

# Window on Washington – September 27, 2021, Vol. 5, Issue 39

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## Outlook for This Week in the Nation's Capital

**Congress.** The House and Senate are both in session this week. Congress has until the end of the week to prevent a government shutdown, and the House-passed continuing resolution faces an uncertain future in the Senate given Republican opposition to voting on the debt limit. Meanwhile, the House [plans](#) to take up the bipartisan, Senate-passed Infrastructure Investment and Jobs Act (IIJA), numerous judiciary, foreign affairs, and homeland security bills, and potentially a handful of education and labor, natural resources, and oversight and reform bills. House Speaker Nancy Pelosi (D-CA) indicated that there will also be a floor vote on the reconciliation package sometime this week, although as of now negotiations with the Senate continue over key policy provisions, and Pelosi yesterday added that the final top-line for the package will likely be less than \$3.5 trillion. Outside of working on the continuing resolution and the reconciliation package, the Senate is expected to continue confirming President Joe Biden's nominees.

[Hearings](#) for the week include examining nominees, successful models to protect communities from COVID-19, CARES Act oversight of the Treasury and Federal Reserve, 21st Century antitrust reforms to revive competition, the state of the Transportation Security Administration and Department of Homeland Security 20 years after 9/11, the threat of worsening natural disasters, the future of banking, safely reopening schools, upgrading state and local public health infrastructure, and the 2021 wildland fire year. The House Science, Space, and Technology Committee will also hold a members' day, and the House Judiciary Committee will markup multiple bills, including the Marijuana Opportunity Reinvestment and Expungement (MORE) Act of 2021 ([H.R. 3617](#)).

**FY22 Appropriations and Debt Limit.** The House advanced a continuing resolution ([H.R. 5305](#)) that would keep the government funded until December 3, provide disaster relief funding, support Afghan refugee resettlement efforts, and suspend the debt ceiling. The Senate will vote today on whether to take up the House-passed bill, but it is not expected to receive enough Republican support to pass. Senate Minority Leader Mitch McConnell (R-KY) and Senate Appropriations Committee Chairman Richard Shelby (R-AL) [introduced](#) their own continuing resolution that is nearly identical to the one the House passed but that excludes the debt limit suspension and a few other provisions. It remains to be seen what will ultimately happen given Senate Republicans' firm stance against voting in support of any action related to the debt limit.

**Reconciliation and Infrastructure Packages.** The House Budget Committee passed the reconciliation package over the weekend, despite the fact that there is not yet an agreement on all of the provisions with Senate Democrats. The legislation is now headed to the House Rules Committee for floor preparation, where additional revisions from House and Senate Democratic leaders are expected. Moderate House and Senate Democrats have threatened to abandon the reconciliation package if there is not a vote on the bipartisan infrastructure legislation this week, while House Progressives have said they will vote against the infrastructure legislation unless the House and Senate agree to voting on the reconciliation package

shortly as well. A handful of House Republicans have indicated they will vote for the infrastructure bill, though this wouldn't be enough to make up for the "no" votes expected from House Progressives should an agreement on a reconciliation vote not come in time. However in a [Dear Colleague letter](#) last night, Pelosi indicated that the House will start floor debate on the infrastructure package today and a vote will occur on Thursday. She also wrote that they plan to conclude negotiations with the Senate and White House on the reconciliation package this week.

**Biden Administration.** President Biden will visit Chicago on Wednesday to highlight the importance of COVID-19 vaccine requirements for businesses.

## Last Week in the Nation's Capital

### CONGRESS

#### Budget & Appropriations

**House Budget Panel Advances \$3.5T Spending Bill:** The House Budget Committee passed the package in a 20-17 vote this past Saturday afternoon, piecing together the chunks of legislation approved by 13 House committees earlier this month that make up the spending plan. ([The Hill](#))

**Pelosi On Infrastructure Says 'I'm Never Bringing a Bill to the Floor that Doesn't Have the Votes':** House Speaker Nancy Pelosi (D-CA) added that the vote "may be" today, but only if she had the votes to pass it. Her comments follow remarks from Congressional Progressive Caucus Chair Pramila Jayapal (D-WA), who last week said "Monday is an arbitrary deadline, there is no reason to bring it up, it's just an attempt to pass one bill and leave behind the bill that has the majority of the president's agenda." ([The Hill](#))

**House Passes Stopgap Funding, Debt Ceiling Suspension Bill:** The House passed a catchall budget package last Tuesday that's intended to avoid a partial government shutdown and debt limit crisis, but it seems likely to come back for a do-over once the Senate works its will. The stopgap funding bill, which passed on a 220-211 party-line vote, would extend federal agency budget authority through Dec. 3 and provide nearly \$35 billion in aid to disaster victims and relocation assistance Afghan refugees who helped the U.S. government during two decades of war. ([Roll Call](#))

**House Passes \$1 Billion for Israel's Iron Dome System in Blowout Vote:** The House in a 420-9 vote last Thursday passed legislation to provide \$1 billion to Israel to restock its Iron Dome short-range missile defense system just days after Democrats removed the funding from a broad stopgap spending bill. ([Defense News](#))

#### Banking & Housing

**House Adds Cannabis Banking to NDAA, Setting Up a Test of Senate Support:** An amendment to the House defense authorization bill that would connect cannabis companies to the banking system has bipartisan support in both chambers, but its chances in the Senate are uncertain. ([Roll Call](#))

#### Crypto/Blockchain

**Sen. Toomey Presses SEC to Clarify Its Approach to Digital Assets:** Sen. Pat Toomey (R-PA) sent a letter to U.S. Securities and Exchange Chairman Gary Gensler with a list of questions concerning cryptocurrency regulation requesting that the regulator provide greater clarity on its approach to digital assets as a follow-up to Gensler's testimony before the Senate Banking Committee earlier this month. ([MarketWatch](#))

#### Transportation

**Infrastructure Vote Suspense Prompts Worries about Highway Bill:** Lawmakers are scrambling to come up with a Plan B to allow federal highway and transit spending to continue if the Senate bipartisan infrastructure agreement is not passed by

the House before the law authorizing that spending expires Sept. 30. ([Roll Call](#))

**More Air Rage Incidents Spur Calls for Criminal Enforcement:** The chair of the House Transportation and Infrastructure Committee called last Thursday for unruly airline passengers to be prosecuted for misbehavior, arguing that fines aren't doing enough to prevent such incidents. ([Roll Call](#))

**Feinstein Calls for Additional Oversight of Autonomous Vehicle Technology:** Senator Dianne Feinstein (D-CA) last week called on the National Highway Traffic Safety Administration to improve testing technology for autonomous vehicles. She also called for stronger partnerships with state and local authorities and additional analysis on the effects autonomous vehicles have on the environment and accessibility. ([Clark Hill Insight](#))

## Homeland Security & Immigration

**Dems Ready an Immigration Reform Backup Plan Despite Long Odds:** Democrats are vowing to try again for party-line immigration reform after the Senate's rules referee delivered a decisive blow to their efforts. Yet their Plan B could face a similar fate. Among the backup plans Democrats are weighing is a big immigration reform swing through a narrow change to existing law, rather than the major new provisions that got nixed on Sunday night. But they're palpably frustrated by the Senate parliamentarian's rejection of their push to provide an estimated eight million undocumented immigrants with green cards — a veto broader than many of them expected. ([Politico](#))

## Judiciary/Justice

**Senate Panel Advances Antitrust Bill that Eyes Google, Facebook:** A bill to let state attorneys general pick which courts hear their antitrust cases advanced out of the Senate Judiciary Committee last Thursday with broad bipartisan support, but some senators raised concerns about the retroactive portions in the bill. ([The Hill](#))

**Congressional Negotiators Have Failed to Reach a Deal on Police Reform:** Months of bipartisan negotiations over policing reform legislation have ended with no agreement, according to the lawmakers who led the process. New Jersey Sen. Cory Booker (D-NJ) told reporters that he had a conversation on Wednesday with Republican negotiator Sen. Tim Scott (R-SC), indicating that the talks were over. ([NPR](#))

**Senate GOP Pushes DOJ to Roll Back Trump Oversight Rule:** Senate Republicans want the Justice Department to roll back Trump-era restrictions on congressional oversight criticized at the time as an attempt to insulate the Trump administration from Democratic investigators. ([Axios](#))

## Agriculture

**Senate Ag Backs Wilkes for Environmental Post at USDA:** The Senate Agriculture Committee last Thursday advanced the nomination of Dr. Homer L. Wilkes to become undersecretary of Agriculture for Natural Resources and Environment. ([Clark Hill Insight](#))

## Energy

**Khanna, Jayapal, and Congressional Progressive Caucus Leaders Call for Eliminating Fossil Fuel Giveaways in the Build Back Better Act:** Leaders in the Congressional Progressive Caucus (CPC) led by CPC Deputy Whip Rep. Ro Khanna (D-CA) and CPC Chair Pramila Jayapal (D-WA) last Wednesday urged House Speaker Nancy Pelosi and Majority Leader Steny Hoyer to include the repeal of domestic fossil fuel subsidies in the Build Back Better Act. ([Clark Hill Insight](#))

**Dems' Clean Electricity Plan Spurs Renewable Fight:** House Democrats' \$150 billion clean electricity plan is raising concerns over who gets to build renewable energy projects. The Clean Electricity Performance Program (CEPP) under consideration in Congress would dole out monetary awards to electric companies that meet annual clean electricity targets

and ding them financially if they don't. The landmark federal proposal is designed to boost renewables across the electric sector, but critics argue that its terse language may leave key players out. ([E&E News](#))

## EXECUTIVE BRANCH

### Health/HHS/NIH

**CDC Struggles to Expand Pandemic Response Team as Morale Plummet:** Staff at the Centers for Disease Control and Prevention are increasingly reluctant to join the agency's pandemic response team, citing debilitating burnout and fatigue after 19 months of fighting Covid-19. CDC Director Rochelle Walensky is trying to build up the response team after paring it down last spring as part of a broader agency reorganization amid optimism the pandemic would ebb. But with the rise of the Delta variant, and projections that cases and hospitalizations could begin to rise again this fall and winter, Walensky is again asking agency staff to help — a plea many are spurning. ([Politico](#))

### Banking & Housing/HUD

**Treasury Says More Rental Aid is Reaching Tenants, Preventing Evictions:** The Treasury Department last Friday announced that the pace of federal rental aid payments amid the coronavirus pandemic picked up last month, with more than \$2.3 billion distributed to households to help prevent evictions. ([The Hill](#))

**The Biden Administration Pushes Cities to Get Serious About Homelessness:** The White House is launching a new national initiative to combat the rising tide of homelessness, a pact with local governments to commit resources and energy to the people suffering most due to the national housing crisis. ([Bloomberg CityLab](#))

**Biden to Tap Wall Street Critic Omarova as Top Bank Cop:** President Joe Biden is poised to nominate Cornell Law School Professor Saule Omarova to a top job overseeing the nation's banks, according to a person familiar with the matter, handing a win to advocates for stricter financial rules. ([Politico](#))

### Crypto/Blockchain

**SEC Chair Continues to Express Concerns on Stablecoins:** Securities and Exchange Commission Chairman Gensler is making clear he is no fan of stablecoins, describing the increasingly popular cryptocurrency whose value is frequently pegged to the U.S. dollar as a danger to investors with questionable long-term viability. ([The Washington Post](#))

### Transportation/DOT

**U.S. to Lift Air Travel Restrictions for Fully Vaccinated Foreigners:** The U.S. will lift air travel restrictions for foreign nationals who are fully vaccinated, with the Biden administration targeting early November for foreign travel to resume for the first time in more than a year. ([Politico](#))

**U.S. FAA Wants Airlines to do More to Address Unruly Passengers:** The Federal Aviation Administration (FAA) last Tuesday urged U.S. passenger airlines "to commit to take more action" to address reports of violent or unruly passengers. ([Reuters](#))

### Space/NASA & NOAA

**NASA Splits Human Spaceflight Directorate into Two:** One Mission Directorate will focus on the ISS and LEO space operations and the other on developing systems for exploring the Moon and Mars. It is actually a return to the NASA organization prior to 2011, but the decision caught the space community by surprise, prompting speculation about motives that might be in play. ([Space Policy Online](#))

### DHS & Immigration

**U.S. Special Envoy to Haiti Resigns over Migrant Expulsions:** The Biden administration's special envoy to Haiti resigned in protest of "inhumane" large-scale expulsions of Haitian migrants to their homeland as it is wracked by civil strife and natural disaster, U.S. officials said Thursday. ([AP](#))

**Watchdog says CBP Improperly Targeted Americans as Caravans Approached Border:** U.S. Customs and Border Protection improperly targeted American citizens that the agency suspected were involved with a 2018-19 migrant caravan with intrusive additional inspections, according to a new Department of Homeland Security inspector general's report. ([Politico](#))

## Judiciary/DOJ

**FTC Chair Lina Khan Outlines New Vision for Antitrust Enforcement, Consumer Protection:** Federal Trade Commission Chair Lina Khan laid out her policy priorities and vision in a [memo](#) to staff dated last Wednesday and recently made public. It's an early outline of her goals for the agency, which is overseen by five commissioners who vote on enforcement actions and policy statements. The agency enforces antitrust law alongside the Department of Justice Antitrust Division and seeks to protect consumers from unfair business practices and privacy violations. ([CNBC](#))

**Feds Say Deal Between American Airlines and JetBlue Would Drive Up the Cost of Airfares:** The Justice Department and officials in six states have filed a lawsuit to block a partnership formed by American Airlines and JetBlue, claiming that it will reduce competition and lead to higher fares. ([CBS News](#))

## Agriculture/USDA

**USDA to Launch Commission to Address 'Racial Equity Issues' within Agency:** The agency said last Friday that the new commission will advise Agriculture Secretary Tom Vilsack on identifying structures, programs, and policy within the agency that "contribute to barriers to inclusion or access, systemic discrimination, or exacerbate or perpetuate racial, economic, health, and social disparities." ([The Hill](#))

## Department of Energy

**Biden Nearing Methane Crackdown Dreaded (and Dodged) by Industry:** The free ride for methane, a climate-warming gas 84 times stronger than carbon dioxide, is finally nearing an end in Washington. While one atmosphere-heating pollutant after another has fallen under regulators' sway, powerful petrochemical interests and, until recently, scientific uncertainty about the scale of the problem, have thwarted methane restrictions. That will begin to change in coming weeks when the Biden administration proposes the most aggressive federal methane mandates yet for oil and gas wells. ([Yahoo Finance](#))

**Haaland Calls for 'Balance' in Federal Oil and Gas Program:** Interior Secretary Deb Haaland last Thursday said that she wants to see "balance" brought to oil and gas leasing and permitting as her department wraps up a review of these programs. ([The Hill](#))

**Feds Say Tougher Rules Needed to Protect Texas Power Plants:** Federal officials made more than two dozen recommendations Thursday aimed at further safeguarding power plants and natural gas supplies to prevent a repeat of the February blackouts that caused more than 200 deaths in Texas. ([ABC News](#))