

# Evening Update - Monday, February 8, 2021

The House is in session. The Senate is in recess.

## Budget Reconciliation

- Following the passage of the budget resolution by both the House and Senate, Congress must write and pass the new COVID-19 relief bill before March 14, to prevent the expiration of enhanced unemployment benefits.
  - President Biden has expressed his skepticism that increasing the federal minimum wage to \$15 will be included in the package due to Senate rules; however, the Congressional Budget Office (CBO) [found](#) that a \$15 federal minimum wage would increase the deficit by \$54B over ten years which would allow the provision to avoid the Byrd Rule. As we have reported, provisions must have a direct impact on federal spending or debt to be considered within scope of the budget reconciliation process.
    - Senate Budget Committee Chairman Bernie Sanders (I-VT) is continuing to advocate for its inclusion. Language [released](#) by the House Education and Labor Committee included the \$15 minimum wage.
      - The Education and Labor framework largely follows Sen. Sanders's proposal, with a phased approach that would see a full \$15 minimum wage be effective nationwide as of 2025.
      - After 2025, the minimum wage would be indexed to the annual percentage increase in median hourly wages of all employees, allowing for the minimum wage to increase yearly.
      - Under the proposal, the tipped minimum wage would be immediately increased to \$4.95 an hour and be subject to an annual increase by the lesser of \$2 an hour, or the difference between the tipped minimum wage and the general minimum wage.
      - The youth subminimum wage is subject to similar terms, but increases by either \$1.75 an hour, or the difference between wages. Once the subminimum wage aligns with the general minimum wage, which the bill projects to be 2027, the youth subminimum wage will be fixed to the overall minimum wage.
  - House Ways and Means Committee Chairman Richard Neal (D-MA) is also leading an effort to provide child allowances to families over three years, which would be \$3,600 for each child under 6 and \$3,000 for each child between 6 and 17. There is bipartisan support for the idea as Sen. Romney (R-UT) introduced a child allowance bill of his own.
- The House Transportation and Infrastructure Committee [released](#) its proposal for the relief package. The Amendment in the Nature of a Substitute is scheduled to be [marked up](#) before the Committee on February 10 and includes:
  - \$30B for transit relief to cover operating expenses.
    - \$1B of this is reserved for Capital Investment Grant projects.
  - \$1.5B for Amtrak, with 55% designated for the Northeast Corridor and \$166M to restore long-distance service and recall furloughed workers.
  - \$8B for airports to mitigate operations cost, debt payment, and recovery.
    - \$800M of this is reserved to assist airport concessionaires.
  - \$3B to create a payroll support fund for aviation manufacturing workers.

- \$450M to support communities that economically rely on travel and tourism.
  - \$100M for rural intercity bus programs.
- House Financial Services Committee Chair Maxine Waters (D-CA) [proposed](#) a \$75B bill as part of the larger COVID-19 relief package. The Committee will [mark up](#) an Amendment in the Nature of a Substitute to the bill, which provides technical corrections on February 10. The proposal includes:
- \$15B to extend the Payroll Support Program (PSP) for airline workers.
  - \$10B to increase supplies of personal protective equipment (PPE) and vaccine production capacity through the Defense Production Act (DPA).
  - \$10B to fund the State Small Business Credit Initiative.
  - \$25B for emergency rental assistance.
  - \$10B for homeowner assistance.
  - \$5B for homelessness funding.
- The House Education and Labor Committee [released](#) its portion of the Fiscal Year (FY) 2021 budget reconciliation bill, providing over \$300B of relief. The bill text can be found [here](#), a fact sheet can be found [here](#), and a section-by-section can be found [here](#). The Committee is scheduled to [mark up](#) their portion of the reconciliation bill tomorrow, which is also an Amendment in the Nature of a Substitute. The amendment includes:
- \$130B for K-12 schools to undertake actions to mitigate the risk of COVID-19 and facilitate reopening. It also provides \$40B for institutions of higher education to compensate for lost revenue following campus closures.
    - The bill replenishes the Elementary and Secondary School Emergency Relief Fund (ESSERF), as well as the Higher Education Emergency Relief Fund (HEERF), with largely the same terms as past allotments.
  - \$39B to the Child Care and Development Block Grant Program.
  - \$1B for the Head Start Program.
  - \$5B to the Pandemic Electronic Benefit Transfer (EBT) Program.
  - \$800M for the Women, Infants, and Children (WIC) Program.
  - \$350M for the Child Abuse Prevention and Treatment Act.
  - \$450M in funding for rape crisis centers and programs to support survivors of family violence, per the Family Violence Prevention and Services Act.
  - \$4.5B for the Low-Income Home Energy Assistance Program (LIHEAP).
  - \$1.4B for programs servicing older adults, including vaccination support, nutrition assistance, and caregiver support.
  - Increases the minimum wage to \$15 an hour by 2025 and binds the minimum wage to increase with the median national income thereafter.
  - \$150M to the Department of Labor to implement worker protections from COVID-19.
    - \$75M to the Occupational Safety and Health Administration (OSHA).
  - Ensures workers' compensation coverage for frontline maritime and federal workers under the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act (FECA).
- House Democrats have reportedly settled on a compromise for income limits on the \$1,400 direct stimulus checks included in the relief package. The proposal language, [released](#) late this evening by the Ways and Means Committee, will retain the original \$75,000 annual income cutoff for individuals, after which point the amount will begin to phase out, but with currently undisclosed, sharper reductions in payments.

- Joint filers earning up to \$150,000 would qualify for the full \$1,400 payment per person, as well, and phase out until being entirely eliminated for those joint filers who earn \$200,000 or more per year.
- The agreement would conclude an ongoing debate within the party over the eligibility requirements for the payments. President Biden has refused to reduce the maximum payment from \$1,400, but has been open to suggestions from moderate members that full \$1,400 payments be capped off at \$50,000 per year for individuals.

## Congress

- Senate Majority Leader Chuck Schumer (D-NY) announced today that a [Senate Resolution](#) was agreed to regarding the upcoming impeachment trial of former President Donald Trump. The Resolution, which is expected to pass the Senate early this week, was struck between Majority Leader Schumer, Senate Minority Leader Mitch McConnell (R-KY), former President Trump’s Counsel, and the [House Impeachment Managers](#). According to the resolution and a [press release](#) on the agreement, the trial will include the following, among other parameters:
  - “Up to 4 hours equally divided between the Impeachment Managers and the former president’s counsel to present arguments on Tuesday February 9 on the constitutionality of the trial” followed by a simple majority vote on whether or not the Senate has the “jurisdiction under the Constitution” to try former President Trump.
  - Should the majority vote in favor, “up to 16 hours per side for the Impeachment Managers and the defense to present their case beginning Wednesday, Feb. 10 at 12:00pm EST” would follow.
  - Following presentations from both sides, “a total of 4 hours for Senators to question the two parties.”
  - Upon completion of the Senator question period an additional 2 hours equally divided for arguments on “whether it will be in order for the Senate to consider motions to subpoena witnesses and documents.”
  - Up to 4 hours for closing arguments and then a Senate vote on the Article of Impeachment.

## Senate

- Additional information has been released on Senate Finance Committee Chairman Ron Wyden’s (D-OR) bill to lift the embargo on Cuba. The U.S.-Cuba Trade Act [would](#) establish normal trade relations with Cuba by repealing all sanctions and “other provisions that affect trade, investment and travel.”
  - Specifically, the bill would nullify the Helms-Burton Act and Cuban Democracy Act.
- Senate Commerce, Science, and Transportation Committee Ranking Member Roger Wicker (R-MS) said that he looks forward to working with Secretary Buttigieg on bipartisan transportation priorities but suggested that the impeachment trial and partisanship might hinder that work.
- Sen. Ed Markey (D-MA) commended President Biden’s recent climate actions as an “excellent start” and “very consistent with the goals” of the Green New Deal. Sen. Markey also voiced his support for a clean energy standard, suggesting it could be established through reconciliation and used to achieve President Biden’s emissions goals.

- Sen. Steve Daines (R-MT) announced that he intends to block the nomination of Rep. Deb Haaland to be Secretary of Interior until his concerns are addressed. Sen. Daines voiced his opposition to Haaland's "support for the Green New Deal and President Biden's oil and gas moratorium, as well as her opposition to the Keystone XL pipeline."
  - Sen. John Barrasso (R-WY) has also voiced his concern with Haaland, stating, "Representative Haaland's radical views are squarely at odds with the responsible management of our nation's energy resources."
- Sen. Richard Shelby (R-AL) announced that he will not run for reelection in 2022, after serving six terms in the Senate. Sen. Tommy Tuberville (R-AL) won the other Alabama Senate seat in 2020 by more than 20%.
- The Senate Environment and Public Works Committee will hold a vote tomorrow to advance Michael Regan's nomination to be Administrator of the Environmental Protection Agency (EPA).
- The Senate Committee on Health, Education, Labor, and Pensions will hold an Executive Session on Thursday to consider the nominations of Miguel Cardona to be Secretary of Education and Marty Walsh to be Secretary of Labor.

## House

- Reps. Bill Foster (D-IL) and John Katko (R-NY) are expected to reintroduce the [Improving Digital Identity Act](#) to bolster secure personal digital identification, citing the increased use of telehealth services during COVID-19.
- House Oversight Committee Chair Carolyn Maloney (D-NY) sent a [letter](#) to Parler calling on the company to disclose any discussions about former President Trump gaining an ownership stake and any financial involvement with Russian entities.
- The House Energy and Commerce Subcommittee on Environment and Climate Change will hold a [hearing](#) tomorrow entitled "Back in Action: Restoring Federal Climate Leadership." Witnesses will include:
  - Anna Fendley, M.P.H., Director of Regulatory and State Policy, United Steelworkers (USW)
  - Christy Goldfuss, Senior Vice President, Energy and Environmental Policy, Center for American Progress
  - Mark Mills, Senior Fellow, The Manhattan Institute
  - Kerene N. Tayloe, Esq., Director of Federal Legislative Affairs, WE ACT for Environmental Justice
- The House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation will hold a [hearing](#) tomorrow entitled "State of the U.S. Maritime Industry: Impacts of the COVID-19 Pandemic." Witnesses will include:
  - Lauren K. Brand, President, National Association of Waterfront Employers
  - Ben Bordelon, Chairman, Shipbuilders Council of America
  - Mario Cordero, Chairman, Board of Directors, American Association of Port Authorities
  - C. James Patti, President, Maritime Institute for Research and Industrial Development
  - Michael G. Roberts, Senior Vice President, Crowley Maritime
  - Del Wilkins, President, Illinois Marine Towing

- A New York state judge officially ruled that Claudia Tenney (R-NY) defeated incumbent Rep. Anthony Brindisi (D-NY) in the race for New York's 22<sup>nd</sup> District. Tenney was ruled the winner by 109 votes, deciding the last outstanding race of the 2020 election.
  - Brindisi conceded the election via a statement released on [Twitter](#).
- House Aviation Subcommittee Chairman Rick Larsen (D-WA) and Reps. Don Beyer (D-VA), Eddie Bernice Johnson (D-TX), Eleanor Holmes Norton (D-DC), and Andre Carson (D-IN) introduced the National Aviation Preparedness Plan Act ([H.R. 884](#)) to develop a national aviation preparedness plan for public health emergencies.
  - According to a [press release](#), the bill would require the Departments of Transportation, Health and Human Services, and Homeland Security to develop a preparedness plan in collaboration with air carriers, airports, and labor unions.
- House Homeland Security Committee Chairman Bennie Thompson (D-MS) and Reps. Rosa DeLauro (D-CT), Carolyn Maloney (D-NY), Peter DeFazio (D-OR), Bonnie Watson Coleman (D-NJ), and Lucille Roybal-Allard (D-CA) introduced a bill ([H.R. 903](#)) to improve Transportation Security Administration (TSA) security operations.
  - The bill would also aim to increase transportation security workforce security by applying the title 5 personnel system to TSA employees.
- Reps. Anna Eshoo (D-CA), Eleanor Holmes Norton (D-DC), Ed Case (D-HI), Bennie Thompson (D-MS), and Mike Thompson (D-CA) introduced a bill ([H.R. 870](#)) to direct the Federal Communications Commission (FCC) to update the national broadband plan.
- Reps. Brenda Lawrence (D-MI), Troy Balderson (R-OH), Mike Quigley (D-IL), and John Joyce (R-PA) introduced a bill ([H.R. 885](#)) to provide tax credits to small businesses, non-profits, independent contractors, veterans' organizations, and farmers for PPE.
- Reps. David Rouzer (R-NC) and Filemon Vela (D-TX) introduced a bill ([H.R. 895](#)) to support rural water, wastewater, and waste disposal systems impacted by COVID-19.
- Rep. Louie Gohmert (R-TX) introduced a bill ([H.R. 874](#)) to repeal Section 230 protections in order to combat online censorship.
- Rep. Lauren Boebert (R-CO) and 22 other House Republicans introduced the Protecting American Energy Jobs Act ([H.R. 859](#)) to nullify President Biden's executive actions on energy and prohibit any future moratoriums on energy and mineral leasing on federal lands. A press release on the bill is available [here](#).
- Rep. Judy Chu (D-CA) and 49 other House Democrats introduced a resolution ([H.Res. 103](#)) to condemn the January 6<sup>th</sup> attack on the U.S. Capitol.
  - The resolution specifically addresses the “bigotry that was displayed and voiced... the prominent role played by White supremacists and domestic terrorists in planning and leading the siege, and the elected officials who encouraged them.”

## COVID-19

- House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) expressed his commitment to include an extension of the PSP for airline workers in the next COVID-19 relief bill. It is important to note that such an extension was included in the House Financial Services Committee portion of the legislation, as reported on above.
  - During an interview, Secretary of Transportation Pete Buttigieg would not commit the Administration to including additional PSP funding in the relief package. Secretary Buttigieg did say that “this ask from the aviation sector is being taken very seriously.”
- Sens. Richard Blumenthal (D-CT), Maria Cantwell (D-WA), and Ed Markey (D-MA) are expected to introduce [legislation](#) to transition President Biden’s mask mandate into a federal law through the end of the national emergency.
  - The Essential Transportation Employee Safety Act would aim to implement “strong health and safety standards” for transportation workers and ensure those workers have priority access to COVID-19 tests and PPE.
- Rep. Ron Wright (R-TX) passed away yesterday after testing positive for COVID-19 last month and being diagnosed with lung cancer in 2018. Rep. Wright is the first sitting member of Congress to die of COVID-19. Rep. Wright was first elected to office in 2018.

## Administration

- The Office of the U.S. Trade Representative (USTR) announced multiple new members of its staff, including:
  - Greta Peisch to be General Counsel
  - Sirat K. Attapit to be Assistant U.S. Trade Representative for Intergovernmental Affairs
  - Jan Beukelman to be Assistant U.S. Trade Representative for Congressional Affairs
  - Maíra Ferranti Corrêa to be Digital Media Director
  - Adam Hodge to be Assistant U.S. Trade Representative for Media and Public Affairs
  - Ethan Holmes to be Special Assistant to the United States Trade Representative
  - Ginna Lance to be Deputy Chief of Staff
  - Samuel Negatu to be Director of Congressional Affairs
  - Brad Setser to be Counselor
  - Shantanu Tata to be Executive Secretary
  - Jamila Thompson to be Senior Advisor
  - Nora Todd to be Chief of Staff
  - Mark Wu to be Senior Advisor
- Varun Sivaram was selected to be Senior Adviser to Climate Envoy John Kerry. Sivaram previously served as a Senior Research Scholar at Columbia University's Center on Global Energy Policy, focusing on low-carbon energy and clean energy innovation.
- Pamela Karlan was selected to be Principal Deputy Assistant Attorney General in the Department of Justice’s Civil Rights Division. Karlan is a Stanford law professor that currently serves on Facebook’s oversight board.



- After Yoo Myung-hee withdrew her candidacy to be Director General of the World Trade Organization (WTO), the Biden Administration expressed its “strong support” for Ngozi Okonjo-Iweala to serve in the position.
  - Despite the Trump Administration’s opposition to Okonjo-Iweala, the Biden Administration’s position has been applauded by House Ways and Means Committee Chairman Richard Neal (D-MA) and Ranking Member Kevin Brady (R-TX).
- In a [speech](#) to the African Union, President Biden expressed his desire to establish stronger ties with Africa through trade and investment. During his remarks, President Biden said, “the United States stands ready now to be your partner in solidarity, support and mutual respect.”
- The Department of Justice announced that it will voluntarily withdraw from the Trump Administration’s legal challenge to California’s net neutrality law. Just as the Trump Administration repealed net neutrality regulations in the Federal Communications Commission (FCC), it challenged California’s law and effectively paused its implementation.
- The Federal Aviation Administration (FAA) [announced](#) that it will expand weather-camera services to Hawaii in order to “enhance aviation safety and pilot decision-making.” This will specifically drive the installation of 23 camera facilities in Hawaii, beginning in March.
  - These weather cameras are currently in operation in Alaska and Colorado.
- Congressional Democrats are urging President Biden to shut down the Dakota Access Pipeline, citing the finding that the Army Corps of Engineers did not conduct the required environmental review before approving the pipeline.
  - The group includes Sens. Jeff Merkley (D-OR) and Elizabeth Warren (D-MA) and Reps. Raul Grijalva (D-AZ), Nanette Barragan (D-CA), and Raul Ruiz (D-CA).
  - As a reminder, the D.C. Circuit Court of Appeals will hold a hearing on Wednesday to determine whether the pipeline should be shut down.
- The Department of the Interior extended the comment period for the Trump Administration’s rule change on Arctic drilling. The comment period for the rule, originally scheduled to close on February 8, will now be open until April 9.
  - In November 2020, Interior announced 29 regulations within the Arctic Exploratory Drilling Proposed Rule, to address complaints from oil drillers that they imposed high-cost requirements. Environmental advocates criticized the move as jeopardizing the ability of drillers to prevent or mitigate a well blowout.

## Other News

- Amtrak CEO Bill Flynn announced that Amtrak will “fully restore long-distance service to seven days a week” and recall furloughed workers if Congress authorizes the additional \$1.5B in supplemental funding that it has requested.
- California requested an additional year to complete the construction of the initial portion of its high-speed rail project. The new projection would be completed in 2023, instead of 2022, and require an additional \$1.4B.

- Incompas, a tech trade group that includes Facebook and Microsoft, filed a petition to the Federal Communications Commission (FCC) to restore neutrality rules from the Obama Administration. This will likely become a significant issue for the Biden FCC, especially after Democrats obtain a majority.
- United Nations Secretary-General Antonio Guterres appointed Michael Bloomberg to be Special Envoy on Climate Ambition and Solutions. Bloomberg previously served in this position before stepping down in November 2019 to run for president.
- The U.S. Travel Association sent a [letter](#) to Congress outlining its priorities to support the recovery of the travel industry, which include:
  - Providing third draw Paycheck Protection Program (PPP) loans.
  - Distributing grants to travel industry sectors.
  - Authorizing \$2.25B in Economic Development Administration (EDA) grants for safe travel practices.
  - Authorizing \$17B in relief funding for airports and airport concessionaires.
  - Extending payroll tax relief.
  - Establishing tax incentives for travel job restoration.
- The World Trade Organization (WTO) announced that a decision has been delayed in the case against former President Trump's steel and aluminum import tariffs brought by the European Union, China, and other countries. The final report is now expected "no earlier than the second half of 2021."
- A group of environmental organizations in Florida asked the Environmental Protection Agency (EPA) to reform its phosphogypsum regulations, citing a "substantial present and future hazard" to human health and the environment.
  - The groups specifically asked for new rulemaking on phosphogypsum and process wastewater handling and a reversal of the EPA's previous decision that excluded phosphogypsum from hazardous waste regulations.

## **Federal Register Notices**

- The FAA requested comments on the renewal of an information collection on the FAA Aircraft Noise Complaint and Inquiry System. Comments are due by April 9. The notice can be found [here](#).
- The FCC announced that compliance is required for the rule relating to "reporting information about the most recent date of permanent disconnection to the Reassigned Numbers Database per the 2018 Second Report and Order" beginning on March 10. The notice can be found [here](#).
- The FCC corrected an amendatory instruction in a final rule to allow unlicensed white space devices to provide rural broadband services and Internet of Things (IoT) device development, effective February 11. The notice can be found [here](#).
- The National Science Foundation (NSF) announced a meeting of the Astronomy and Astrophysics Advisory Committee that will take place on June 2 from 12:00-4:00pm ET. The notice can be found [here](#).
- The U.S. Patent and Trademark Office extended the comment period for the National Council for Expanding American Innovation's national strategy to "expand innovation demographically, geographically, and economically." Comments are now due by February 23. The notice can be found [here](#).



- The U.S.-China Economic and Security Review Commission announced a hearing on “Deterring People's Republic of China Aggression Toward Taiwan” that will be held on February 18 at 10:30am ET. The notice can be found [here](#).