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Lawmakers returning to Washington for a busy fall work period face immediate decisions on how to head off a government shutdown and potential federal default, while Democrats push to advance — without Republican support — their ambitious plans to boost spending on social programs by as much as $3.5 trillion.

The stretch into December could be lawmakers’ last realistic chance at policymaking before the 2022 election year begins in earnest, prompting Speaker Nancy Pelosi (D-Calif.) to warn her members of a hectic fall in an Aug. 25 dear colleague letter.

“The coming weeks will be intense, but — with gratitude to Committee Chairs, Members and staff — we will achieve our goals,” she said.

Several deadlines will dominate the weeks ahead.

Up first is the Sept. 15 deadline for 13 House and 12 Senate committees to write their portion of the reconciliation bill under the blueprint advanced last month. As part of the rule that allowed the House to advance the budget resolution, the House agreed to begin consideration by Sept. 27 of a Senate-passed bipartisan infrastructure bill (H.R. 3684) that includes more than $1 trillion in authorizations and funding over five years.

Pelosi said she wants the landmark infrastructure bill on President Joe Biden’s desk by Oct. 1. That’s also the beginning of the new fiscal year and the deadline for both chambers to pass a continuing resolution to fund the government.
The CR, which is being eyed for a House vote the week of Sept. 20 and would also need Senate approval, could run into December. It will likely extend many other expiring programs and could suspend or raise the statutory debt limit.

Republicans have said they won’t make Democrats’ work easy. “If they want all this spending and debt to be their signature legacy, they should leap at the chance to own every bit of it,” Senate Minority Leader Mitch McConnell (R-Ky.) said, promising to withhold votes to raise the debt limit or pass the reconciliation plan.

**Democrats’ Internal Debate**

Democrats are seeking to use the reconciliation process to advance major priorities across the government: expanded Medicare coverage, paid family leave, an extension of child tax credits, a pathway to citizenship, and climate change programs.

The chief complication could be the total size of the package. While the budget blueprint (S. Con. Res. 14) adopted last month allows as much as $3.5 trillion before offsets, leaders in both chambers have narrow majorities and tricky paths to navigate between their progressive and moderate members.

"While the bipartisan infrastructure bill offers important progress, it is not reflective of the totality of Democrats’ vision."

— Speaker Nancy Pelosi (D-Calif.)

In the Senate, where every member of the Democratic caucus will likely have to support a measure for it to advance, Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) want a lower price tag. The chamber’s Byrd Rule, which restricts what can be included in a reconciliation bill, also could disrupt the contents of the package.

House progressives said they’d withhold support of the infrastructure bill until a reconciliation deal is ready — but a group of moderates used their leverage on the budget resolution to lock in debate this month on the plan.

Pelosi, who engineered that procedural compromise and has only three votes to spare, has said the infrastructure measure “is not reflective of the totality of Democrats’ vision.” She said the $3.5 trillion plan “includes our priorities that meet needs of American families.”

**Fiscal Picture**

The routine business of funding the government also will dominate the fall, and leaders will be pressured to use a huge omnibus package to wrap up spending and tax measures before the session ends.

Hanging over discussions is the looming debt limit crisis and the absence of any bipartisan, bicameral budgetary framework to guide lawmakers’ work.

The House has passed nine of its 12 fiscal 2022 spending bills, leaving Commerce-Justice-Science, Defense, and Homeland Security to be considered. Appropriators in that chamber wrote their bills using a $1.5 trillion top-line allocation.

Meanwhile, Senate appropriators have only approved three of 12 measures, none of which have been taken up on the floor. The Senate Appropriations Committee also hasn’t released a total funding level.

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**Key Deadlines and Expiration Dates**

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<td>Sept. 15</td>
<td>• House and Senate committees report their portions of Democrats’ reconciliation package. Budget committees will compile the proposals that could total $3.5 trillion under budget resolution</td>
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<td>Sept. 27</td>
<td>• House consideration of the Senate-passed bipartisan infrastructure package</td>
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<td>Sept. 30</td>
<td>• Fiscal 2021 funding and other programs expire, including: &lt;br&gt;  - Surface transportation authorization (FAST Act)  &lt;br&gt;  - National Flood Insurance Program  &lt;br&gt;  - Transportation Security Administration  &lt;br&gt;  - Temporary Assistance for Needy Families  &lt;br&gt;  - Employer tax credits for emergency sick leave and family leave  &lt;br&gt;  - 15% Supplemental Nutrition Assistance Program benefit hike  &lt;br&gt;  - COBRA premium subsidies and Department of Veterans Affairs cost-sharing waiver</td>
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<td>October</td>
<td>• Treasury Secretary Janet Yellen estimates her ability to use “extraordinary measures” will run out after the federal debt limit came back into effect on Aug. 1</td>
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<td>Dec. 31</td>
<td>• Expiration of expansions of earned income tax, child tax, and child and dependent care tax credits  &lt;br&gt;  • Employee retention credit expires  &lt;br&gt;  • Medicare sequester restriction expires  &lt;br&gt;  • Several tax extenders, including for energy and mortgage insurance premiums, expire</td>
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The Treasury Department has been using extraordinary measures to keep the government within its cap on borrowing while preventing disruptions. In a Sept. 8 letter, Secretary Janet Yellen told lawmakers those tools would likely run out in October.

The deadline could drive congressional leaders and the White House back to the negotiating table to seek another grand bargain on spending matters.

**Defense, Voting Rights**

Senate Majority Leader Chuck Schumer (D-N.Y.) has said that as soon as next week he’ll make another attempt to advance legislation to set federal standards for elections.

The House passed its version (H.R. 1) in March, while an attempt to cut off debate on bringing up the Senate version (S. 2093) stalled in June with unified Republican opposition. Schumer has set up a second cloture vote that, if unsuccessful, could force a discussion of the chamber’s debate rules.

Democrats are also pushing a less sweeping bill that would require federal approval before changes to voting practices could be implemented in states with recent histories of voter discrimination. The House passed its version (H.R. 4) along party lines when it returned from its August recess.

The House Armed Services Committee approved its measure (H.R. 4350) on Sept. 2, after endorsing a similar increase.

Biden’s military withdrawal from Afghanistan and the fate of refugees could complicate the NDAA and Schumer’s plans for a vote on House-passed legislation (H.R. 256) repealing the 2002 authorization for the use of military force against Iraq, or a measure (S. J. Res. 10) backed by the Senate Foreign Relations Committee that would repeal AUMFs from 1991 and 2002.

Democratic leaders will also be looking to advance more of the president’s executive and judicial nominations this fall, including the roughly six dozen ready for floor votes and more than 200 awaiting committee consideration.

In addition, Pelosi announced on Sept. 2 that the House would vote on an abortion rights bill (H.R. 3755) in response to the Supreme Court’s decision to leave a restrictive Texas law in place.

Schumer and Biden on July 14. Senate Democrats that month agreed on a $3.5 trillion top-line figure for the budget bill | Tom Brenner / Bloomberg

The House is also set to vote the week of Sept. 20 on the annual National Defense Authorization Act.

The Senate Armed Services Committee approved its version of the legislation after agreeing to authorize $25 billion more for the defense programs than sought by the Biden administration.

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2021 House & Senate Calendar

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Note: Lighter shades indicate working days in House committees, solid shades indicate House floor votes.

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P''lenty of House races are already on track to be highly competitive even with the 2022 elections over a year away and a number of variables in flux. Democrats are in a defensive crouch as they brace to maintain control of the chamber, which they hold 220-212 with three vacancies. Their five-seat majority is one of the smallest in history and gives Republicans a decided edge, as the out-of-power party often makes large gains in midterms.

Whether Democrats can fend off the serious GOP takeover effort will depend on factors including redistricting, President Joe Biden’s standing among the voters, whether Democrats can shoehorn their legislative priorities through Congress’ two narrowly divided chambers, and if they can persuade enough voters to reward them for policy accomplishments.

Here’s a look at five House districts worth watching now, despite those vast unknowns:

**Arizona’s 1st:** Tom O’Halleran (D), a centrist Blue Dog Democrat, has won all three of his general elections with less than 55% of the vote in a 55,000-square-mile district that encompasses much of northern and eastern Arizona, including the Grand Canyon, Flagstaff, and the Navajo Nation and Hopi Tribe.

A commission will redraw Arizona’s nine districts, and it’s hard to see how the 1st doesn’t stay competitive.

O’Halleran already has several Republican challengers, including state Rep. Walt Blackman. If O’Halleran runs again, he’ll also have to protect his left flank. In 2020 he was held to 59% in the Democratic primary against a progressive former Flagstaff city councilwoman.

**California’s 25th:** Mike Garcia (R) won a full term in November by 333 votes out of 339,000 cast in a district Biden won by 10 percentage points. The 25th takes in Santa Clarita, Palmdale, and parts of Lancaster and Los Angeles in northern L.A. County and most of Simi Valley in southeastern Ventura County.

An independent commission will redraw the map and pare one of California’s 53 districts. However they slice it, Garcia is likely to face a competitive race.

Garcia has amassed a conservative voting record and was the only one of the nine Republicans from districts that Biden won in November 2020 who voted to sustain objections to Biden’s victories over former President Donald Trump in Arizona and Pennsylvania.

His Democratic opponents include Christy Smith, a former California assemblywoman who’s making a third bid for Congress. Smith lost narrowly to Garcia in November and more decisively in a May 2020 special election.
**Iowa’s 3rd:** Cindy Axne (D), a member of the Financial Services Committee who represents the insurance hub of Des Moines and its suburbs, edged David Young (R) by 1 point in 2020 after unseating him in 2018.

The 3rd, which includes Democratic-leaning Polk County along with fast-growing suburban Dallas County and Republican-friendly rural counties, is the most populous Iowa district and will be reshaped in a redistricting process initiated by a nonpartisan state legislative agency that can’t take political data into consideration.

The Republican governor and legislature could override the agency’s maps with one of their own, though both parties have traditionally deferred to Iowa’s uniquely nonpartisan line-drawing process.

Axne hasn’t committed to running for re-election and is considering a bid for governor, but she already faces a few GOP challengers including state Sen. Zach Nunn.

**New Hampshire’s 1st:** Chris Pappas (D) won by 54% in 2018, a good Democratic year, which was the best showing by the 1st District winner in the five elections held under the current lines.

He was held to 51% in 2020, when Republicans won control of the redistricting process by snatching the state House and state Senate from Democrats and securing Gov. Chris Sununu’s (R) re-election.

Competitive elections have been a biennial rite of passage in a district that takes in Greater Manchester and the seacoast. Republicans could erode the district’s mild Democratic tilt by moving Manchester into the 2nd District and adding more Republican-leaning cities and towns. Republicans are headed toward a crowded primary that will include Matt Mowers, who won 46% of the vote against Pappas in 2020 after working in the Trump-era State Department.

**Pennsylvania’s 8th:** Matt Cartwright (D) is in his fifth term representing a district tucked in the northeastern corner of the state and dominated by Lackawanna and Luzerne counties in and around Scranton and Wilkes-Barre. It’s surrounded to the west and southwest by strongly Republican districts and to the south by a competitive Democratic district in the Lehigh Valley.

Redistricting would be overseen by the courts if Democratic Gov. Tom Wolf and the Republican-led legislature can’t agree on a new 17-district plan that eliminates one of the state’s districts.

Cartwright, a member of the Congressional Progressive Caucus, showed political mettle by winning re-election in 2020 with 51.8%, running 4.5 points ahead of Biden in the district where the president was born. Teddy Daniels, who finished second in the 2020 GOP primary and posted a video from outside the Capitol on Jan. 6, was the first Republican to enter the race and is unlikely to be the last.

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Nine States Set to Determine Senate Control in 2022: Analysis

- Republicans hold the three most vulnerable seats in the Senate
- New Hampshire Gov. Chris Sununu (R) may put his state in play

The Senate battleground is taking shape as summer comes to a close, with as many as nine states poised to decide which party the 50-50 chamber tips toward in 2022.

There are still a number of variables with the potential to shake up the competitive playing field, including the outcome of some crowded primaries and whether Gov. Chris Sununu (R) runs in New Hampshire.

But the relatively narrow scope of states – less than 10 of the 34 holding elections – is unlikely to expand.

Both parties are optimistic a little more than a year out from the elections. Republicans have historical party-out-of-power tailwinds and are ready to rail against what they see as a series of crises mishandled by President Joe Biden. Democrats expect to have major infrastructure and social spending packages to tout in an improving economy emerging at last from the pandemic.

Primaries Aplenty in Toss-Up States

Democrats, led by Majority Leader Chuck Schumer (N.Y.), have in recent cycles largely avoided contested primaries in targeted races, in part with early endorsements of their preferred candidates.

They won’t have that luxury next year in the contests that could be called by tight margins.

Source: Race ratings from The Cook Political Report with Amy Walter as of July 16

2022 Senate Forecast

Source: Race ratings from The Cook Political Report with Amy Walter as of July 16

bgov.com
Democrats’ most promising opportunities to pick up seats are in North Carolina, Pennsylvania, and Wisconsin, which Jessica Taylor of the Cook Political Report with Amy Walter rates as the three most competitive races.

Two are open seats due to the retirements of Republicans Richard Burr in North Carolina and Pat Toomey in Pennsylvania while Wisconsin’s Ron Johnson still hasn’t announced his intentions. Biden won the latter two states.


Those unpredictable nominating contests could prove expensive and take the focus away from a general election message as candidates work to stand out in the crowd and appeal to a more liberal primary electorate. It would be more worrisome for Democrats if Republicans weren’t in a similar position, though Wisconsin is a possible exception should Johnson run for a third term. The GOP has an X-factor in former President Donald Trump, whose support could swing a primary.


**Democrats on Defense**

Without Democratic retirements, Republicans’ ability to take control depends on the recruitment of top-tier candidates capable of unseating well-funded and battle-tested incumbents, though each are in their first terms.

In what may be the party’s top target – Georgia – former star football player Herschel Walker last month entered the race to take on Sen. Raphael Warnock (D-Ga.). He may keep other potential candidates on the sideline, as name recognition and Trump’s endorsement could provide significant fundraising boosts. But questionable parts of Walker’s personal history and the fact that he’s lived in Texas for years are unlikely to be helpful.

To take on Nevada Sen. Catherine Cortez Masto, the GOP is banking on former state Attorney General Adam Laxalt, the son and grandson of former senators who lost a 2018 race for governor and in 2020 served as the Trump campaign’s state co-chair.

The most likely opponent to Arizona Sen. Mark Kelly is state Attorney General Mark Brnovich, though he faces a primary with credible opponents.

Then there’s New Hampshire, where Sununu indicated he won’t announce his 2022 political plans until late this year at the earliest. He’d give the GOP a strong chance against Sen. Maggie Hassan (D), but it’s unclear if anyone else in the state could win if he seeks re-election instead.

**Still Swing States?**

Democrats’ biggest offensive reaches are in Florida, where Sen. Marco Rubio (R) is seeking a third term, and Ohio, where Sen. Rob Portman (R) is retiring.

Recent presidential elections have been grim for Democrats in those states. And though the party has won three Senate races total in Florida and Ohio in the past decade, each were by incumbents.

Still, Democrats landed candidates they wanted in Reps. Val Demings (Fla.) and Tim Ryan (Ohio), giving the party legitimate shots at both. Ryan’s chances may depend on the Republican who emerges from a field including former state Treasurer Josh Mandel and Hillbilly Elegy author J.D. Vance.

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## Legislative Purpose

**Child Nutrition**  
The anticipated Child Nutrition Act would reauthorize child nutrition programs, including federal school lunches and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The programs haven’t been reauthorized since the passage of the Healthy, Hunger-Free Kids Act (Public Law 111-296) in 2010.

Several authorities established under the law expired more than five years ago.

## Bill Status

**House:** The Education and Labor Committee held a subcommittee hearing examining federal nutrition programs for young children and infants in July.

**Senate:** The Agriculture, Nutrition, and Forestry Committee held a child nutrition reauthorization hearing in March.

## Outlook

**House:** The timing of the reauthorization depends on what is included in Democrats’ budget reconciliation package, a GOP committee aide said in August. The House Education and Labor Committee’s reconciliation proposal would expand eligibility for free and reduced-price school meals, among other changes to child nutrition programs, which the committee estimated would cost $35 billion.

Although timing is fluid, the panel will move on the reauthorization as soon as possible, a Democratic committee aide said in August.

The reauthorization must involve local school officials, parents, and private partners to reach a bipartisan solution, Education and Labor Committee ranking member Virginia Foxx (R-N.C.) said in an emailed statement.

**Senate:** The reauthorization bill has long been a top priority for Agriculture Committee ranking member John Boozman (R-Ark.), he said in an emailed statement in August.

However, he called the future of a bipartisan bill unclear now, due to partisan fallout from the Democratic majority’s decision to move forward with a reconciliation package totaling as much as $3.5 trillion.
### Farmer Access to Carbon Credits

**H.R. 2820, S. 1251**

The bipartisan Growing Climate Solutions Act would establish a federal program to help agriculture producers gain access to carbon credit markets with the goal of lowering the sector’s emissions. The proposed system would be voluntary – a Republican stipulation.

**Bill Status**

- **House**: Rep. Abigail Spanberger (D-Va.) introduced **H.R. 2820** on April 22. Though more than 50 cosponsors have signed on, the bill has stalled in the chamber. The Agriculture Committee doesn’t have a definite timeline to take up the legislation, a panel spokesperson said.

  A related hearing hasn’t been scheduled yet.

- **Senate**: **S. 1251** breezed to passage in June on a 92-8 vote, with 54 cosponsors split almost evenly between Republicans and Democrats. Sen. Mike Braun (R-Ind.) sponsored it.

**Outlook**

- **House**: Agriculture Committee Chair David Scott (D-Ga.) hasn’t cosponsored his chamber’s version of the bill.

  Ranking member Glenn Thompson (R-Pa.) criticized the legislation as “a big-government solution in search of a problem.”

- **Senate**: Agriculture Chairwoman Debbie Stabenow (D-Mich.) called farmers and foresters “an important part of the solution” to the urgent climate crisis.

  The bill is considered a “prime contender” to be included in the reconciliation package, Sen. Sheldon Whitehouse (D-R.I.) told The Intercept in late July.

**Administration**: Agriculture Secretary Tom Vilsack is among the advocates for the measure’s passage.

---

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Democrats are assembling their major social spending bill for action this fall. The bill—which could total $3.5 trillion before offsets—would extend the child tax credit, include spending and tax measures for clean energy, fund universal pre-K, and raise taxes on corporations and the highest individual earners.

Democrats have said they want to fully offset the cost of the bill. But the reconciliation instructions would allow Senate committees to add nearly $1.75 trillion to the debt.

The fiscal 2022 budget resolution (S. Con. Res. 14) gave 12 Senate committees and 13 House committees until Sept. 15 to draft legislation that the Senate could pass with a simple majority rather than 60 votes.

House: Committees began marking up their portions of the package in September. Budget Chair John Yarmuth (D-Ky.), whose panel will assemble the legislation, said action would start in the House because of its revenue implications.

Senate: Senators took the lead on negotiating the budget resolution that set up the process.

House: House Democratic progressives and moderates have been split over how to prioritize the reconciliation process versus the bipartisan infrastructure bill (H.R. 3684), which must be considered by Sept. 27 under a deal that allowed the House to adopt the budget resolution on Aug. 24.

Democrats' narrow majority in the House gives both wings of the party the ability to block either plan. Democrats hold 220 seats to Republicans' 212, meaning Democrats can only afford to lose three votes while still keeping a majority.

Senate: Key moderate Democrats have already pushed back on some aspects of the reconciliation framework. Sen. Kyrsten Sinema (D-Ariz.) said she doesn't plan to support a bill with a top-line total of $3.5 trillion. Sen. Joe Manchin (D-W.Va.), who called for a strategic pause on the reconciliation process, has said he'd prefer a 25% corporate tax rate to President Joe Biden's proposed 28%.

Democrats' ability to agree to revenue-raising measures will help determine the details of their spending and tax-cut proposals, including how long they'll extend the child tax credit.

The Byrd Rule requires provisions to have an effect on the budget, which could further narrow the package.
### Debt Limit

**Not yet introduced**

Lawmakers will have to either raise or suspend the debt limit this fall after it came back into effect Aug. 1.

Treasury Department officials have been using “extraordinary measures” such as delaying certain payments to allow the government to finance operations. Treasury Secretary Janet Yellen told lawmakers those tools will run out in October.

If the debt limit isn’t raised or suspended, the federal government would default on payments, which “would have absolutely catastrophic economic consequences,” Yellen told lawmakers in June.

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<td><strong>Senate:</strong> Senate Democrats decided against including reconciliation instructions on the debt limit in the budget resolution, which would have allowed them to raise the ceiling without Republican support. Yellen and the White House preferred a bipartisan deal, Schumer told reporters. Nearly every Senate Republican – 46 of 50 – signed a letter saying they’ll oppose an increase or suspension in the debt limit. Republicans have said Democrats should address the issue through reconciliation. <strong>House:</strong> House Democrats haven’t detailed a plan on the debt limit. They followed senators’ lead on reconciliation and turned off a rule that allows automatic passage of a measure dealing with the debt limit when a budget resolution is adopted. <strong>House and Senate:</strong> Democrats could add pressure by attaching a debt limit suspension to a continuing resolution to fund the government, setting up a vote to avert a default and a shutdown both at once. Republicans haven’t offered any proposals that could accompany a debt ceiling increase or suspension in order to garner GOP support. Half the House Republican Conference – 106 members – signed an Aug. 30 letter saying they would “not vote to increase the debt ceiling,” regardless of whether it’s attached to a continuing resolution. However, the members also wrote that the U.S. “should not default on our debts under any circumstances.”</td>
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### Disaster Supplemental

**Not yet introduced**

The White House has asked Congress to include supplemental funding to respond to natural disasters and help Afghan allies in the stopgap funding bill needed to keep the government open starting on Oct. 1.

The White House sought $14 billion for natural disasters over the last 18 months, at least $10 billion for Hurricane Ida recovery, and $6.4 billion for the removal and processing of people from Afghanistan.

**House and Senate:** Leaders will have to unveil a continuing resolution soon after returning to Washington in September. Congressional leaders have yet to say whether that stopgap funding measure will include all the requested supplemental funds requested by the White House.

**House and Senate:** The emergency aid funds could pressure lawmakers to support other, attached measures, such as a government funding stopgap or a debt limit suspension.

Senate Majority Leader Chuck Schumer (D-N.Y.) said senators will work to pass the natural disaster aid by the end of September. The Louisiana congressional delegation has also said hurricane relief will be needed.
## Legislative Purpose

**Fiscal 2022 Spending Bills**

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<tr>
<th>Legislative Purpose</th>
<th>Bill Status</th>
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<tr>
<td>H.R. 4346, H.R. 4373, H.R. 4431, H.R. 4432, H.R. 4502, H.R. 4505, S. 2599, S. 2604, S. 2605</td>
<td>House: On July 29, the House passed <strong>H.R. 4502</strong>, a seven-bill spending package combining the following bills: Agriculture-FDA, Energy and Water, Financial Services, Interior-Environment, Labor-HHS-Education, Military Construction-VA, and Transportation-HUD. Appropriators also approved the Commerce-Justice-Science (H.R. 4505), Defense (H.R. 4432), and Homeland Security (H.R. 4431) bills. <strong>Senate:</strong> Senators haven’t voted on any spending bills on the chamber floor. The Appropriations Committee has advanced three bills: Agriculture-FDA (S. 2599), Energy and Water (S. 2605), and Military Construction-VA (S. 2604).</td>
<td>House &amp; Senate: Lawmakers got off to a late start to the appropriations process in both chambers. They’ll likely need to rely on a continuing resolution to fund the government at current levels past Sept. 30. Sen. Richard Shelby (R-Ala.) has said negotiators are in for a “long, hard winter” of spending talks. Republicans in both chambers have said there won’t be a funding deal that can get through the Senate until Democrats agree to lower their nondefense funding proposals, give a greater increase to the military, and include longstanding abortion riders including the Hyde amendment. Policing issues are another obstacle. Democrats decided against a vote in July on their Commerce-Justice-Science bill (H.R. 4505) after police unions criticized policy requirements, such as an end to chokeholds, which would be required to get federal grants.</td>
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Lawmakers must pass 12 annual appropriations bills to fully fund the government each year, a process that’s often broken up into “minibus” collections of bills before an ultimate “omnibus” 12-bill package.

The House’s bills — and the Senate’s, so far — are largely in line with President Joe Biden’s call for a 16.5% increase in domestic discretionary spending and 1.7% boost to defense funds.
# Campaigns & Elections

## Legislative Purpose

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<tr>
<th>H.R. 1, S. 1, S. 2093</th>
<th>House: H.R. 1 was passed 220-210 on March 3, with Rep. Bennie Thompson (D-Miss.) the only member to break party lines. Rep. John Sarbanes (D-Md.) introduced the bill, which all Democrats – including Thompson – had cosponsored.</th>
<th>Senate: The Senate voted 50-49 on Aug. 11 to discharge S. 1 from committee, making it available for floor action. Schumer also again filed for cloture on a motion to proceed to S. 2093.</th>
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<td>The wide-ranging For the People Act would expand voting access and online registration, provide for public financing of congressional campaigns, increase disclosure requirements for political donations, broaden government ethics regulations, and make Election Day a holiday.</td>
<td>The bill is congressional Democrats’ response to alleged corruption in the Trump era, what they view as a crisis in democracy caused by restrictive voting laws in Republican-controlled states and the influence of big campaign donors. Republicans have cast it as a federal takeover of election administration.</td>
<td>Some Democrats and advocacy groups have sought changes to the Senate’s debate rules to allow the measure to move forward if Republicans remain united in blocking the bill. There may not be enough Democratic support to change the rules, however.</td>
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<td>Senate: S. 1, which Sen. Jeff Merkley (D-Ore.) introduced March 17, was cosponsored by every member of the Democratic caucus except Joe Manchin (D-W.Va.). Majority Leader Chuck Schumer (D-N.Y.) negotiated with Manchin to gain his support. The Senate Rules and Administration Committee deadlocked May 11 on a tie vote on S. 1. On June 16, Merkley introduced a new bill, S. 2093, reflecting the committee’s product, and on June 22 the Senate voted 50-50 to end debate on a motion to proceed to it, short of the 60 needed. Manchin joined other Democrats voting to begin debate, while Republicans were all opposed.</td>
<td>Administration: President Joe Biden applauded House passage of the bill, which he said is “urgently needed” to protect voting rights, ensure election integrity, and protect democracy. Supporters of the bill want Biden to take a stronger role, including calling for changes in Senate rules to allow it to pass without Republican support.</td>
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### Voting Rights Amendments

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<td><strong>H.R. 4, S. 4</strong></td>
<td><strong>House:</strong> H.R. 4 was introduced Aug. 17 by Rep. Terri Sewell (D-Ala.). Democratic leaders quickly brought H.R. 4 up for a floor vote when the chamber returned early from the August recess to act on a budget resolution. The vote was 219-212 along party lines. <strong>Senate:</strong> A Senate version hasn’t been introduced but will be designated S. 4. Sens. Raphael Warnock (D-Ga.) and Joe Manchin (D-W.Va.) have been working to write a version that could get support from all Democrats and possibly some Republicans. Democratic leaders say the measure is needed to counter new state laws passed in GOP-controlled states that restrict voting by racial and language minority groups. Republicans said during the House hearings that the type of blatant discrimination targeted by the original Voting Rights Act was eradicated many years ago and new voting rights measures are an unconstitutional infringement on state and local laws. <strong>Senate:</strong> Majority Leader Chuck Schumer (D-N.Y.) has promised to bring up a separate elections bill (S. 1) but it’s not yet clear when the Senate will turn to voting rights legislation. <strong>Administration:</strong> “The House has acted. The Senate also has to join them to send this important bill to my desk,” Biden said on Aug. 24.</td>
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Democrats held numerous hearings to create a legislative record supporting reinstatement of federal preclearance requirements under the Voting Rights Act. The Supreme Court struck down the original preclearance coverage formula in *Shelby County v. Holder* and limited post hoc federal reviews in *Brnovich v. DNC.*
### Child Care

**H.R. 2817, S. 1360**  
The Child Care for Working Families Act (H.R. 2817, S. 1360) would cap families' child care costs at a maximum of 7% of income for lower-income households. It also would provide funding to increase wages for Head Start workers, expand preschool programs, and create more child care options through grants and training.

**House:** Education and Labor Chair Bobby Scott (D-Va.) introduced **H.R. 2817** on April 22 with 82 Democratic cosponsors. His panel hasn’t considered the bill.

**Senate:** Health, Education, Labor, and Pensions Chair Patty Murray (D-Wash.) introduced **S. 1360** on April 22 with 32 Democratic cosponsors. Her panel also hasn’t considered the bill.

**House:** The Education and Labor Committee’s reconciliation proposal would cap child care costs at 7% of income for all families, expand child-care options, and provide resources to increase wages for staff. It also would provide funding for universal, free preschool for three- and four-year-olds.

The Ways and Means panel’s reconciliation proposal includes a wage grant program for child care providers.

**Senate:** Senate Democrats haven’t released their own reconciliation package but have also indicated they want to include child care and universal preschool.

**Administration:** President Joe Biden’s “American Families Plan” included $225 billion for similar proposals to the Child Care for Working Families Act, and $200 billion for universal preschool.

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<td><strong>Manufacturing, Research, Foreign Policy</strong></td>
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<td>H.R. 2225, H.R. 3524, H.R. 3593, S. 1260</td>
<td><strong>House</strong>: The Foreign Affairs Committee approved <strong>H.R. 3524</strong> from Chair Gregory Meeks (D-N.Y.) by a party-line vote of 26-22 on July 15. The House passed <strong>H.R. 2225</strong> by a 345-67 vote on June 28 and <strong>H.R. 3593</strong> by a vote of 351-68. Both bills were sponsored by Science, Space, and Technology Chair Eddie Bernice Johnson (D-Texas).</td>
<td><strong>House</strong>: Though <strong>S. 1260</strong> received strong backing in the Senate and from the Biden administration, it has stalled in the House, where committee leaders said they preferred a different approach to address competition with China. Johnson expressed concern about the Senate bill’s direction on the NSF’s mission but said the chambers could find a way forward. The House Science, Space, and Technology Committee’s reconciliation package would provide about $11 billion for the National Science Foundation, $4 billion for NASA, and $4 billion for the National Institute of Standards and Technology, including funding for advanced manufacturing research. Companies identified as contributing to human rights abuses in Xinjiang couldn’t receive funding. <strong>Administration</strong>: The Biden administration supported passage of <strong>S. 1260</strong> and has urged Congress to send the president legislation to sign.</td>
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<td><strong>Senate</strong>: The Senate passed <strong>S. 1260</strong> from Majority Leader Chuck Schumer (D-N.Y.) on June 8 by a vote of 68-32.</td>
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The Cyber Incident Notification Act (S. 2407) would require federal agencies, government contractors, and critical infrastructure operators, including energy companies and hospitals, to report cyber incidents or attempted cyber incidents to the Homeland Security Department’s Cybersecurity and Infrastructure Security Agency (CISA) within 24 hours. The bill would provide liability protections for companies that report incidents.

The yet-to-be-introduced Cyber Incident Reporting for Critical Infrastructure Act in the House would direct CISA to issue rules requiring critical infrastructure operators report significant cyber incidents to a new Cyber Incident Review Office with a deadline no earlier than 72 hours after an attack.

The bills follow numerous high-profile cyber and ransomware attacks on the public and private sector in the past year — including on SolarWinds, Microsoft, and Colonial Pipeline.

**House:** Homeland Security Chair Bennie Thompson (D-Miss.), ranking member John Katko (R-N.Y.), and Rep. Yvette Clarke (D-N.Y.) released their discussion draft in late August, and could introduce the measure in the coming weeks.

**Senate:** Intelligence Chairman Mark Warner (D-Va.) and ranking member Marco Rubio (R-Fla.) introduced S. 2407 in July along with 13 other senators. It was referred to the Homeland Security and Governmental Affairs Committee.

Sens. Gary Peters (D-Mich.) and Rob Portman (R-Ohio), who lead the Homeland Security panel, are separately working on their own cyber incident reporting bill, which they expect to release in the coming weeks.

**House and Senate:** There’s bipartisan agreement in the House and Senate that certain critical infrastructure operators should report cyberattacks to the government. There is disagreement, however, over the timeframe for reports to be provided to CISA.

**Administration:** The Biden administration issued a cybersecurity executive order in May, but it didn’t mandate cyber incident reporting. Only the Transportation Security Administration has issued an order this year to mandate certain critical pipeline companies report cyber incidents.
### National Cyber Director, State Cyber Grants

#### H.R. 3684
The Senate-passed infrastructure package (H.R. 3684) would provide $21 million for the newly created Office of the National Cyber Director. The office was created in the fiscal 2021 National Defense Authorization Act, but Congress hasn’t funded the office yet.

The infrastructure bill included the State and Local Cybersecurity Improvement Act, which would create grants to help state and local governments address cybersecurity risks and threats. It also included a new Cyber Response and Recovery Fund, to reimburse government and private entities after cyber incidents.

#### Senate: The Senate passed its bipartisan infrastructure package in August on a vote of 69-30. The measure was offered as an amendment to the House-passed surface transportation bill (H.R. 3684), which didn’t include the cybersecurity provisions.

#### House: The House set a deadline of Sept. 27 to consider the infrastructure measure.

#### Administration: The Biden administration swore in Chris Inglis as the country’s first national cyber director in July.

Homeland Security Secretary Alejandro Mayorkas has publicly supported the creation of cyber response and recovery fund, and the administration requested $20 million for the fund in its fiscal 2022 budget request.

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### Annual Defense Authorization

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| **H.R. 4350** | **House:** The House Armed Services Committee approved **H.R. 4350** on Sept. 2 by a vote of 57-2.  
  **Senate:** The Senate Armed Services Committee approved its version of the bill on July 22 by a vote of 23-3. | **House:** The House will likely take up its bill during the week of Sept. 20. The NDAA attracts hundreds of amendments each year.  
  **Senate:** The Senate has yet to take up its measure. The two chambers will need to iron out differences before final passage.  
  **Administration:** The Biden administration has yet to show its position, particularly on a higher defense topline. The Senate and House Armed Services committees increased the requested $715 billion by $25 billion. Even though it is considered a must-pass bill, and likely one of the few major pieces of legislation to advance in Congress, the defense authorization may not be signed into law before the end of the year. |

The National Defense Authorization Act would set policy and authorize spending for national security in fiscal 2022. The measure is crucial for combat pay and military pay increases, as well as construction projects. This year, the defense bill is the vehicle – in both chambers – for major changes to the military justice system, including prosecutions of sexual assault and other major crimes.

The measure is also a test of bipartisan support for higher defense spending, the retirement of older aircraft such as the A-10 Warthog, and more ships than the Pentagon requested.

Both the House and Senate Armed Services panels have approved an increase of $25 billion to the Pentagon’s budget. The Pentagon’s largest program – the F-35 Joint Strike Fighter – is also receiving more scrutiny and limitations, particularly in the House panel’s measure. Efforts to boost the Navy’s fleet are evident in both versions of the bill, particularly with a second DDG-51 Arleigh Burke-class destroyer in fiscal 2022.

Policies aimed at giving the U.S. an upper hand in strategic competition with China also will catch a ride on the massive defense bill, as will congressional oversight of the messy withdrawal from Afghanistan in August.
Lawmakers introduced several measures to repeal authorizations for the use of military force approved by Congress to fight al-Qaida after Sept. 11, 2001, and for the invasion of Iraq in 2002. The authorizations have been used as legal justification for U.S. military operations in the Middle East and Afghanistan for nearly two decades, despite criticism from lawmakers who say they aren’t warranted any longer.

**Legislative Purpose**


- **H.R. 256** would repeal the 2002 Iraq authorization.
- **H.R. 3261** would repeal the 1991 Gulf War authorization.
- **H.R. 2014** nixes those for the Gulf and Iraq wars, as well as one approved during the Cold War.
- **S. J. Res. 10** would repeal authorizations for the Gulf and Iraq wars.

**Bill Status**

- **House**: The House passed both H.R. 256 and H.R. 3261 in June.
  - Rep. Mike Gallagher (R-Wis.) introduced H.R. 2014 in March. The House Foreign Affairs Committee hasn’t acted on it.

  - **Senate**: The full Senate has yet to act on any war power resolutions even though Majority Leader Chuck Schumer (D-N.Y.) has publicly backed repeal of the 2002 Iraq War authorization.
    - Sen. Tim Kaine (D-Va.) introduced S. J. Res. 10 on March 3 with seven original cosponsors, including four Republicans.

- **House**: The fiscal 2022 defense appropriations bill contains repeals of both the 2001 and 2002 authorizations. It’s unclear whether those provisions would make it into a final spending measure after negotiations with the Senate.

  - **Senate**: The Senate Foreign Relations Committee pushed consideration of war power resolutions to August to hear from administration officials after GOP senators, including Mitt Romney (Utah), asked for briefings. It approved S.J. Res. 10 in a 14-8 vote on Aug. 4.

  - **Administration**: President Joe Biden supports the repeal of the 2002 Iraq War authorization, which appears the most likely to be repealed this year with both congressional and administration support.

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The College Transparency Act (H.R. 2030, S. 839) would create a federal data system to track higher education outcomes such as graduation and loan repayment rates.

The Jumpstart Our Businesses by Supporting Students Act (H.R. 2037, S. 864) would extend eligibility for federal Pell Grants to job training programs as short as eight weeks. Such grants now apply to programs 15 weeks or longer.

The Repay Act (S. 821) would simplify federal student loan repayment programs by establishing a fixed, 10-year repayment plan and a single income-driven repayment option.

The Pell Grant Preservation and Expansion Act (S. 2081) would raise the maximum value of Pell Grants for low-income college students to $13,000 by the 2027-28 academic year, and tie subsequent increases to inflation. It also would expand grant eligibility to immigrants living illegally in the U.S. who arrived as children, often referred to as Dreamers.

Legislation related to federal student aid programs or requirements for colleges that receive those funds would be included in a reauthorization of the Higher Education Act.

Education and Labor Chair Bobby Scott (D-Va.) hasn’t announced plans to reintroduce a broader proposal to reauthorize the Higher Education Act, which was last reauthorized in 2008.


Both bipartisan measures were referred to the Education and Labor Committee, which hasn’t considered them.

Senate: Sen. Bill Cassidy (R-La.) introduced S. 839 in March with bipartisan support.

Sens. Tim Kaine (D-Va.) and Rob Portman (R-Ohio) introduced S. 864 in March. A version of the bill was offered as an amendment to the United States Innovation and Competition Act (S. 1260) with bipartisan support but wasn’t adopted.

Sens. Richard Burr (R-N.C.) and Angus King (I-Maine) introduced S. 821 in March.

Sen. Mazie Hirono (D-Hawaii) introduced S. 2081 in June, and it has only Democratic cosponsors.

All four measures were referred to the Health, Education, Labor, and Pensions Committee, which hasn’t considered them.

House: Sponsors are targeting a broader reauthorization for passage of H.R. 2030.

The Education and Labor Committee’s reconciliation plan includes more than $100 billion to reduce college costs, including by providing two years of free community college and increasing Pell Grants by $500 through the 2029-30 academic year.

Senate: Supporters of S. 864 are aiming to pass the bill as part of a larger legislative vehicle or spending package.

Supporters of S. 2081 are proposing to include increased Pell Grant funding in Democrats’ reconciliation package.

Administration: The Biden administration has backed a boost to Pell funding as a “down payment” on eventually doubling the maximum grant. Biden also proposed two years of free community college as part of his American Families Plan.
**Education**

**Legislative Purpose**

**Pandemic School Aid**

H.R. 542, H.R. 604, H.R. 676, S. 96

The Save Education Jobs Act (H.R. 542) would authorize a total of $261.1 billion over 10 years for a fund to aid states and school districts in supporting the education workforce affected by the Covid-19 pandemic.

The Reopen and Rebuild America’s Schools Act (H.R. 604, S. 96) would authorize $130 billion to improve public school facilities that pose health and safety risks.

The Learning Recovery Act (H.R. 676) would authorize $75 billion over two years in response to the pandemic to support summer school, longer school days, and other measures.

**School Diversity**

H.R. 729, H.R. 730

The Strength in Diversity Act (H.R. 729) would authorize “such sums as may be necessary” for federal grants to back state and local educational agencies in developing plans to improve academic outcomes for all students by increasing diversity, including teacher diversity, at public schools.

The Equity and Inclusion Enforcement Act (H.R. 730) would provide a private right of action for individuals to file disparate impact lawsuits under Title VI of the Civil Rights Act. It would also mandate that schools designate compliance monitors for discrimination complaints.

**Bill Status**

**House:** Rep. Jahana Hayes (D-Conn.) introduced H.R. 542 in January, and it’s supported by only Democratic cosponsors.

Education and Labor Chair Bobby Scott (D-Va.) introduced H.R. 604 in January, and it’s garnered more than 150 Democrats and one Republican as cosponsors. He introduced H.R. 676 in February.

Scott’s panel hasn’t considered the bills. H.R. 604 was also referred to the Ways and Means Committee, which hasn’t acted on it.

**Senate:** Sen. Jack Reed (D-R.I.) introduced S. 96 in January. It was referred to the Finance Committee, which hasn’t considered it.

**House and Senate:** Advocates for school infrastructure have targeted Democrats’ reconciliation package as a vehicle to pass new spending on campus facilities.

The House Education and Labor Committee’s reconciliation proposal would provide $82 billion for school buildings that have fallen into disrepair, even before the pandemic.

**Administration:** The Biden administration proposed a total of $100 billion in grants and bond financing for school upgrades.

**Outlook**

**House:** A floor vote hasn’t been set for this session.

**Senate:** Prospects in the Senate aren’t clear without significant bipartisan support.

Sen. Chris Murphy (D-Conn.) introduced a version of H.R. 729 in 2019, but the bill didn’t garner any Republican cosponsors and wasn’t considered by the Health, Education, Labor, and Pensions Committee.

**House and Senate:** Advocates for school infrastructure have targeted Democrats’ reconciliation package as a vehicle to pass new spending on campus facilities.

The House Education and Labor Committee’s reconciliation proposal would provide $82 billion for school buildings that have fallen into disrepair, even before the pandemic.

**Administration:** The Biden administration proposed a total of $100 billion in grants and bond financing for school upgrades.

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<td><strong>Clean Energy</strong></td>
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<td>H.R. 1512, H.R. 1848, H.R. 3684, H.R. 4153</td>
<td>House: The House passed its version of H.R. 3684 in July, including language to establish a Clean Energy and Sustainability Accelerator.</td>
<td>House: Speaker Nancy Pelosi (D-Calif.) committed to taking up the Senate-passed bipartisan infrastructure package (H.R. 3684) by Sept. 27. Democrats are separately eyeing clean energy provisions as part of the budget reconciliation package they could pass without Republican support. The House Energy and Commerce Committee proposed $150 billion to push electric providers to supply more clean energy, according to a committee summary. The panel also floated $18 billion for home energy efficiency rebates, $17.5 billion to decarbonize federal buildings and vehicles, $13.5 billion for electric vehicle infrastructure, and $9 billion for electric grid improvements.</td>
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<td>The Senate bipartisan infrastructure package (H.R. 3684) would provide billions for clean energy programs, including to upgrade the electric grid, expand electric vehicle charging stations, and deploy cleaner buses and ferries.</td>
<td>It adopted a budget resolution (S. Con. Res. 14) in August to pave the way for a broader spending and tax package that could boost clean energy projects.</td>
<td>Senate: A document from Senate Democrats highlights budget reconciliation proposals such as a clean electricity payment program, a consumer rebate program to electrify and weatherize homes, and a Clean Energy Technology Accelerator, or national bank, to fund climate-friendly technologies.</td>
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<td>The LIFT America Act (H.R. 1848) would authorize nearly $70 billion for clean energy and energy efficiency projects, with $3.5 billion for electric grid infrastructure and $17.5 billion for energy efficiency and conservation grants.</td>
<td>The Energy and Commerce Committee has held several hearings on H.R. 1512.</td>
<td>Administration: President Joe Biden has supported proposals such as a clean energy standard for utilities companies as part of his climate plan. He called for 500,000 electric vehicle charging stations by 2030 and 100% clean electricity by 2035.</td>
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## Conservation

### Legislative Purpose

**H.R. 577, H.R. 803, H.R. 3684, S. 173**

The Senate bipartisan infrastructure legislation (**H.R. 3684**) would boost spending on natural infrastructure, including programs to protect public lands, waters, wildlife habitat, and ecosystems.

It includes the REPLANT Act, which would enable the Forest Service to plant 1 billion trees in national forests, its sponsors said. It would authorize funding for several critical watershed programs, including the Great Lakes Restoration Initiative and Chesapeake Bay Program. It would authorize $350 million for a pilot program to improve the safety of wildlife crossings on roadways. There’s also $400 million in the package for WaterSMART grants to address droughts, as well as funding for wildfire management.

A separate public lands package (**H.R. 803**) would designate more than 2.5 million acres of federal land in Colorado, California, and Washington as wilderness, conservation, or recreation areas. It incorporates stand-alone bills such as the Colorado Outdoor Recreation and Economy Act or CORE Act (**H.R. 577, S. 173**), which would protect more than 400,000 acres of public land in the state.

### Bill Status

**House:** House Democrats passed their version of **H.R. 3684** in July, including $600 million for grants to restore wildlife and plant habitats, $400 million for a Wildlife Crossings Grant Program, and funding for wildlife corridors. The House passed **H.R. 803** in February by a vote of 227-200, with eight Republicans breaking ranks to support the measure.

**Senate:** The Senate passed its bipartisan infrastructure bill Aug. 10.

The Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining held a legislative hearing June 16 to discuss some bills included in the House-passed public lands package, including the CORE Act, championed by Sens. Michael Bennet (D-Colo.) and John Hickenlooper (D-Colo.).

### Outlook

**House:** Speaker Nancy Pelosi (D-Calif.) committed to taking up the Senate-passed bipartisan infrastructure package (**H.R. 3684**) by Sept. 27.

Progressives would like to see more spending on conservation, wildlife, and climate resiliency programs at the Interior Department via budget reconciliation.

The House Natural Resources Committee proposed $9.5 billion for environmental restoration in coastal areas and around the Great Lakes and $3 billion for a Civilian Climate Corps at the Interior Department, among other provisions. The Agriculture Committee included additional funds for the Civilian Climate Corps through the Agriculture Department in its package, as well as $9 billion in grants for forest restoration and resilience projects.

**Senate:** A budget reconciliation document from Senate Democrats highlights proposals such as a Civilian Climate Corps.

Senate leaders haven’t announced plans to vote on the public lands package. The Democratic-led chamber could take up narrower bills such as the CORE Act.

**Administration:** President Joe Biden’s infrastructure plan proposed $10 billion to create a federal Civilian Climate Corps.

The White House said it supports the federal lands package (**H.R. 803**), including the CORE Act.
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<td><strong>Emissions</strong></td>
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<tr>
<td>H.R. 3684, S. 622</td>
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<td>The Senate bipartisan infrastructure legislation (H.R. 3684) would allocate billions for carbon capture projects, cleaner energy technologies such as hydrogen and nuclear power, and capturing fugitive methane through plugging orphaned wells. It also includes funds to reduce carbon-related transportation emissions. The American Jobs in Energy Manufacturing Act (S. 622) would expand the 48C tax credit with a goal to drive greater investment in clean energy manufacturing.</td>
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<tr>
<td><strong>House</strong>: House Democrats passed their version of H.R. 3684 in July, including proposed funding for a new Carbon Pollution Reduction Program to reduce greenhouse gas emissions from the transportation system.</td>
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<td><strong>Senate</strong>: The Senate passed its bipartisan infrastructure package in August.</td>
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<td><strong>Energy and Natural Resources Committee Chairman Joe Manchin (D-W.Va.) introduced S. 622 on March 9 with Sens. Debbie Stabenow (D-Mich.) and Steve Daines (R-Mont.).</strong></td>
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<td><strong>House and Senate</strong>: Speaker Nancy Pelosi (D-Calif.) committed to taking up the Senate-passed bipartisan infrastructure package (H.R. 3684) by Sept. 27. Democrats are considering other proposals to slash emissions, including a “methane polluter fee,” as part of their budget reconciliation package.</td>
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<td><strong>Administration</strong>: President Joe Biden has set an ambitious regulatory agenda to curb greenhouse gas emissions, calling for a 50% cut in economy-wide carbon emissions by 2030.</td>
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Environmental Justice

**Legislative Purpose**

- **H.R. 2021, H.R. 3684, S. 872**

  The Senate bipartisan infrastructure package (H.R. 3684) would dedicate a combined $21 billion in new spending for environmental remediation projects, including to address legacy pollution in historically disadvantaged communities, according to the bill’s supporters. It also includes funds for cleaning up brownfields and Superfund sites, as well as for abandoned mine land reclamation and for capping orphaned oil and gas wells, all typically bipartisan efforts.

  The Environmental Justice For All Act (H.R. 2021, S. 872) aims to embed equity in federal programs, laws, permitting, and funding related to environmental policy. The measure would create a federal assistance fund paid for through new fees on the fossil fuel industry to help communities and workers transition to a clean energy economy.

**Bill Status**

- **House:** House Natural Resources Chair Raúl Grijalva (D-Ariz.) introduced **H.R. 2021** on March 18. The measure was referred to the committees on Natural Resources, Judiciary, Transportation and Infrastructure, Agriculture, Education and Labor, and Energy and Commerce.

  - **Senate:** The Senate passed the bipartisan infrastructure package in August.

  Sen. Tammy Duckworth (D-Ill.) introduced **S. 872** on March 18. The measure was referred to the Environment and Public Works Committee.

- **House:** Speaker Nancy Pelosi (D-Calif.) committed to taking up the Senate-passed bipartisan infrastructure package (H.R. 3684) by Sept. 27.

  Democrats also plan to boost spending for environmental projects in disadvantaged communities via the budget reconciliation package. The Energy and Commerce Committee proposed $5 billion to address environmental and public health harms related to pollution in low-income or disadvantaged communities.

- **Senate:** A document from Senate Democrats on budget reconciliation highlights “environmental justice investments in clean water affordability and access, healthy ports and climate equity.”

**Administration:** The White House has pledged to take a “whole-of-government” approach to incorporating environmental justice throughout federal programs and agencies.

  The Environmental Justice for All Act has support within the administration. Vice President Kamala Harris was the lead sponsor of the bill when she was a California senator in the 116th Congress, and Interior Secretary Deb Haaland was a cosponsor of the House bill last year.
The oil and gas industry would face an increase in leasing and other fees for drilling on federal lands and waters under a proposal from the House Natural Resources panel, written as part of Democrats’ plans to pass a larger spending and tax package through budget reconciliation.

The proposal would repeal oil and gas leasing and drilling on the coastal plain of the Arctic National Wildlife Refuge allowed in the 2017 tax reform law (Public Law 115-97). It would create a “conservation of resources” fee on fossil fuel companies. It also would shorten fossil fuel lease lengths to 10 years, from 20 years, and increase minimum oil and gas bids to $10 per acre, from $2 per acre.

Other provisions in the committee-approved text would prohibit offshore drilling in areas of the outer continental shelf where it’s currently banned, and amend the Mineral Leasing Act by increasing onshore and offshore oil and gas royalty rates to 20%, from 12.5%.

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| Oil & Gas Leasing      | **House:** The House Natural Resources Committee approved the draft Sept. 9 by a 24-13 vote.  
**Senate:** The Senate Energy and Natural Resources Committee has yet to release details for its portion of the budget reconciliation legislation.  
The Senate, in its August “vote-a-rama” on the fiscal 2022 budget resolution (S. Con. Res. 14), rejected a measure from Sen. Cynthia Lummis (R-Wyo.) by a 49-50 vote that would have prohibited the administration from blocking new energy or mineral leasing and permitting on federal lands and waters without congressional approval. | **House and Senate:** Committees in both chambers are working to wrap up their portions of the budget reconciliation package by Sept. 15.  
The package has faced headwinds from moderate Democrats such as Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.), who criticized the proposed $3.5 trillion funding level. Manchin leads the Energy and Natural Resources Committee and could take a different approach to oil and gas leasing.  
**Administration:** The Biden administration had paused its onshore oil and gas leasing program in January, only for the Interior Department to restart Aug. 31 its sales schedule to comply with a federal court injunction. The agency has appealed the injunction. |
Cleaning up and preventing the release of toxic “forever chemicals” is a bipartisan effort in Congress, especially given the geographic scope of the problem. The contaminants are found in firefighting foam, drinking water, and nonstick cookware, among other items.

The Senate bipartisan infrastructure package (H.R. 3684) would provide $4 billion to address emerging contaminants, with a focus on per- and polyfluoroalkyl substances known as PFAS.

The PFAS Action Act (H.R. 2467) would direct the EPA to designate PFAS as hazardous substances under the Superfund law and to establish drinking water standards for the chemicals.

The House’s fiscal 2022 defense authorization bill (H.R. 4350) would require the Defense Department to meet stricter state cleanup standards for PFAS. The Senate’s measure would set a deadline for DOD to test PFAS at all installations.

The PFAS Act (H.R. 4954, S. 231) would direct the Homeland Security Department to develop guidance and training to educate firefighters and other emergency response personnel about the dangers of PFAS.

The No PFAS in Cosmetics Act (H.R. 3990, S. 2047) would ban the use of intentionally added PFAS in cosmetics.

House: The chamber passed H.R. 2467 from Rep. Debbie Dingell (D-Mich.) in July with the backing of more than 20 Republicans.

Dingell also sponsored H.R. 3990 and H.R. 4954 with bipartisan support. No markups have been scheduled for those measures.

The House Armed Services Committee approved H.R. 4350 on Sept. 2 by a vote of 57-2.

Senate: The Senate passed S. 231 in July and its bipartisan infrastructure package (H.R. 3684) in August.

The Armed Services Committee approved its defense authorization measure on July 22 by a vote of 23-3.

The Health, Education, Labor, and Pensions Committee hasn’t acted on S. 2047, which Sen. Susan Collins (R-Maine) introduced with bipartisan support.

There is currently no Senate companion to the PFAS Action Act.

House: Speaker Nancy Pelosi (D-Calif.) committed to taking up the Senate-passed bipartisan infrastructure package (H.R. 3684) by Sept. 27.

The House is slated to take up its defense authorization bill during the week of Sept. 20.

House leaders haven’t announced floor votes for the PFAS Act or the No PFAS in Cosmetics Act, though the bills have a strong outlook given their bicameral, bipartisan support.

Senate: Dingell has said she is “very laser-focused” on enacting H.R. 2467 and continues to have “constructive conversations” with her Democratic and Republican Senate colleagues, including Environment and Public Works Committee Chairman Tom Carper (D-Del.).

EPW’s top Republican, Shelley Moore Capito (W.Va.), supports directing the EPA to better regulate PFAS, particularly in drinking water. But she has not endorsed the House-passed measure.

Administration: The White House supports the PFAS Action Act and has recommended President Joe Biden sign it into law if it reaches him. The American Jobs Plan proposed $10 billion to monitor and remediate PFAS in drinking water.
### Energy & Environment

#### Legislative Purpose

<table>
<thead>
<tr>
<th>Water</th>
<th><strong>H.R. 3684</strong></th>
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<tr>
<td>The Senate bipartisan infrastructure package would authorize clean drinking water and wastewater infrastructure programs for five years. It also contains $55.4 billion in emergency appropriations for EPA grants, including a combined $23.4 billion for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund, with additional money leveraged through the funds for specific activities such as replacing of lead service lines across the country. Another $8.3 billion in supplemental funding would go to the Bureau of Reclamation, the lead federal agency dealing with Western water infrastructure amid a historic drought. The bipartisan package also would provide $3.5 billion through the Indian Health Service to improve tribes’ access to clean water.</td>
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<td><strong>House:</strong> The House in July passed its version of <strong>H.R. 3684</strong> with significantly higher funding authorizations for water infrastructure and lead pipe replacement. <strong>Senate:</strong> The chamber passed the bipartisan infrastructure deal in August.</td>
<td><strong>House:</strong> Democrats have called for more direct aid for water utilities to help cash-strapped communities and more money for lead service line and pipe replacement. A budget reconciliation proposal from the House Energy and Commerce Committee would provide $30 billion for lead service line replacement projects. <strong>Senate:</strong> Senate Environment and Public Works Chairman Tom Carper (D-Del.), as well as EPW panel members Tammy Duckworth (D-Ill.) and Ben Cardin (D-Md.), have said they’d like to boost funding for water infrastructure beyond the levels in the bipartisan deal, particularly for disadvantaged communities. <strong>Administration:</strong> The White House supports the water infrastructure provisions in the bipartisan package, although President Joe Biden’s American Jobs Plan endorsed more money – $45 billion – for lead service line and pipe replacement across the country.</td>
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To contact the editors: Zachary Sherwood at zsherwood@bloombergindustry.com; Michael Smallberg at msmallberg@bloombergindustry.com
A slew of bills seek to empower consumers to challenge credit reporting companies and private debt collectors.

The Comprehensive CREDIT Act (H.R. 4120) would require credit reporting firms, such as Equifax, Experian, and TransUnion, to provide consumers with more information on their credit reports and scores. It also would limit the effects of adverse credit reports on medical debt, private student loans, and fraudulent mortgage loans.

The draft Protecting Your Score Act would require credit reporting companies to create a single online portal for consumers to access their credit reports and scores, dispute errors, and place or lift security freezes. Another draft bill, the National Credit Reporting Agency Act, would establish a public credit reporting office at the Consumer Financial Protection Bureau.

The Comprehensive Debt Collection Improvement Act (H.R. 2547) would subject private debt collectors to additional restrictions when collecting money from medical patients, small businesses, private student loan borrowers, homeowners, service members, and other consumers. A narrower bipartisan bill, the Small Business Lending Fairness Act (S. 1119), would shield small business borrowers from confessions of judgment, in which borrowers agree to an automatic judgment of liability against them without normal due process protections if lenders sue for breach of contract.

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<td><strong>H.R. 2547, H.R. 4120, S. 1119</strong></td>
<td>House: The House passed H.R. 2547 on May 13 by a 215-207 vote, mostly along party lines. The Financial Services Committee held a hearing June 29 to discuss several credit reporting bills. Rep. Ayanna Pressley (D-Mass.) introduced H.R. 4120 on June 24. <strong>Senate:</strong> The Senate Banking, Housing, and Urban Affairs Committee hasn't taken up the House-passed debt collection package or S. 1119, which committee Chairman Sherrod Brown (D-Ohio) introduced April 14 with Sen. Marco Rubio (R-Fla.).</td>
<td>House: House leaders haven’t announced plans to vote on the credit reporting package (H.R. 4120). The chamber passed similar legislation in the 116th Congress, mostly along party lines. <strong>Senate:</strong> Senate leaders haven’t announced plans to take up credit reporting or debt collection legislation. <strong>Administration:</strong> The White House supports H.R. 2547, according to a May 11 statement of administration policy. President Joe Biden proposed creating a public credit reporting office at the CFPB to help address issues such as inaccurate reports and biased credit scores. The White House hasn’t announced a position on a broader consumer credit legislative package.</td>
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**Financial Services**

The Corporate Governance Improvement and Investor Protection Act (H.R. 1187) would require publicly traded companies to disclose information on a wide array of environmental, social, and governance (ESG) issues. Mandated disclosures to investors would cover financial risks related to climate change, spending on political ads, tax jurisdictions, executive and board member diversity, executive pay raises, workplace retaliation, and the use of goods from China’s Xinjiang region, among other topics.

Lawmakers have also floated stand-alone bills that would direct companies to divulge more information on individual topics, including their diversity (S. 374), cybersecurity expertise (S. 808), climate risks (S. 1217), and workforce management practices (S. 1815).

**Legislative Purpose**

**Bill Status**

**Outlook**

**House:** The House passed H.R. 1187 on June 16 by a 215-214 vote, over the objection of Republicans and business groups such as the U.S. Chamber of Commerce. Republicans on the House Financial Services Committee said the measure caters more to “social activists and ‘woke’ corporations than Main Street investors.” Four Democrats broke ranks to vote against the legislation on the House floor.

**Senate:** The Senate Banking, Housing, and Urban Affairs Committee hasn’t taken up the House-passed measure or stand-alone ESG bills, including the Improving Corporate Governance Through Diversity Act (S. 374) from Sen. Bob Menendez (D-N.J.), the Cybersecurity Disclosure Act (S. 808) from Sen. Jack Reed (D-R.I.), the Climate Risk Disclosure Act (S. 1217) from Sen. Elizabeth Warren (D-Mass.), and the Workforce Investment Disclosure Act (S. 1815) from Sen. Mark Warner (D-Va.).

**Senate:** Senate leaders haven’t announced a vote on ESG legislation. Banking Chairman Sherrod Brown (D-Ohio) has generally supported ESG disclosures. He convened a hearing in March on climate change and risks to the financial system. Republicans on the committee, led by ranking member Pat Toomey (Pa.), have called on the Securities and Exchange Commission (SEC) to reject proposals for ESG disclosures on climate risk and corporate diversity.

**Administration:** The White House supports H.R. 1187, according to a June 14 statement of administration policy.

SEC Chair Gary Gensler said the agency is eyeing its own requirements for businesses to report on climate risks, board member diversity, and human capital management. In August, the commission approved a proposal from stock exchange Nasdaq Inc. that would require most publicly traded companies to have — or explain why they don’t have — at least one director who identifies as female and one who identifies as an underrepresented minority or LGBTQ.
Not yet introduced

Lawmakers face a Sept. 30 deadline to extend key provisions of the National Flood Insurance Program that allow the Federal Emergency Management Agency to issue new policies and borrow as much as $30.4 billion from the Treasury Department to pay claims.

The program is $20.5 billion in debt following several major hurricanes and rules that allow some policyholders to pay cheaper rates that don’t fully reflect flood risks.

A draft bill from House Financial Services Committee Chair Maxine Waters (D-Calif.) would reauthorize the program for five years and wipe out its debt. It would offer discounted rates to low-income policyholders and cap premium increases for all policyholders at 9% each year. It also would authorize more funding for flood risk maps and mitigation assistance grants.

House: The Financial Services panel held a hearing on May 4 to discuss the draft reauthorization bill from Waters and other measures to improve housing resilience.

Senate: The Senate Banking, Housing, and Urban Affairs Committee has held several hearings this year on the flood insurance program. Committee members haven’t introduced legislation to reauthorize it.

House and Senate: Lawmakers have passed 16 short-term extensions of the flood insurance program since the last major reauthorization (Public Law 112-141) expired at the end of fiscal 2017. Another short-term patch ahead of the Sept. 30 deadline appears likely and could be part of a continuing appropriations resolution.

Democrats could also amend the flood insurance program via budget reconciliation. A draft proposal from the Financial Services panel would cancel the program’s debt and provide $3 billion for flood risk mapping.

Administration: The White House asked lawmakers to extend the flood insurance program as part of any CR to keep the government funded past Sept. 30.

The Biden administration endorsed a new FEMA methodology called Risk Rating 2.0 that could increase costs for some policyholders, while also calling for a new program to help keep flood insurance affordable for low-income households.
Democrats are eyeing proposals to expand affordable housing options for low-income families.

The most sweeping measure, the Housing is Infrastructure Act (H.R. 4497), would authorize nearly $600 billion over an unspecified period, including for Housing Choice Vouchers, the Public Housing Capital Fund, energy efficiency upgrades in multifamily housing, and the Housing Trust Fund.

The Ending Homelessness Act (H.R. 4496) would authorize incremental housing vouchers for very low-income households. The Family Stability and Opportunity Vouchers Act (S. 1991) would support a smaller number of incremental vouchers for those at risk of homelessness.

The Downpayment Toward Equity Act (H.R. 4495) would authorize $100 billion to provide financial assistance to first-generation, low-income homebuyers.

The Expediting Assistance to Renters and Landlords Act (H.R. 5196) would make it easier for struggling tenants and landlords to receive emergency aid under previously enacted Covid-19 relief laws.

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### Housing

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<tr>
<td><strong>H.R. 4495, H.R. 4496, H.R. 4497, H.R. 5196, S. 1991</strong></td>
<td>House: House Financial Services Committee Chair Maxine Waters (D-Calif.) introduced <strong>H.R. 5196</strong> in September, shortly after the Supreme Court nixed the Biden administration’s eviction moratorium in an unsigned opinion. Waters introduced <strong>H.R. 4495</strong>, <strong>H.R. 4496</strong>, and <strong>H.R. 4497</strong> on July 16 with all Democratic cosponsors. The measures were part of a July 20 committee hearing on affordable housing. Senate: The Senate Banking, Housing, and Urban Affairs Committee held a hearing June 24 to discuss several bipartisan housing proposals, including <strong>S. 1991</strong>, which was introduced earlier that month by Sens. Chris Van Hollen (D-Md.) and Todd Young (R-Ind.).</td>
<td>House: The Financial Services panel floated more than $300 billion for housing programs via budget reconciliation, including about $80 billion for public housing, $75 billion for Housing Choice Vouchers, $37 billion for the Housing Trust Fund, and $35 billion for HOME Investment Partnerships. Senate: A budget reconciliation document from Senate Democrats proposes a spending boost for the Housing Trust Fund and the HOME Investment Partnerships Program, as well as down payment and rental assistance. Administration: The Biden administration has called for $318 billion in housing investments and tax credits as part of the president’s American Jobs Plan. The administration renewed the federal eviction moratorium several times before the Supreme Court blocked it and legislative efforts to extend it fell apart. The White House has since encouraged governors and mayors to speed up aid to renters facing eviction.</td>
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### Libor Replacement

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<td><strong>H.R. 4616</strong></td>
<td><strong>House:</strong> The House Financial Services Committee approved <strong>H.R. 4616</strong> by voice vote on July 29, one week after Rep. Brad Sherman (D-Calif.) introduced it. <strong>House:</strong> House leaders haven’t announced plans to vote on the measure. Rep. Patrick McHenry (R-N.C.), the top Republican on the Financial Services panel, said he didn’t oppose the bill, though he called for additional hearings on the issue. <strong>Senate:</strong> No comparable legislation has been introduced in the Senate. <strong>Administration:</strong> Treasury Secretary Janet Yellen and Federal Reserve Chair Jerome Powell have called for legislation to smooth the Libor transition.</td>
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The Adjustable Interest Rate (LIBOR) Act (**H.R. 4616**) is intended to ease the transition away from the London interbank offered rate, a key benchmark used to determine the costs of borrowing money.

Libor is a daily average of what banks say they would charge to lend to one another. Several major banks paid billions to settle charges stemming from the 2008 financial crisis that they had manipulated rates to boost their own portfolios. The Bank of England said it would phase out Libor by the end of 2021.

The bill would establish a process for legacy contracts that reference Libor to instead use the New York Fed’s Secured Overnight Financing Rate or a similar benchmark, without the need for litigation or contract amendments.

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The Assault Weapons Ban of 2021 (H.R. 1808, S. 736) would prohibit any possession, manufacture, or sale of AK-47 and AR-15 weapons, certain semiautomatic rifles and pistols, and large-capacity magazines. Owners could keep existing weapons.

The ban would be broader than another assault weapons prohibition, which was enacted in 1986 and expired in 2004.

The Keep Americans Safe Act (H.R. 2510, S. 1108) would focus only on large capacity magazines.


Rep. Ted Deutch (D-Fla.) introduced H.R. 2510 on April 14 with a smaller cohort of Democrats.

Senate: Sen. Dianne Feinstein (D-Calif.) introduced S. 736 on March 11 with 34 cosponsors, all of whom caucus with the Democrats.

Sen. Bob Menendez (D-N.J.) introduced S. 1108 on April 14 with 26 cosponsors, all of whom caucus with the Democrats.

Republicans generally oppose banning assault weapons, as do some moderate Democrats.

The Senate Judiciary Committee held a hearing on gun violence March 23 but hasn’t marked up any of the bills, which are unlikely to receive the 60 votes needed to advance on the floor.

Administration: President Joe Biden called on Congress to ban assault weapons following mass shootings in March that killed 18 people.

House: The House Judiciary Committee held a hearing on a similar bill in 2019. No action has been announced this year.

Senate: The Senate Judiciary Committee held a hearing on gun violence March 23 but hasn’t marked up any of the bills, which are unlikely to receive the 60 votes needed to advance on the floor.

Administration: President Joe Biden called on Congress to ban assault weapons following mass shootings in March that killed 18 people.

The Enhanced Background Checks Act would prevent gun sales from proceeding if a background check isn’t completed within three days, as allowed under the “Charleston Loophole.”

A June 2015 mass shooting at a historically black church in Charleston, S.C., was perpetrated with a gun legally sold before a background check that would have blocked the purchase was completed.

Under the bill, a gun buyer could petition the Justice Department to allow the sale to be completed after 10 days without a background check result, and the sale could proceed 10 days after that.

House: The House passed the bill 219-210 on March 11 with two Democrats voting against the measure and two Republicans supporting it. The bill was introduced by Rep. Jim Clyburn (D-S.C.).

Senate: The bill has been received by the Senate, where there isn’t a companion measure.

Senate: Majority Leader Chuck Schumer (D-N.Y.) hasn’t yet fulfilled a pledge to bring the bill to the floor, where it would face a certain filibuster. Even if Democrats attempted to change or end the filibuster, the pivotal Sen. Joe Manchin (D-W.Va.) doesn’t support the bill, saying he’s “a law-abiding gun owner.”

Administration: President Joe Biden called on the Senate to clear the bill for his signature.
### ‘Gun-Show Loophole’

**H.R. 8, S. 529**

The Bipartisan Background Checks Act would require most firearm transfers between unrelated, unlicensed people to be conducted through a licensed dealer, who would have to perform a background check on the recipient. It would close what proponents of the measure call the “gun show loophole,” where private sales without a licensed dealer don’t require a background check. There would be exceptions related to police, as well as loans or gifts within a family or at shooting ranges while the gun owner is present.

**House:** The House passed H.R. 8 227-203 on March 11 with one Democrat voting no and eight Republicans voting in support. It was introduced by Rep. Mike Thompson (D-Calif.).

**Senate:** The Senate hasn’t considered either of the bills. The House-passed bill has been received by the Senate. S. 529, introduced by Sen. Chris Murphy (D-Conn.) with 44 Democrats and Sen. Bernie Sanders (I-Vt.), has been referred to the Judiciary Committee.

**Senate:** Majority Leader Chuck Schumer (D-N.Y.) promised the bill would receive a floor vote. Even without the filibuster, prospects are iffy without the support of Sen. Joe Manchin (D-W.Va.), who opposes the measure. Manchin said he wants to revisit his more narrow 2013 legislation with Sen. Pat Toomey (R-Pa.) that would have expanded background checks to gun-show and online sales only. That measure was blocked by a Republican-led filibuster.

**Administration:** President Joe Biden urged the Senate to pass the bill so he can sign it into law.

**House:** Plans for floor action haven’t been announced.

**Senate:** No action has been announced. Senate Majority Leader Chuck Schumer (D-N.Y.) has said that Congress should force states to adopt such laws instead of encouraging them.

**Administration:** President Joe Biden in April called on Congress to pass national “red flag” legislation, and the Justice Department published model legislation for states in June.

### Removing Guns From Dangerous People

**H.R. 2377, H.R. 3480, S. 1819, S. 292**

The Extreme Risk Protection Order and Violence Prevention Act (S. 292) would establish a grant program to encourage state laws that allow family members or law enforcement to ask a court to remove firearms from those exhibiting violent or unstable behavior. The Extreme Risk Protection Order Act (H.R. 3480, S. 1819) would make similar changes.

At least 19 states and the District of Columbia have enacted similar “emergency risk protection” or “red flag” laws. The Federal Extreme Risk Protection Order Act (H.R. 2377) would allow federal courts to grant petitions to remove firearms from relevant individuals.

**House:** Rep. Salud Carbajal (D-Calif.) introduced H.R. 3480, an updated version of grants legislation the House Judiciary Committee approved along party lines in 2019, on May 25. Dozens of Democrats have since signed on as cosponsors.

Rep. Lucy McBath (D-Ga.) introduced H.R. 2377 on April 8. It has more than 100 Democrats as cosponsors.

**Senate:** Sen. Marco Rubio (R-Fla.) introduced S. 292 on Feb. 8 with one Republican, one Democrat, and one independent. It’s been referred to the Senate Judiciary Committee.

Rep. Dianne Feinstein introduced a companion to Carbajal’s bill (S. 1819) on May 25 with 19 other Democrats.

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### Abortion

**H.R. 3755, S. 1975**

The Women’s Health Protection Act *(H.R. 3755, S. 1975)* would ban restrictions on abortion that aren’t medically necessary. It would specify that health-care providers have the right to provide abortion services without specified limitations, such as prohibitions on abortion before a fetus is viable—generally around 24 weeks.

Democrats are pushing the bill after the Supreme Court allowed a Texas law banning abortions after a fetal heartbeat is detectable, usually around 6 weeks, to take effect. It also would affect a separate case the court is scheduled to hear on a 15-week abortion ban in Mississippi.

### Coverage

**Not yet introduced**

Democrats are at odds over how to use their reconciliation bill, and the savings from Medicare drug price negotiations, to expand health coverage.

Options include expanding Medicare to cover dental, hearing, and vision benefits; lowering the Medicare eligibility age to 60; extending the larger Affordable Care Act premium subsidies set to expire after 2022; and closing the “Medicaid gap” in states that haven’t expanded their programs.
Democrats hope to make good on their long-time goal of empowering the government to negotiate with drugmakers using their budget reconciliation package.

The Elijah E. Cummings Lower Drug Costs Now Act (H.R. 3) would require HHS to negotiate some of the highest-priced medicines and insulin, with prices tied to an international reference. An excise tax of as much as 95% of sales would apply if negotiations fail. Negotiated prices would also apply to private plans. A previous version of the measure was estimated to save more than $400 billion, which could help fund other Democratic health-care priorities.

Senate Finance Chair Ron Wyden (D-Ore.) has said he wants Medicare to negotiate prices and to extend lower price tags to the commercial sector.

Sen. Chuck Grassley (Iowa) is the leading Republican on this issue and has long opposed Medicare price negotiation. Grassley and Wyden put together a drug-pricing measure last Congress that would have, among other things, capped out-of-pocket costs at $3,100 a year for the elderly in Medicare Part D and limited how much drugmakers can raise their prices in Medicare.

Five other bills (H.R. 2071, H.R. 2139, H.R. 4811, S. 833, and S. 908) focus primarily on amending the Social Security Act to let the government directly negotiate drug prices in Medicare.

### Legislative Purpose

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<td>Democrats hope to make good on their long-time goal of empowering the government to negotiate with drugmakers using their budget reconciliation package.</td>
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<tr>
<td>H.R. 2071, H.R. 2139, H.R. 4811, S. 833, S. 908</td>
<td>Focus primarily on amending the Social Security Act to let the government directly negotiate drug prices in Medicare.</td>
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### Bill Status

**House:** The Energy and Commerce Committee held a hearing on H.R. 3 in May. The House passed a similar bill in the 116th Congress largely along party lines.

Rep. Lloyd Doggett (D-Texas) introduced the Medicare Drug Price Negotiation Act (H.R. 2139) in March and the Medicare Negotiation and Competitive Licensing Act (H.R. 4811) in July.

Rep. Peter Welch (D-Vt.) introduced the Medicare Prescription Drug Price Negotiation Act (H.R. 2071) in March.

The Energy and Commerce and Ways and Means committees haven’t considered those bills.

**Senate:** Sen. Amy Klobuchar (D-Minn.) introduced the Empowering Medicare Seniors to Negotiate Drug Prices Act (S. 833) and Sen. Bernie Sanders (I-Vt.) introduced the Medicare Drug Price Negotiation Act (S. 908), both in March.

The Senate Finance Committee hasn’t acted on either measure.

**Administration:** President Joe Biden has said he supports allowing Medicare to negotiate with drugmakers. He’s also called for other initiatives to lower drug prices, such as allowing imports from Canada and capping Medicare beneficiary costs.
Lawmakers are also seeking to ease entry for generic drugs, low-cost copies of popular medicines. H.R. 153 and S. 1428 would limit pay-for-delay deals, arrangements in which brand drugmakers compensate generics for waiting before they enter the market. H.R. 2843, H.R. 2883, and S. 1425 would make it more difficult for branded pharmaceutical companies to petition the Food and Drug Administration to delay or interfere with the regulatory approval of generics and biosimilars that would compete with their own products. S. 1435 would prevent drugmakers from modifying products to extend their patent exclusivity and limit how many patents biologic manufacturers can assert in litigation against biosimilars.

House: Rep. Bobby Rush (D-Ill.) introduced the Protecting Consumer Access to Generic Drugs Act (H.R. 153) in January. It includes provisions similar to legislation to ban pay-for-delay practices that the House passed in 2019 as part of a large package of health-care bills. The House Energy and Commerce and Judiciary committees have yet to schedule a hearing on it. Rep. Hakeem Jeffries (D-N.Y.) introduced the Stop Stalling Access to Affordable Medications (H.R. 2883) in April. The Judiciary panel hasn’t acted on it. Rep. Andy Levin (D-Mich.) introduced the similar STOP GAMES Act (H.R. 2843), which was referred to the Energy and Commerce panel.

Senate: The Senate Judiciary Committee approved the Stop STALLING Act (S. 1425), the Preserve Access to Affordable Generics and Biosimilars Act (S. 1428), and the Affordable Prescriptions for Patients Act (S. 1435) in July, teeing them up for possible floor consideration later in the year.

House: House leaders haven’t announced plans to tackle generic drug matters.

Senate: Senate leaders haven’t signaled when or if they’ll bring up for floor votes bills the Judiciary panel approved.

Administration: Biden issued an executive order in July directing the Health and Human Services Department to increase support for generics and encouraging the Federal Trade Commission to ban pay-for-delay deals by rule.
## Global Health

**H.R. 391, H.R. 2118**

The Global Health Security Act (H.R. 391) would codify the Global Health Security Agenda Interagency Review Council, which oversees the federal response to outbreak threats after Covid-19 spurred lawmaker concerns about U.S. interagency capacity to respond to diseases.

The Securing America From Epidemics Act (H.R. 2118) would authorize the U.S. to participate in the Coalition for Epidemic Preparedness Innovations (CEPI), an international partnership on vaccine development.

### House

**Bill Status:** The House passed H.R. 391 on June 28 and H.R. 2118 on July 20, both with bipartisan support.

**Senate:** Sens. Angus King (I-Maine) and Chris Murphy (D-Conn.) introduced similar versions of the Global Health Security Act in the 116th Congress. They haven’t reintroduced their bills.

**Sens. Patty Murray (D-Wash.) and Richard Burr (R-N.C.),** the heads of the Senate Health, Education, Labor, and Pensions Committee, are working on sweeping legislation to improve the U.S.’s pandemic response.

### Senate

**Bill Status:** The House Energy and Commerce Committee included billions of dollars for public health infrastructure and pandemic preparedness in its reconciliation proposal.

**Senate:** Democrats haven’t released their reconciliation package yet or scheduled action on stand-alone bills.

**Administration:** The Biden administration has committed to elevating U.S. leadership and assistance in support of the Global Health Security Agenda.

## Research

**Not yet introduced**

Lawmakers are readying Cures 2.0 biomedical research legislation to build on a 2016 law known as the 21st Century Cures Act (Public Law 114-255).

It will likely include: language to make permanent provisions that made telehealth easier during the pandemic; ways for the Medicare agency to make faster and more predictable decisions on cutting-edge therapies; efforts to improve clinical trial diversity; and improvements in pandemic preparedness.

An authorization for the Advanced Research Projects Agency-Health (ARPA-H) also will be included.

### House

**Bill Status:** Reps. Diana DeGette (D-Colo.) and Fred Upton (R-Ohio) say they’re aiming for introduction after releasing a draft bill in June.

**Senate:** No timetable for a Senate measure has been announced.

### Senate

**Bill Status:** DeGette and Upton are seeking House passage this year. Funding to start ARPA-H is included in the Energy and Commerce Committee’s reconciliation package, as well as House Democrats’ health-care spending bill for fiscal 2022.

**Senate:** Patty Murray (D-Wash.), who leads the Senate Health, Education, Labor, and Pensions Committee and the Labor-HHS-Education Appropriations Subcommittee, supports the ARPA-H concept, as does Roy Blunt (R-Mo.), ranking member on the spending panel.

**Administration:** The Biden administration proposed $6.5 billion over three years to build ARPA-H.

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**H.R. 4357**
The DHS Reform Act aims to insulate the Homeland Security Department from politics by restricting who may serve in acting leadership roles, increasing oversight of law enforcement branches, including U.S. Immigration and Customs Enforcement, and expanding the role of in-house civil rights officials.

Lead sponsor Rep. Bennie Thompson (D-Miss.), who chairs the Homeland Security Committee, has framed the bill as a response to alleged abuses of the Trump administration. However, some of the bill’s ideas share broad support from former DHS officials and outside analysts on both ends of the political spectrum.

**House:** The Homeland Security Committee plans to mark up the bill this fall, an aide said. Some provisions fall under the jurisdiction of the Judiciary and Transportation and Infrastructure committees. Staff for those panels didn’t provide a timeline.

**Senate:** There’s no companion bill to H.R. 4357.

Sen. Gary Peters (D-Mich.), chairman of the Homeland Security and Governmental Affairs Committee, has focused on more targeted or incremental DHS legislation but said he looks forward to “working with my colleagues in the House to find commonsense solutions that will ensure the Department can adequately protect the American people.”

**House:** Tricky politics and overlapping committee jurisdiction give H.R. 4357 a tough path. The legislation’s anti-Trump framing could ward off some Republicans, while some moderate Democrats may resist increasing DHS law enforcement oversight without also mandating tighter control of the U.S.-Mexico border.

**Senate:** A path forward in the Senate is more challenging, given complicated committee jurisdiction and a 50-50 party split.

**Administration:** The Biden administration hasn’t stated a position on the bill. DHS Secretary Alejandro Mayorkas said he’s read “different variations of the reform bills” and agrees with some but not all ideas for changing the department.

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**H.R. 350, S. 963, S. 964**
The legislation would require the Homeland Security and Justice departments to launch new offices focused on tracking, investigating, and prosecuting domestic terrorists. The departments and the FBI would submit a report to Congress twice a year outlining recent domestic terrorism incidents, investigations, and assessments. The two Senate bills are almost identical, but S. 963 includes a section on reviewing hate crimes related to Covid-19.

**House:** Rep. Brad Schneider (D-Ill.) introduced H.R. 350 in January and it’s garnered more than 200 Democratic cosponsors, plus several Republicans. It was referred to the Judiciary, Armed Services, and Homeland Security committees. Judiciary, which has primary jurisdiction, hasn’t announced a timeline for considering the legislation.

**Senate:** S. 963 and S. 964 were introduced in March. The narrower bill was referred to the Judiciary Committee, which hasn’t marked it up.

**House:** The House passed a version of the bill in the last Congress and is likely to advance H.R. 350.

**Senate:** Sen. Dick Durbin (D-Ill.) has introduced a version of the bill several times and is now chair of the Judiciary Committee, which has jurisdiction.

**Administration:** Biden officials haven’t addressed the legislation directly, but DHS Secretary Alejandro Mayorkas has called domestic terrorism “the most lethal and persistent terrorism-threat to the United States today.”
## TSA Worker Rights

**H.R. 903, S. 1856**

The bill would give Transportation Security Administration employees higher pay and greater collective bargaining rights, placing workers under Title 5, a section of federal law that ensures protections for most of the federal workforce.

The bill’s sponsors said the current system has led to low morale and high rates of attrition among TSA workers.

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<tr>
<th>Legislative Purpose</th>
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<tr>
<td><strong>House:</strong> The Homeland Security Committee advanced the bill from Chairman Bennie Thompson (D-Miss.) in July with some Republican support. Timing for a floor vote has yet to be determined.</td>
<td><strong>Senate:</strong> Sen. Brian Schatz (D-Hawaii) introduced the Senate version in May alongside other Democrats. The bill was referred to the Commerce, Science, and Transportation Committee, which has yet to hold a hearing on it and didn’t provide a timeline.</td>
<td><strong>House:</strong> The House has passed previous versions of the legislation and is likely to do so again. Rep. John Katko (R-N.Y.), the top Republican on the Homeland Security panel, warned his House colleagues that the legislation was unlikely to gain traction in the Senate unless it was narrowed to apply only to TSA’s frontline officers. <strong>Senate:</strong> Senate leaders haven’t announced plans to consider the bill. The chamber didn’t take up previous versions when it was under GOP control. <strong>Administration:</strong> DHS has already moved to boost bargaining rights for TSA workers, but Secretary Alejandro Mayorkas said the agency needs Congress to overhaul the pay structure. He also said he supports moving personnel under Title 5, so long as it doesn’t create a pay ceiling.</td>
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## Immigration

### Legislative Purpose

**H.R. 1177, S. 348**  
The U.S. Citizenship Act would provide a path to citizenship for the roughly 11 million undocumented immigrants in the U.S. It includes provisions providing aid to Central American countries conditioned on moves to reduce migration to the U.S. and would make changes to ease green card and visa backlogs.

### Bill Status

**House:** Rep. Linda Sánchez (D-Calif.) introduced **H.R. 1177** Feb. 18. The White House-backed measure has more than 140 cosponsors, all of them Democrats.  
**Senate:** Sen. Bob Menendez (D-N.J.) is leading the charge on **S. 348**, which he introduced Feb. 22 with 25 cosponsors, all of whom caucus with the Democrats.

**House:** House leaders haven’t announced plans for the legislation. They opted to bring more narrow bills to the floor earlier this year that focused on citizenship for Dreamers and migrant farm workers. The Judiciary Committee included language in its portion of Democrats’ reconciliation package that would provide green cards to Dreamers and other groups. It also includes language to roll over unused family-sponsored, employer-sponsored, and diversity lottery-awarded green cards from year to year to relieve backlogs.  
**Senate:** Judiciary Chair Dick Durbin (D-Ill.) has expressed doubt that the broader bill can pass the Senate with a filibuster-proof 60 votes.  
**Administration:** The White House first proposed the legislation in January. President Joe Biden has signaled he’s open to amendments, or to breaking up the legislation into smaller bills to get provisions passed.
## Immigration

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<tr>
<td><strong>H.R. 6, S. 264</strong></td>
<td><strong>House:</strong> The House passed H.R. 6 in March 228-197, with nine Republicans voting in favor.</td>
<td><strong>House:</strong> The Judiciary Committee included language that would provide green cards to eligible Dreamers who arrived before Jan. 1, 2021, in its portion of Democrats’ reconciliation package. Holders of TPS and DED status would also be eligible for permanent residency.</td>
</tr>
<tr>
<td><strong>DACA Recipients</strong></td>
<td><strong>Senate:</strong> The Judiciary Committee held a hearing on the measure in June but hasn’t taken further action.</td>
<td><strong>Senate:</strong> Protections for young immigrants already have some bipartisan support in the Senate, but many key Republicans have called for adding border security provisions before moving any piece of immigration legislation.</td>
</tr>
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The American Dream Act (S. 264) would grant legal status to young, undocumented immigrants who came to the U.S. as children. Existing protections under the Deferred Action for Childhood Arrivals policy have been mired in litigation for years. In July, a federal court ruled DACA illegal, increasing calls for Congress to lock in protections for recipients, known as Dreamers.

The American Dream and Promise Act (H.R. 6) includes similar provisions and also would grant permanent legal status to nationals of certain countries who have lived and worked in the U.S. under temporary protected status (TPS) or deferred enforced departure (DED).
## Immigration

### Legislative Purpose

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<th>Essential Workers</th>
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<td><strong>H.R. 1909, S. 747</strong>&lt;br&gt;The Citizenship for Essential Workers Act would provide undocumented workers in specific sectors with a path to citizenship, beginning with immediate adjustment of status to legal permanent resident. It would apply to industries such as health care, emergency response, sanitation, hospitality, and agriculture.</td>
<td><strong>House:</strong> Rep. Joaquin Castro (D-Texas) introduced <strong>H.R. 1909</strong> March 16. It has the backing of more than 70 cosponsors, all of them Democrats. The Judiciary Committee hasn’t acted on the bill. <strong>Senate:</strong> Sen. Alex Padilla (D-Calif.) introduced <strong>S. 747</strong> March 15. The Judiciary Immigration, Citizenship, and Border Safety Subcommittee held a hearing on the bill in May.</td>
<td><strong>House:</strong> The bill would likely pass if brought to the floor for a vote, but timing for consideration hasn’t been announced. The Judiciary Committee included provisions in its portion of Democrats’ reconciliation package to grant permanent residency to workers who were essential during the pandemic. <strong>Senate:</strong> Plans for a stand-alone bill haven’t been announced. <strong>Administration:</strong> The White House has highlighted undocumented essential workers as one of the groups in need of a path to citizenship.</td>
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| Farm Workers | **H.R. 1603**<br>The Farm Workforce Modernization Act would allow undocumented agricultural workers to qualify for a new temporary immigration status or permanent legal status. The measure also would allow H-2A temporary agricultural worker visa holders to change jobs without reapplying and require agricultural employers to use an employment eligibility system. | **House:** The House passed **H.R. 1603** in March by a vote of 247-174, with 30 Republicans voting in favor and one Democrat opposed. Rep. Zoe Lofgren (D-Calif.) sponsored the bill. **Senate:** The Judiciary Committee held a hearing on immigrant farmworkers in July, with a focus on the bill, which has yet to be introduced in the chamber. Sens. Michael Bennet (D-Colo.) and Mike Crapo (R-Idaho) have said they plan to sponsor the companion legislation. | **House:** The Judiciary Committee didn’t include language addressing farm workers’ immigration status in its portion of Democrats’ reconciliation package. **Senate:** Plans for consideration of the stand-alone **H.R. 1603** haven’t been announced. Judiciary Chair Dick Durbin (D-Ill.) said in July that reconciliation could be a way to advance the bill, but the strategy has yet to be decided. **Administration:** President Joe Biden applauded House passage of the bill, saying it would provide benefits that “this critical workforce deserves,” as well as “much-needed stability for farmers, growers, and the entire agriculture industry.” |

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### Legislative Purpose | Bill Status | Outlook
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**Age Discrimination**

**H.R. 2062, S. 880, H.R. 3992**

The Protecting Older Workers Against Discrimination Act (H.R. 2062, S. 880) would require courts to use the mixed-motive standard in age- and disability-discrimination and related retaliation cases. The standard also would apply to covered federal employees.

The Protect Older Job Applicants Act (H.R. 3992) would prohibit employers from limiting, segregating, or classifying job applicants based on age.

**House:** Education and Labor Chair Bobby Scott (D-Va.) introduced **H.R. 2062** on March 18. The House passed the legislation 247-178 on June 23, with 29 Republicans voting in favor.

The Senate Health, Education, Labor, and Pensions Committee hasn’t considered the measure.


**Senate:** Sen. Bob Casey (D-Pa.) introduced **S. 880** on March 22. The bill was referred to the Health, Education, Labor, and Pensions Committee, which hasn’t considered it.

**House:** A floor vote on **H.R. 3992** is expected following the August recess.

**Administration:** The White House hasn’t weighed in on either measure.

**Collective Bargaining**

**H.R. 842, S. 420**

The Protecting the Right to Organize Act, or PRO Act, would expand private sector workers’ ability to unionize and strike. It would preempt state “right-to-work” laws that generally bar agreements between unions and employers requiring bargaining unit employees to pay dues or fees.

The bill would change criteria used to classify workers as independent contractors by imposing similar requirements as a California law that took effect on Jan. 1, 2020.

Advocates say it would prevent the “misclassification” of workers.

**House:** Education and Labor Chair Bobby Scott (D-Va.) introduced **H.R. 842** on Feb. 4. The chamber passed the bill by a 225-206 largely party-line vote on March 9, with five Republicans voting in favor and one Democrat voting against it.

**Senate:** Health, Education, Labor, and Pensions Chair Patty Murray (D-Wash.) introduced the PRO Act as **S. 420** on Feb. 24. The panel hasn’t considered it.

**House:** The Education and Labor Committee’s reconciliation proposal includes provisions that would impose civil penalties for employers who violate the National Labor Relations Act, similar to provisions in the PRO Act.

**Senate:** Democrats haven’t brought the stand-alone legislation to the floor for a vote as supporters have sought to win over three remaining holdouts in the caucus. Budget Committee Chairman Bernie Sanders (I-Vt.) said in July that he would seek to include parts of the PRO Act in Democrats’ budget reconciliation package.
# Labor & Employment

## Legislative Purpose

### Minimum Wage

**H.R. 603, S. 53**

The Raise the Wage Act would increase the federal minimum wage to $15 an hour from $7.25 over five years and then index it to median hourly wages. It also would effectively eliminate “subminimum” wages for tipped, disabled, and younger workers by increasing them until they equal the federal rate.

**House:** Education and Labor Chair Bobby Scott (D-Va.) introduced **H.R. 603** on Jan. 28. His panel hasn’t considered the bill.

Similar provisions were dropped from a Covid-19 relief package (Public Law 117-2) after the Senate parliamentarian ruled that a $15 minimum wage increase violated budget reconciliation rules.

The House passed a similar bill in the 116th Congress 231-199.

**Senate:** Budget Chairman Bernie Sanders (I-Vt.) introduced **S. 53** on Jan. 26. The bill was referred to the Health, Education, Labor, and Pensions Committee, which hasn’t considered it.

**House and Senate:** Democrats left the wage increase out of the budget reconciliation instructions outlined in August.

**Administration:** The White House has endorsed **H.R. 603** and President Joe Biden in April issued an executive order that would increase the minimum wage paid by federal contractors to $15 per hour.

### Nursing Mothers

**H.R. 3110, S. 1658**

The Providing Urgent Maternal Protections for Nursing Mothers Act, or PUMP for Nursing Mothers Act, would direct employers to provide a “reasonable break time” to employees who are nursing babies to express milk during the workday.

**House:** Oversight and Reform Chair Carolyn Maloney (D-N.Y.) introduced **H.R. 3110** on May 11. The Education and Labor Committee approved the bill 28-19 in a party-line vote on May 26.

**Senate:** Jeff Merkley (D-Ore.) introduced **S. 1658** on May 17. The Health, Education, Labor, and Pensions Committee approved the bill on May 25.

**House and Senate:** Lawmakers haven’t announced plans for a vote on the measure.

**Administration:** The Biden administration hasn’t weighed in on the legislation.
**Labor & Employment**

### Legislative Purpose

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<th><strong>Paid Family Leave</strong></th>
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<tr>
<td>H.R. 564, H.R. 804, S. 248</td>
<td>House: Appropriations Chair Rosa DeLauro (D-Conn.) introduced H.R. 804 on Feb. 4. The Ways and Means Committee hasn’t acted on the bill. DeLauro has said she hopes to see paid family leave included in a larger legislative package.</td>
<td>House: The Ways and Means Committee’s reconciliation proposal would provide as many as 12 weeks of paid family and medical leave for all workers beginning in July 2023.</td>
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<td>Oversight and Reform Chair Carolyn Maloney (D-N.Y.) introduced H.R. 564 on Jan. 28. Her panel approved the measure 25-16 on July 20. It was also referred to the Administration and Veterans’ Affairs committees, which haven’t considered it.</td>
<td>Senate: Democrats in the Senate haven’t released their own reconciliation plan for family leave.</td>
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<td>Senate: Sen. Kirsten Gillibrand (D-N.Y.) introduced S. 248 on Feb. 4. It was referred to the Finance Committee, which hasn’t considered it.</td>
<td>Administration: The White House proposed enacting 12 weeks of paid family and medical leave in the American Families Plan, part of its broader economic agenda focused on new social spending.</td>
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<th><strong>Paid Sick Leave</strong></th>
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<tr>
<td>H.R. 2465, S. 1195</td>
<td>House: Rep. Rosa DeLauro (D-Conn.) introduced H.R. 2465 on April 13. It was referred to the Administration, Education and Labor, and Oversight and Reform committees, which haven’t considered it.</td>
<td>Administration: The White House has endorsed S. 1195.</td>
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<td>Senate: Health, Education, Labor, and Pensions Chair Patty Murray (D-Wash.) introduced S. 1195 on April 15. It was referred to her panel, which hasn’t considered it.</td>
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The Family and Medical Insurance Leave Act, or FAMILY Act (H.R. 804, S. 248), would establish a trust fund paid into by employers and employees that could provide as many as 12 weeks of paid family and medical leave.

Leave could be used for the birth or adoption of a child; serious personal or family illness; or for circumstances related to a family member’s military deployment.

The Comprehensive Paid Leave for Federal Employees Act (H.R. 564) would provide all federal workers as many as 12 weeks of paid leave related to personal or family illness, or military deployment.

The Healthy Families Act would require employers with 15 or more workers to provide a maximum of 56 hours annually of paid sick leave.

Leave could be used for personal or family illness or to receive assistance related to domestic violence, stalking, or sexual assault.
### Pay Equity

**H.R. 7, S. 205**

The Paycheck Fairness Act would impose more stringent standards on employers to account for differences in pay and larger penalties for claims of pay discrimination.

It also would bar employers from retaliating against workers who file claims and from making employment decisions based on a prospective employee's wage history.

**House:** Rep. Rosa DeLauro (D-Conn.) introduced H.R. 7 on Jan. 28.

The chamber passed the measure 217-210 on April 15, with one Republican voting in favor.

**Senate:** Republicans blocked a motion to proceed to H.R. 7 on June 8.

Health, Education, Labor, and Pensions Chair Patty Murray (D-Wash.) introduced S. 205 on Feb. 3. Her panel hasn't considered the bill.

**Administration:** The White House has endorsed H.R. 7 with President Joe Biden calling for swift passage of the legislation in the Senate.

### Pregnant Workers

**H.R. 1065, S. 1486**

The Pregnant Workers Fairness Act would require employers to negotiate and provide reasonable accommodations to employees and job applicants for pregnancy, childbirth, and related medical conditions.

The legislation would address what House Education and Labor Committee Democrats call an "unreasonably high standard for proving discrimination" following the 2015 U.S. Supreme Court decision *Young v. United Parcel Service, Inc.*

**House:** Judiciary Chair Jerry Nadler (D-N.Y.) introduced H.R. 1065 on Feb. 15. The chamber passed the legislation 315-101 on May 14, with 99 Republicans voting in favor.

**Senate:** Bob Casey (D-Pa.) introduced S. 1486 on April 29. The Health, Education, Labor, and Pensions Committee approved the bill on Aug. 3.

**Senate:** A floor vote on S. 1486 may come later this fall.

**Administration:** The White House has called on the Senate to pass the legislation swiftly.
## Legislative Purpose | Bill Status | Outlook
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### Workforce Training

**H.R. 447**

The National Apprenticeship Act *(H.R. 447)* would authorize about $3.9 billion over five years to expand registered apprenticeships through grants and to modify the approval process for such programs.

Lawmakers may also consider not-yet-introduced legislation to reauthorize the Workforce Innovation and Opportunity Act (WIOA), which expired on Sept. 30, 2020. The law covers Job Corps, formula grants for state job training programs, adult education and literacy, and support for disabled workers.

**House:** Education and Labor Chair Bobby Scott (D-Va.) introduced **H.R. 447** on Jan. 25. The House passed the bill 247-173 on Feb. 5, with 28 Republicans voting in favor.

**House:** House lawmakers have held bipartisan hearings over reauthorization of WIOA, the main federal workforce development program. A timeline for reaching a deal is yet to be determined.

The Education and Labor Committee’s reconciliation proposal would provide about $80 billion for workforce development and training programs.

**Senate:** Lawmakers have signaled hopes of passing bipartisan legislation to reauthorize WIOA but have yet to reach a deal.

**Administration:** The administration hasn’t commented on a workforce reauthorization.

### Workplace Safety

**H.R. 1195**

The Workplace Violence Prevention for Health Care and Social Service Workers Act would direct the Labor Department to issue a rule requiring health-care and social service employers to have a comprehensive plan for protecting workers from violence on the job.

**House:** Rep. Joe Courtney (D-Conn.) introduced **H.R. 1195** on Feb. 22.

The chamber passed the legislation 254-166 on April 16, with 38 Republicans voting in favor.

The Senate Health, Education, Labor, and Pensions Committee hasn’t considered the bill.

**Senate:** No Senate version has been introduced.

**Administration:** The White House, in a statement of administration policy, has said it “strongly supports” passage of **H.R. 1195**.

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House Democrats’ sweeping George Floyd Justice in Policing Act (H.R. 1280) would make it easier to sue police for alleged rights violations. It would also criminalize chokeholds, ban federal no-knock drug warrants, establish a national police misconduct database, and curtail transfers of military equipment to police departments, among other provisions.

The End Police Use of Chokeholds Act (S. 353) would block Justice Department grants to state and local governments that don’t ban officers from using chokeholds. The broader House bill includes similar provisions.

**Bill Status**

**House:** The House passed H.R. 1280 in March 220-212 largely along party lines. Two Democrats voted against it and one Republican voted in support. It was sponsored by Rep. Karen Bass (D-Calif.).

**Senate:** Sen. Amy Klobuchar (D-Minn.) introduced S. 353 in February with two other Democrats. The Senate Judiciary Committee hasn’t considered it.

Sen. Cory Booker (D-N.J.), the lead sponsor of Democrats’ overhaul bill in the last Congress, hasn’t introduced a companion to H.R. 1280 in the 117th Congress.

**Outlook**

**Senate:** Bass, Booker, and Sen. Tim Scott (R-S.C.) announced a preliminary agreement on a bill in late June, though they didn’t finalize the negotiations before the August recess, making the bill’s prospects more difficult. The biggest sticking point has been over police officers’ immunity from lawsuits.

**Administration:** The White House supported the House measure and called on Congress to enact a “landmark policing reform law.” Vice President Kamala Harris was a co-author of the Senate bill in the 116th Congress.

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The SAFE Banking Act would shield banks, insurers, and payment processors from federal enforcement actions if they provide financial services to state-approved marijuana businesses. Forty-seven states have legalized recreational or medical pot or low-THC products, with estimated cannabis sales in legal markets topping $20 billion in 2020.

The measure, backed by financial services groups, would make it easier for the cannabis industry to access the banking system instead of relying on cash, which poses a risk for robberies. Many financial institutions have refused to do business with marijuana companies while it remains a federally controlled substance.

The measure also includes GOP-backed language to bar financial regulators from pressuring banks to drop clients based on reputation, such as gun retailers and payday lenders that were targeted under an Obama-era program.


Senate: The Senate Banking, Housing, and Urban Affairs Committee hasn’t considered S. 910, which Sen. Jeff Merkley (D-Ore.) introduced on March 23 with bipartisan support.

Senate: Senate Banking Chairman Sherrod Brown (D-Ohio) has said he wants to combine the measure with a proposal to address drug sentencing. Sen. Cory Booker (D-N.J.), who sponsored a draft measure to remove the federal ban on marijuana, said he would oppose a banking-only bill. “I have no patience for people who just want to get some ease in the banking regulations so that their profits could go up, who don’t give a damn about people in communities that really struggled with this,” Booker said.

Administration: The White House hasn’t announced a position on the measure.
Democratic leaders are eyeing legislation to remove the long-standing federal prohibition on marijuana, which has been legalized for recreational use in 18 states and the District of Columbia.

The Marijuana Opportunity Reinvestment and Expungement Act (H.R. 3617) would remove marijuana from the list of federally controlled substances. It would also expunge federal convictions for nonviolent marijuana offenses, impose a federal cannabis excise tax, and use the revenue to support people arrested for drug offenses.

Ending the federal ban would allow state-approved pot growers and dispensaries to open accounts with federally regulated banks, take tax deductions for ordinary business expenses, access federal small business loans, take advantage of federal bankruptcy protections, and list on U.S. stock exchanges, among other changes.

A draft Senate measure, the Cannabis Administration and Opportunity Act, would also get rid of the federal pot ban. It would impose a higher federal tax rate than the House measure – reaching 25% after five years instead of 8% – with similar provisions to invest the money in communities harmed by the drug war. It also includes controversial language that would keep some federal drug testing in place.

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<tr>
<th>Legislative Purpose</th>
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<tr>
<td>H.R. 3617</td>
<td>House: House Judiciary Committee Chair Jerry Nadler (D-N.Y.) introduced H.R. 3617 on May 28. The bill was referred to nine different committees, none of which have acted on it. Senate: Senate Democrats unveiled the draft measure from Sen. Cory Booker (D-N.J.) on July 14, with backing from Majority Leader Chuck Schumer (D-N.Y.) and Finance Committee Chair Ron Wyden (D-Ore.).</td>
<td>House: House leaders haven’t announced plans to take up H.R. 3617. The chamber passed similar legislation from Nadler in the 116th Congress largely along party lines, with the backing of pro-marijuana, civil liberties, and social justice advocacy groups. Senate: Sponsors of the Senate measure set a deadline of Sept. 1 for feedback on the discussion draft. Schumer has said he’ll push for a floor vote on the measure, though he could have a tough time getting the 60 votes needed to advance, with many Republicans and some Democrats opposing federal legalization. Administration: White House Press Secretary Jen Psaki said President Joe Biden supports decriminalizing marijuana use and expunging criminal records. He hasn’t endorsed recreational legalization at the federal level.</td>
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**Legislative Purpose** | **Bill Status** | **Outlook**
---|---|---
**Marijuana Research**
*H.R. 3684, S. 253*
Lawmakers have floated several proposals to expand research on marijuana use.

The Cannabidiol and Marihuana Research Expansion Act (S. 253) would make it easier for researchers to study marijuana and to increase their quantities for research. It also would allow higher education institutions, practitioners, and manufacturers to produce FDA-approved drugs containing CBD or marijuana for research.

The measure doesn’t address researchers’ use of state-approved marijuana products, which was included in a House-passed bill in the 116th Congress.

The House and Senate versions of a broad infrastructure package (H.R. 3684), however, called for recommendations to help researchers who are studying the effects of pot-impaired driving gain access to samples of marijuana that consumers buy from state-approved dispensaries.

*House:*
The House passed its infrastructure package (H.R. 3684) with marijuana research provisions on July 1.

*Senate:*
The Senate passed an amended infrastructure package (H.R. 3684) with similar marijuana research provisions on Aug. 10.

Sen. Dianne Feinstein (D-Calif.) introduced S. 253 on Feb. 4 with Judiciary Chair Dick Durbin (D-Ill.), ranking member Chuck Grassley (R-Iowa), and several other bipartisan cosponsors. The Judiciary panel hasn’t acted on the bill.

*House:*
Speaker Nancy Pelosi (D-Calif.) committed to bringing up the Senate’s bipartisan infrastructure legislation by Sept. 27.

*Senate:*
Senate leaders haven’t announced plans to take up S. 253.

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A bipartisan group of lawmakers wants to expand the low-income housing tax credit, in part, to help needy renters affected by the pandemic. The Affordable Housing Credit Improvement Act (H.R. 2573, S. 1136) would boost the credit by 50% over two years and increase the number of affordable housing units that would be funded using private activity bonds. Rep. Suzan DelBene (D-Wash.), one of the sponsors of the House bill, estimated the legislation could aid in the construction of over 2 million additional affordable homes.

The White House and Sens. Angus King (I-Maine) and Elizabeth Warren (D-Mass.) have put forward proposals to tax large corporations on the income they report to shareholders. Biden’s tax plans call for a 15% minimum book tax for companies earning $2 billion or more in annual profits. The Real Corporate Profits Tax Act (S. 2680) would set a lower 7% tax rate that would hit corporations with annual earnings of $100 million or more.

The White House and Sens. Maria Cantwell (D-Wash.) and Todd Young (R-Ind.) introduced S. 1136 in April. The House Ways and Means Committee hasn’t acted on the bill. The Senate Finance Committee hasn’t acted on the bill. Senate Finance Chairman Ron Wyden (D-Ore.) in August announced yet-to-be-introduced affordable housing legislation that would expand the low-income housing credit, create a refundable tax credit for renters, and establish a new credit for first-time home buyers worth up to $15,000.

S. 2680
The White House and Sens. Angus King (I-Maine) and Elizabeth Warren (D-Mass.) have put forward proposals to tax large corporations on the income they report to shareholders. Biden’s tax plans call for a 15% minimum book tax for companies earning $2 billion or more in annual profits. The Real Corporate Profits Tax Act (S. 2680) would set a lower 7% tax rate that would hit corporations with annual earnings of $100 million or more.

House: The House Ways and Means Committee included language in its draft budget reconciliation proposal that would increase the number of low-income housing credits available by state and make other changes similar to the DelBene-Walorski bill. Senate: Given support in the House and Senate, the credit’s expansion could be made a part of the Senate Finance Committee’s reconciliation instructions. Administration: The White House has expressed interest in expanding the credit. An April 7 Treasury Department document outlining Biden’s “Made in America Tax Plan” calls for a “marked increase in resources” available through incentives, including the low-income housing credit.

Senate: Warren introduced S. 2680 in August with King. The Senate Finance Committee hasn’t marked it up yet. The budget reconciliation framework issued by Democrats in early August gives the Senate Finance Committee leeway to come up with $1 trillion in tax hikes, including corporate tax changes. House: No companion legislation has been introduced. Senate: Warren and King introduced their bill with the hope that it would be part of the budget reconciliation discussions as Democrats aim to pass a tax and social spending plan this year. House: Democrats have shown an interest in policies designed to raise taxes on profitable corporations but have yet to include such a tax in their budget reconciliation proposal. Administration: The book tax is one of the various corporate tax hikes the Biden administration proposed this year to fund its economic agenda.
**Not yet introduced**

President Joe Biden and Senate Finance Chairman Ron Wyden (D-Ore.) have different ideas of how to change the way the wealthy pay capital gains taxes.

The White House’s plans call for raising the top capital gains rate and ending the “step-up-in-basis.” Ending that perk would tax the assets of wealthy individuals at death before they are passed to their heirs.

Wyden is working on a different overhaul of capital gains, known as “mark-to-market,” which would tax assets for wealthier households on an annual basis, whether or not they have been sold.

**H.R. 848, S. 1298**

Senate Finance Chairman Ron Wyden (D-Ore.) proposed a massive clean energy package that would end existing fossil fuel tax breaks, while creating new incentives for alternative energy sources.

Wyden’s proposal, the Clean Energy for America Act (S. 1298), would consolidate many existing renewable credits. It includes incentives for electricity production and investments, transportation, and energy efficient homes.

The GREEN Act (H.R. 848) introduced by Rep. Mike Thompson (D-Calif.) includes a direct pay option that enables projects to claim the value of the tax credits immediately.

**House:** House Ways and Means Committee’s Democrats included capital gains tax changes in their budget reconciliation proposal.

**Senate:** No bill has been introduced yet, though it could part of the Senate Finance Committee’s budget reconciliation proposal.

Wyden plans to introduce stand-alone legislation for his mark-to-market proposal.

**Senate:** All 50 Democratic senators will need to agree for a budget reconciliation to pass.

Several have expressed doubts about the top rate hike and taxing inherited assets.

**Senate:** Wyden has said his proposal should be “the linchpin of our efforts on clean energy” this Congress.

**House:** The Ways and Means Committee’s budget reconciliation proposal would extend wind and solar energy credits for 10 years. The panel also proposed a new tax credit for nuclear energy producers.

**Administration:** President Joe Biden’s economic agenda would take a different approach than Wyden’s energy package. The White House proposal would extend energy-based tax credits for five years or more, including extensions through the end of the decade for wind, solar, nuclear, and electric vehicle chargers.

Advocates are encouraged that the two proposals share similar goals, indicating room for a compromise.
### Legislative Purpose

**Electric Vehicle Tax Credit**

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<tr>
<td>H.R. 1271, S. 395, S. 1298</td>
<td>The electric vehicle tax credit of as much as $7,500 phases out after a manufacturer sells more than 200,000 vehicles. General Motors Co. and Tesla Inc. have already surpassed that sales milestone. Democratic lawmakers are interested in extending and expanding the credit, such as through the bicameral Electric CARS Act (H.R. 1271, S. 395) or the more sweeping Clean Energy for America Act (S. 1298) supported by Democrats on the Senate Finance Committee.</td>
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</table>

**House:** Rep. Peter Welch (D-Vt.) introduced H.R. 1271 in February. The legislation would lift the sales-based phaseout, instead of extending the credit through 2031.

**Senate:** Sen. Jeff Merkley (D-Ore.) introduced S. 395, a Senate companion to the Welch bill, in February.

Senate Finance Chairman Ron Wyden (D-Ore.) in April introduced a broad clean energy package (S. 1298) that would extend and expand the electric vehicle credit until at least half of new cars sold in the U.S. are electric.

The budget reconciliation framework issued by Democrats in early August instructs the Senate Finance Committee to include clean energy and transportation-related tax incentives.

**House:** The Ways and Means Committee’s reconciliation proposal would keep the base EV tax credit at $7,500. The credit would increase by another $4,500 for vehicles assembled in any U.S. plant that’s operated under a collective bargaining equipment. An additional $500 credit would be available for vehicles that use a U.S. battery.

**Senate:** Three Senate Democrats joined with Republicans to support a budget resolution amendment that would limit people making more than $100,000 per year from using the credit and make the credit unavailable for vehicles that cost more than $40,000. Although the amendment is nonbinding, it signals a split on energy-policy issues ahead of negotiations this fall.

**Administration:** The Biden administration wants to spend $174 billion to boost electric vehicles, including tax incentives for consumers.
**Legislative Purpose**

**H.R. 928**
The American Rescue Plan Act (Public Law 117-2) temporarily expanded the child tax credit for most families with children and instructed the IRS issue periodic advance payments.

Monthly payments started in July, and the expanded credit is set to expire at the end of 2021. The American Family Act (H.R. 928) would permanently codify the pandemic relief law’s temporary changes.

An extension for several years is also being weighed as part of Democrats’ social spending and tax package.

**Bill Status**

**House:** Reps. Rosa DeLauro (D-Conn.) and Suzan DelBene (D-Wash.) introduced H.R. 928 in February. The legislation currently has no Republican co-sponsors.

**Senate:** The budget reconciliation framework issued by Democrats in early August instructs the Senate Finance Committee to include an extension of the child tax credit.

**Outlook**

**House:** The Ways and Means Committee’s budget reconciliation proposal would extend an expanded version of the Child Tax Credit through 2025. The expanded credit would be $3,600 for those under six and $3,000 for those between six and 17. The committee also proposed making the credit permanently refundable.

**Senate:** Budget reconciliation rules would make it more difficult to fit the cost of a permanent extension into a tax-and-spend package of up to $3.5 trillion. Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) have already balked at that price tag, signaling that the legislation will need a smaller price tag to pass.

**Administration:** The White House’s tax plans call for an extension of the expanded credit until 2025. That would be less costly than a permanent extension, while aligning the credit with the expiration of some Republican-supported tax cuts.
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| **Limiting Pass-Through Deduction** | **House:** A bill has not yet been introduced.  
**Senate:** Wyden has not yet introduced the bill, but he announced the proposal in July. | **House:** The Ways and Means Committee has proposed limiting the maximum allowable pass-through deduction to $500,000 annually in qualified business income for joint filers, $400,000 for unmarried single filers, and $250,000 for couples who file separately. Trusts and real estate would be further limited to $10,000 in income eligible for the full deduction.  
**Senate:** Wyden plans to unveil a stand-alone bill and see if the idea gains traction to help pay for programs and new tax breaks Democrats want to make law.  
**Administration:** The Biden administration has indicated openness to limiting the pass-through deduction, though it wasn’t included in the White House tax plan earlier this year. |
| **International Tax Overhaul** | **House:** A bill has not yet been introduced.  
**Senate:** Wyden unveiled draft legislation in late August, but hasn’t formally introduced the bill yet. | **House:** The Ways and Means Committee has drafted budget provisions that would raise the Foreign Derived Investment Income tax rate to 20.1% from 13.1% and the Global Intangible Low Tax Income rate from a current maximum of 13.1% to about 16.6%. It also included language to raise taxes on internationally operating firms.  
**Senate:** Wyden has proposed his own international tax overhaul, likely to factor into the Finance Committee’s budget reconciliation instructions.  
**Administration:** The White House’s own plan includes changes to how multinationals pay taxes, like a 21% minimum tax on offshore earnings. The U.S. is also involved in multilateral global tax negotiations led by the Organisation for Economic Co-operation and Development. |
### Tax

#### Legislative Purpose

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<th>Research and Development Tax Credit</th>
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<tr>
<td><strong>H.R. 1304, S. 749</strong></td>
<td><strong>House:</strong> Reps. John Larson (D-Conn.) and Ron Estes (R-Kan.) introduced the American Innovation and R&amp;D Competitiveness Act (<strong>H.R. 1304</strong>) in February. The House Ways and Means Committee hasn’t acted on the bill. <strong>Senate:</strong> Sens. Maggie Hassan (D-N.H.) and Todd Young (R-Ind.) introduced the American Innovation and Jobs Act (<strong>S. 749</strong>) in March. The Senate Finance Committee hasn’t acted on the bill. The Senate Finance Committee held a hearing in March on domestic manufacturing where corporations stressed the need for preserving the R&amp;D credit as it currently exists.</td>
<td><strong>House and Senate:</strong> The House Ways and Means Committee’s budget reconciliation proposal would delay amortization of research and experimental expenditures as provided by the 2017 tax law until after 2025. Lawmakers could also address the R&amp;D credit in an end-of-year tax extenders deal. <strong>Administration:</strong> The Biden administration has made passage of a bipartisan infrastructure package and broad economic and social spending package its top legislative priorities.</td>
</tr>
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| SALT Deduction Cap | **H.R. 613, H.R. 946, S. 85** | **House:** Democrats want to address the cap on the $10,000 SALT deduction as part of a broader tax bill, but haven’t yet made consensus on a strategy. Dozens of lawmakers have said they won’t back tax legislation unless it addresses the SALT cap, including Suozzi, whose slogan is “No SALT, No Deal.” But progressives have said a full repeal would largely benefit the wealthy. **Senate:** Schumers’s support and the inclusion of the SALT cap in reconciliation framework signal that some sort of relief will make it in the reconciliation package. **Administration:** The SALT cap wasn’t included in the administration’s list of tax proposals released earlier this year, as the White House left the issue for lawmakers to address. |

The 2017 tax law (Public Law 115-97) established a $10,000 deduction cap on state and local tax payments. Democratic lawmakers from high tax states such as New York and New Jersey say the cap unfairly targets blue states. H.R. 613, H.R. 946, and S. 85 each would fully repeal the SALT cap.

| H.R. 613, H.R. 946, S. 85 | **House:** The SALT Deductibility Act (**H.R. 613**) was introduced in January by House Ways and Means member Tom Suozzi (D-N.Y.). The SALT Act (**H.R. 946**) was introduced in February by Rep. Bill Pascrell (D-N.J.), another member of the House tax-writing panel. The committee hasn’t marked up either bill. **Senate:** Senate Majority Leader Chuck Schumer (D-N.Y.) introduced the SALT Deductibility Act (**S. 85**) in January. The Senate Finance Committee hasn’t acted on the bill, but the budget reconciliation framework issued by Democrats in early August includes SALT cap relief among the list of items the panel should consider. |

The 2017 tax law (Public Law 115-97) established a $10,000 deduction cap on state and local tax payments. Democratic lawmakers from high tax states such as New York and New Jersey say the cap unfairly targets blue states. H.R. 613, H.R. 946, and S. 85 each would fully repeal the SALT cap.
### Syndicated Easements

**H.R. 4164, S. 2256**

A bipartisan and bicameral group of lawmakers have reintroduced legislation to curb tax-advantaged land transactions known as syndicated conservation easements.

The deals involve multiple investors who claim tax deductions available for donating the land development rights.

The Charitable Conservation Easement Program Integrity Act (H.R. 4164, S. 2256) would bar investors from claiming deductions worth more than two and a half times their initial investment.

**House:** Reps. Mike Thompson (D-Calif.) and Mike Kelly (R-Pa.) introduced **H.R. 4164** in June. The House Ways and Means Committee hasn’t acted on the bill.

**Senate:** Sens. Steve Daines (R-Mont.) and Debbie Stabenow (D-Mich.) introduced **S. 2256** in June. The Senate Finance Committee hasn’t acted on the bill.

**House:** The Ways and Means Committee’s budget reconciliation proposal would curb land conservation deals by barring investors from claiming deductions that are worth more than two-and-a-half times their initial investment.

**Senate:** Daines attempted to attach the easements legislation to a bipartisan infrastructure bill (H.R. 3684) the Senate passed in August, but his amendment never received a vote.

**Administration:** The Biden administration didn’t mention conservation easements in its tax proposals. However, the IRS and the Justice Department have shown interest in cracking down on land deals that they view as abusive.

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<td><strong>H.R. 4164, S. 2256</strong></td>
<td><strong>House:</strong> Reps. Mike Thompson (D-Calif.) and Mike Kelly (R-Pa.) introduced <strong>H.R. 4164</strong> in June. The House Ways and Means Committee hasn’t acted on the bill. <strong>Senate:</strong> Sens. Steve Daines (R-Mont.) and Debbie Stabenow (D-Mich.) introduced <strong>S. 2256</strong> in June. The Senate Finance Committee hasn’t acted on the bill.</td>
<td><strong>House:</strong> The Ways and Means Committee’s budget reconciliation proposal would curb land conservation deals by barring investors from claiming deductions that are worth more than two-and-a-half times their initial investment. <strong>Senate:</strong> Daines attempted to attach the easements legislation to a bipartisan infrastructure bill (H.R. 3684) the Senate passed in August, but his amendment never received a vote. <strong>Administration:</strong> The Biden administration didn’t mention conservation easements in its tax proposals. However, the IRS and the Justice Department have shown interest in cracking down on land deals that they view as abusive.</td>
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**Legislative Purpose** | **Bill Status** | **Outlook**
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**Antitrust Court Venue**
H.R. 3460, S. 1787
The State Antitrust Enforcement Venue Act (H.R. 3460, S. 1787) would allow state attorneys general to keep antitrust court cases in their preferred venue as opposed to moving to a court the defendant prefers. The bill is intended to strengthen state AGs’ cases against large tech companies.
The bill was introduced following attempts by Google to consolidate antitrust cases filed against it into a California federal district.

**House:** The House Judiciary Committee approved H.R. 3460 on June 24.
Reps. David Cicilline (D-R.I.) and Ken Buck (R-Colo.), who lead the antitrust subcommittee, sponsored H.R. 3460.

**Senate:** Sens. Mike Lee (R-Utah) and Amy Klobuchar (D-Minn.), who lead the Senate Judiciary antitrust subcommittee, introduced S. 1787 in May.

**House:** Majority Leader Steny Hoyer (D-Md.) said on June 29 that a series of committee-approved antitrust bills were not ready for House floor votes due to opposition from some Democrats, particularly members from California, where several large tech firms are located.

**Administration:** The Biden administration’s new FTC chair, Lina Khan, is a proponent of boosting the agency’s enforcement and is critical of what she characterizes as big tech’s anticompetitive behavior.

**Broadband Deployment**
H.R. 3684
The Senate-passed infrastructure package (H.R. 3684) includes $65 billion for broadband investment to deploy high-speed internet access to unserved and underserved populations.
That $65 billion includes $42.5 billion for states and $2 billion to tribal territories to build out broadband. It also includes $2.75 billion as part of the Digital Equity Act, which would provide grants to states to ensure communities have equal access to affordable and reliable internet as well as digital literacy and workforce training.

**Senate:** The Senate passed its bipartisan infrastructure package in August on a vote of 69-30, offered as an amendment to the House-passed surface transportation bill (H.R. 3684), which didn’t include broadband funding.

**House:** The Senate set a deadline of Sept. 27 to consider the infrastructure measure.

**Administration:** The Biden administration in March requested $100 billion for broadband deployment and affordability measures. However, the administration backs the Senate-passed version of the bill.
There’s been difficulty getting bipartisan agreement on a national privacy bill due to disagreement over allowing consumers to sue over privacy harms and whether to preempt existing state privacy laws. Pressure to pass a federal law is mounting as states such as Colorado and Virginia join California in passing broad privacy laws.

The Information Transparency and Personal Data Control Act (H.R. 1816) would require companies to allow users to opt in to sharing sensitive private data and preempt conflicting state privacy laws.

The Kids PRIVCY Act (H.R. 4801) would create new privacy protections for teenagers ages 13-17 and would require opt-in consent for all children under age 18.

The Data Care Act (S. 919) would require companies to inform users of data privacy breaches.

The SAFE DATA Act (S. 2499) would require businesses to allow consumers to access, correct, delete, and port their data. It would also give the FTC more enforcement authority.


Both bills were referred to the Energy and Commerce Committee, which hasn’t considered the legislation.

Energy and Commerce Consumer Protection and Commerce Subcommittee Chair Jan Schakowsky (D-Ill.) and ranking member Gus Bilirakis (R- Fla.) have signaled interest in working on a data privacy bill this Congress.

**Senate**: S. 919 was introduced in March by Sen. Brian Schatz (D-Hawaii) and referred to the Commerce, Science, and Transportation Committee.

Commerce Chair Maria Cantwell (D-Wash.) hasn’t discussed her priorities for privacy legislation this year.

Ranking member Roger Wicker (R-Miss.) reintroduced S. 2499 in July.

Neither measure has been considered by the committee.

**House and Senate**: Lawmakers remain far apart on a private right to sue over harms and whether to preempt state privacy laws. They have yet to reach an agreement that would get the backing of big tech companies, consumer advocates, and trial attorneys.
# Tech & Telecom

## Fall 2021 Hill Watch

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<tr>
<td><strong>Merger Filing Fees</strong></td>
<td><strong>House:</strong> The Judiciary Committee approved <a href="https://www.govtrack.us/congress/bills/117/hr3843">H.R. 3843</a> on June 24. Reps. Joe Neguse (D-Colo.) and Victoria Spartz (R-Ind.) sponsored the bill. <strong>Senate:</strong> The Senate passed <a href="https://www.govtrack.us/congress/bills/117/s1260">S. 1260</a> 68-32 on June 8. The Judiciary Committee approved the stand-alone <a href="https://www.govtrack.us/congress/bills/117/s228">S. 228</a> by voice vote on May 13. Antitrust subcommittee Chair Amy Klobuchar (D-Minn.) and Judiciary ranking member Chuck Grassley (R-Iowa) sponsored the bill.</td>
<td><strong>House:</strong> The timing of floor action is unclear. Opposition to some other antitrust bills by certain Democrats could hold up consideration of the measure. Plans for a conference or other negotiations on <a href="https://www.govtrack.us/congress/bills/117/s1260">S. 1260</a> or another vehicle for China competition legislation haven’t been finalized. <strong>Senate:</strong> Plans for the stand-alone <a href="https://www.govtrack.us/congress/bills/117/s228">S. 228</a> haven’t been announced. <strong>Administration:</strong> The Biden administration’s new FTC chair, Lina Khan, is a proponent of boosting the agency’s enforcement and is critical of what she characterizes as big tech’s anticompetitive behavior.</td>
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The Merger Filing Fee Modernization Act ([H.R. 3843](https://www.govtrack.us/congress/bills/117/hr3843), [S. 228](https://www.govtrack.us/congress/bills/117/s228)) would provide additional resources for Federal Trade Commission and Justice Department antitrust enforcers by changing merger filing fees, which haven’t been updated in 20 years. The bills would link fees going forward to increases in the consumer price index.

Language drawn from the bill was included in a broad Senate package ([S. 1260](https://www.govtrack.us/congress/bills/117/s1260)) to enhance competition with China.
### Legislative Purpose: Section 230 Liability Shield

**H.R. 2154, H.R. 3067, S. 299, S. 797**

Multiple bills in the House and Senate would modify Section 230 of the Communications Decency Act of 1996, taking aim at tech companies’ liability shield for most third-party content posted on their platforms.

- **The Online Consumer Protection Act (H.R. 3067)** would allow consumers to sue if social media companies violate their terms of service with regard to misinformation and disinformation.
- **The Protecting Americans from Dangerous Algorithms Act (H.R. 2154)** would remove a platform’s liability protection if an algorithm amplifies content inciting hate speech or terrorism.
- **The Platform Accountability and Consumer Transparency (PACT) Act (S. 797)** would hold companies liable for violations of civil federal law, require companies to issue biannual transparency reports, and remove court-determined illegal content within four days of notification.
- **The SAFE TECH Act (S. 299)** would hold companies liable for violating laws dealing with civil rights, international human rights, antitrust, stalking, and harassment.

### Bill Status

**House:** The Energy and Commerce Committee held a hearing in March with Facebook, Google, and Twitter CEOs where tech’s liability shield was discussed.

- Reps. Jan Schakowsky (D-Ill.) and Kathy Castor (D-Fla.) introduced **H.R. 3067** in May.
- Rep. Cathy McMorris Rodgers (R-Wash.), the Energy and Commerce Committee’s ranking member, and other Republican members shared a discussion draft bill in July that would limit tech’s liability shield and allow consumers to challenge censorship by the platforms. No legislation has been formally introduced yet.

**H.R. 2154** was introduced in March by Rep. Tom Malinowski (D-N.J.) and referred to the Energy and Commerce panel.

**Senate:** S. 797 is the only bipartisan bill introduced to date. Sens. Brian Schatz (D-Hawaii) and John Thune (R-S.D.) are sponsors.

- Sen. Mark Warner (D-Va.) introduced **S. 299** in February. The bill has been referred to the Senate Commerce, Science, and Transportation Committee.

### Outlook

**House and Senate:** Democrats and Republicans agree Section 230 needs to be changed but disagree on solutions.

Democrats want tech companies to remove more terrorist content and hate speech online, while Republicans claim tech is censoring conservative voices and cite the banning of former President Donald Trump from platforms, including Twitter.

**Administration:** The White House hasn’t signaled support for specific legislation to date. White House Communications Director Kate Bedingfield said the administration is reviewing Section 230 and said social media companies should be held accountable for misinformation.

President Joe Biden in July publicly criticized Facebook for not removing Covid-19 vaccine misinformation, saying it is leading to deaths among the unvaccinated.
### Legislative Purpose

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<td>H.R. 3816, H.R. 3825, H.R. 3826, H.R. 3849, S. 225, S. 2039, S. 2710</td>
<td>Bills in the House include H.R. 3826, to ban the largest online platforms from engaging in anticompetitive mergers; H.R. 3816, to prohibit online platforms from favoring their products over competitors; H.R. 3825, to bar large platforms from participating in competition with third-party sellers; and H.R. 3849, to give the FTC authority to create rules on platform interoperability and data portability online.</td>
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<td>House: Reps. Hakeem Jeffries (D-N.Y.) and Ken Buck (R-Colo.) sponsored H.R. 3826; Reps. Cicilline and Lance Gooden (R-Texas) sponsored H.R. 3816, Reps. Pramila Jayapal (D-Wash.) and Gooden sponsored H.R. 3825; and Reps. Mary Gay Scanlon (D-Pa.) and Burgess Owens (R-Utah) sponsored H.R. 3849.</td>
<td>The Judiciary Committee advanced the four bills on June 24.</td>
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<td>Senate: Sen. Amy Klobuchar (D-Minn.) introduced S. 225 in February with several Democratic cosponsors. Sens. Richard Blumenthal (D-Conn.), Marsha Blackburn (R-Tenn.) and Klobuchar introduced S. 2710 in August. Sens. Mike Lee (R-Utah) and Chuck Grassley (R-Iowa) introduced S. 2039 in June.</td>
<td>The Judiciary Committee hasn’t held hearings or advanced any of the measures.</td>
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<td>S. 2039 would consolidate the antitrust division of the FTC into the Justice Department antitrust division.</td>
<td>House: Majority Leader Steny Hoyer (D-Md.) said the bills are not ready for House floor votes due to opposition from some Democrats, particularly several members of the California delegation.</td>
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<td>S. 2710 would prevent app stores from disadvantaging third-party developers and protect developers’ rights to tell consumers about lower app pricing. It targets commissions and Apple and Google’s alleged leveraging of app store gatekeeper status.</td>
<td>Senate: No plans to consider the bills have been announced.</td>
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<td>S. 2039 would consolidate the antitrust division of the FTC into the Justice Department antitrust division.</td>
<td>Administration: The Biden administration hasn’t formally weighed in on the legislation. However, FTC Chair Lina Khan formerly worked on the House Judiciary antitrust subcommittee to help write a big tech antitrust report that was the basis of the House bills.</td>
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<td>The FTC refiled an amended lawsuit against Facebook in August alleging that the company engaged in anticompetitive conduct by buying Instagram and WhatsApp. The Justice Department has separately sued Google over anticompetitive practices in search and advertising.</td>
<td>To contact the reporter: Rebecca Kern at <a href="mailto:rkern@bloombergindustry.com">rkern@bloombergindustry.com</a></td>
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Lawmakers are looking to revamp the Trade Adjustment Assistance (TAA) program, which provides federal aid to American workers who lose their jobs due to global trade.

The program was last reauthorized in 2015 (Public Law 114-27) and reverted to a more limited version on July 1. Now, new applications from service industry workers will be denied.

The House Ways and Means Committee proposed expanding TAA and renewing it into 2028 in its reconciliation package. Democrats have also introduced stand-alone bills (H.R. 3974, S. 2218) to reauthorize TAA for about seven years.

Not yet introduced

The anticipated bill would reauthorize Trade Promotion Authority (TPA), under which Congress gives the White House “fast track” authority to negotiate trade deals in pursuit of objectives set by the legislature.

TPA was last reauthorized in 2015 through the Bipartisan Congressional Trade Priorities and Accountability Act (Public Law 114-26). It expired on July 1.

House: The Ways and Means Committee held a hearing on Biden’s 2021 trade policy agenda in May but has yet to schedule one specifically on TAA.

House: Reconciliation may be the likely path forward for now. Trade Subcommittee ranking member Vern Buchanan (R-Fla.) said the GOP wanted a more bipartisan TAA reauthorization, along with a new Miscellaneous Tariff Bill and renewal of the Generalized System of Preferences and Trade Promotion Authority.

Senate: Finance Committee Chair Ron Wyden (D-Ore.), who led the way on the 2015 reauthorization, is talking with Democratic colleagues in both chambers on strategies to swiftly renew and improve TAA, a Democratic Finance Committee spokesperson said.

Administration: Biden “has strongly endorsed rapid passage” of TAA reauthorization, a Biden official told Bloomberg.

House: Ways and Means Committee ranking member Kevin Brady (R-Texas) said in July that TPA should be paired with TAA, Bloomberg reported.

Administration: The Biden administration has not yet asked Congress to renew TPA. Presidents typically seek renewal when they aim to tackle specific trade deals.

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Autonomous Vehicle Regulation

**H.R. 3684, H.R. 3711**

Lawmakers in both chambers have expressed support for moving ahead on automated vehicle regulation after years of stalled legislation.

They’re backed by the Self-Driving Coalition and disability advocacy groups that have lobbied to expand the use of AVs.

Sen. John Thune (R-S.D.) has unsuccessfully tried to attach the AV START Act to several bills this Congress to accelerate the deployment of automated vehicles. Meanwhile, Republicans in the House introduced a bill (H.R. 3711) to create a federal framework to help deploy AVs.

Other lawmakers have raised red flags about automated systems. In August, Democratic Sens. Richard Blumenthal (Conn.) and Ed Markey (Mass.), members of the Senate Commerce, Science, and Transportation Committee, expressed concerns about Tesla’s advertising of its Autopilot features, and called on the Federal Trade Commission to investigate.

**House:** Rep. Bob Latta (R-Ohio), ranking member of the Energy and Commerce Subcommittee on Communications and Technology, reintroduced the SELF DRIVE Act (H.R. 3711) in June with Republican support. The House passed it by voice vote in 2017 while under GOP control; the Senate never considered it.

“We cannot allow the U.S. to be outpaced,” Latta said. He’s urging Democrats “to come back to the table to advance this issue.”

**Senate:** The Commerce Committee approved the AV START Act by voice vote in 2017 with Thune as chairman, but its progress stalled after some Democrats expressed concerns. Thune attempted to attach a similar measure this Congress to bills that would reauthorize surface transportation programs and improve U.S. competitiveness with China, but his efforts were rebuffed. Instead, the bipartisan Senate infrastructure bill (H.R. 3684) would create a center to fund research on automated vehicles.

**House and Senate:** Bipartisan pushes to regulate AVs have divided lawmakers over matters such as ensuring safety and preempting state and local laws.

When Thune proposed an AV amendment in a Commerce Committee markup of a surface transportation bill, Chair Maria Cantwell (D-Wash.) opposed it, but said that it’s legislation her committee “can complete by the end of this year.” Thune said he would hold her to that timeline.

A spokesperson for Thune said it continues to be a priority for him, and he’d want to see the legislation pass as a stand-alone bill or attached to a vehicle moving through Congress.

**Administration:** The National Highway Traffic Safety Administration ordered automakers in June to report any crashes involving AVs. In August, NHTSA opened an investigation into Tesla’s Autopilot system after a series of crashes.

Transportation Secretary Pete Buttigieg and his deputy Polly Trottenberg also both agreed to work with senators on regulating automated vehicles.
## Legislation

### H.R. 3684

Lawmakers face a Sept. 30 deadline to reauthorize surface transportation programs.

The Senate-passed bipartisan infrastructure package (H.R. 3684) would renew those programs for the next five years and provide additional funding for energy, water, and broadband infrastructure.

The bill includes more than $100 billion to bail out the Highway Trust Fund and has additional new spending for transportation sectors. About $110 billion in new spending would go to roads and bridges, $66 billion for rail and Amtrak, and $39 billion for transit. It also has provisions to offset some of its costs, such as extending the annual sequestration of mandatory funding, blocking a drug rebate rule, selling oil from the Strategic Petroleum Reserve, and requiring cryptocurrency transactions to be reported to the IRS.

The Fixing America’s Surface Transportation (FAST) Act authorized $305 billion from fiscal 2016 through 2020 for highway, transit, and other transportation programs. Congress extended the law through fiscal 2021 and is now on track to move the reauthorization through the larger infrastructure vehicle.

Democratic lawmakers and the Biden administration are working on a two-track path to pass both the bipartisan infrastructure bill and a Democrat-only budget reconciliation package that could include additional funding for transportation.

**House:** House Democrats passed their version of H.R. 3684 in July with more funding for progressive priorities on climate change and other issues that the Senate didn’t incorporate.

The chamber in August adopted a budget resolution to pave the way for a broader spending and tax package.

**Senate:** The Senate passed its infrastructure bill on Aug. 10 in a 69-30 bipartisan vote, and adopted the Democrat-only budget blueprint the following day.

**House:** Speaker Nancy Pelosi (D-Calif.), facing dissent from centrist Democrats, committed to bring up the Senate-passed infrastructure bill by Sept. 27, and vowed to ensure that any budget reconciliation measure taken up by the House has enough support to advance in the Senate.

Progressives are working to include more funding for transit and high-speed rail and for carbon reduction programs through reconciliation. The Transportation and Infrastructure Committee’s reconciliation proposal would provide $10 billion for high-speed rail, $10 billion for new transit routes and expanded services in low-income and disadvantaged areas, and $4 billion to reduce transportation greenhouse gas emissions.

**Senate:** Senate Democrats are eyeing similar spending proposals to connect transit routes with affordable housing and to address transportation emissions. Some lawmakers had agreed that provisions cut from the bipartisan infrastructure bill wouldn’t be included in Democrats’ spending package, adding a potential wrinkle to their reconciliation plans.

**Administration:** President Joe Biden touted the bipartisan infrastructure bill as a win and voiced optimism that Congress would get it across the finish line despite the challenges. “After years and years and years of ‘Infrastructure Week,’ we’re on the cusp of an infrastructure decade that I truly believe will transform America,” Biden said in August after the Senate passed the measure.

### Legislative Purpose

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**Transportation**

*Fall 2021 Hill Watch*

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| **Low-Cost Foreign Airlines** | **H.R. 3095** | **House:** The House Transportation and Infrastructure Committee advanced the bill by voice vote in July. DeFazio said he wants to move the bill forward to ensure that as travel picks up, “any foreign airlines looking to serve U.S. markets play by the rules and don’t exploit the weaker labor laws of other countries to save money and unfairly get a leg up.”

The Fair and Open Skies Act (H.R. 3095) would keep out low-cost foreign airlines that don’t abide by U.S. labor standards. The measure is backed by a bipartisan group of lawmakers led by House Transportation and Infrastructure Committee Chair Peter DeFazio (D-Ore.). It would block the Transportation Department from issuing a permit to a foreign airline if it is inconsistent with the labor standards provision in the U.S.-European Union-Iceland-Norway open skies agreement.

The bill stems from concerns about Norwegian Air International, which received permission to fly to the U.S. in 2016. Lawmakers said the airline incorporated in Ireland to avoid Norway’s labor protections.

**Senate:** Senators from both parties have expressed similar concerns about cut-rate foreign airlines, but have yet to introduce legislation on the issue this Congress.

**House:** The measure isn’t scheduled for a floor vote but has more than 80 bipartisan cosponsors.

**Administration:** DeFazio and Aviation Subcommittee Chair Rick Larsen (D-Wash.) called on Transportation Secretary Pete Buttigieg in March to reject a permit application from another Norwegian airline, Norse Atlantic Airways, if it structures its operations to avoid stricter labor protections. The administration is still reviewing the matter and hasn’t weighed in on the House measure.

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