — assistant speaker. Democratic Caucus Vice Chairwoman Katherine Clark of Massachusetts, Democratic Policy and Communications Chairman David Cicilline of Rhode Island, and Congressional Hispanic Caucus member Tony Cárdenas of California are all vying to replace Representative Ben Ray Luján of New Mexico, who is running for Senate.

“Other notable races include the one for vice chair, being vacated by Clark, which is a three-person race among Representatives. Deb Haaland of New Mexico, Robin Kelly of Illinois and Pete Aguilar of California.

“There are four co-chairs of the Democratic Steering and Policy Committee, with Michigan's Debbie Dingell, California's Ted Lieu and Pennsylvania's Matt Cartwright all favored to return. Representative Joe Neguse of Colorado is looking to take the fourth slot.

“Committee leadership will largely stay intact, including Representative Frank Pallone of New Jersey returning as Energy and Commerce chairman and Representative Raúl Grijalva of Arizona back again to lead Natural Resources.

“But there are a few high-profile gavel fights. The retirement of House Appropriations Chairwoman Nita Lowey of New York has three senior appropriators vying to replace her.

“Representative Rosa DeLauro of Connecticut is the favorite in that contest, which also features Representatives. Marcy Kaptur of Ohio and Debbie Wasserman Schultz of Florida.

“The defeat of House Foreign Affairs Chairman Eliot Engel of New York in a primary earlier this year has set off a scramble to replace him, featuring Representatives. Brad Sherman of California, Gregory Meeks of New York and Joaquin Castro of Texas.”

## **Other**

### [Campaign 2020: A Biden Win Wouldn't Mean a Slam-Dunk for Climate](#)

Climatewire reporter Thomas Frank published on October 16, “Joe Biden would face huge obstacles as president in taking steps to slow climate change because Republicans in states and Congress would move aggressively to stop such efforts, an expert climate panel said yesterday.

“Although Biden, the Democratic presidential nominee, has proposed an ambitious plan to cut U.S. greenhouse gas emissions, he is almost certain to encounter legal and

political opposition that could stymie efforts to enact new laws or adopt new regulations, the experts said.

“Biden could follow the path of Presidents Trump and Obama by issuing executive orders and adopting regulations to achieve his climate goals, which include eliminating carbon emissions from the power sector by 2035 and making the United States a net-zero carbon emitter by 2050.

“But administrative actions “would almost immediately be challenged by 20 or more Republican attorneys general,” University of Michigan environmental policy expert Barry Rabe said. Legal challenges would be heard in a federal court system filled with more than 200 judges appointed by Trump, he noted.

“The administrative route, in my view, is loaded with challenges,” Rabe said during yesterday's panel, sponsored by the Brookings Institution, on how this year's presidential election would affect U.S. climate policy.

“Biden's other option — trying to get Congress to enact climate legislation — also would be difficult because of both Republican opposition and a wide range of demands from Democrats and aligned groups.

“Biden has done something we almost never see from a successful presidential nominee, and that is to reach out to the candidates he just defeated and try to expand that coalition and make adjustments in his policy. But as that coalition expands, how do you go into a legislative framework and get anything done?” Rabe said.

“Recalling the first terms of Presidents Obama and Clinton, when Democrats controlled the White House and both chambers in Congress, Rabe said it seemed like “a slam-dunk that climate or environmental legislation was going to pass, and it didn't.”

“That [legislative] path also is going to be really, really challenging regardless of what exactly goes into that policy package,” Rabe said.

“If Biden struggles to implement climate policy — or if Trump wins a second term and continues to roll back climate-related regulations — states, cities, businesses and consumers would continue to lead a growing national movement to fight climate change.

“Nathan Hultman, who was on Obama's climate and energy policy team, noted that 13 states and 165 cities encompassing one-third of the U.S. population have set goals of moving to 100% clean electricity. In addition, one-third of the nation's public transit agencies have committed to having all public buses run on electricity.

“The ground has been shifting rapidly owing to subnational actions, precipitous clean-energy cost decreases and shifting public opinion,” said Hultman, who is director of the University of Maryland's Center for Global Sustainability.

"Under a Trump reelection, we would likely see an acceleration of this kind of subnational action. And depending on the election outcomes across the country, particularly the down-ballot [races], a number of additional new leaders could be expanding on these actions, as well," Hultman added.

"Adele Morris, who is Brookings' policy director for climate and energy economics, said economic forces already have transformed the power sector and negated Trump's effort to revive the shrinking U.S. coal industry.

"Trump vowed as a candidate in 2016 to "bring back coal," but his promise was based only on undoing Obama's Clean Power Plan.

"That was a fiction," Morris said, noting that more than 90% of the decline in coal production and consumption resulted from increasing demand for inexpensive natural gas.

"We're seeing an acceleration of decline in coal consumption, and that's without climate policy of any kind," Morris said.

"A major question for Biden if he takes office in January would be the prominence of natural gas and fracking in supplying the nation's energy.

"Biden has stated adamantly that he does not want to ban fracking, which is a major industry in key electoral states such as Pennsylvania. But many Democrats and aligned groups want to eliminate fracking and the use of natural gas, a fossil fuel that emits greenhouse gases.

"That really is the heart of where tensions still remain on the left around Vice President Biden and his commitment to addressing climate change," said *New York Times* climate reporter Lisa Friedman.

"Fracking opponents originally opposed the process out of concern for its effects on water quality, and now want to "phase out and eliminate natural gas," said Friedman, a former reporter and editor at E&E News.

"Biden has characterized natural gas as a "bridge fuel" that would ease the nation's transition to renewable energy, Friedman added. "Folks on left say we've passed the bridge. That is a fight we're going to see play out if there is a Biden administration — what role natural gas is going to play."

### [Campaign 2020: CARB Chief Could Head EPA Under a Biden Administration](#)

Maxine Joselow of Climatewire reported on October 15, "California Air Resources Board Chair Mary Nichols yesterday outlined her vision for EPA over the next four years. And it starts with science.

Nichols — who is widely viewed as a candidate for EPA administrator should Democratic presidential nominee Joe Biden defeat President Trump — described her plans for the agency during a virtual event hosted by American University and the American Lung Association.

The first priority for the next EPA chief should be restoring respect for science, including the overwhelming body of research that shows human activity is causing climate change, she said.

"The first thing, I would say, that really has to be reversed is the rejection of science and scientists," Nichols said.

"That's probably the single biggest scandal, I would say, and the thing that has to be addressed first," she continued. "Until you restore the role of science at the end, make it clear that decisions are going to be based on science, you can't recruit the kind of people that you want or keep the people you want."

"Nichols accused the Trump EPA of dismissing or silencing employees who "have impeccable credentials, who appear to have only committed the sin of being in favor of enforcing the laws." She also criticized the hiring of political appointees who are "totally opposed to doing anything about human-caused climate change."

"Scott Pruitt, who served as Trump's first EPA administrator before resigning under a cloud of ethics scandals, rejected the scientific consensus that carbon dioxide is a primary contributor to global warming in a 2017 interview with CNBC. His successor, Andrew Wheeler, has said he does not view climate change as an "existential threat".

"Nichols said the next EPA chief's second priority should be restoring respect for bedrock environmental laws such as the Clean Air Act — noting that California Attorney General Xavier Becerra (D) has filed numerous lawsuits over the agency's alleged misinterpretation of the law.

"Despite her critical view of the Trump EPA, Nichols commended the agency for continuing to punish companies that violate environmental laws and regulations.

"Really, the only good thing that you can say about EPA in the last four years is they didn't stop enforcing existing regulations," she said, adding, "We were able to continue to work with them when you saw instances of fraud, you know, outright abuse."

"EPA and the Department of Justice have taken some major enforcement actions under the Trump administration. That includes the announcement last year that Fiat Chrysler Automobiles NV would pay \$500 million to settle allegations that it violated the Clean Air Act by cheating on auto emissions tests. Nichols did not directly address speculation that she could be considered for EPA administrator in a Biden administration.



“In addition to Nichols, other people mentioned for the job include Washington Gov. Jay Inslee (D), who ran for president with a heavy focus on climate change, and Heather McTeer Toney, a former EPA Region 4 administrator and former mayor of Greenville, Miss., who is now national field director for Moms Clean Air Force.

“Yesterday's event was pegged to the release of "Unbreathable: The Fight for Healthy Air," a 30-minute film about 50 years of the Clean Air Act that features Nichols and former California Gov. Arnold Schwarzenegger (R). The film was made with support from the American Lung Association, American University and the Hanley Foundation.”