



## ABC's Weekly Federal Legislative Update October 4, 2021

### Introduction

Democrats are looking to the end of October as their new deadline to work out agreements on infrastructure and the budget reconciliation package. In the interim, Congress must raise the debt ceiling by October 18 or the U.S. will default on its debt causing untold economic harm. The following is news from Washington, D.C.

### Administration

### Congress

#### [Congress Passes Continuing Resolution to Fund Federal Government](#)

***Last week, the Congress averted a federal government shut down by passing a continuing resolution which will provide funding until December 3.***

George Cahlink of [E&E News PM](#) wrote on September 30, "Congress has approved stopgap spending legislation that would avert a government shutdown at midnight tonight.

"The Senate this afternoon easily passed, 65-35, a bill to fund government through Dec. 3, extend expiring surface transportation programs and provide \$26.6 billion in emergency disaster aid. A debt ceiling provision opposed by Republicans was jettisoned to ease passage. The House followed quickly, approving the measure 254-175.

"On government funding, what Republicans laid out all along was a clean, continuing resolution without the poison pill of a debt limit increase," said Senate Minority Leader Mitch McConnell (R-KY).

"Speaker Nancy Pelosi (D-CA) said this morning the House would soon "send [the CR] on to the president to keep government open." She noted it would prevent hundreds of thousands of federal worker furloughs. President Biden is certain to sign the bill.

“The CR does not include an extension of surface transportation programs, which are set to expire at midnight. Democrats continue to hope those programs will be covered by House passage of the Senate’s bipartisan infrastructure bill later today.

“Hopefully, at the end of the day, the House will pass the bill that we passed. ... That’s the right thing to do,” said Senate Environment and Public Works Chair Tom Carper (D-DE), noting it would reauthorize highway programs for five years. “Carper said bipartisan discussions over a “Plan B” are underway if the bipartisan infrastructure bill stalls in the House.

“Senator Shelley Moore Capito (R-WV), the ranking member on EPW, said lawmakers’ backup plan is a standalone bill that would provide a short-term extension of the expiring transportation programs.

“She said failing to do so would block new starts for infrastructure projects and could threaten pay for workers on existing projects. Democrats likely opted to not include the issue in the CR to push for action on the broader package.

“Even with the government shutdown crisis averted, lawmakers from both parties noted a bigger crisis awaits as soon as mid-October, when the country is expected to hit the current debt limit.

“Republicans need to get out of the way so Senate Democrats can address this issue quickly and without needlessly endangering the stability of our economy,” said Senate Majority Leader Chuck Schumer (D-N.Y.) yesterday.

“McConnell, however, continues to insist the GOP won’t support any debt increase, instead arguing Democrats have the votes to handle it themselves in the pending \$3.5 trillion reconciliation bill.

“Some coastal lawmakers were also lobbying for the CR to include language to delay reforms to how the federal flood insurance program works. Those reforms would lead to significant rate increases.”

*Reporter Geof Koss contributed.*

## [Debt Ceiling](#)

***Senate Republicans have again rejected efforts to raise the federal debt ceiling which allows the federal government to continue to service the debt on funds they have already spent. Senate minority leader McConnell is demanding that Democrats allow pass this measure which means using a budget reconciliation measure to do so which will take additional time. Treasury Secretary Yellen has estimated that the U.S. has until October 18 to pass this measure.***

On September 28, Timothy Cama of [E&E News PM](#) reported, “Senate Republicans this afternoon rejected an attempt by Majority Leader Chuck Schumer (D-N.Y.) to raise the federal debt limit with only Democratic votes.

“Schumer requested unanimous consent for debt ceiling legislation to pass by simple majority, avoiding the 60-vote filibuster-proof supermajority needed to proceed with most legislation. He cited a 2006 instance in which Senate Republicans did just that, when they had the chamber’s majority but not 60 votes.

“Simply allow for a simple majority threshold to raise the debt ceiling and avoid this needless catastrophe that Republicans have steered us toward,” Schumer said on the Senate floor, making reference to Minority Leader Mitch McConnell’s (R-KY) pledge that the GOP would not support changing the limit on federal borrowing, which the government is likely to reach in the middle of next month, an unprecedented action that risks its ability to pay its debts.

“We’re just asking Republicans to get out of the way,” said Schumer.

“But McConnell objected to Schumer’s request, saying Democrats should be accountable for their own spending. “There is no chance, no chance the Republican conference will go out of our way to help Democrats conserve their time and energy so they can resume ramming through partisan socialism as fast as possible.”

“McConnell has maintained that the Democrats have the power to raise the debt ceiling with just their 50 votes and the tiebreaking vote of Vice President Kamala Harris, even without the move Schumer attempted today.

“Republicans yesterday blocked a broader House-passed bill to raise the debt ceiling and prevent a government shutdown later this week. Democrats have yet to say exactly how they will proceed.

“This afternoon, Senate Energy and Natural Resources ranking member John Barrasso (R-WY) asked the Interior Department to keep national parks open in the event of a shutdown. He told the agency to rely on entrance fee dollars.”

#### [Infrastructure – Democrats Ready Highway Funds Patch at Talks Continue](#)

***As a result of not being able to pass the infrastructure package last week, Democratic leadership is seeking measures that will fund the surface transportation authorities that expired on September 30.***

[Greenwire](#) reporters Geof Koss, Emma Dumain, Nick Sobczyk and George Cahlink published on October 1, “House Democrats are preparing a 30-day extension of federal

surface transportation authorities that expired last night in case ongoing negotiations over a vote on the Senate's infrastructure bill fail to yield a deal.

"Transportation and Infrastructure Chair Peter DeFazio (D-Ore.) announced plans for a 30-day extension during this morning's House Democratic caucus meeting as a fallback plan as talks continue over a deal to allow a vote on the Senate bill.

"After the more than two-hour meeting, several House Democrats said they anticipated a vote to extend surface transportation authorities today — a clear sign that the caucus is not united on a path for moving forward on the two-track legislative strategy. House Democrats are expected to meet again this afternoon to continue talks.

"Yet members of House Democratic leadership were bullish emerging from that meeting that there could still be a vote on the Senate-passed, \$1.2 trillion infrastructure package, which would reauthorize federal surface transportation programs for five years.

"I expect to vote today, and I expect the bill will pass today," said Representative Hakeem Jeffries (D-NY), the chair of the House Democratic Caucus.

"Hope for that vote is prompting leaders to delay teeing up the 30-day reauthorization.

"But whether this will be possible still remains unknown as Democratic leaders and the White House seek an elusive agreement that would mollify wary progressives threatening to vote down the bipartisan measure unless there's a vote on a larger budget reconciliation package as well.

"Congressional Progressive Caucus Chair Pramila Jayapal (D-WA) told reporters that the surface transportation expiration would be dealt with. "There have been 28 short-term extensions of surface transportation since 2003, so I'm not concerned that we can get an extension done," she said.

"DeFazio declined to discuss plans for an extension but said he thought Republicans would back a short patch. "We haven't decided the path forward yet," he told reporters. "That's why we're having a discussion."

"DeFazio did acknowledge that 30 days is the longest extension Congress could do without adding more funding for the Department of Transportation.

"The Senate is in session as well today, although most senators have left town for the weekend. The chamber could pass an extension by voice vote or unanimous consent if the House moves one first.

“Several senators said yesterday that a 30-day extension was under discussion, but it would depend on what happens with the House vote on the Senate-passed infrastructure bill.

“We do have to pass that because it’s about jobs,” Representative Karen Bass (D-CA) told reporters today.”

“As Democrats huddled behind closed doors this morning, members signaled that a quick resolution that would allow the vote on the Senate bill to go forward remained elusive.

“Jayapal said she did not expect this morning’s meeting to resolve the underlying dispute over the size of the reconciliation package — which she indicated would have to be determined by talks between Democratic leaders, the White House and Senators Joe Manchin (D-WV) and Kyrsten Sinema (D-AZ). Both senators are opposed to the current \$3.5 trillion reconciliation plan, with Manchin offering \$1.5 trillion as a starting point.

“The resolution is not here in this caucus — the resolution is with two senators, and the rest of the 98% of the Democratic caucus,” Jayapal told reporters. “That’s where the discussion is.”

“Democratic leaders have been hoping to strike a deal on a “framework” that would satisfy progressives who fear passage of the Senate bill will scuttle the broader reconciliation push that would include the bulk of climate policies to meet President Biden’s emissions reduction goals.

“Ahead of the caucus meeting, Representative Alexandria Ocasio-Cortez (D-NY) indicated that she would not be satisfied with a framework deal. “We need a vote,” she said.

“Echoing a concern among many liberals about the Senate’s bipartisan bill — which contains tens of billion of dollars for climate resiliency and for electric grid upgrades but falls short of progressives’ climate demands — Representative Jan Schakowsky (D-IL) said she would support the measure only to keep the reconciliation discussion going.

“It actually contributes to [warming],” she told reporters. “I’m going to vote for that because we’re going to have a [reconciliation] bill that is robust on the climate crisis.”

“Senate Budget Chair Bernie Sanders (I-VT) reiterated calls to delay a vote on the Senate bill, writing on Twitter that “the fate of the planet is at stake.”

“Without a strong reconciliation bill there will be no serious effort to cut carbon emissions & transform our energy system away from fossil fuel,” Sanders wrote. “There

must be no infrastructure bill without a major reconciliation bill to combat climate change.”

### Infrastructure: Vote Delayed at Talks Continue

***Speaker Pelosi delayed the vote on the bipartisan infrastructure package last week as progressives and moderates could not come to an agreement on the budget reconciliation package that is supposed to move in tandem with the infrastructure piece. Speaker Pelosi delayed the vote rather than have it not pass.***

Geof Koss, Emma Dumain, Nick Sobczyk and George Cahlink of [E&E News PM](#) wrote on October 1, “Negotiations over a deal that would allow a House vote on the Senate’s \$1 trillion infrastructure package will continue this morning, after Democratic leaders yesterday delayed a planned vote while struggling to hold together their two-track legislative strategy.

“While there remained many unanswered questions last night on how moderates and progressives would come to an agreement on both the Senate-passed bill and a more ambitious \$3.5 trillion reconciliation package, Democrats seemed to be in a better position to strike a deal than when the day began. For the first time, Senate Energy and Natural Resources Chair Joe Manchin (D-W.Va.) publicly named a top-line number he would be comfortable with on reconciliation: \$1.5 trillion.

“That number is far short of what progressives are seeking to fund wide-reaching provisions like child care, health and climate change, but it at least marked movement from the moderate wing of the party after weeks of silence.

“At the center of it all is House Speaker Nancy Pelosi (D-CA), who late last night said that negotiations among the White House, House and Senate would continue. “All of this momentum brings us closer to shaping the reconciliation bill in a manner that will pass the House and Senate,” she said in a “Dear Colleague” letter.

“But a framework agreement on reconciliation that would satisfy centrists’ demands for a vote on the Senate bill and keep wary progressives from tanking the measure proved elusive.

“In her own statement, White House press secretary Jen Psaki said the discussions had yielded some progress and would resume first thing this morning.

“One casualty of the standoff is federal surface transportation programs, which lapsed at midnight. The Senate infrastructure bill would have reauthorized such programs for five years. The abandoned coal mine reclamation fee was also set to be renewed.

“West Virginia Senator Shelley Moore Capito, the top Republican on the Environment and Public Works Committee, said yesterday she anticipated the Senate would try to move a short-term extension of highway law if the House did not act, but the chamber adjourned for the evening without doing so.

#### Manchin Holds Firm

“Despite claims of progress, Manchin, the Senate Energy and Natural Resources chair, emerged from a late-night meeting in the office of Senate Majority Leader Chuck Schumer (D-NY) sticking to his opening bid in the talks — which comes in \$2 trillion less than the \$3.5 trillion level approved by Democrats in both chambers in August.

“I’m trying to make sure they understand, I’m at \$1.5 trillion,” he said after exiting the meeting that included top White House officials. “I think \$1.5 trillion does exactly the necessary things we need to do.”

“But Senate Budget Chair Bernie Sanders (I-VT) slammed Manchin’s proposal. “It would mean decimating vitally important programs for working families,” Sanders said yesterday afternoon.

“And then, in terms of climate, let me repeat for the umpteenth time, as all of you know, the scientists tell us. ... The planet is a stake. We got four or five years until there is irrevocable harm. And clearly \$1.5 trillion would make it absolutely impossible to do what has to be done to address the climate crisis.”

“By last night, as White House aides shuffled in and out of different meeting rooms around the Capitol in hopes of landing a last-minute compromise, Sanders was making it clear he was in no mood to sign off on anything.

“It is an absurd way to do business, to be negotiating a multitrillion-dollar bill a few minutes before a major vote, with virtually nobody knowing what’s going on,” he said. “That’s unacceptable.”

#### Meetings and More Meetings

“The infrastructure vote was in flux for much of the day yesterday, with moderates insisting it would go ahead and progressives warning they would proceed with their plan to sink it.

“But after a lengthy meeting in Pelosi’s office, Representative Jared Huffman (D-CA) — one of the progressives withholding his vote on infrastructure — said the speaker wasn’t even attempting to whip votes on the bill.

“Those of us that are hard nos have made our rounds with our colleagues, and if there was an active whipping operation we would know,” Huffman told reporters. “There’s not.”

“Representative Stephanie Murphy (D-FL), however, said Pelosi had committed to holding the vote yesterday during a separate meeting with the centrist Blue Dog Coalition.

“The reason that it’s critically important that the vote gets taken today is because the surface transportation bill will run out, and that will leave 3,000 Department of Transportation employees on furlough,” Murphy told reporters.

“By late afternoon yesterday, Pelosi’s endgame was still murky. As she worked throughout the day negotiating a framework for a reconciliation package that could satisfy progressives and engaging with lawmakers from across the party’s different ideological factions, she continued to insist there would be a vote on the bipartisan bill by the end of the night.

“One legislative maneuver from Pelosi may have been aimed at appeasing moderates: The House did not formally adjourn yesterday, so the “legislative day” today will still be Sept. 30. Whether that distinction matters to anyone remains to be seen.

“Yet another matter that remained unclear was how Pelosi would find the necessary support for the Senate-passed infrastructure bill. While she was banking on producing a framework agreement with moderates to flip enough progressives into the “yes” column, many were making it clear they had no plans to accept anything that wouldn’t have an ironclad chance of survival in the Senate — in other words, legislative text or a Senate-passed bill.

“Representative Pramila Jayapal (D-WA), head of the Congressional Progressive Caucus, reiterated yesterday the majority of her caucus, around 50 members, is willing to reject the infrastructure bill without commitments for progressive priorities in the reconciliation package. Jayapal also dismissed a deal focused on the \$1.5 trillion proposal floated by Manchin.

“I don’t think it will go anywhere,” she said.”

## **Other**