

# Evening Update - Tuesday, February 9, 2021

**The House is in a Committee Work Week. The Senate is in session.**

## **Budget Reconciliation**

- President Biden has indicated his support for a proposal from House Democrats that would phase out the next round of direct relief payments to those making more than \$75k. During a meeting with business leaders in the Oval Office today, President Biden told members of the press that he was supportive of the proposal put forward in the House text we reported on, yesterday.
- The question of whether undocumented immigrants should receive stimulus checks remains a key outstanding discussion among Congressional Democrats on the COVID-19 budget reconciliation effort.
  - During last week's vote-a-rama in the Senate on the Budget Resolution, eight Democrats joined all Republicans in supporting an amendment that would have prohibited undocumented immigrants from receiving stimulus checks, including the \$1,400 check included in the still-developing reconciliation bill. The eight Senators were:
    - Maggie Hassan (D-NH)
    - John Hickenlooper (D-CO)
    - Mark Kelly (D-AZ)
    - Joe Manchin (D-WV)
    - Gary Peters (D-MI)
    - Kyrsten Sinema (D-AZ)
    - Debbie Stabenow (D-MI)
    - Jon Tester (D-MT)
  - Sen. Dick Durbin (D-IL) explained that there was confusion regarding what the amendment would actually do, and that the one-minute allotted for debate did not provide enough clarity. He further explained that while President Biden and the Democrats do not propose to give money to undocumented persons, he wants to provide certainty that legal children and spouses of undocumented individuals that are entitled to checks still receive them.
  - While the eight members voted for the nonbinding amendment, it is not clear whether that would translate into votes for a version of it in the final version of the reconciliation bill.

## **Congress**

### **Senate**

- The Senate convened for the first day of former President Trump's second impeachment trial today. The proceedings began at 1:00pm EST and allowed for four hours of arguments over whether the trial is constitutional. A vote held on the matter shortly after 5:00 PM on Tuesday passed 56 to 44, with six Republicans joining with all Democrats to proceed with the impeachment trial.
  - Beginning tomorrow, the House impeachment managers and former President Trump's defense team will have 16 hours each to present their cases. The House managers will begin their arguments at 12:00pm EST.

- After the cases have been presented, the Senate will consider motions to subpoena witnesses or documents.
- [Incompas](#), a tech trade group whose membership is comprised of Facebook and Microsoft, held a summit yesterday, during which Sen. Ed Markey (D-MA) voiced his support for expanding the Federal Communication Commission’s (FCC) E-Rate Program in the next COVID-19 relief package.
  - Sen. Markey specified that this effort would increase support for digital learning and would be separate from wider broadband initiatives, which are expected to be included in a future infrastructure package.
- Sen. Markey introduced the National Broadband Plan for the Future Act ([S. 279](#)) to direct the FCC to update the National Broadband Plan to provide update guidelines for universal connectivity.
  - According to a press release, the bill would instruct the FCC to assess broadband deployment progress, taking into account the digital divide and impacts of COVID-19. The bill would also pay specific attention to “how connectivity can be used to advance racial justice, socioeconomic equity, consumer welfare, public safety, health care, education, and more.”
  - Sen. Markey also introduced a bill ([S. 280](#)) to require the Federal Emergency Management Agency (FEMA) to integrate climate change considerations into its policies and strategic plan.
  - Sen. Markey also introduced a bill ([S. 286](#)) to facilitate research into the development of a universal COVID-19 vaccine.
- Sen. Kirsten Gillibrand (D-NY) sent a [letter](#) to Secretary of Defense Lloyd Austin asking for an investigation into a “disturbing pattern” of crashes of the Army’s UH-60 Black Hawk helicopters, which has resulted in nine deaths. Sen. Gillibrand questioned the existence of a “systemic issue with the Black Hawk helicopter operation cycle.”
- Senate Energy and Natural Resources Committee Chairman Sen. Joe Manchin (D-WV) sent a [letter](#) to President Biden requesting he reconsider his decision to cancel necessary permits for the Keystone XL pipeline, saying that the project provides union jobs and is safer than transporting the oil on trucks and trains.
- Senate Environment and Public Works Committee Chairman Tom Carper (D-DE) announced at a press conference that he intends to pass through his committee two major infrastructure bills by the end of May.
  - Sen. Carper said the committee will also focus on water infrastructure legislation, potentially revising the Water Resources Development Act (WRDA).
- Sens. Mark Warner (D-VA), Mazie Hirono (D-HI), Amy Klobuchar (D-MN), and Tim Kaine (D-VA) introduced the Safeguarding Against Fraud, Exploitation, Threats, Extremism and Consumer Harms (SAFE TECH) Act ([S. 299](#)) to reform Section 230.
  - As stated in a [press release](#), the bill would specifically increase social media platform accountability for “enabling cyber-stalking, targeted harassment, and discrimination.”

## House

- House Ways and Means Committee Chairman Richard Neal (D-MA) gave a speech to the Washington International Trade Association, during which he called for the U.S. to reform its trade policy in order to address new challenges and existing inequities.
  - Chairman Neal also voiced his eagerness to work with President Biden to “create an equitable pro-worker and pro-competitive framework” and to restore U.S. global leadership through the World Trade Organization (WTO).
  - Chairman Neal also urged the Biden Administration to finalize the free trade agreements with the United Kingdom and Kenya and begin negotiations for a new agreement with the European Union.
  
- The House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation held a hearing today on the “State of the U.S. Maritime Industry: Impacts of the COVID-19 Pandemic.” The hearing aimed to inform the Committee of the difficulties facing the maritime transportation industry and how Congress can support the industry to ensure strong recovery.
  - The hearing largely discussed Subcommittee members’ support for the Jones Act and for federal assistance for the maritime transportation industry, especially though funding for the Maritime Transportation System Emergency Relief Program. Another focus on the hearing was the issue of mariner and port worker access to COVID-19 tests, vaccines, and personal protective equipment (PPE).
  
- House Energy and Commerce Committee Subcommittee on Environment and Climate Change Chairman Paul Tonko (D-NY) said the comprehensive energy legislation passed through committee last year will serve as a model for this year’s legislative action on climate. Chairman Tonko also did not rule out the inclusion of a clean energy standard or carbon pricing in future legislation.
  - Chairman Tonko specifically said, “we’re going to remain open minded to all of the elements but, you know, a carbon price is not all of the solution. There are many, many pieces that need to be done.”
  - The legislation Chairman Tonko is referring to from last year is the [CLEAN Future Act](#), which he also said the Subcommittee would hold hearings on to further modify and expand. Among other things, the CLEAN Future Act aims to “ensure the United States achieves net-zero greenhouse gas pollution no later than 2050.”
  
- Rep. Andy Biggs (R-AZ) introduced a bill ([H.R. 906](#)) to prevent the Department of Transportation and Federal Aviation Administration (FAA) from imposing a requirement for negative COVID-19 tests for domestic flights. A press release on the bill can be found [here](#).
  
- Reps. Brian Fitzpatrick (R-PA), Josh Gottheimer (D-NJ), Chris Smith (R-NJ), and Andre Carson (D-IN) introduced the Saracini Enhanced Aviation Act ([H.R. 911](#)) to require commercial passenger aircraft to install secondary cockpit barriers.
  - According to a [press release](#), the bill would mandate the installation of “inexpensive, lightweight, wire-mesh gates between the passenger cabin and cockpit door, blocking access to the flight deck whenever the cockpit door is opened during flight.”
  - Rep. Fitzpatrick also introduced this [legislation](#) in the 116<sup>th</sup> Congress.

- Rep. Steve Cohen (D-TN) and a bipartisan group of 105 other members of the House introduced the Horse Transportation Safety Act ([H.R. 921](#)) to prohibit the interstate transportation of horses in trucks or trailers with more than one level. A press release on the bill can be found [here](#).
- Reps. Sheila Jackson Lee (D-TX), Donald Payne (D-NJ), Anthony Brown (D-MD), and Mondaire Jones (D-NY) introduced a bill ([H.R. 936](#)) to establish a national program through the Department of Health and Human Services (HHS) and FEMA to oversee COVID-19 vaccine distribution.
  - The program would collect data on vaccinations in order to track the achievement of “mass vaccination saturation immunity.”
- Reps. Abigail Spanberger (D-VA) and Young Kim (R-CA) introduced the Getting Americans Safely Back to Work Act ([H.R. 953](#)) to create a federal grant program to help essential employers and small businesses obtain PPE.
  - According to a [press release](#), the grants could also be used to purchase rapid testing equipment and implement safety measures.
- Rep. Elise Stefanik (R-NY) and 18 other House Republicans introduced the Chinese Research Funds Act ([H.R. 954](#)) to require the Comptroller General to conduct a study into federal research funding available to entities in China or connected to the Chinese government. A press release on the bill, which is titled the Chinese Research Funds Act, can be found [here](#).
  - Rep. Stefanik also introduced this [legislation](#) in the 116<sup>th</sup> Congress.

## COVID-19

- Boeing sent a **letter** to the White House voicing its opposition to the potential requirement for negative COVID-19 tests before domestic flights, citing the requirements as “unfair, onerous, and will likely do little to stop the spread of the virus in the continental US.”
  - As a reminder, various stakeholders in the aviation industry have come out in opposition to a domestic testing mandate. House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR), in addition to other members of the committee, also opposed it during a recent hearing.
  - A coalition of aviation groups, including the Regional Airline Association, joined tourism groups Travelers United and the US Travel Association in issuing a **statement** assessing a possible domestic travel testing requirement, and finding that it would impose negative consequences far outweighing the benefits of any such action.
- Secretary of Transportation Pete Buttigieg has entered quarantine after a member of his security detail tested positive for COVID-19. Buttigieg has not displayed symptoms and has received the first dose of the vaccine.
- Canadian Prime Minister Justin Trudeau announced that Canadian citizens that are returning to the country through land crossings from the United States will now be required to provide a negative COVID-19 test result. The announcement, which was made today, will go into effect this coming Monday.
  - Prime Minister Trudeau said “as of Feb. 15, when you return to Canada through a land border you will need to show a 72-hour PCR test just like for air travel.”

Fines could be as large as CA\$3,000 for not providing a negative test. Any person entering Canada will still be required to quarantine for two weeks after their arrival.

## Administration

- The Department of Justice has asked U.S. attorneys appointed by former President Trump to resign from their positions. This will not apply to Delaware US Attorney David Weiss, who is conducting an investigation into Hunter Biden, and Special Counsel John Durham, who is investigating the Trump-Russia probe.
- The Department of Justice requested that the hearing on the Dakota Access Pipeline be delayed until April 9 to provide more time to brief the Biden Administration.
  - U.S. District Judge for D.C. James Boasberg asked Dakota Access to respond by the end of today. Acting Assistant Attorney General Jean Williams said that the Native American tribes involved did not oppose the delay.
- The Environmental Protection Agency (EPA) [announced](#) that it has removed its per- and polyfluoroalkyl substances (PFAS) assessment in order to “protect scientific integrity,” following President Biden’s Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking.
  - This Trump Administration assessment had received significant opposition from career EPA scientists and environmental and public health groups.
- The Senate Environment and Public Works Committee advanced Michael Regan’s nomination to be Administrator of the Environmental Protection Agency (EPA) today in a 14-6 vote.
- Sen. Ted Cruz (R-TX) has blocked Gina Raimondo’s nomination to be Secretary of Commerce, saying that he will maintain the hold until the Biden Administration commits to keeping Huawei on the Department of Commerce’s Entity List.
- The Senate Homeland Security and Governmental Affairs Committee held its confirmation hearing for Neera Tanden to be Director of the Office of Management and Budget (OMB) today. Tanden will also have a nomination hearing in front of the Senate Budget Committee tomorrow.
- Tristan Brown was selected to be Acting Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA), after previously being named Deputy Administrator. Brown previously served as the Deputy Associate Administrator for Congressional Affairs at the Environmental Protection Agency (EPA) during the Obama Administration.
- Many new staff members have been announced for the White House Council on Environmental Quality, including:
  - Matt Lee-Ashley to be Senior Director for Lands and Interim Chief of Staff
  - Austin Brown to be Senior Director for Transportation Emissions
  - Jayni Hein to be Counsel and Senior Director for the National Environmental Policy Act
  - Mark Chambers to be Senior Director for Building Emissions
  - Andrew Mayock to be Federal Chief Sustainability Officer
  - Sara Gonzalez-Rothi to be Senior Director for Water
  - Justin Pidot to be General Counsel

- Sara Jordan to be Special Assistant
- Grace Smith to be Scheduler

## Other News

- United Kingdom Ambassador to the U.S. Karen Pierce signaled that a free trade agreement between the two countries will not be able to progress until nominee to be U.S. Trade Representative Katherine Tai is confirmed. Pierce did express her optimism that a U.S.-U.K. trade deal would be approved by Congress.
- The Organization for Economic Cooperation and Development (OECD) released a [report](#) which found that services trade become more restrictive in 2020, though restrictions on digital trade decreased. In general, COVID-19 accelerated the pace of regulatory restrictions, most significantly on computer services, commercial banking, and broadcasting services.
- The World Trade Organization (WTO) will hold a meeting on Monday to consider Ngozi Okonjo-Iweala to be Director General. Okonjo-Iweala is expected to be easily appointed after President Biden voiced his support for her nomination.
- The Jewish Institute for the National Security of America released a [report](#) with recommendations for how the U.S. and Israel can combat increasing Chinese investment in Israel. The report found that Chinese investment is concentrated in Israeli infrastructure and technology.
- Environmental Research [published](#) a study which found that particulate matter exposure due to the burning of fossil fuels results in more premature deaths than previously reported. The study found 8.7M premature deaths annually are caused by particulate matter emissions.
  - The highest concentrations of these deaths are in China, India, Europe, and the eastern U.S.
- Canadian Environment Minister Jonathan Wilkinson published an [op-ed](#) voicing his expectation that the Biden Administration and Canada will work together closely to address climate change. Wilkinson specifically predicted collaboration on clean energy, methane emissions, and green infrastructure.
  - However, it is unclear how the Biden Administration will approach carbon pricing, which is a critical aspect of Canadian emissions reductions. Treasury Secretary Janet Yellen voiced her support for carbon pricing, but it would be difficult to pass in Congress, and would be one of many tools considered, in addition to a clean energy standard, to address global warming.
- Reports indicate that defense firms are beginning to prepare for the possibility that Congress will not include additional funding for the Section 3610 program in the next COVID-19 relief package. The program would help firms pay their employees that are unable to access federal worksites. As a reminder, a group of defense industry CEOs sent a letter to House and Senate Leadership toward the end of last year urging additional funding for Section 3610 in the next package.
  - If additional funding is not authorized, these employees will likely have to be furloughed. This could create problems for future recruitment and retention of high-skilled workers.

- Huawei filed a lawsuit against the FCC over its order designating of Huawei as a national security threat. Huawei asked the 5th U.S. Circuit Court of Appeals to overturn the order, as the FCC exceeded its authority and did not allow Huawei to present a defense.

### **Federal Register Notices**

- The FCC dismissed two petitions for reconsideration from CTIA and the Association of Public-Safety Communications Officials-International, regarding z-axis location technology for 911 calls in the Sixth Report and Order. The notice can be found [here](#).
- The National Highway Traffic Safety Administration (NHTSA) requested comments on the extension of an information collection on Uniform Procedures for State Highway Safety Grant Programs. Comments are due by April 12. The notice can be found [here](#).