



ABC's Weekly Federal Legislative Update October 26, 2020

Introduction

The House is out of session though COVID 19 Stimulus discussions continue between the Speaker and the Administration. On Monday, the full Senate will vote on the nomination of Judge Amy Coney Barrett to U.S. Supreme Court. Negotiations on a new round of COVID 19 Stimulus are being bogged down by a number of contentious issues including aid to state and local governments and liability protection for employers. With only eight days left, it is unlikely that another package will pass before the election. The following is news from Washington, D.C.

Administration

Congress

COVID 19 Relief Package

The following story contains an update on the latest efforts to pass another COVID 19 relief package

Emma Dumain of E&E Daily reported on October 21, "Despite House Speaker Nancy Pelosi insisting yesterday was the hard deadline for reaching a deal with the Trump administration to vote on a coronavirus relief package before the election, the California Democrat is giving negotiations more time.

"Today's deadline enabled us to see that decisions could be reached and language could be exchanged, demonstrating that both sides are serious about finding a compromise," Pelosi explained in a letter to colleagues yesterday evening.

"She added that she was continuing to instruct the committee chairs to work to "resolve differences about funding levels and language" in anticipation of a follow-up phone call with Treasury Secretary Steven Mnuchin later this afternoon.

"I remain hopeful that we can reach an agreement before the election," said Pelosi. "It will be safer, bigger and better, and it will be retroactive."

"It's not clear what comes next or at what point both sides will give up on finding a deal before Nov. 3.

"She and Mnuchin are facing significant headwinds in the Senate, where Majority Leader Mitch McConnell (R-KY) reportedly told his members at a closed-door meeting yesterday he was discouraging the White House from locking down an agreement prior to Election Day.

"According to *The Washington Post*, McConnell warned Pelosi was not negotiating in good faith and that a breakthrough could derail plans to confirm Judge Amy Coney Barrett to the Supreme Court by next Monday.

"But McConnell is also confronting the reality that many of his members do not want to vote on a stimulus package of upward of \$1.8 trillion and by urging the White House to stand down is hoping to avoid a scenario where the Republican-controlled Senate has to break with Trump.

"At his weekly press conference, McConnell chose his words carefully, telling reporters that he would certainly put any bipartisan bill on the Senate floor that had Trump's support but would not specify whether he would do so before or after the election.

"We'd have to see what it was first," McConnell said. "There's been no deal announced. If a deal is announced, it will have to be written. People would have a chance to look at it. Then, it would have to clear the House, and if all of that occurs, of course we could consider it in the Senate."

'Not optimistic'

"Absent a deal that would complicate McConnell's plans, the senator is forging ahead with scheduling a duo of votes this week designed to provide political cover to his members who want to do something related to the coronavirus.

"They also are intended to put Democrats on record as opposing needed funding for the American people, even as they argue the Republican offers are inadequate for addressing the full scope of the crisis.

"Our mission is not to pick out one or two industries and say 'maybe later' to the rest," said Senate Minority Leader Chuck Schumer (D-N.Y.).

"We can't privilege a small issue here or there and ask everyone else to wait," he said. "Our mission is to deliver big for a country and a people who are suffering direly. Our mission is to meet the needs of the country and leave no one — leave no one — behind."

"McConnell yesterday held a vote to effectively provide another cash infusion to the Paycheck Protection Program, which failed, 40-57, but attracted five Democratic

crossover votes, four of whom are up for reelection in less than two weeks: Sens. Doug Jones of Alabama, Gary Peters of Michigan, Mark Warner of Virginia and Jeanne Shaheen of New Hampshire. The fifth Democratic defector was Sen. Maggie Hassan of New Hampshire.

"Today, McConnell will offer a \$500 billion bill in targeted pandemic relief that Democrats call insufficient as well as unacceptable, citing "poison pill" provisions like sweeping liability protection for corporations.

"McConnell conceded these were messaging votes. "We wanted to make the point to the American people that Senate Republicans believe another package is important," he said.

"But Senate Republicans were making it clear yesterday that McConnell might indeed have no political alternative.

"Several conservative fiscal hawks said they would never vote for a bill with a price tag of upward of \$1.8 trillion. Others were, in any case, deeply skeptical Pelosi and Mnuchin would be able to reach a deal otherwise.

"Our staff has been trying to work with the Treasury, the secretary of the Treasury's staff and also with the House, and we have no particulars to work on," said Senate Appropriations Chairman Richard Shelby (R-Ala.).

"You never know what's going to happen around here at the last minute, but it's getting to be toward the last minute, and the clock keeps ticking away," he continued. "I'm not optimistic about doing anything."

[Electric Vehicles: Democrats Introduce Bill to Phase Out Gas Powered Cars](#)

The following story is included in this summary as the federal and many state and local governments are introducing legislation or executive orders to encourage the migration to electric vehicles. EVs can be viewed as a competitor to biogas and also a user of biogas if converting it to renewable electricity.

On October 21, Maxine Joselow of [E&E Daily](#) wrote, "Democrats yesterday unveiled legislation to ban the sale of new gasoline-powered cars nationwide by 2035 — elevating the controversial climate goal from the state of California to the halls of Congress.

"The "Zero-Emission Vehicles Act of 2020," from Senator Jeff Merkley (D-OR), would for the first time establish a federal zero-emission vehicle standard.

"The standard would require that battery electric vehicles and fuel-cell vehicles account for 50% of new passenger cars sold in the country by 2025, and ultimately 100% by 2035.

“The legislation is co-sponsored by Senators Sheldon Whitehouse (D-RI), Elizabeth Warren (D-MA), Bernie Sanders (I-VT) and Cory Booker (D-NJ). Rep. Mike Levin (D-CA) led the introduction of the companion bill in the House, where it has 15 co-sponsors.

“The measure mirrors a recent executive order from California Gov. Gavin Newsom (D) aimed at banning sales of new gas- and diesel-powered cars in the Golden State by 2035. Merkley and Whitehouse previously introduced a version of the bill, S. 1487, last year. That version had a less aggressive timetable, calling for ZEVs to account for 50% of new car sales by 2030 and 100% by 2040.

"The whole world, with a few science-denying holdouts in America, recognizes the imperative of ending carbon pollution," Merkley said in a statement yesterday.

"By moving aggressively and boldly now, we can help save Americans from the dire health and economic impacts of the climate crisis, and make sure American workers are the ones building the next generation of cars for the world."

“To be sure, the legislation is a heavy lift. Electric vehicles accounted for just under 2% of new car sales in the country last year.

“The bill also has little chance of advancing before the Nov. 3 election or in the lame-duck session afterward, given the lack of Republican support.

“While Democratic presidential nominee Joe Biden's climate and clean energy [plan](#) calls for reaching 100% clean electricity by 2035 and building 500,000 new EV charging stations, it stops short of setting a date for reaching 100% ZEV sales.”

Other

[Using Biochar Could Net Farmers Major Water Conservation](#)

E&E News PM reporter Marc Heller published on October 19, “Farmers may be able to save as much as half their irrigation costs by adding a type of charcoal to the soil, researchers at Rice University said.

“In a study published in the open-access journal *GCB-Bioenergy*, researchers at Rice determined big water conservation benefits from biochar, which is produced from wood and other biomass heated to a high temperature in the absence of oxygen.

“If used on a wide scale, biochar boosters say, the material could increase farm productivity and put trimmings from overgrown forests to use, while combating climate change by adding carbon to the soil.

“Researchers determined the best water-saving benefit would probably be on sandy soil, which tends to lose the most water. That means biochar — short for biological

charcoal — could be of the most use in the West, the far Northern states, the Northeast and parts of the South, they said.

"There's a lot of biochar research that focuses mostly on its carbon benefits, but there's fairly little on how it could help stakeholders on a more commercial level," lead author and Rice alumna Jennifer Kroeger, now a fellow at the Science and Technology Policy Institute in Washington, said in a news release. "It's still an emerging field."

"Researchers examined 16 existing studies on the use of biochar. Soil's water-holding capacity is determined by spaces between particles, including pores within the biochar itself, they said. Among other discoveries, they found that biochar from grassy material performs best for those types of pores.

"The Forest Service's Rocky Mountain Research Station has also examined the potential benefits, linking up with a Florida-based agricultural machinery company called Air Burners Inc. to find economically viable ways to produce it.

"The material has a loyal following, including from a promotional campaign called the International Biochar Initiative, based in Canandaigua, N.Y. The research-oriented organization hosts a Biochar World Congress; last year's was in Seoul, South Korea, with speakers from the U.S., China, the United Kingdom and Canada.

"Despite its promising qualities, biochar hasn't quite caught on with farmers, researchers say.

"Rice researchers, who are leaders in the overall study of biochar, said more work on the subject needs to be done, including into how heavier clay soils respond to biochar.

[EPA: Clean Trucks Rule to be Released Early Next Year](#)

Maxine Joselow of [Greenwire](#) reported on October 20, "EPA expects to release a major rulemaking to slash pollution from trucks early next year, a key official said yesterday.

"The agency plans to issue the proposed rule for the Cleaner Trucks Initiative in "the first quarter of 2021," Sarah Dunham, the head of EPA's Office of Transportation and Air Quality, said at a virtual event.

"The Cleaner Trucks Initiative is aimed at strengthening nitrogen oxides (NOx) emissions standards for heavy-duty trucks. NOx are a key ingredient in both smog and acid rain. The standards have not been updated in 19 years, despite a provision in the Clean Air Act mandating periodic review.

"EPA had initially hoped to unveil the proposed rule in September, but sources previously told E&E News that the timeline had been delayed.

“Dunham spoke at the fall meeting of the Mobile Sources Technical Review Subcommittee, a panel of independent experts that advises EPA on pollution from motor vehicles and motor fuels.

“In previous years, the panel has met at a hotel in Arlington, Va. This year, however, the meeting was held in a virtual format due to concerns about the COVID-19 pandemic.

“Dunham pointed to the pandemic as one reason for the delay, noting that an EPA vehicles testing laboratory in Michigan was closed for several months this summer.

“I think not surprisingly, as everybody has sort of grappled with COVID, we did shut our lab down for a period of months. So that has had an effect on our time frame,” she said.

“So we are now on a time frame for putting out a proposal early next year, sort of first quarter of 2021,” she continued. “The teams are still working very closely on that rule, and it continues to be a very important one for us.”

No politics

“At the outset of yesterday's meeting, Karl Simon, director of the Transportation and Climate Division at EPA, discouraged participants from discussing partisan politics despite the elections next month.

"I think we've said this in the past, but it's probably a good reminder as we come up on election season, which is that we've asked you questions to look at five, 10, 20, 30 years out," Simon said.

"We're a political agency. But the politics — state, local, federal, international — really probably don't apply that much here," he said.

“Participants generally heeded this advice and refrained from mentioning how the elections could shape transportation and climate policy for decades to come.

“Under President Trump, however, EPA has rolled back greenhouse gas standards for passenger cars, the most significant climate rules established by former President Obama.

“If Trump wins a second term, his administration would likely defend the rollback in court from numerous challenges brought by environmental groups and Democratic attorneys general.

“If former Vice President Joe Biden ousts Trump, he would likely direct EPA to begin crafting even tougher clean car rules, among other efforts to reduce carbon emissions from the transportation sector.”