



Spring 2020

Hill Watch

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Project Managers

Loren Duggan, Jodie Morris

Contributing Editors

Patrick Ambrosio, Rebecca Baker, Gregory Henderson, Paul Hendrie, Kyle Jahner, Chuck McCutcheon, Robin Meszoly, Martha Mueller Neff, Colleen Murphy, Chris Opfer, Danielle Parnass, Keith Perine, Michaela Ross, Bennett Roth, Heather Rothman, Adam Schank, Zachary Sherwood, Michael Smallberg, Kyle Trygstad, Anna Yukhananov



Congressional Agenda, Work Plans Altered by Virus

- New aid packages top list of 'must-do' legislation
- Spending, defense bills remain priorities in 2020

The threat posed by the coronavirus has upended congressional operations and lawmakers' agendas, forcing House and Senate leaders to put much of what they planned on the backburner while they focus on the next steps to curb health risks and restore the economy.

Senate Republican leaders said they will officially resume their spring work period May 4 despite ongoing concerns about virus exposure. House Democrats delayed their own return but now expect to be fully back at work the week of May 11.

Even from afar, House Speaker Nancy Pelosi (D-Calif.) and Senate Majority Leader Mitch McConnell (R-Ky.) have staked out positions on the next recovery packages that lawmakers expect to approve this summer to help hard-hit businesses, state and local governments, and individual taxpayers. The packages under discussion, which also could include a massive influx of infrastructure funds, will come on top of the

more than \$3 trillion provided by Congress in four quick bursts this spring.

Those packages are likely to crowd out many other items that were once on the leaders' priority lists for the summer. The list of other "must dos" is increasingly small, with priority being given to bills to fund the federal government and renew Pentagon programs. In the Senate, McConnell wants to use gaps in the action to confirm President Donald Trump's judicial nominees.

Lawmakers' work on the recovery packages and the few other essential matters also could be subject to more changes as the number of U.S. cases, now past the 1 million mark, continue to climb. The House plans to soon vote on a plan to allow remote voting, and Majority Leader Steny Hoyer (D-Md.) said weekly schedules and even recesses are in flux. His comments have led to speculation the annual August recess could be canceled.



Sarah Silbiger/Bloomberg

Speaker Nancy Pelosi (D-Calif.) and Senate Minority Leader Chuck Schumer (D-N.Y.) have a long list of items for the next coronavirus relief package.

What to Watch

The coronavirus has reshaped the political landscape and the two sides increasingly are in a competition six months out from the election to show voters which party is best equipped to handle the recovery. Trump and Republicans said they oversaw a strong economy before the crisis hit, but former Vice President Joe Biden, the expected Democratic nominee, and other members of his party contend Trump's handling of the pandemic put the economy and lives at risk.

Tougher Road for Recovery Bills

The House and Senate already have sent four separate packages to Trump's desk to address the coronavirus emergency, including the \$2.2 trillion CARES Act (Public Law 116-136) and the \$484 billion "interim" act (Public Law 116-139) to shore up its small business loan program, provide more aid to hospitals, and pay for wide-spread testing.

But achieving bipartisan consensus on the next packages appears more difficult. Pelosi says her starting point is up to \$1 trillion in aid that cash-strapped states and local governments need to prevent layoffs of first responders and other workers, and to help make up for lost revenues amid business closures. The speaker is backing another \$80 billion for broadband

development. She wants an infusion of funds for the postal system, which Trump previously blocked. Also on her list are provisions to expand voting by mail.

"There will be a bill, and it will be expensive," Pelosi said. "The health and well-being of the American people are at stake, and the sooner we get this done, the better."

McConnell came under attack for criticizing state aid and suggesting some declare bankruptcy. He subsequently said he'd consider such relief but not to address problems pre-dating the coronavirus crisis. And he said he wants the next bill to carry language limiting liability for businesses as the economy reopens.

"There probably will be another state and local funding bill, but we need to make sure that we achieve something that will go beyond simply sending out money," McConnell said.

The list of other items that could be added to the next package is long. Some of those that Pelosi and Senate Minority Leader Chuck Schumer (D-N.Y.) have discussed: more direct payments to individuals, changes to the Paycheck Protection Program to both tighten and expand eligibility and funding, federalization of the medical supply chain, and a fix to prevent the collapse of pension funds for unionized workers and the government fund that insures retirement benefits. Some Republicans want to provide help for the oil industry while Democrats are looking for tax credits for renewable energy.

The big unknown is infrastructure, even though both Pelosi and Trump have signaled support for packages of \$1 trillion or more to stimulate the economy. Lawmakers said McConnell has shot down Pelosi's plans for a package that, along with broadband, includes money for transportation, water, schools, and other areas. McConnell still is struggling to bring up a \$287 billion highway bill (S. 2302) reported out of committee last summer.

But ambitious plans that generate projects may gain ground closer to the election, others said.

"When we get to Phase 5 you're going to see infrastructure in a big way, I think, probably a trillion dollars," former Speaker John Boehner (R-Ohio) said.

Appropriations Top 'Must Do'

Amid this work, Hoyer said he still expects the House to consider regular fiscal year 2021 spending bills beginning in June. Hoyer said Appropriations Committee Chairwoman Nita Lowey's (D-N.Y.) work was

Key Expiration Dates 2020

June 30	Small-business Paycheck Protection Program
July 31	Extra \$600 per week pandemic unemployment benefit
Sept. 30	Fiscal 2020 funding, as well as other major programs <ul style="list-style-type: none">• National Defense Authorization Act• Surface transportation authorization (FAST Act)• National Flood Insurance Program• National Institutes of Health authorization• Every Student Succeeds Act*• Workforce Innovation and Opportunity Act• Child care and development block grants
Nov. 30	Health extenders, TANF
Dec. 31	Tax extenders, many pandemic response programs

*Education authorizations automatically extended for one year under the General Education Provisions Act if Congress doesn't act.

Notes: FAST - Fixing America's Surface Transportation; TANF - Temporary Assistance for Needy Families

2020 Congressional Calendar

■ House only
 ■ Senate only
 ■ Both in session

May						
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Note: The calendar is subject to change, but it reflects all official changes as of May 3.

aided by the Bipartisan Budget Act (Public Law 116-37) already setting defense and non-defense program increases. The panel held over 70 hearings early this year, has allocations for the 12 bills, and is currently writing the measures, aides said.

But McConnell hasn't discussed any timetable for the bills coming out of the Senate Appropriations Committee. The panel's chairman, Sen. Richard Shelby (R-Ala.), got off to a late start, and it isn't clear the committee will keep its summer markup schedule or the spending bills will be given floor time. As a result, there is growing expectation that a continuing resolution will be needed to prevent a government shutdown on the eve of the election and that lawmakers will complete their work on the spending measures in a lame-duck session.

Leaders also still plan to advance the annual rewrite of the National Defense Authorization Act. Markup plans for bills developed by Senate Armed Services Chairman James Inhofe (R-Okla.) and House Armed Services Committee Chairman Adam Smith (D-Wash.) have slipped but both are planning to have measures ready for floor consideration this summer.

The Senate must also extend authorities under the post-9/11 era Foreign Intelligence Surveillance Act. The House passed a rewrite (H.R. 6172) of the surveillance

statute but the Senate was only able to agree to a 77-day extension (S. 3501) of expiring authorities. McConnell is committed to considering the legislation with amendments when lawmakers return.

'Leave No Vacancy Behind'

Some other items that McConnell wanted to consider earlier – such as a package of energy bills (S. 2657) and a land conservation bill (S. 3422) – were delayed. But McConnell said he's still prioritizing the confirmation of Trump nominees, particularly judges.

As the Senate returns, there are 15 lower-court judges awaiting votes. McConnell also wants to force early action on Trump's picks for the U.S. Court of Appeals for the Fifth Circuit and the U.S. Court of Appeals for the District of Columbia Circuit.

"My motto for the rest of the year is leave no vacancy behind," McConnell said. "The pandemic will not prevent us from achieving that goal."

To contact the reporters: Nancy Ognanovich at nognanovich@bloombergindustry.com; James Rowley at jrowley@bloombergindustry.com

To contact the editors: Kyle Trygstad at ktrygstad@bloombergindustry.com; Bennett Roth at broth@bloombergindustry.com



Senate In, House Out as Members Debate Vote Options

After 200-plus years of lawmakers heading to the House chamber for votes, bipartisan discussions are underway for a potential rules change to keep members safe while continuing to pass legislation.

A bipartisan task force, consisting of three Democrats and three Republicans, is meeting to consider what a change would look like.

The Republican-run Senate returns on May 4, with some modifications to best ensure senators remain healthy. "We will honor our constitutional duty to the American people and conduct critical business in person," Majority Leader Mitch McConnell (R-Ky.) said on April 27. "If it is essential for doctors, nurses, healthcare workers, truck drivers, grocery-store workers and many other brave Americans to keep carefully manning their own duty stations, then it is essential for Senators to carefully man ours and support them."

House Majority Leader Steny Hoyer (D-Md.) said the House wouldn't return the week of May 4 at the advice of the attending physician. He objected to the idea that lawmakers' absence in D.C. meant they weren't working. "Any thought that the members aren't working very hard trying to help their people with the coronavirus challenge is simply incorrect," he said. "They are working very hard. The question is, can we get them back safely when needed?"

Proxy Voting Scuttled

The House's bipartisan task force to determine how lawmakers can vote and committees can meet during the coronavirus is the result of a month-long back-and-forth between leaders of both parties.

Rules Chairman Jim McGovern (D-Mass.) released a report in late March looking at several options to pass bills without all members needing to risk coming to D.C. The report covered several options but concluded proxy voting – in which one member grants another member permission to vote on their behalf – was "likely the best of the options available under the circumstances."

After getting member feedback, Democrats introduced a resolution detailing the proposed change on April 22 and planned a vote. But those plans were quickly scrapped after strong Republican opposition.

House Minority Leader Kevin McCarthy (R-Calif.) raised a number of concerns about how proxy voting would

"We are at the point where remote voting may be critical for the Senate to be able to govern on behalf of the American people."

work, citing the need to ensure the process was both transparent and fair. He asked Speaker Nancy Pelosi (D-Calif.) in a letter "to establish a clear, safe and effective plan for re-opening Congress."

Democrats yanked the measure from the floor and agreed to assemble a group to come up with a proposal. It includes Hoyer, McCarthy, and the chairs and ranking members of the Rules and House Administration committees.

Many Republicans both in leadership and among the rank-and-file said lawmakers need to physically be at work, as essential employees are in other industries. In a floor speech the day after the task force was formed, Rep. Dan Crenshaw (R-Texas) compared lawmakers to "grocers to stock our shelves, truckers to drive, and nurses and doctors to risk their lives."

"Many want to vote from home or by proxy," he said. "If you think that is leadership, then I would encourage you to rethink what it means to be a representative."

Senate in Session

While senators are expected to return the first week in May, several lawmakers from both parties are pushing the chamber to adopt remote voting procedures.

Sens. Rob Portman (R-Ohio) and Dick Durbin (D-Ill.) introduced a bipartisan resolution (S. Res. 548) to allow the Senate to vote via a secure remote voting system. The senators laid out necessary security measures in a New York Times op-ed.

"We are at the point where remote voting may be critical for the Senate to be able to govern on behalf of the American people and help lead our country through this crisis," they wrote.

To contact the reporter Emily Wilkins at ewilkins@bloombergindustry.com

To contact the editors: Kyle Trygstad at kttrygstad@bloombergindustry.com; Bennett Roth at broth@bloombergindustry.com



Warnings of Years-Long Economic Recovery Force Fiscal Debate

- Unemployment could be higher than 9% in late 2021, CBO says
- 3.7 trillion deficit likely to rise with more stimulus bills

As the U.S. moves past the peak of the coronavirus pandemic and begins to focus on the road ahead, lawmakers are preparing for a debate over whether the economy will need a long-term federal rebuilding effort that could last several years.

Such a sustained push to bolster the economy could cost trillions of dollars, which will pressure lawmakers to consider how long the deficit-financed efforts should go on. A debate in Congress over proposals to boost the federal safety net and to let the deficit grow could occupy lawmakers for the rest of the year, if not longer.

"It's going to be a number of years before we get to reasonably good unemployment numbers," House Budget Chairman John Yarmuth (D-Ky.) said in an interview, adding that he expects "a three- or four- or five-year recovery."

There's no lack of big, broad ideas in Congress to support the economy. President Donald Trump has called for a \$2 trillion infrastructure package. Congressional Democrats have called for a sustained increase in unemployment insurance, perhaps through 2020. Some progressives have pushed for more direct payments to Americans, including one proposal of \$2,000 per person.

Overall, lawmakers will try to boost unemployment benefits for those who lost a job, send aid to small businesses in order to keep their employees on the payroll, help state and local governments cover the cost of the virus response, and stimulate consumer spending as much as possible.

But those proposals will have to compete with a fiscal outlook that may appear grim to deficit hawks. This year's federal deficit has skyrocketed from a projected \$1 trillion to \$3.7 trillion, according to the Congressional Budget Office, and it will only grow as Congress continues to negotiate expensive pieces of legislation.

Those figures will weigh on more conservative lawmakers, especially as they consider the most

generous proposals for aid. Conservatives' and liberals' differences in expectations about the speed of an economic recovery may also make negotiations more difficult.

Unemployment Risk

"Unemployment insurance on steroids," as Senate Minority Leader Chuck Schumer (D-N.Y.) has described it, has been a major point of emphasis for congressional Democrats. The CARES Act (Public Law 116-136) added \$600 per person per week on top of usual benefits determined by states, which will last through July. But the economic shutdown could cause high unemployment to linger for years, according to the CBO.

CBO projected that the unemployment rate will hit 16% in the third quarter of 2020, and gradually drop to 9.5% at the end of 2021. Even if the economy starts to bounce back this year, CBO says real GDP could be lower at the end of 2021 than it was at the end of 2019 because of the steep drop in the first half of 2020.

Some who lose their jobs will struggle to find a new one, and those who enter the workforce during a downturn tend to make less money for years, compared to those who get jobs when the economy is strong, CBO Director Phillip Swagel said in a public presentation about a briefing he had given to members of the House Budget Committee.

"Effects of downturns are felt for years into the future," Swagel said in the presentation.

The Federal Reserve also issued a cautious statement, warning that the virus poses "considerable risks to the economic outlook over the medium term." Chairman Jerome Powell told reporters April 29 it's "not the time to act" on concerns about the debt. "This is the time to use the great fiscal power of the U.S."

Some Republicans may balk at the idea that the coronavirus will cause economic struggles that will last so long.

Budget

"I don't think this is going to be a long-term economic phenomenon for us," Rep. Steve Womack (R-Ark.), ranking member of the Budget Committee, said in an interview on April 29. "I think it's going to be a six-month type phenomenon."

Womack said he agrees some economic effects will spill into next year, but said he expects that the U.S. will be "hitting on most of its cylinders toward the end of this year."

Womack said he's concerned that the federal government's unemployment benefits could incentivize people to stay home for too long. Some Senate Republicans criticized the unemployment benefits for the same reason. Womack said the virus has only strengthened his view that automatic stabilizers carry risks.

Short-Term Steps

Before lawmakers even get to the broadest long-term debates, they're likely to add hundreds of billions, if not trillions, more to the deficit.

Democrats have called for further aid to state and local governments, an effort that could total nearly \$1 trillion over a few years, Speaker Nancy Pelosi

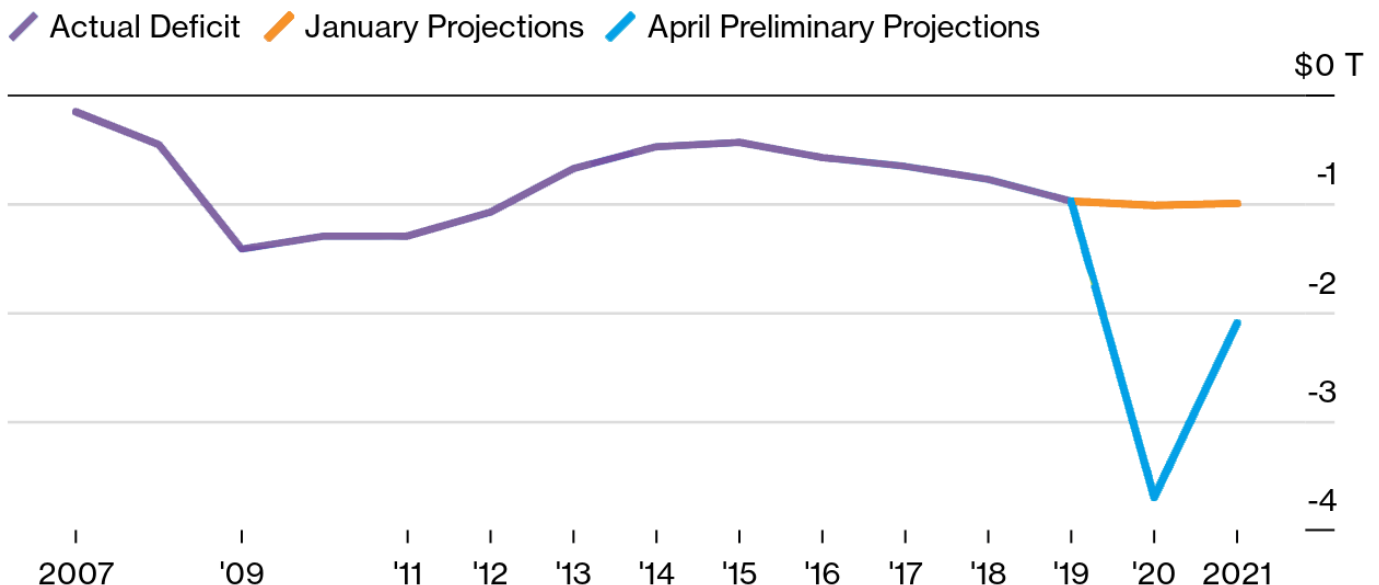
(D-Calif.) told reporters May 1. The White House has considered another round of checks and direct deposits similar to the CARES Act payments of \$1,200 per adult and \$500 per child, economic adviser Kevin Hassett told reporters. The first round of payments cost \$293 billion, according to the CBO. And some Democrats have said Congress should extend the boosted unemployment insurance benefits through the end of 2020. The four-month unemployment measure in the CARES Act cost \$268 billion in the CARES Act, according to the CBO.

Infrastructure is also a bipartisan priority that could be a big-dollar item. Trump called for \$2 trillion, and Pelosi said the federal government should provide at least \$760 billion over five years for water projects, broadband and transportation, plus \$10 billion for community health centers.

The economic freeze has caused lawmakers in both parties to rethink their approach to the annual funding bills. Several appropriators, including House Appropriations Chairwoman Nita Lowey (D-N.Y.) and Labor-HHS-Education Subcommittee ranking member Tom Cole (R-Okla.), have said they would support budget cap exemptions for key biomedical programs. Such a move would require amending the Bipartisan

Coronavirus Response Adds to Deficit

The CBO revised its deficit projection to \$3.7 trillion this year and \$2.1 trillion next year.



Source: Congressional Budget Office

Budget Act of 2019 (Public Law 116-37) and would allow for a greater amount of discretionary spending in fiscal 2021.

Beyond the fiscal 2021 spending process, fiscal 2022 will be the first year in a decade in which the discretionary budget caps, created under the Budget Control Act (Public Law 112-25), won't exist. Yarmuth has said the lack of discretionary budget caps will put a greater emphasis on producing a budget resolution, a process he's skipping for fiscal 2021.

When Will Conservatives Pivot?

The economic situation will force conservatives to make a hard choice. They aren't exactly comfortable with a nearly \$4 trillion deficit, of course, but now's not the time to get stingy, Cole said in an interview.

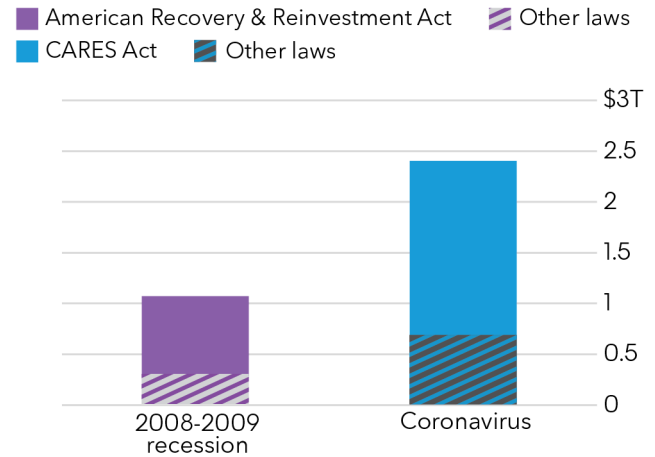
"Look, I'm a fiscal conservative, but we just spent more in a single bill than we appropriate in a year," Cole said, referring to the CARES Act, which added about \$1.8 trillion to the deficit, according to the CBO. "That's the consequence of having to respond to this."

Lawmakers will have to think about when to turn from huge deficits to a more sustainable fiscal path, Maya MacGuineas, president of the fiscally conservative Committee for a Responsible Federal Budget, said in an interview.

MacGuineas proposed forming a panel of former heads of the White House Council of Economic Advisers to determine which economic metrics would indicate it's time for the federal government to stop borrowing. It may take a while to get there, but lawmakers can and should formulate a plan ahead of time, MacGuineas said.

Virus Laws Top Last Recession's Stimulus

Response laws' net deficit effect over 10 years



Note: Graphic includes recession and financial crisis response laws enacted in 2008 and 2009 that weren't offset, and excludes extensions. It omits some deficit effects of the Troubled Asset Relief Program law (Public Law 110-343) that were unavailable. Source: Bloomberg Government analysis of Congressional Budget Office data.

"What is the moment where you pivot? It's difficult to put a precise metric on it," MacGuineas said.

"We want it to be more precise than the definition of pornography, where we know it when we see it."

To contact the reporter on this story: Jack Fitzpatrick at jfitzpatrick@bloombergindustry.com

To contact the editors responsible for this story: Zachary Sherwood at zsherwood@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com

Four Laws That Have Supported Coronavirus Efforts

Four coronavirus response laws enacted in March and April rushed resources to the health sector, businesses, and workers hit by the pandemic and its economic fallout.

The \$2 trillion CARES Act (Public Law 116-136) provided \$349 billion for potentially forgivable loans to small businesses and nonprofits through a new Paycheck Protection Program. Facing a surge in demand, Congress enacted another law (Public Law 116-139) to provide another \$310 billion to the program, while also providing additional funds for hospitals and virus testing.

The CARES Act also provided loans and other assistance to companies, including airlines, and to state and local governments. It provided direct payments of as much as \$1,200 per individual, and an additional \$600 per week in unemployment benefits.

Earlier response laws (Public Law 116-127 and Public Law 116-123) established paid leave programs, ensured coronavirus tests would be free, expanded unemployment and nutrition assistance, and provided initial emergency funding to address the pandemic.

To contact the reporter: Sarah Babbage at sbabbage@bloombergindustry.com



How the Coronavirus Outbreak Affects Control of Congress in 2021

- Virus upends Republicans' plans to run on strong economy
- Senate control at stake, House majority less likely to flip

The far-reaching political fallout from the coronavirus outbreak includes election delays, a suspension of retail campaigning and an increase in absentee voting.

But the pandemic's effect on 2020 is more fundamental than that – it has altered the contours of the presidential race and, with it, the battles for control of Congress.

With their hold on the White House and Senate on the line, Republicans entered the year expecting to run on a strong economy with a Democratic nominee forced to move left in an extended primary fight. They planned to use the impeachment of President Donald Trump as a wedge issue to highlight a significant overreach by the Democrats in control of the House.

Instead, with six months to go, former Vice President Joe Biden's nomination has essentially been in hand for two months, record-low unemployment is approaching Great Depression-era numbers, and tens of thousands

of Americans have died as a result of Covid-19, with experts concerned cases could spike again in the fall.

It's a nightmare scenario for the party in power in the executive branch in an election that is inherently a referendum on the president's performance. And given that the top of the ticket weighs heavily on those running for lower offices – along with a Democratic fundraising hot streak – Republicans' grip on the Senate is in further peril.

"With the economic piece, that's where Republicans and the president are in trouble in particular, because that's been the best hand he could deal," Inside Elections editor and publisher Nathan Gonzales said on Bloomberg Government's Downballot Counts podcast.

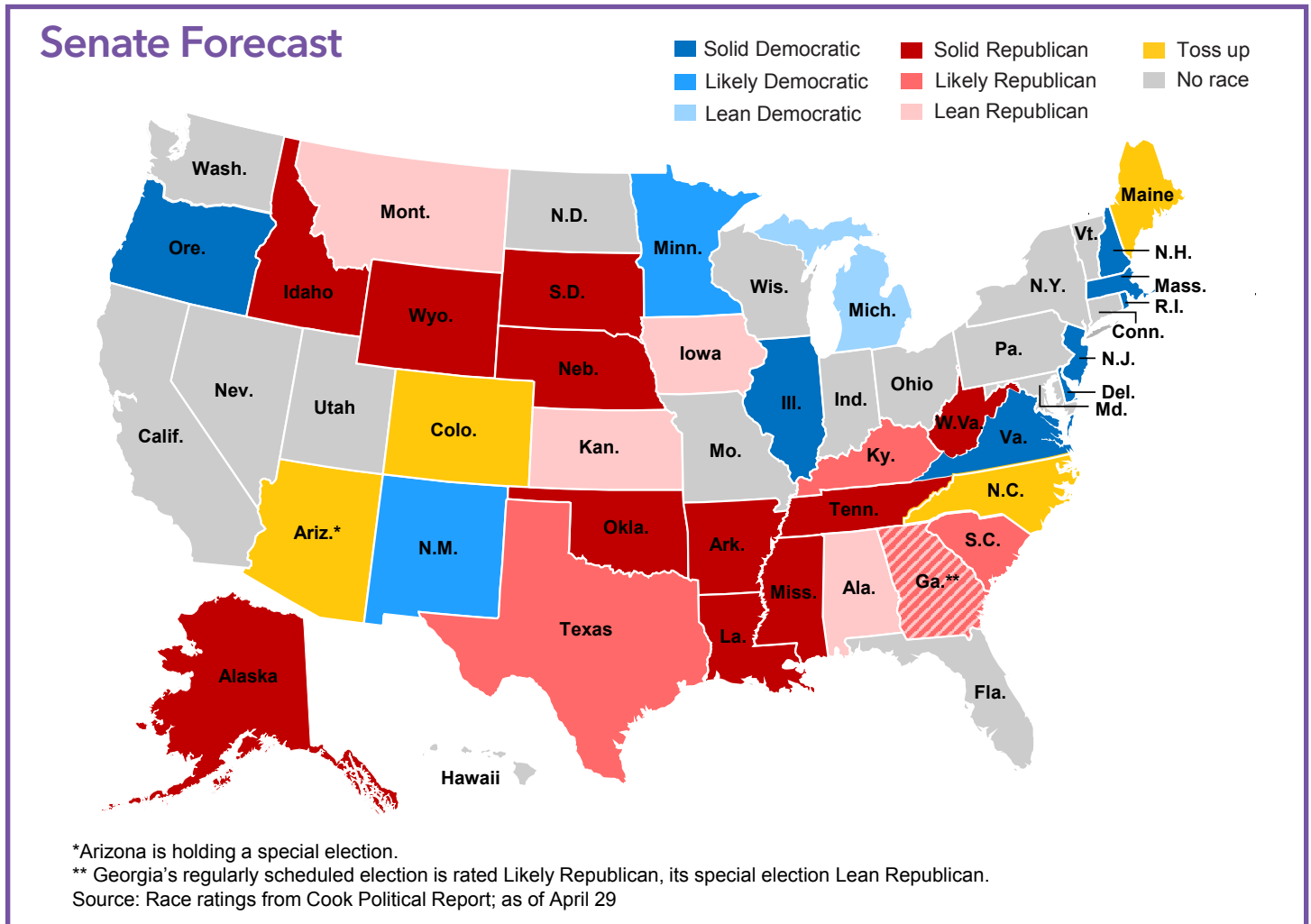
Trump's polling doesn't provide much reason for optimism for Republicans tethered to his success.

In RealClearPolitics polling averages, Trump hit the highest approval rating of his presidency in early



Al Drago/Bloomberg

Sen. Thom Tillis (R-N.C.) is one of the most vulnerable incumbents, and his re-election prospects depend in large part on President Donald Trump's standing in his state.



April – 47.4% – in an immediate response to the coronavirus, but that brief bump diminished just as quickly; those who say the country is moving in the right direction has fallen 5 percentage points since early March. In head-to-head matchups, Biden leads Trump both nationally and in battleground states such as Michigan, Pennsylvania and Wisconsin, which decided the 2016 election.

Senate

Republicans hold a 53-47 seat advantage in the Senate, which is far more likely to flip party control than the House.

The center-stage races to decide which party controls it is the Democratic-held seat in Alabama and Republican seats in Arizona, Colorado, Maine and North Carolina.

This is where Trump's standing affects Congress at the most basic level: If he loses to Biden, Democrats could take the Senate by picking up only those four GOP-held seats, even if Sen. Doug Jones (D-Ala.) loses his bid for a full term.

Jones is by far the most vulnerable incumbent, running in a state that gave Trump his sixth-highest vote share in

2016, at 62%. The factors that combined to send Jones to Capitol Hill in the first place – odd-timed special election in 2017, lengthy GOP primary process, uniquely weak opponent – won't all repeat in 2020, regardless of who emerges from the July 14 Republican runoff between former Auburn football coach Tommy Tuberville and Jeff Sessions, the former attorney general and senator.

Still, Republicans are feeling the heat in the races for their four most-endangered seats.

"If the election were held today, I'm not sure Republicans win any of those," Gonzales said. "And that's not even the totality of the map."

Sens. Cory Gardner (R-Colo.) and Susan Collins (R-Maine) are the only two Republicans representing states that voted for Hillary Clinton in 2016. That year, every Senate election was won by the same party as the presidential nominee who carried that state – the first time that had happened in 100 years of the direct election of senators.

Elections

Sen. Thom Tillis (R-N.C.) has trailed his challenger in public polls, while appointed Sen. Martha McSally (R-Ariz.) – who lost in her 2018 bid for the other seat – may have on her hands the strongest Democratic recruit of the cycle, in retired astronaut Mark Kelly.

The other races to watch are in Iowa, Kansas, Michigan, Montana and Georgia, where both of the state's seats are up because former Sen. Johnny Isakson resigned at the end of last year. Of those, only Sen. Gary Peters' Michigan seat is held by a Democrat.

It's a defensive year for Senate Republicans, who hope to avoid the kind of pitfalls that could put their seats in further jeopardy, as the Alabama seat was in the 2017 special election with the nomination of former state Supreme Court Justice Roy Moore, who faced allegations of sexual misconduct.

That's especially true in Kansas, which hasn't elected a Democrat to the Senate since 1932 and which Trump won by 20 points. In 2018 it elected a Democratic governor over former Secretary of State Kris Kobach – a polarizing

How the Coronavirus Pandemic Revamped Campaigns

The coronavirus pandemic has already postponed primaries, transformed how candidates campaign, and spurred calls to make voting easier – and the list of its effects on the 2020 elections is unlikely to end there.

Delays

Unwilling to have voters and poll workers risk their health in close proximity at in-person voting precincts, numerous states delayed their primary elections until later in the spring and summer to buy time to prepare.

Democrats delayed their national political convention five weeks until Aug. 17-20, and the event may take place virtually in lieu of hosting tens of thousands of delegates, media representatives, and party luminaries at an arena in Milwaukee. The Republican convention remains scheduled for Aug. 24-27 in Charlotte, N.C., though it too could be scaled down.

The Nov. 3 general election can't be moved without Congress, because the national election date is set by statute.

Campaigning

Candidates eschewed traditional campaign rallies, door-knocking, and other in-person contact. They've instead used videoconferencing, text messaging and other digital avenues to reach voters. The pandemic stalled initiative and referendum campaigns that rely on gathering signatures.

The pandemic adjusted the production and subject matter of political ads. Some candidates filmed TV spots in their homes – with family members both in front of and behind the camera – seeking to soothe

and empathize with voters balancing work and family demands as they obey stay-at-home orders.

Election Operations

The crisis triggered calls to expand on traditional voting operations, including through the extensive use of voting by mail, online voter registration and early-voting windows. States without existing mail-voting systems would need to move quickly to build the infrastructure needed to print, sort and count ballots and ensure voter addresses and signatures are accurate.

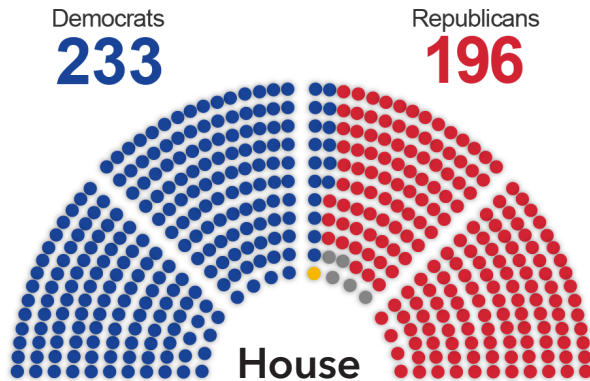
President Donald Trump has said voting by mail favors Democrats, though there's no evidence of that. Speaker Nancy Pelosi (D-Calif.) said Democrats will be pushing for a vote-by-mail provision in the next coronavirus relief package, calling it "a health issue at this point."

A \$2.2 trillion economic recovery law (Public Law 116-136) included \$400 million in election security grants to the states to prepare for and respond to the coronavirus. House Democrats had sought \$4 billion and a national requirement for both 15 days of early voting and absentee vote-by-mail. Senate Republicans proposed \$140 million.

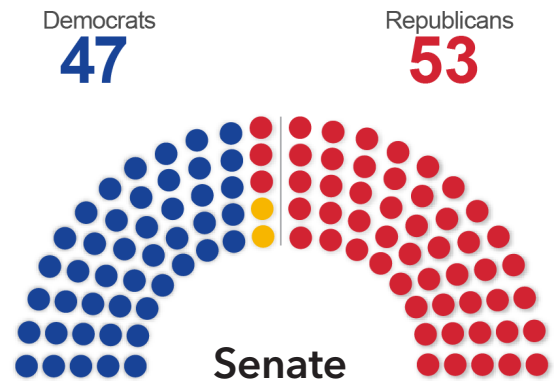
Five states already conduct all elections entirely by mail, while some others maintain a permanent absentee ballot list that voters can join to automatically receive absentee ballots in future elections. Most states allow voters to request an absentee ballot for any reason, though 17 of them still require an excuse.

To contact the reporter: Greg Giroux
at ggiroux@bloombergindustry.com

Balance of Power



- Justin Amash, who became an independent in 2019, joined the Libertarian Party in April 2020.
- The five vacancies are in CA-25, due to the resignation of Katie Hill (D); CA-50, due to the resignation of Duncan Hunter (R); NC- 11, due to the resignation of Mark Meadows (R); NY-27, due to the resignation of Chris Collins (R); and WI-07, due to the resignation of Sean Duffy (R). Kweisi Mfume (D) was elected April 28 to fill a vacancy in MD-07.



Note: Senate Independents, shown in yellow, caucus with the Democrats and are included in the Democratic tally.

Bloomberg Government

Republican who is seeking the nomination for the open seat that Pat Roberts is giving up.

Fundraising, a political environment leaning in their favor, and recruitment wins have all increased Democrats' chances of winning control of the chamber. Montana is only on the competitive radar because Gov. Steve Bullock (D) decided just before the filing deadline to run against Steve Daines, after continuing to dismiss the idea while running for president. And former Colorado Gov. John Hickenlooper's (D) similar about-face likely gave Gardner an even tougher race.

House

The House majority hasn't changed party control in a presidential election year since 1952, and that streak is unlikely to end in 2020. If no seats change hands in special elections before November, Republicans would need a net gain of 18 seats to take the majority back.

The GOP has a clear path to accomplish the feat: Democrats netted 40 seats in 2018, and 29 Democrats running for re-election represent a district Trump carried in 2016. But Democrats' drastic fundraising advantages, plus the potential for relatively unknown challengers to be drowned out in a sea of political noise and coronavirus news, makes the party's chances slimmer than they already would have been under normal circumstances.

The top districts to watch on the Democratic side are the freshmen who turned in the biggest upsets of the midterm elections – Reps. Kendra Horn (Okla.), Joe Cunningham (S.C.), and Max Rose (N.Y.) – as well as others in similar Republican-leaning territory, such as Reps. Anthony Brindisi (N.Y.), Collin Peterson (Minn.), Ben McAdams (Utah) and Xochitl Torres Small (N.M.).

Republicans have their own vulnerable seats to worry about, thanks in part to retirements. They include a pair of open seats in the Dallas and Houston suburbs, and another outside Atlanta. Democrats picked up other seats in those same metropolitan areas in 2018, and the party is targeting these and other suburban districts where Trump isn't as popular.

Not since 1980 has a party picked up double-digit House seats in the same election a president ran for re-election. The GOP is again in the minority, but unlike that year when President Jimmy Carter was seeking a second term, the White House occupant with a sub-50% approval rating in 2020 is a Republican.

To contact the reporter: Kyle Trygstad at ktrygstad@bloombergindustry.com

To contact the editors: Bennett Roth at broth@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com



Close Results, Voting Issues Keep Election Scholars Up at Night

A diverse group of election scholars want officials, candidates, voters, and the media to do all they can to ensure the integrity of the November election, especially as the coronavirus exacerbates concerns about voting.

In April, the Ad Hoc Committee for 2020 Election Fairness and Legitimacy released “Fair Elections During a Crisis,” a report with 14 “urgent recommendations” on the conduct and outcome of the November election.

The committee was convened by Richard L. Hasen, the author of the 2020 book “Election Meltdown” and a law and political science professor at the University of California at Irvine. Hasen spoke with Bloomberg Government senior reporter Greg Giroux about the report and its recommendations. Their conversation has been condensed for space.

BGOV: Why was the committee created and this report released?

Hasen: Well before the coronavirus hit the United States, I was concerned that there had been a great decline in public confidence in the fairness and legitimacy of American elections. And I wanted to get into the same room leaders in law, politics, media and tech, to talk about what could be done to minimize the chances of a meltdown in November.

BGOV: What’s the No. 1 takeaway from this report?

Hasen: That we can no longer take for granted that the losing side in American elections will accept the result as legitimate and that there are concrete steps that could be taken right now by a variety of actors to lessen the chances of a meltdown in November.

BGOV: What are some steps federal and state policy-makers can take immediately to facilitate voting and election processes before November?

Hasen: Ensuring that there’s a variety of means by which voters will be able to vote in November, including by mail and in person, with enough resiliency planning so that if the pandemic disrupts ordinary operations of polling places or the post office, there will still be ways for voters to cast ballots.

A long delay in reporting the results of the election due to a flood of absentee ballots creates an opening for people to make unsubstantiated claims of fraud. There’s a lot that needs to be done in advance to ensure that absentee ballots are mailed on time so that they can be returned by voters by the deadline and processed so that there can be a timely announcement of the official election results.



Courtesy of UC Irvine

Richard L. Hasen

BGOV: Given the divided Congress, are some recommendations more achievable than others?

Hasen: We call on Congress and the states to provide full funding for election security and measures that are virus-related to ensure a safe and efficient election. We don’t call on Congress to do more than that in this report, although individual members of the committee have different views on what Congress could and should do.

BGOV: How should media organizations educate voters about changes to election procedures and handle the reporting of vote returns on election night?

Hasen: The media has a key role to play in educating the public that a vote delay is to be expected—especially if there is a new flood of absentee ballots—and that it is not anything nefarious if the apparent winner of the election shifts as more ballots are counted.

BGOV: What are you most concerned could happen in November? What keeps you up at night?

Hasen: If the election is very close, and the places where it’s close have problems with the counting of ballots, that we could have a situation where both sides claim victory in the election and there’s a prolonged fight over who the winner is, with the losers not accepting the final result as legitimate.



	Legislative Purpose	Bill Status	Outlook
Child Nutrition Act	<p>Not yet introduced.</p> <p>The anticipated bill 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 in 10 years.</p> <p>One issue likely to come up during negotiations is flexibility in national school nutrition standards, such as added milk variety. A 2018 rule relaxing sodium and whole-grain standards for school meals was struck down by a federal court in April.</p> <p>Another sticking point is lunch shaming, or penalizing students for unpaid school meal debt. State governments have taken steps to mitigate the issue, but a federal policy on lunch shaming hasn't been established.</p> <p>Other key issues include flexibility for the summer food-service program.</p>	<p>House: No relevant hearings have been held by the Education and Labor Committee since last October.</p> <p>Senate: No hearings have been held by the Agriculture, Nutrition, and Forestry Committee since April 2019.</p> <p>Administration: Agriculture Secretary Sonny Perdue doesn't know how much progress will be made if Congress attempts to reauthorize the programs this year, he told Food Management, a food service industry website, in March.</p>	<p>House: The legislation is temporarily on hold while Congress addresses the pandemic, an Education and Labor Committee aide said.</p> <p>Senate: Agriculture Chairman Pat Roberts (R-Kan.) said the reauthorization remains a priority. Administrative streamlining, along with "certainty for schools, as well as their suppliers and commodities," are at the top of his list, he said.</p> <p>Administration: The USDA proposed the school meals rule in January, which would add flexibility to vegetable requirements and permit the purchase of lunch entrees a la carte.</p> <p>Another proposal would amend the Summer Food Service Program.</p>
Commodity Futures Trading Commission	<p>H.R. 6197, H.R. 4895</p> <p>The bill would reauthorize the Commodity Futures Trading Commission, an independent federal agency that regulates commodity futures and markets for swaps, agreements between two parties to exchange cash flows in the future based on an underlying price or instrument.</p> <p>The CFTC was last reauthorized in 2008.</p> <p>Financial overhaul advocates want the reauthorization to tighten regulations on the financial system established by the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) in 2010.</p>	<p>House: Agriculture Chairman Collin Peterson (D-Minn.) introduced H.R. 6197 on March 11 with the backing of ranking member Mike Conaway (R-Texas). The Agriculture Committee approved a similar bill on a bipartisan voice vote in October.</p> <p>Senate: No companion bill has been introduced in the GOP-led chamber. No hearings have been held by the Agriculture, Nutrition, and Forestry Committee since last June.</p>	<p>House: The reauthorization is ready for floor time, but may not move forward this year, according to one Agriculture Committee member's aide.</p> <p>Senate: The chamber doesn't have a version of this bill, but oversight on digital commodities is expected to be a topic of interest during negotiations.</p> <p>The Senate didn't pass previous attempts at reauthorization by Republican lawmakers.</p>

To contact the reporter: Megan U. Boyanton in Washington at mboyanton@bloombergindustry.com

To contact the editors: Paul Hendrie at phendrie@bloombergindustry.com; Robin Meszoly at rmeszoly@bloombergindustry.com



Appropriations

	Legislative Purpose	Bill Status	Outlook
Spending Bills	<p>Not yet introduced.</p> <p>The fiscal year ends Sept. 30, and lawmakers will need to pass the 12 annual appropriations bills to avoid a shutdown, unless they use a continuing resolution to fund the government at current levels.</p> <p>The Labor-HHS-Education bill will likely be a major focus because of appropriators' interest in boosting funds for the National Institutes of Health and Centers for Disease Control and Prevention.</p> <p>The Homeland Security spending bill has been a recurring topic of debate between the Trump administration and congressional Democrats because of the president's demands for border wall funding.</p>	<p>House appropriators have received preliminary top-line allocations for their bills, and began drafting legislation while working outside of Washington.</p> <p>Senate appropriators haven't received those numbers, called 302(b) allocations. Committee leaders in that chamber are trying to reach a bipartisan agreement on allocations without going beyond the current budget caps, a negotiation made more difficult by the increased level of discretionary spending due to the VA MISSION Act (Public Law 115-182), a person familiar said.</p>	<p>Even before the pandemic, some appropriators said it would be difficult to finish all 12 bills before October because of the distractions of a presidential election year.</p> <p>The schedule is condensed further with lawmakers staying home during the coronavirus outbreak.</p> <p>The process could be complicated further by any attempt to amend the Bipartisan Budget Act of 2019 (Public Law 116-37). Under that law, discretionary spending would increase about 0.5% from fiscal 2020 to 2021, setting spending caps at \$671.5 billion for defense and \$626.5 billion for nondefense.</p> <p>House Appropriations Chairwoman Nita Lowey (D-N.Y.) and others have called for cap exemptions that would allow big increases for public health programs without requiring cuts elsewhere.</p> <p>Senate discussions about the VA MISSION Act may also signal an appetite for a change to the budget caps before a final deal to fund the government.</p>

To contact the reporter: Jack Fitzpatrick in Washington at jfitzpatrick@bloombergindustry.com

To contact the editors: Zachary Sherwood at zsherwood@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com



Budget

	Legislative Purpose	Bill Status	Outlook
Fiscal 2021 Budget Resolution	<p>Not yet introduced.</p> <p>Lawmakers typically set top-line discretionary spending figures with an annual budget resolution, which both chambers are supposed to adopt, before moving on to appropriations work. The document is meant to include policy recommendations and projections for revenue and spending for at least five years.</p> <p>The usual process has been scrapped in recent years, though, partly because lawmakers have set spending levels via budget cap agreements, which amend the Budget Control Act (Public Law 112-25) to avoid steep spending cuts.</p>	<p>House: House Budget Chairman John Yarmuth (D-Ky.) has said he doesn't plan to produce a budget resolution for fiscal 2021 because top-line discretionary spending figures are already set under the Bipartisan Budget Act of 2019 (Public Law 116-37). House Republicans have criticized that decision.</p> <p>Senate: Senate Budget Chairman Mike Enzi (R-Wyo.) hasn't ruled out producing a budget resolution, though there's no guarantee the measure would get a vote on the Senate floor.</p>	<p>A bicameral fiscal 2021 budget resolution would be more of a talking point than actionable legislation. House appropriators have started work without a budget resolution, and Senate appropriators may do the same. If Enzi produces a budget resolution, it could offer an opportunity for senators to debate a long-term fiscal plan as the country rebuilds after the coronavirus. That would likely be more of a discussion than a significant part of the process of funding the federal government.</p>
Process Changes	<p>H.R. 6628, S. 2765</p> <p>Enzi's Bipartisan Congressional Budget Reform Act would switch Congress to two-year budget resolutions and set a target for the debt compared to economic growth. It would automatically conform the statutory debt limit to the numbers agreed upon in a budget resolution. The bill would also require the executive branch to obligate funds within 60 days of their expiration, an attempt to prevent the White House from unilaterally blocking funds by taking advantage of the ability to rescind funds for as long as 45 days.</p> <p>Yarmuth's measure would add enforcement mechanisms to the Impoundment Control Act (Public Law 93-344). The measure would allow officials who break that law to be fired or suspended, and would require a Justice Department investigation when the Government Accountability Office determines that the ICA has been violated.</p>	<p>The Senate Budget Committee advanced S. 2765, 15-6, in November 2019. Four Democrats joined 11 Republicans in supporting the measure. Some Democrats criticized a provision that would require Congress to consider deficit-reduction legislation, requiring a simple majority in the Senate, if the government falls behind its targeted debt-to-GDP figure. That requirement could pave the way for cuts to social safety net programs, progressives said.</p> <p>Yarmuth introduced H.R. 6628 on April 28 and the bill was referred to the House Budget Committee. He did not announce plans for a markup.</p>	<p>Sen. Sheldon Whitehouse (D-R.I.) cosponsored Enzi's bill and has said he'll work to quell his fellow Democrats' concerns about automatic requirements to reduce the deficit. Senate leaders haven't said when the bill may come up for a floor vote. Yarmuth's criticism means the current bill isn't likely to become law.</p> <p>There has recently been bipartisan support for a switch to two-year budget resolutions. Members of the 2018 Joint Select Committee on Budget and Appropriations Process Reform rallied around the idea but didn't advance a bill, largely for procedural reasons.</p> <p>Some Republicans have expressed interest in enforcing the Impoundment Control Act but generally haven't commented on Yarmuth's specific proposals.</p>

Budget

	Legislative Purpose	Bill Status	Outlook
Stabilizers	<p>Not yet introduced.</p> <p>Yarmuth has said House Democrats have started work on legislation to generally expand the use of automatic stabilizers, economic tools that increase spending or cut taxes during slowdowns and wind those measures down during periods of growth. Unemployment insurance, Medicaid and the Supplemental Nutrition Assistance Program are three examples Yarmuth listed in a Budget Committee report in October 2019.</p>	<p>House Democrats were still in the early stages of working on a bill to boost automatic stabilizers as of mid-April, Yarmuth said. Meanwhile, Yarmuth has also argued that the expiration of programs in the CARES Act (Public Law 116-136), such as expanded unemployment insurance, should be tied to economic metrics such as the unemployment rate.</p>	<p>Automatic stabilizers have gotten more attention during the response to the economic downturn, though a standalone bill by House Democrats isn't coming soon and may not get much Republican support. Budget Committee ranking member Steve Womack (R-Ark.) said in an October 2019 hearing he's "skeptical" of adding additional stabilizers beyond those that currently exist, saying their automatic nature reduces congressional oversight.</p>

To contact the reporter: Jack Fitzpatrick in Washington at jfitzpatrick@bloombergindustry.com

To contact the editors: Zachary Sherwood at zsherwood@bloombergindustry.com;
Loren Duggan at lduggan@bloombergindustry.com



	Legislative Purpose	Bill Status	Outlook
Annual Defense Authorization	<p>H.R. 6395</p> <p>The National Defense Authorization Act will set policy and authorize spending for national security in fiscal 2021. The measure is crucial for authorizing military pay increases and construction, as well as for providing direction for major weapons programs such as the F-35 Joint Strike Fighter and new aircraft carriers.</p> <p>The bill also is aimed at improving the way the Pentagon buys weapons and services and addresses national security programs at the Department of Energy.</p> <p>This year, the bill may also be a vehicle to shore up the defense industrial base and its suppliers reeling from the coronavirus pandemic. The measure also could be aimed at authorizing an Indo-Pacific Reassurance Initiative for allies and partners in the region and could include provisions to reduce U.S. dependence on Chinese pharmaceuticals to reduce national security threats.</p>	<p>House: Armed Services Chairman Adam Smith (D-Wash.) introduced the administration’s proposal as H.R. 6395 on March 26.</p> <p>House Armed Services leaders have yet to set a timetable for considering the policy bill even though they are preparing a draft of the chairman’s mark.</p> <p>Because of social distancing restrictions, a traditional public markup in committee may not be possible until later in the year if at all.</p> <p>Senate: The Senate Armed Services Committee usually writes its bill behind closed doors and Chairman Jim Inhofe (R-Okla.) said he aims to have the measure drafted by the end of May. Neither House nor Senate has a floor schedule for the legislation, which is considered must-pass.</p>	<p>Even though Smith and Inhofe had initially aimed to have a final bill by Oct. 1, those plans likely will be sidelined by the coronavirus pandemic and the fact that it is an election year.</p> <p>A final bill is more likely to be produced after the November election, but unknowns remain.</p> <p>White House support will likely depend on whether the measure carries provisions that President Donald Trump opposes, such as blocking construction of a wall along the border with Mexico.</p>
Chinese Pharmaceuticals and National Security	<p>H.R. 4710, S. 3538</p> <p>Rep. John Garamendi (D-Calif.) wrote a bill that would seek to ensure that the flow of medicine to the U.S. military continues without interruption. Almost 90% of raw materials/ingredients going into the supply chain for the medication used by the military is controlled by the Chinese government, according to Garamendi.</p> <p>Sen. Marco Rubio’s (R-Fla.) legislation would require the Pentagon to report to Congress on its reliance on imports of certain pharmaceutical products made in part or in whole in certain countries.</p>	<p>House: Garamendi introduced the House measure, which has bipartisan support and was referred to several committees including Armed Services and Veterans’ Affairs.</p> <p>Senate: The Senate bill also is bipartisan and was referred to the Finance Committee.</p>	<p>Parts of these bills may be rolled into the defense authorization measure.</p>

Defense

	Legislative Purpose	Bill Status	Outlook
Clawback of Border Wall Funds	S. 3339 The measure would reverse and restore \$3.8 billion that the Trump administration transferred from National Guard equipment and Defense Department programs such as shipbuilding and the F-35 Joint Strike Fighter jet to pay for the construction of barriers on the southern U.S. border. It also would limit the department's ability to make similar transfers in the future.	Senate Minority Whip Dick Durbin (D-Ill.) introduced the bill on Feb. 25 using procedures to bypass committee referral. It was placed on the Senate legislative calendar and the chamber has yet to act on it.	Senate: Durbin, Pat Leahy (D-Vt.), and Jack Reed (D-R.I.) are backing the bill along with more than 30 other senators in their party and Sen. Bernie Sanders (I-Vt.), who caucuses with Democrats. Republicans would almost certainly oppose the measure in lockstep, and it may not get a vote in the GOP-controlled Senate. House: Armed Services Chairman Smith has said he is working on a similar bill but it has yet to be filed.
Iran/Use of Military Force	H.R. 550 The No War Against Iran Act would block any federal funds from being used for military action against Iran unless Congress has declared war or authorized the use of force. The bill also would repeal the 2002 authorization for the use of military force, or AUMF, against Iraq, which has been used by successive administrations to justify military operations in the Middle East.	House: The House advanced the package on Jan. 30 mostly along party lines. It voted 236-166 for the AUMF language, with 11 Republicans and one independent in support and two Democrats opposed. It approved the funding ban by a 228-175 vote, with four Republicans and one independent in favor and three Democrats opposed. Senate: No action has been taken on the House-passed Iran package.	The vote in January was a symbolic victory for Rep. Barbara Lee (D-Calif.), who has pushed repeal of the AUMF for years, and Rep. Ro Khanna (D-Calif.), a critic of U.S. policy toward Iran, Yemen, and Syria. But the Republican-controlled Senate is unlikely to take up or pass the legislation. The White House threatened to veto the two proposals.
War Powers Resolution	S.J. Res. 68 The joint resolution would call for the removal of U.S. military forces from any hostilities against Iran that haven't been authorized by Congress. The intent was to curtail President Trump's power to wage further military operations against Tehran following a spike in tensions and the U.S. killing in January of Qasem Soleimani, Iran's top general.	House and Senate: The Senate passed the legislation in February by a 55-45 vote and the House passed it on March 11 by 227-186. Both votes pulled in some Republican support but broke mostly along party lines.	The White House threatened a veto of the resolution, which hasn't been submitted to the president for his action. Despite eight Senate Republicans crossing the aisle to support the resolution, it fell far short of a veto-proof majority in either chamber, meaning any future override vote is almost certain to fail.

To contact the reporters: Roxana Tiron at rtiron@bloombergindustry.com; Travis J. Tritten at ttritten@bloombergindustry.com

To contact the editors: Robin Meszoly at rmeszoly@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com; Paul Hendrie at phendrie@bloombergindustry.com



	Legislative Purpose	Bill Status	Outlook
Higher Education Act Reauthorization	<p>H.R. 4674</p> <p>The legislation, known as the College Affordability Act, would boost the value of the Pell Grant, provide funding for free community college, and streamline student loan repayment options. It would also enshrine Obama-era college accountability regulations into statute.</p>	<p>House: Education and Labor Chairman Bobby Scott (D-Va.) introduced H.R. 4674 last year. The committee approved the bill, 28-22 in October.</p> <p>Senate: Health, Education, Labor, and Pensions Committee Chairman Lamar Alexander (R-Tenn.) and ranking member Patty Murray (D-Wash.) were in negotiations on a bipartisan Senate deal for much of this year but have not released the outlines of a bill.</p>	<p>Although H.R. 4674 has more than 150 House cosponsors, it hasn't made it to the floor, in large part because Democrats hadn't found a pay-for to offset the \$332 billion cost of the legislation.</p> <p>The chances of the House passing the bill or of advancing a bipartisan deal in the Senate have likely diminished as Congress focuses on emergency legislation in response to the coronavirus pandemic.</p>
School Choice Tax Credits	<p>H.R. 1434, S. 634</p> <p>The Education Freedom Scholarships and Opportunity Act would create a 10-year, \$50 billion tax credit program for donors who give to state-approved groups for private school scholarships</p> <p>Eighteen states currently operate tax-credit scholarship programs and Education Secretary Betsy DeVos has argued that more states would launch similar programs if the proposal became law.</p>	<p>House: H.R. 1434 was introduced by Rep. Bradley Byrne (R-Ala.) in 2019 and referred to the House Ways and Means Committee as well as the Education and Labor Committee.</p> <p>Senate: Sen. Ted Cruz (R-Tex.) introduced S. 634, a companion bill, which was referred to the Senate Finance Committee.</p>	<p>House and Senate: Democrats in the House have said they have no interest in advancing a proposal that sends more taxpayer money to private education. Senate Republican leadership hasn't prioritized the proposal.</p> <p>Administration: The White House included the Freedom Scholarships in its fiscal 2021 budget request and President Donald Trump highlighted the proposal in his February 2020 State of the Union address.</p>
Student Debt Cancellation	<p>H.R. 3448, H.R. 3887, H.R. 6363 S. 2235</p> <p>Competing legislative proposals reflect different approaches to debt relief.</p> <p>The Student Loan Debt Relief Act (H.R. 3887, S. 2235) would cancel as much as \$50,000 in federal student loans for borrowers with incomes less than \$100,000.</p> <p>The Student Debt Cancellation Act (H.R. 3448) would wipe out all \$1.5 trillion in federal student debt. The Student Debt Emergency Relief Act (H.R. 6363) would cancel as much as \$30,000 in debt for federal student borrowers in response to the coronavirus pandemic.</p>	<p>House: H.R. 3448 was introduced by Rep. Ilhan Omar (D-Minn.) and H.R. 3887 was introduced by Rep. James Clyburn (D-S.C.) in 2019. Rep. Ayanna Pressley (D-Mass.) introduced H.R. 6363. The bills were referred to the Education and Labor and Ways and Means committees, among others, which haven't acted.</p> <p>Senate: Sen. Elizabeth Warren (D-Mass.) introduced S. 2235 in 2019. It was referred to the Senate Finance Committee.</p>	<p>House: Although Clyburn, the majority whip, introduced one of the proposals, broad student debt cancellation doesn't appear to be a top priority for House leadership.</p> <p>Senate: Leading Senate Democrats have pushed for debt cancellation in emergency coronavirus legislation. But Republicans have been critical of both the policy approach and the price tag for debt relief proposals, so there's little chance of getting the necessary bipartisan support.</p>

To contact the reporter: Andrew Kreighbaum in Washington at akreighbaum@bloombergindustry.com

To contact the editors: Paul Hendrie at phendrie@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com



Elections

	Legislative Purpose	Bill Status	Outlook
Administering Elections During the Coronavirus Pandemic	<p>H.R. 6379, S. 3529</p> <p>The legislation would expand early in-person voting and no-excuse absentee vote-by-mail to all states and reimburse states for all additional costs in administering elections during the coronavirus pandemic.</p> <p>The goal is to reduce the health risk to voters who could contract the virus by gathering at polling places in large numbers. Health concerns already have prompted many states to delay primaries and move toward holding elections by mail.</p> <p>The CARES Act (Public Law 116-136) included \$400 million for grants to state and local election systems, but Democrats say more is needed.</p>	<p>House: Backed by Speaker Nancy Pelosi (D-Calif.), Appropriations Chairwoman Nita Lowey (D-N.Y.) introduced H.R. 6379 in March during negotiations on the CARES Act. The wide-ranging bill included provisions for expanded funding and requirements for voting by mail. No action yet.</p> <p>Senate: Sen. Amy Klobuchar (D-Minn.) introduced S. 3529, the Natural Disaster and Emergency Ballot Act, on March 18, and it was referred to the Rules and Administration Committee, where she's ranking member. The bill is cosponsored by Ron Wyden (D-Ore.) and 25 other members of the Democratic caucus. No action yet.</p>	<p>Senate: Sens. Wyden and Klobuchar say about \$2 billion is needed. They also want states to allow every voter to vote by mail, with no excuse needed to cast an absentee ballot and at least 20 days of in-person early voting before Election Day, so voters won't have to crowd into polling sites. Majority Leader Mitch McConnell (R-Ky.) and other Republicans have resisted efforts to increase the federal role in administering elections.</p> <p>House: Pelosi has said House Democrats would take the lead on the next round of coronavirus relief legislation, though it remains unclear when that would occur.</p> <p>H.R. 6379 would have provided \$4 billion to upgrade voting systems and called for sweeping changes in election laws.</p> <p>Administration: President Trump has said increasing voting by mail, as favored by Democrats, would invite election fraud and harm Republicans.</p>

To contact the reporter: Ken Doyle at kdoyle@bloombergindustry.com

To contact the editors: Kyle Trygstad at ktrygstad@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com



	Legislative Purpose	Bill Status	Outlook
Abandoned Mine Lands	<p>H.R. 2156, H.R. 4248, S. 1193, S. 1232</p> <p>The federal Abandoned Mine Land fund has collected more than \$11 billion through reclamation fees on coal. The fee collection requirement will expire in 2021.</p> <p>H.R. 4248 and S. 1193 would extend the fee collection authorization until 2036.</p> <p>H.R. 2156 and S. 1232 would accelerate the release of \$1 billion in existing Abandoned Mine Land funds to states and tribes over five years for mine cleanup, but wouldn't reauthorize the fee collection requirement.</p>	<p>House: Rep. Matt Cartwright (D-Pa.) introduced H.R. 2156 in April 2019 and the Natural Resources Committee approved it in May. Cartwright also introduced H.R. 4248 in September, and the Natural Resources Committee approved it in January.</p> <p>Senate: Sen. Joe Manchin (D-W. Va.) introduced S. 1232 and S. 1193 in April 2019. Both bills have been referred to the Energy and Natural Resources Committee.</p>	<p>House and Senate: The National Mining Association came out against a bill similar to H.R. 2156 during the last Congress, making the legislation's future in the Republican-controlled Senate uncertain. The association argued the federal fund should be shut down.</p>
Carbon Capture and Storage	<p>H.R. 1796, H.R. 5865, S. 407</p> <p>The Carbon Capture Modernization Act (H.R. 1796, S. 407) would amend a tax credit for cleaner coal investments. It would lower an energy efficiency requirement for new or retrofitted coal-fired power plants that have installed carbon capture-and-storage technology.</p> <p>The Carbon Capture, Utilization, and Storage Innovation Act (H.R. 5865) would expand research into carbon capture and next-generation technologies to capture carbon emissions directly from the air.</p>	<p>House: Rep. David McKinley (R-W. Va.) introduced H.R. 1796, which has four Democratic cosponsors and was referred in March 2019 to the House Ways and Means Committee. McKinley also introduced H.R. 5865, a GOP-only bill, which was referred to the Energy and Commerce and other committees.</p> <p>Senate: Sens. John Hoeven (R-N.D.) and Tina Smith (D-Minn.) introduced S. 407 in February 2019. It was referred to the Senate Finance Committee. The bill has two other Democratic cosponsors: Sens. Joe Manchin (D-W.Va.) and Jon Tester (D-Mont.).</p>	<p>House and Senate: The legislation has support from a broad coalition of carbon capture supporters—including coal companies, labor unions, and some environmental groups. But prospects for passage in either chamber remain unclear. The bills are however separate from the bipartisan carbon capture tax credits, known as 45Q, that President Trump signed into law in 2018.</p> <p>Administration: The Trump administration hasn't taken a position on the bills, but it has generally supported carbon capture and storage incentives.</p>

Energy & Environment

	Legislative Purpose	Bill Status	Outlook
Energy Package	S. 2657 Introduced by Sens. Lisa Murkowski (R-Alaska) and Joe Manchin (D-W.Va.), the American Energy Innovation Act combines more than 50 energy efficiency, cybersecurity, and climate-friendly measures that have bipartisan Senate support. The measure would substantively revamp U.S. energy policy for the first time in roughly a dozen years and includes a bill (S. 1602) to launch battery energy storage demonstration projects introduced by Sen. Susan Collins (R-Maine).	House: There is no House companion to the Senate energy package, although House Energy and Commerce Committee Chairman Frank Pallone (D-N.J.) is readying a series of energy and climate measures in hopes of pushing those to passage on the House floor. The most ambitious of those proposals, the CLEAN Act, would set a federal clean energy standard directing utilities to get 100% of their power from clean energy sources. Senate: The energy package was brought to the Senate floor in March, but progress stalled during debate over an amendment to curb hydrofluorocarbons (HFCs), refrigerants that have an outsized impact in warming the planet. Negotiations continue between Sens. John Kennedy (R-La.) and Tom Carper (D-Del.), the amendment's authors, and Environment and Public Works Committee Chairman John Barrasso (R-Wyo.), who has opposed it.	House and Senate: The Senate legislation has broad support from Republicans and Democrats alike and Senate Majority Leader Mitch McConnell (R-Ky.) has vowed to return the bill to the floor if opposing senators can work out their differences. The outlook is unclear for various House energy and climate bills, as Democrats have yet to decide whether to pursue an ambitious climate bill before the 2020 presidential election or seek common ground on more modest proposals that President Trump could sign into law. Administration: The Trump administration hasn't taken a position on the Senate energy package, but it has expressed reservations about the Kennedy-Carper amendment. It would likely oppose any significant climate legislation advanced in the House.
Ethylene Oxide	H.R. 1152, S. 458 The legislation would require the EPA to revise the toxic air emissions standards for ethylene oxide based on the results of the National Center for Environmental Assessment.	House: H.R. 1152 , introduced in February 2019 by Rep. Brad Schneider (D-Ill.), was referred to the Energy and Commerce Committee. Senate: Sen. Dick Durbin (D-Ill.) introduced S. 458 on Feb. 12, 2019. The bill has been referred to the Senate Environment and Public Works Committee.	House and Senate: Schneider is trying to get a hearing or a markup scheduled in the House. The bill's future in the Senate is uncertain. Administration: The EPA has issued an advance notice to study options for reducing ethylene oxide standards for sterilization facilities, which were last updated in 2006. The agency is facing pressure to act from lawmakers whose districts have facilities that use the chemical.
Offshore Wind Careers	H.R. 3068, S. 1769 The Offshore Wind Jobs and Opportunity Act would provide career training grants to colleges and universities to support the offshore wind industry.	House: Rep. Bill Keating (D-Mass.) introduced H.R. 3068 , which the Natural Resources Committee approved in January. Senate: Sen. Ed Markey (D-Mass.) introduced S. 1769 in June 2019; it has been referred to the Senate Energy and Natural Resources Committee, which has taken no action.	House: The bill represents Democrats' interest in swiftly building up a workforce for the offshore wind industry, which remains in its infancy in the U.S. This legislation has the support of Rep. Jeff Van Drew (R-N.J.), whose state is expected to see economic gains if the offshore wind industry grows off the mid-Atlantic coast. The bill is expected to pass in the chamber. Senate: The Senate bill has only one GOP cosponsor, Sen. Susan Collins (R-Maine), and faces uncertain prospects.

	Legislative Purpose	Bill Status	Outlook
Offshore Wind Tax Credits	<p>H.R. 3473, S. 1957</p> <p>The Offshore Wind Incentives for New Development Act would provide an energy tax credit for investment in offshore wind power facilities that begin construction before 2026.</p>	<p>House: Rep. James Langevin (D-R.I.) introduced H.R. 3473 in June 2019 and it was referred to the House Ways and Means Committee.</p> <p>Senate: Sen. Ed Markey (D-Mass.) introduced S. 1957 in June 2019 and it was referred to Senate Finance Committee.</p>	<p>House: This legislation is part of Democrats' efforts to expedite offshore wind development in the U.S., where only one offshore wind farm has been built. The bill has one GOP cosponsor in the House, and is expected to advance there.</p> <p>Senate: The bill faces uncertain prospects in the Senate, where it currently lacks GOP support.</p>
Offshore Oil Drilling	<p>H.R. 1941, H.R. 205</p> <p>The Coastal and Marine Economies Protection Act (H.R. 1941) would extend the moratorium on oil and gas leasing off the East Coast.</p> <p>The Protecting and Securing Florida's Coastline Act (H.R. 205) would extend the offshore leasing ban to the Eastern Gulf Coast off of Florida's west coastline.</p>	<p>House: H.R. 1941 was introduced by Rep. Joe Cunningham (D-S.C.) and passed by the House in September by a 238-189 vote with the support of 12 Republicans. The House passed H.R. 205, introduced by Rep. Francis Rooney (R-Fla.), by a 248-180 vote in September with 22 GOP votes.</p> <p>Senate: The Senate Energy and Natural Resources Committee hasn't acted on either bill.</p>	<p>Senate: There has been no movement on either bill in the Senate, where they face uncertain prospects.</p> <p>House: Though most backing came from Democrats, some East Coast House Republicans supported the legislation because offshore drilling is unpopular in many coastal communities</p> <p>Administration: The president's senior advisors would recommend that he veto the bill, according to a White House statement.</p>
PFAS	<p>H.R. 535</p> <p>The PFAS Action Act would require the Environmental Protection Agency to create an enforceable limit for two chemicals, PFOA and PFOS, in drinking water within two years. The measure would list the two chemicals as hazardous substances under Superfund law, enabling the EPA to take action to pursue cost recovery and cleanup at contaminated sites. The chemicals, part of a family of per- and polyfluoroalkyl substances, are prevalent in consumer goods and firefighting foam.</p>	<p>House: Rep. Debbie Dingell (D-Mich.) introduced H.R. 535 in January 2019, and the House passed it 247-159 in January 2020.</p> <p>Senate: The bill has been referred to the Environment and Public Works Committee.</p>	<p>House and Senate: The Senate has little appetite for further PFAS provisions beyond those enacted in the fiscal 2020 National Defense Authorization Act. Members of the bipartisan Congressional PFAS Task Force are pushing the House Armed Services Committee to include H.R. 535's provisions in the fiscal 2021 NDAA, which sets policy for the Defense Department. The task force's proposed provisions relevant to the department include increased funding for PFAS cleanup, and blood testing for defense personnel and their dependents.</p> <p>Administration: The EPA's work on regulating PFAS chemicals continues through a plan the agency released in 2019. The White House threatened to veto H.R. 535 in January, saying it would put undue pressure on the EPA and other agencies to create new regulations.</p>

Energy & Environment

	Legislative Purpose	Bill Status	Outlook
Pipeline Safety	<p>H.R. 3432, H.R. 5120, H.R. 5175, S. 2299</p> <p>Several pending bills would reauthorize the Pipeline and Hazardous Materials Safety Administration through fiscal 2023.</p> <p>The agency's authorization expired Oct. 1, 2019, though Congress appropriated funds for fiscal 2020.</p> <p>The House and Senate haven't settled on authorization levels.</p> <p>The bills aim to improve communication between pipeline operators and first responders in the event of a disaster, and advance efforts to detect gas pipeline leaks before the lines fail, among other provisions.</p> <p>House Democrats have proposed the Safer Pipelines Act (H.R. 3432) and the Safe, Accountable, Fair, and Environmentally Responsible (SAFER) Pipelines Act (H.R. 5120), while House Republicans have offered the Pipeline Safety Improvement Act (H.R. 5175). The Senate version is the PIPES Act (S. 2299).</p>	<p>House: H.R. 5120 was introduced by Rep. Peter DeFazio (D-Ore.), chairman of the Transportation and Infrastructure Committee, while H.R. 3432 was introduced by Rep. Bobby Rush (D-Ill.), chairman of the Energy and Commerce Subcommittee on Energy. Both committees approved their bills in November after rejecting multiple amendments from Republicans.</p> <p>Republicans on DeFazio's committee introduced H.R. 5175 in response to House Democrats' opposition to their suggested changes.</p> <p>Senate: S. 2299 was introduced by Sen. Deb Fischer (R-Neb.). The Commerce, Science, and Transportation Committee approved the bill by voice vote in July.</p>	<p>House and Senate: Rifts emerged in the House versions of PHMSA reauthorization legislation months after the Senate Commerce, Science, and Transportation Committee voted in favor of the bill.</p> <p>Republicans say the majority's bill would put unnecessary burdens on pipeline operators to comply with additional safety regulations.</p> <p>The Interstate Natural Gas Association of America supports the House Republicans' bill, which would offer more flexibility for PHMSA's research and development programs.</p>
Water Infrastructure	<p>Not yet introduced.</p> <p>Senate and House lawmakers are working on proposals to improve aging water infrastructure projects that they typically reauthorize every two years.</p> <p>A House draft seeks \$25 billion for water and wastewater projects.</p> <p>The Senate is drafting two bills. One, the American Water Infrastructure Act of 2020, would authorize \$17 billion, mostly for U.S. Army Corps of Engineers water infrastructure projects.</p> <p>The Drinking Water Infrastructure Act would authorize \$2.5 billion for programs to clean up PFAS and other contaminants, among other programs. The bill also would reauthorize a safe drinking water emergency fund.</p>	<p>House: Draft infrastructure legislation was released by Speaker Nancy Pelosi (D-Calif.). The water and wastewater components are supported by Reps. Frank Pallone (D-N.J.) and Peter DeFazio (D-Ore.). The bill was supposed to be part of the stimulus package, but so far hasn't moved.</p> <p>The House Transportation and Infrastructure Committee kicked off a process for the next Water Resources Development Act earlier last year, including holding hearings.</p> <p>Senate: Sens. John Barrasso (R-Wyo.), chairman of the Environment and Public Works Committee, and Tom Carper (D-Del.), the committee's ranking Democrat, jointly released draft bills April 21.</p>	<p>House: The Transportation and Infrastructure Committee is aiming to release a bill by the end of May.</p> <p>Leaders could seek to include water provisions in a broader infrastructure package, such as in a coronavirus stimulus measure.</p> <p>Senate: The projects authorized under these bills have bipartisan support in the Senate, but the Environment and Public Works Committee won't finalize them until it has received comment. The committee invited five groups, including the Association of Metropolitan Water Agencies, to comment, and requested comments by May 1 from other interested stakeholders.</p> <p>Despite Democratic support, Senate Majority Leader Mitch McConnell (R-Ky.) has thus far resisted including infrastructure provisions in the next coronavirus package.</p>

	Legislative Purpose	Bill Status	Outlook
Wildlife	H.R. 5552 The Migratory Bird Protection Act would prohibit the accidental killing of migratory birds by commercial activities without a permit. For more than a century, every administration interpreted the Migratory Bird Treaty Act as applying to unintentional bird killings. The Trump administration reversed that interpretation in 2017, declaring the MBTA applies only to intentional bird killings. The bill would codify the long-standing interpretation of the MBTA as applying to unintentional bird killings.	House: Rep. Alan Lowenthal (D-Calif.) introduced the bill on Jan. 8, 2020, and the Natural Resources Committee approved it, 20-14, later that month along party lines.	House: The Interior Department's declaration that accidental bird killings won't be severely punished inspired Democrats to initially move quickly on this bipartisan bill, which has three GOP sponsors. Republicans on the House Natural Resources Committee said they worry industrial activities could be curtailed because of the bill, including offshore wind development, but Democrats said the MBTA has never had that effect. Senate: The House will likely pass the bill, but its prospects in the Senate are uncertain.

To contact the reporters: Sylvia Carignan at scarignan@bloombergindustry.com; Bobby Magill at bmagill@bloombergindustry.com; Amena H. Saiyid at asaiyid@bloombergindustry.com; Dean Scott at dscott@bloombergindustry.com

To contact the editors: Gregory Henderson at ghenderson@bloombergindustry.com; Rebecca Baker at rbaker@bloombergindustry.com; Chuck McCutcheon at cmccutcheon@bloombergindustry.com; Anna Yukhananov at ayukhananov@bloombergindustry.com



Financial Services

	Legislative Purpose	Bill Status	Outlook
Beneficial Ownership	<p>H.R. 2513, S. 1889, S. 1978, S. 2563</p> <p>Lawmakers are weighing several proposals that would require shell companies and similar entities to disclose their true beneficial owners.</p> <p>They include the Corporate Transparency Act (H.R. 2513, S. 1978), TITLE Act (S. 1889), and ILLICIT CASH Act (S. 2563).</p> <p>The measures would direct covered entities to reveal their beneficial owners when forming a corporation or limited liability company under state or tribal laws.</p> <p>They include exemptions for financial institutions and other companies already subject to disclosure requirements, and for businesses that exceed thresholds for employees and sales.</p> <p>The information could be shared with law enforcement agencies, and with financial institutions subject to “know your customer” requirements under anti-money laundering laws.</p>	<p>House: The House passed H.R. 2513 on Oct. 22, 2019, by a 249-173 vote, with 25 Republicans backing the measure. The bill was introduced by Oversight and Reform Chairwoman Carolyn Maloney (D-N.Y.).</p> <p>Senate: S. 1978 was introduced June 26, 2019, by Sen. Ron Wyden (D-Ore.) and two cosponsors, including Sen. Marco Rubio (R-Fla.), and referred to the Senate Banking, Housing, and Urban Affairs Committee, which hasn’t considered it.</p> <p>The Banking panel also hasn’t acted on S. 2563, which was introduced Sept. 26, 2019, by Sen. Mark Warner (D-Va.), and has nine cosponsors, including five Republicans.</p> <p>The Senate Judiciary Committee hasn’t considered S. 1889, which was introduced June 18, 2019, by Sen. Sheldon Whitehouse (D-R.I.) and has two cosponsors, including Judiciary Chairman Chuck Grassley (R-Iowa).</p>	<p>Senate: Senate leaders haven’t announced plans to take up the House-passed measure or the Senate proposals. Banking Chairman Mike Crapo (R-Idaho) expressed support for making shell company ownership data more accessible to law enforcement, but hasn’t scheduled a markup.</p> <p>Administration: The White House was generally supportive of H.R. 2513 in an October 2019 statement of administration policy, though it proposed limiting disclosure requirements for smaller business, among other changes.</p>
Cannabis Banking	<p>H.R. 1595, S. 1200</p> <p>The SAFE Banking Act would shield banks, credit unions, insurers, and payment processors from federal enforcement actions if they provide financial services to state-approved marijuana businesses.</p> <p>The measure would make it easier for the cannabis industry to access the banking system instead of relying on cash transactions, which pose a risk for robberies and spreading the coronavirus. Most financial institutions have refused to do business with marijuana companies while it remains a federally controlled substance.</p> <p>The House-passed bill (H.R. 1595) also includes provisions to protect legalized hemp, and to bar financial regulators from pressuring banks to drop clients such as gun retailers and payday lenders that were targeted under an Obama-era program.</p>	<p>House: The House passed H.R. 1595 on Sept. 25, 2019, by a 321-103 vote, with the support of 91 Republicans. The bill was introduced by Rep. Ed Perlmutter (D-Colo.).</p> <p>Senate: Sen. Jeff Merkley (D-Ore.) introduced S. 1200 on April 11, 2019, and it was referred to the Senate Banking, Housing, and Urban Affairs Committee. The measure has more than 30 cosponsors, including five Republicans.</p>	<p>House: Perlmutter said he’s pushing to add the SAFE Banking Act to a coronavirus response package.</p> <p>Senate: Banking Chairman Mike Crapo (R-Idaho) said he has “significant concerns” with the House-passed measure, despite provisions that were added to entice Republicans, according to a Dec. 18 statement. He proposed changes to address money laundering concerns, among other issues. Sen. Cory Gardner (R-Colo.), an original cosponsor of S. 1200, is still pushing to reach a deal on the legislation as he faces a tough re-election bid.</p> <p>Administration: The White House hasn’t announced a position on the measure.</p>

	Legislative Purpose	Bill Status	Outlook
Compensating Investors	<p>H.R. 4344, S. 799</p> <p>Lawmakers have proposed legislation to give the Securities and Exchange Commission more time to claw back illegal profits from Ponzi schemers and other fraudsters.</p> <p>The measures would overturn a unanimous 2017 Supreme Court decision, <i>Kokesh v. Securities and Exchange Commission</i>, which held that SEC disgorgement, or recoupment of ill-gotten gains, is subject to a five-year statute of limitations that restricts other penalties.</p> <p>The Supreme Court in March heard arguments in a case, <i>Liu v. Securities and Exchange Commission</i>, that could further limit the SEC's disgorgement authority.</p> <p>The Investor Protection and Capital Markets Fairness Act (H.R. 4344) would explicitly authorize the SEC to seek court orders for disgorgement, as well as injunctions barring individuals from serving as officers or directors of publicly traded companies, and would provide a 14-year statute of limitations for such enforcement actions.</p> <p>The Securities Fraud Enforcement and Investor Compensation Act (S. 799) would increase the statute of limitations to 10 years.</p>	<p>House: The House passed H.R. 4344 on Nov. 18, 2019, by a vote of 314-95, with the backing of 93 Republicans. The measure was introduced by Rep. Ben McAdams (D-Utah).</p> <p>Senate: Sens. Mark Warner (D-Va.) and John Kennedy (R-La.) introduced S. 799 on March 14, 2019, and it was referred to the Senate Banking, Housing, and Urban Affairs Committee.</p>	<p>Senate: Senate leaders haven't announced plans to take up the legislation.</p> <p>Administration: SEC Chairman Jay Clayton expressed support for the legislation. He said it would "ensure that sophisticated fraudsters who carry out some of the most harmful frauds, including Ponzi schemes that can defraud investors for long periods of time before being uncovered, cannot keep their victims' money," according to a dear colleague letter from McAdams.</p>

Corporate Workforce Disclosures	<p>H.R. 5084, H.R. 5930, S. 360, S. 3361</p> <p>The Improving Corporate Governance Through Diversity Act (H.R. 5084, S. 360) would require publicly traded companies to disclose the race, ethnicity, gender, and veteran status of their board members, nominees, and executives. H.R. 5084 would also create an SEC advisory panel to issue recommendations for increasing board diversity.</p> <p>The Workforce Investment Disclosure Act (H.R. 5930, S. 3361) would direct companies to tell investors about their human capital management practices, including information on workforce demographics, diversity, and workforce culture.</p>	<p>House: The House passed H.R. 5084 on Nov. 19, 2019, by a vote of 281-135, with 55 Republicans supporting the measure. The bill was introduced by Rep. Gregory Meeks (D-N.Y.).</p> <p>The House Financial Services Committee approved H.R. 5930 at a February markup by a 33-25 party-line vote. Rep. Cindy Axne (D-Iowa) introduced the measure.</p> <p>Senate: The Senate Banking, Housing, and Urban Affairs Committee hasn't considered S. 360, which was introduced Feb. 6, 2019, by Sen. Bob Menendez (D-N.J.), and has three Democratic cosponsors.</p> <p>It also hasn't acted on S. 3361, which was introduced Feb. 27 by Sen. Mark Warner (D-Va.).</p>	<p>House: H.R. 5930 is ready for a floor vote, though House leaders haven't announced plans to take it up. Financial Services Committee Republicans said the bill would impose undue compliance costs on publicly traded companies and lead to misleading disclosures.</p> <p>Senate: Senate leaders haven't announced plans to take up the measures, which face a slim chance of passage in the Republican-controlled chamber.</p> <p>Administration: SEC Chairman Jay Clayton has generally supported improved workforce disclosures.</p>
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Financial Services

	Legislative Purpose	Bill Status	Outlook
Flood Insurance	<p>H.R. 3167, H.R. 3872, S. 2187</p> <p>Lawmakers have put forth various proposals to reauthorize and overhaul the National Flood Insurance Program, which is set to expire Sept. 30 along with funding for federal agencies.</p> <p>The National Flood Insurance Program Reauthorization Act (H.R. 3167), introduced when the program was set to run through fiscal 2019, would reauthorize it through fiscal 2024; authorize \$500 million a year for flood risk maps, and \$200 million annually for Flood Mitigation Assistance grants; and offer discounted rates to low-income families, among other provisions.</p> <p>The National Flood Insurance Program Reauthorization and Reform Act (H.R. 3872, S. 2187) would reauthorize the program through fiscal 2024; authorize \$400 million a year for flood risk maps, and \$1 billion annually for Flood Mitigation Assistance grants; temporarily reduce a cap on annual premium increases; and freeze the program's debt interest payments for five years with no accrual.</p>	<p>House: The House Financial Services Committee approved H.R. 3167, introduced by Chairwoman Maxine Waters (D-Calif.), by a 58-0 vote at a June 2019 markup.</p> <p>The Financial Services and Transportation and Infrastructure committees haven't acted on H.R. 3872, which was introduced July 22, 2019, by Energy and Commerce Chairman Frank Pallone (D-N.J.). The measure has 18 cosponsors, including three Republicans from flood-prone states.</p> <p>Senate: The Senate Banking, Housing, and Urban Affairs Committee hasn't considered S. 2187, which was introduced July 18, 2019, by Sen. Bob Menendez (D-N.J.) and 10 cosponsors, including four Republicans.</p>	<p>House and Senate: House and Senate leaders haven't announced plans to vote on a broad reauthorization measure, despite some bipartisan support.</p> <p>Lawmakers have passed more than a dozen short-term extensions of the program since the last major reauthorization (Public Law 112-141) expired at the end of fiscal 2017, and could advance another, possibly tied to an appropriations bill.</p> <p>Some lawmakers want to limit premium increases before a new FEMA initiative called Risk Rating 2.0 takes effect, potentially increasing costs for some policyholders. Others are concerned that reduced premium levels would jeopardize the long-term financial health of the flood insurance program and make it harder for private insurers to compete.</p> <p>Administration: The White House hasn't announced a position on the legislation.</p> <p>FEMA announced last year that it's delaying the implementation of Risk Rating 2.0 until Oct. 1, 2021.</p>

Insider Trading

H.R. 624, H.R. 2534, H.R. 4335, S. 573, S. 2488

The Promoting Transparent Standards for Corporate Insiders Act (**H.R. 624, S. 573**) would require the Securities and Exchange Commission to consider placing additional restrictions on executives and corporate insiders who buy and sell company shares under Rule 10b5-1 trading plans.

The Insider Trading Prohibition Act (**H.R. 2534**) would codify and expand a ban on insider trading of corporate securities, making it easier for the government to prosecute cases against company insiders and recipients of confidential tips.

The 8-K Trading Gap Act (**H.R. 4335, S. 2488**) would bar executives at publicly traded companies from buying or selling company stock after major corporate events occur and before they're disclosed to investors and the public.

House: The House passed the legislation as follows: **H.R. 624**, from Financial Services Chairwoman Maxine Waters (D-Calif.), by a 413-3 vote on Jan. 28, 2019; **H.R. 2534**, from Rep. Jim Himes (D-Conn.), by a 410-13 vote on Dec. 5, 2019; and **H.R. 4335**, from Oversight and Reform Chairwoman Carolyn Maloney (D-N.Y.), by a 384-7 vote on Jan. 13, 2020.

Senate: **S. 573** was introduced Feb. 27, 2019, by Sens. Chris Van Hollen (D-Md.) and Deb Fischer (R-Neb.). Van Hollen is also the sponsor of **S. 2488**, which he introduced Sept. 17, 2019. Both bills were referred to the Senate Banking, Housing, and Urban Affairs Committee, which hasn't acted.

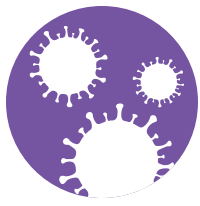
Senate: Senate leaders haven't announced plans to take up any of the measures.

Administration: The Trump administration hasn't announced a position on the legislation. SEC Chairman Jay Clayton told lawmakers in 2017 that he liked the concept of a rule that would bar trading during the gap before major corporate events are publicly disclosed.

	Legislative Purpose	Bill Status	Outlook
Pandemic Risk Insurance	<p>H.R. 6494, H.R. 6497</p> <p>House Democrats are developing legislation that would require insurance companies to offer business interruption policies that cover losses from pandemics. They've also proposed a federal backstop that would require the government to pay a portion of losses after private insurers pay substantial claims, similar to terrorism risk insurance.</p> <p>The Business Interruption Insurance Coverage Act (H.R. 6494) would require business interruption policies to cover losses from viral pandemics and forced business closures.</p> <p>The Never Again Small Business Protection Act (H.R. 6497) would direct insurers to offer coverage for losses resulting from a government order to cease operations during a national emergency, but only if the Treasury Department certifies there's a federal backstop in place. Coverage would be denied if businesses fire employees or terminate their health insurance during an emergency.</p>	<p>House: House Oversight and Reform Chairwoman Carolyn Maloney (D-N.Y.) circulated a dear colleague letter to build support for the proposed Pandemic Risk Insurance Act, including a federal backstop.</p> <p>Rep. Mike Thompson (D-Calif.) introduced H.R. 6494 on April 14. The bill initially had nine cosponsors, though three -- including the sole Republican cosponsor, Rep. Mike Rogers (R-Ala.) -- later withdrew their support.</p> <p>Rep. Brian Fitzpatrick (R-Pa.) introduced H.R. 6497 on April 14, and it has four cosponsors, including three Democrats.</p> <p>Senate: No companion measure has been introduced.</p>	<p>House: House Financial Services Chairwoman Maxine Waters (D-Calif.) has pushed to create a pandemic risk insurance program as part of a coronavirus relief package. The committee hasn't announced action on the stand-alone measures.</p> <p>Senate: Seven Republican senators, including Banking Chairman Mike Crapo (R-Idaho), wrote in an April 10 letter that they're "very skeptical" of proposals to create a program similar to terrorism risk insurance for future pandemics. They also opposed retroactively changing business interruption policies to cover pandemics and viruses.</p> <p>Administration: The White House hasn't announced a position on proposed legislation. At an April 10 press briefing, President Donald Trump said some existing business interruption policies should cover losses resulting from the coronavirus pandemic. "I would like to see the insurance companies pay if they need to pay, if it's fair," he said.</p>

To contact the analyst: Michael Smallberg at msmallberg@bloombergindustry.com

To contact the editors: Loren Duggan at lduggan@bloombergindustry.com; Adam Schank at aschank@bloombergindustry.com



Health Care

	Legislative Purpose	Bill Status	Outlook
Drug Patents	<p>H.R. 2374, H.R. 2376, H.R. 3991, H.R. 5133, S. 440, S. 1224, S. 1227, S. 1416</p> <p>The bills are aimed at lowering the cost of prescription drugs by addressing drugmakers' certain anticompetitive behaviors, such as blocking development of generic versions of their products. Lawmakers have increasingly looked to patent-law abuses as a source for rising drug costs.</p>	<p>House: The Judiciary Committee approved H.R. 2374 and H.R. 2376 by voice vote on April 30, 2019, as well as H.R. 3991 and H.R. 5133 on Nov. 20. The Energy and Commerce Subcommittee on Health held a May 21, 2019, hearing on H.R. 2376.</p> <p>Senate: The Senate Judiciary Committee approved four bills (S. 1227, S. 440, S. 1224, and S. 1416) in June 2019. S. 440 was approved by a 12-10 vote while the others were approved unanimously or by voice vote.</p>	<p>House: In March, leaders planned to incorporate H.R. 3991 and H.R. 5133 into a measure to overturn the president's travel bans, but scrapped a vote on the package. House leaders haven't signaled if or when they'll bring any drug patent bills up for floor votes.</p> <p>Senate: Committee leaders are still debating whether drug patent legislation can be packaged with surprise billing or other health legislation.</p> <p>Administration: The White House hasn't specifically commented on the issue.</p>
Drug Pricing	<p>H.R. 3, S. 2543</p> <p>Before the coronavirus pandemic, the rising cost of prescription drugs was a focal point for Congress and the White House.</p> <p>Senate Finance Committee leaders agreed on a bipartisan package of drug-pricing measures that would, among other things, cap out-of-pocket costs for the elderly in Medicare Part D at \$3,100 and limit how much drugmakers can raise their prices in Medicare.</p> <p>In the House, Democrats last year rallied around legislation to empower the federal government to demand lower prices for many medicines. Since the outbreak of Covid-19, Democrats in the House have sought price controls on medicines and any vaccines developed for Covid-19.</p>	<p>House: H.R. 3 was passed largely along party lines in December. A group of four House Democrats led by Rep. Jan Schakowsky (Ill.) have sought to deny exclusivity to any company that develops a vaccine or therapeutic treatment for Covid-19.</p> <p>Senate: The Finance Committee marked up an outline of a package of drug-pricing bills, then later introduced S. 2543.</p>	<p>House: Democratic leaders have largely stopped their once-vocal demands for H.R. 3 or other major drug-pricing measures, as Congress focuses more on other economic measures to address growing unemployment related to Covid-19.</p> <p>Senate: Finance Chairman Chuck Grassley (R-Iowa) has been trying to rally enough Republicans in support of his legislation to persuade Majority Leader Mitch McConnell (R-Ky.) to bring it to a vote or attach it to extensions for several popular health programs that were set to expire in May. However, Congress as part of a coronavirus stimulus package extended those programs.</p> <p>Administration: The White House has thrown its support behind S. 2543 but without backing the attachment of drug-pricing measures to coronavirus-related legislation.</p>

	Legislative Purpose	Bill Status	Outlook
Drug Shortages	<p>H.R. 4710, H.R. 6080</p> <p>The coronavirus spread has reignited the push in Congress to expand domestic manufacturing of prescription drugs and renewed concerns the U.S. relies too much on foreign medicine makers.</p> <p>The need for medicines can be urgent during a pandemic and lawmakers on both sides of the aisle have raised alarms about possible shortages.</p>	<p>House: Anna Eshoo (D-Calif.), the chairwoman of the House Energy and Commerce Health Subcommittee, has been pushing for a bill to expand U.S. manufacturing of pharmaceutical products. That bill has yet to be introduced.</p> <p>Senate: No hearings have been scheduled.</p>	<p>House: John Garamendi (D-Calif.) and Vicky Hartzler (R-Mo.) want to use the fiscal 2021 defense authorization bill to strengthen U.S.-based pharmaceutical manufacturing and advance “make it in America” policies that favor domestic drug-production plants.</p> <p>Senate: Senators have favored pushing the Trump administration to use its powers to support more domestic manufacturing.</p> <p>Administration: The White House hasn’t taken up this issue.</p>
Medicare for All	<p>H.R. 1384, S. 1129</p> <p>The bills would create similar single-payer health systems that would ban most private insurance and expand benefits with little or no out-of-pocket costs.</p> <p>Some offsets have been floated, such as increased taxes on the wealthy, but aren’t included in the legislation.</p> <p>Other iterations of “Medicare for All” include government health plans as a public option (H.R. 2000, S. 981, H.R. 2085, S. 1033); expanding Medicaid (H.R. 1277, S. 489); or a Medicare buy-in at age 50 (H.R. 1346, S. 470).</p>	<p>House: Rep. Pramila Jayapal (D-Wash.) introduced H.R. 1384 in February 2019, and has garnered 118 cosponsors.</p> <p>Senate: Bernie Sanders (I-Vt.) introduced his version on April 10, 2019, with 14 cosponsors, including several who competed with him for the Democratic presidential nomination.</p>	<p>House: Three committees have held hearings on H.R. 1384 and Jayapal has said she’s pushing for more this year. The next likely hearing would occur in the Energy and Commerce Committee.</p> <p>Senate: Majority Leader Mitch McConnell (R-Ky.) has dismissed the idea as a socialist takeover of health care, but Republicans have said they may hold a vote on the Sanders bill just to pressure Democrats facing reelection in 2020.</p> <p>Administration: The Trump administration has vocally opposed any expansion of government-run health programs.</p>
Surprise Billing	<p>H.R. 3630, H.R. 5800, H.R. 5826, S. 1895</p> <p>Surprise billing refers to insured patients facing high medical bills for out-of-network treatment. Leading legislative proposals are aimed at ending balance billing, where a doctor or facility can’t agree with an insurer on the cost of services and charge the patient anything more than the insurer will pay.</p>	<p>House: The Energy and Commerce Committee added H.R. 3630 to a broader measure (H.R. 2328) approved by voice vote on July 17. The House Education and Labor Committee approved H.R. 5800 by a 32-13 vote Feb. 11. The House Ways and Means Committee approved H.R. 5826 by a voice vote Feb. 12.</p> <p>Senate: The Health, Education, Labor, and Pensions Committee approved S. 1895 on June 26 by a 20-3 vote.</p>	<p>House: Committee heads are discussing a compromise among the three competing surprise billing proposals. At the same time, the heads of the Energy and Commerce Committee are pushing to get their legislation into one of the coronavirus-related packages.</p> <p>Senate: Lamar Alexander (R-Tenn.), head of the Senate HELP Committee, is working with the heads of the House Energy and Commerce Committee to pass a surprise medical billing fix as part of a coronavirus-related package of bills.</p> <p>Administration: The White House has supported adding a surprise billing fix to a coronavirus package.</p>

To contact the reporter: Alex Ruoff in Washington at aruoff@bloombergindustry.com

To contact the editors: Paul Hendrie at phendrie@bloombergindustry.com; Robin Meszoly at rmeszoly@bloombergindustry.com



Homeland Security

	Legislative Purpose	Bill Status	Outlook
Chemical Facilities	<p>H.R. 3256, H.R. 6160, S. 3416</p> <p>Lawmakers are weighing proposals to reauthorize the Homeland Security Department's Chemical Facility Anti-Terrorism Standards (CFATS) program, which requires some facilities with high-risk chemicals to adopt security plans and comply with risk-based performance standards.</p> <p>The program was extended through July 23 under the CARES Act (Public Law 116-136).</p> <p>H.R. 6160, passed before the CARES Act was enacted, would extend the program into October 2021 with no changes.</p> <p>H.R. 3256 would extend the program through May 1, 2025, require DHS to take steps that could expand it to cover additional facilities, and require facility operators to consult with employees when developing security plans.</p> <p>S. 3416 would make other sweeping changes that would expire five years and 30 days after the bill's enactment, such as letting DHS exempt additional substances and facility operators from the program.</p>	<p>House: The House passed H.R. 6160 by unanimous consent on March 14. It was introduced March 9 by House Homeland Security Chairman Bennie Thompson (D-Miss.).</p> <p>The Homeland Security Committee approved H.R. 3256 by a 14-12 party-line vote in June 2019; the Energy and Commerce Committee, which shares jurisdiction, didn't consider the bill.</p> <p>Senate: Senate Homeland Security and Governmental Affairs Chairman Ron Johnson (R-Wis.) introduced S. 3416 on March 5. It was listed for consideration at a March 11 markup, but the committee postponed action on the measure.</p>	<p>House: House leaders haven't announced plans to take up a broader reauthorization. Lawmakers could provide another short-term extension ahead of the July 23 deadline.</p> <p>Senate: The Homeland Security and Governmental Affairs Committee hasn't rescheduled a markup on S. 3416. Johnson agrees with the Trump administration's proposal to replace the current program with a voluntary system, a committee spokesman told Bloomberg Government.</p> <p>Administration: The administration proposed ending the CFATS program and increasing funds for the Protective Security Advisor Program, through which DHS deploys subject-matter experts to work with state and local governments and private facility owners to safeguard critical infrastructure.</p> <p>Those changes would allow DHS to "provide voluntary support for chemical production facilities without the unnecessary burden of regulatory requirements," the department wrote in its fiscal 2021 budget request.</p>

	Legislative Purpose	Bill Status	Outlook
Coast Guard	<p>H.R. 367, H.R. 3409, S. 2297</p> <p>Bills (H.R. 3409, S. 2297) to authorize funding for Coast Guard programs for fiscal 2020 and 2021 have advanced in both chambers. The Senate version approved in committee would authorize six more icebreakers, while the House-passed version wouldn't.</p> <p>Members in both chambers have supported a provision to ensure that Coast Guard members would receive pay and allowances even in the event of a lapse in federal funding. The bills would cover pay for active duty and reserve members, civilian employees, contractors, retired members, and for other circumstances. The Senate measure would continue Coast Guard pay only if the Department Defense was funded.</p> <p>The Jones Act requires ships that transport goods between U.S. ports to be American flagged. The House bill would create a more stringent waiver requirement for foreign vessels to be used if the Transportation Department determines that there are no qualified U.S.-flag vessels available. The Senate bill wouldn't change the current standard.</p>	<p>House: The House passed H.R. 3409 last July by voice vote after leaders removed the pay language to ensure it could pass with a two-thirds majority.</p> <p>The Transportation and Infrastructure Committee approved Chairman Peter DeFazio's (D-Ore.) stand-alone pay bill (H.R. 367) in March 2019.</p> <p>Senate: The Senate Commerce, Science, and Transportation Committee last July approved its Coast Guard authorization, which included a shutdown pay provision, by voice vote. The legislation was introduced by Dan Sullivan (R-Alaska), who had previously cosponsored a stand-alone bill (S. 21).</p>	<p>House and Senate: Negotiations continue on the authorization. The final bill will include several icebreakers as well as a compromise on the Jones Act.</p> <p>House and Senate authorizers are seeking any chance to move a compromise bill, whether on a Covid-19 relief bill or another route.</p> <p>Members of both chambers have concerns about pay parity costs; and both sides are trying to find a path forward.</p> <p>Administration: The fiscal 2021 budget request included one polar icebreaker. Coast Guard Admiral Karl Schultz said in interviews this spring that he hopes the pay parity provision would be in a reauthorization.</p>

Cybersecurity Infrastructure

H.R. 5680, H.R. 5823, S. 3045, S. 3207

H.R. 5680 and **S. 3045** would authorize the Cybersecurity and Infrastructure Security Agency to identify and notify critical infrastructure entities of cybersecurity vulnerabilities on their systems. The House bill has more privacy safeguards.

H.R. 5823 would create a \$400 million grant program for local and state officials to improve their cybersecurity.

S. 3207 would provide states and localities with more federal cybersecurity advisers.

House: The Homeland Security Committee approved **H.R. 5680** in January and **H.R. 5823** in February.

Senate: **S. 3045** and **S. 3207** were both approved by the Homeland Security and Governmental Affairs Committee unanimously in March.

House: **H.R. 5680** and **H.R. 5823** remain top legislative priorities for Homeland Security Chairman Bennie Thompson (D-Miss.), according to a committee aide.

Senate: Homeland Security Committee Chairman Ron Johnson (R-Wis.) is looking for opportunities for both chambers to pass **S. 3045** and **S. 3207**, an aide said.

Administration: Cybersecurity and Infrastructure Security Agency Director Chris Krebs told reporters in February that **S. 3045** is his top legislative priority. He also supports **S. 3207**, he told senators at a February hearing.

To contact the reporters: Shaun Courtney in Washington at scourtney@bloombergindustry.com; Michael Smallberg at msmallberg@bloombergindustry.com

To contact the editors: Paul Hendrie at phendrie@bloombergindustry.com; Robin Meszoly at rmeszoly@bloombergindustry.com; Loren Duggan at lduggan@bloombergindustry.com



Immigration

	Legislative Purpose	Bill Status	Outlook
Detention Standards	<p>H.R. 3239, S. 2135</p> <p>The Humanitarian Standards for Individuals in Customs and Border Protection Custody Act would set minimum standards for the health care, hygiene, food, and shelter of immigration detainees.</p>	<p>House: The House passed H.R. 3239 by a 233-195 vote on July 24, with only one Republican in support.</p> <p>Senate: Sen. Tom Udall (D-N.M.) introduced S. 2135 on July 17. Its two cosponsors are Democrats, and it was referred to Judiciary Committee.</p>	<p>Administration: The White House threatened to veto H.R. 3239 saying it's overly broad, it would require the overhaul of facilities, and would increase the cost and time of short-term immigration detention.</p>
Employment Visas	<p>H.R. 1044, H.R. 2895, H.R. 6507, S. 386, S. 948, S. 1103</p> <p>The Fairness for High-Skilled Immigrants Act (H.R. 1044, S. 386) would eliminate per-country caps on job-based green cards.</p> <p>The COVID-19 Employment Authorization Document Extension Act (H.R. 6507) would automatically extend visa holders' employment authorization during the pandemic. The Conrad State 30 and Physician Access Reauthorization Act (H.R. 2895) would increase the number of waivers available to J-1 nonimmigrant visas for physicians to practice in rural or underserved areas, and extend statutory authority for the program through fiscal 2021.</p> <p>The Reforming American Immigration for a Strong Economy (RAISE) Act (S. 1103) would create a skills-based point system for immigration and eliminate diversity and extended family visas, reducing immigration overall.</p>	<p>House: The House passed H.R. 1044 on July 10, by a vote of 365-65. Rep. Grace Meng (D-N.Y.) introduced H.R. 6507 on April 14; it has 14 Democratic cosponsors and was referred to the Judiciary Committee.</p> <p>Rep. Brad Schneider (D-Ill.) introduced H.R. 2895 on May 22, 2019; it was referred to the Judiciary Committee and is cosponsored by 47 Democrats and 39 Republicans.</p> <p>Senate: Introduced Feb. 7, 2019, by Sens. Mike Lee (R-Utah) and Kamala Harris (D-Calif.), S. 386 has 34 other cosponsors.</p> <p>S. 948 was introduced March 28, 2019, by Sen. Amy Klobuchar (D-Minn.) and is cosponsored by eight Republicans, six Democrats, and one Independent.</p> <p>S. 1103, which is cosponsored by three Republicans, was introduced April 10, 2019, by Sen. Tom Cotton (R-Ark.).</p> <p>All the bills were referred to the Senate Judiciary Committee.</p>	<p>House: The Covid-19 pandemic has renewed a push to reduce barriers for foreign-born medical providers to practice in the U.S. The Conrad 30 Program has been part of those talks. Democrats have been vocal about alleviating the threat of visa deadlines for guest workers in the U.S.</p> <p>Senate: Lee has tried to bring the country cap measure to the floor, despite opposition from both parties. The Republican majority also hasn't responded to calls to suspend visa deadlines during the pandemic.</p> <p>Administration: President Donald Trump's April 22 executive order, which bars entry to green card applicants outside of the U.S. for 60 days, is similar to provisions in S. 1103.</p>

	Legislative Purpose	Bill Status	Outlook
Farm Workers	<p>H.R. 5038</p> <p>The Farm Workforce Modernization Act (H.R. 5038) would allow undocumented agricultural workers to qualify for a new temporary immigration status or permanent legal status.</p>	<p>House: The House passed H.R. 5038 on Dec. 11, 2019, by a vote of 260-165.</p> <p>Senate: The House measure was referred to the Senate Judiciary Committee.</p>	<p>Senate: There's no Senate companion to H.R. 5038.</p> <p>Administration: Temporary visas for agricultural guest workers have been one area of employment-based immigration that the White House has made an effort to preserve. H-2A workers were deemed "essential" in the travel restriction agreements with Mexico, and DHS has relaxed the program's rules through the pandemic.</p>
Legal Status	<p>H.R. 6, S. 874, S. 879</p> <p>The American Dream and Promise Act (H.R. 6) would grant legal status to young undocumented immigrants who came to the U.S. as children and were allowed to stay under the Deferred Action for Childhood Arrivals (DACA) policy. It 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).</p> <p>The Dream Act (S. 874) and Safe Environment from Countries Under Repression and in Emergency (SECURE) Act (S. 879) would grant legal status to young immigrants and TPS holders via two separate bills.</p>	<p>House: The House passed H.R. 6 on June 4, 2019, by a vote of 237-187.</p> <p>Senate: S. 874 was introduced by Sens. Lindsey Graham (R-S.C.) and Richard Durbin (D-Ill.) on March 26, 2019, and is cosponsored by two additional Democrats and two Republicans.</p> <p>Sen. Chris Van Hollen (D-Md.) introduced S. 879 on March 26, 2019. It has 32 cosponsors, all from the Democratic caucus. Both bills were referred to the Judiciary Committee.</p>	<p>Senate: The Republican-led Senate hasn't acted on legislation that would give DACA recipients permanent status despite the Dream Act's bipartisan support.</p> <p>Administration: Trump, who ended the DACA policy, has been open to legalizing dreamers if other immigration and border security demands are met. The Supreme Court, however, could rule by the summer on the legality of the administration's decision to cancel the program in <i>DHS v. Regents of the University of California</i>. There could be a push for a legislative solution if SCOTUS upholds the administration's action.</p>

Immigration

	Legislative Purpose	Bill Status	Outlook
Travel Ban and Border Enforcement	<p>H.R. 2214, H.R. 2486, H.R. 5581, S. 1123, S. 2219</p> <p>The National Origin-Based Antidiscrimination for Nonimmigrants (NO BAN) Act (H.R. 2214, S. 1123) would undo Trump's bans on entry and immigration by nationals of certain countries and limit his authority to implement future bans. Efforts to contain a major communicable disease would be allowed.</p> <p>The Access to Counsel Act (H.R. 5581, S. 2219) would direct the Homeland Security Department to ensure a qualified attorney is available to any U.S. nationals and lawful permanent residents subject to more intensive screening at border crossings.</p>	<p>House: The House Judiciary Committee approved H.R. 2214 and H.R. 5581 on Feb. 12 in separate party-line votes. The bills were set to be combined into an amended version of H.R. 2486 under a rule the week of March 9, but floor consideration was delayed by the coronavirus outbreak.</p> <p>Senate: Sen. Chris Coons (D-Del.) introduced S. 1123 on April 10, 2019. The bill has 40 cosponsors, all from the Democratic caucus.</p> <p>Harris introduced S. 2219 on July 23. It has six cosponsors, all Democrats. Both measures were referred to the Judiciary Committee.</p>	<p>House: The House scuttled planned consideration of a modified H.R. 2486 combining the text of the two bills in March and could resume consideration.</p> <p>Administration: The White House threatened a veto of the combined bill in a statement of administration policy laying out opposition to lifting the travel bans and guaranteeing counsel at border crossings.</p>

To contact the reporters: Genevieve Douglas at gdouglas@bloombergindustry.com; Adam M. Taylor at ataylor@bloombergindustry.com

To contact the editors: Loren Duggan at lduggan@bloombergindustry.com; Martha Mueller Neff at mmuellerneff@bloombergindustry.com



	Legislative Purpose	Bill Status	Outlook
Copyright Infringement	<p>H.R. 2426, S. 1273</p> <p>The Copyright Alternative in Small-Claims Enforcement (CASE) Act would create a small claims court for copyright infringement. The U.S. Copyright Office tribunal would have a maximum award of \$15,000 per work or \$30,000 per case. It would offer a streamlined process to rightsholders to pursue claims.</p>	<p>Senate: The Senate Judiciary Committee on July 18 approved S. 1273, sponsored by Sen. John Kennedy (R-La.), by voice vote.</p> <p>House: The House passed H.R. 2426, introduced by Rep. Hakeem Jeffries (D-N.Y.), on Oct. 22 by a vote of 410-6.</p>	<p>Senate: After House passage, Sen. Ron Wyden (D-Ore.) put a hold on S. 1273 over concerns about potential abuse of the new system. He has been negotiating with cosponsors on revisions.</p>
Patent Eligibility	<p>Not yet introduced.</p> <p>Senate and House lawmakers have struggled to draft consensus legislation redefining what inventions are eligible for patent protection under federal law. U.S. case law isn't clear, inventors and companies say. The U.S. Supreme Court recently passed on the chance to revisit the issue.</p>	<p>Senate: Sens. Thom Tillis (R-N.C.) and Chris Coons (D-Del.) released a legislative outline last May. The lawmakers have held a series of roundtable meetings with industry representatives and legal associations.</p> <p>House: Reps. Hank Johnson (D-Ga.), and Doug Collins (R-Ga.) have been participating in the drafting process with Tillis and Coons.</p>	<p>It's unclear whether legislation will advance this year. IP organizations and other groups have worked to develop a proposal.</p> <p>A press person for Sen. Tillis said that without stakeholder consensus, there likely isn't a path forward for a bill in this Congress.</p>
Patent Validity Challenges	<p>H.R. 3666, S. 2082</p> <p>The STRONGER Patents Act would limit patent validity challenges at the Patent and Trademark Office and make it easier for patent holders to fight them. The legislation would limit the diversion of PTO revenue by requiring fees to be credited to a revolving Treasury fund to fully finance the agency. The bill would also prohibit patent challenges in district courts if the PTO has agreed to hear a review challenge.</p>	<p>Senate: Sen. Chris Coons (D-Del.) introduced S. 2082 on July 10, 2019, and it was referred to the Judiciary Committee. A Senate subcommittee held a hearing on the legislation in September. It hasn't been marked up.</p> <p>House: Rep. Steve Stivers (R-Ohio) introduced H.R. 3666 on the same day, and it was referred to the Judiciary Committee. It hasn't been marked up.</p>	<p>It's unclear whether the bill will advance in either chamber. A similar measure by Coons didn't advance past the Judiciary Committee in the last two Congresses.</p>
Trademark Registration	<p>H.R. 6196, S. 3449</p> <p>The Trademark Modernization (TM) Act of 2020 would create a fast track to have never-used trademarks blocked or cancelled through expedited ex parte proceedings. It would also codify a presumption of irreparable harm for parties seeking trademark injunctions.</p>	<p>Senate: Sen. Thom Tillis (R-N.C.) introduced S. 3449 March 11 and it was referred to the Judiciary Committee. It hasn't been marked up.</p> <p>House: Rep. Hank Johnson (D-Ga.) introduced H.R. 6196 on the same day, and it was referred to the Judiciary Committee. It hasn't been marked up.</p>	<p>Tillis said in an April 27 statement that the bill is a "top priority." Tillis is working with lawmakers in both chambers, and stakeholders, to determine when to advance it.</p>

To contact the reporter: Ian Lopez in Washington at ilopez@bloombergindustry.com

To contact the editors: Kyle Jahner at kjahner@bloombergindustry.com; Keith Perine at kperine@bloombergindustry.com; Zachary Sherwood at zsherwood@bloombergindustry.com



Labor & Employment

	Legislative Purpose	Bill Status	Outlook
Accommodations for Pregnancy	H.R. 2694 The Pregnant Workers Fairness Act would require employers to negotiate reasonable accommodations with pregnant employees. It's intended to resolve perceived ambiguities following a 2015 U.S. Supreme Court decision, <i>Young v. United Parcel Service Inc.</i>	House: H.R. 2694 , which was introduced by Rep. Jerry Nadler (D-N.Y.), was approved by the House Education and Labor Committee Jan. 14 in a 29-17 vote after being amended to include changes negotiated by a bipartisan group of lawmakers, women's rights advocates, and business leaders were adopted. Two Republicans supported it. Senate: No Senate version has been introduced.	House: Lawmakers still plan to bring the bill to the floor this year. Senate: Similar legislation has not been introduced, but a mix of advocacy groups and businesses supporting the measure are continuing their lobbying push. Administration: Major businesses including Microsoft Corp., Facebook Inc., and L'Oreal USA, are among the large companies supporting the bill, which could be enough to garner some White House interest.
Discrimination	H.R. 1230, S. 485 The Protecting Older Workers Against Discrimination Act would make it easier for workers to prove age and disability bias was the reason for an employer's decision to fire, demote, or take other adverse actions against them.	House: The House passed H.R. 1230 , introduced by Education and Labor Chairman Bobby Scott (D-Va.) by a 261-155 vote on Jan. 15. It was supported by 34 Republicans. Senate: S. 485 , introduced by Sen. Bob Casey (D-Pa.) in February 2019, was referred to the Health, Education, Labor, and Pensions Committee.	House: No additional activity is expected. Senate: Sens. Susan Collins (R-Maine) and Chuck Grassley (R-Iowa) support the measure, but it remains unlikely to move. Administration: The White House threatened to veto the House bill.
Equal Rights Amendment	H. J. Res. 79, S. J. Res. 6 The resolution would scrap a 1982 deadline to ratify the Equal Rights Amendment to the Constitution, which would specifically ban sex discrimination. Virginia's legislature ratified the ERA in January, making it the 38th state to do so since it was sent to the states in 1972. Five states rescinded their approval.	House: The House passed H. J. Res. 79 , introduced by Rep. Jackie Speier (D-Calif.), by a 232-183 vote Feb. 13. Senate: S. J. Res. 6 was introduced by Sen. Ben Cardin (D-Md.) Jan. 25, 2019, and referred to the Senate Judiciary Committee. Two Republicans, Sens. Susan Collins (Maine) and Lisa Murkowski (Alaska), have joined nearly the entire Democratic caucus in support of the measure.	House: It's unclear whether Congress has the constitutional authority to set aside the deadline. This legal question, and uncertainty about states that have rescinded their approval, may bring the issue in front of the House again at a later date. Senate: Majority Leader Mitch McConnell (R-Ky.) is not expected to take up the resolution, given legal questions over Congress's authority. Administration: The Justice Department says it's too late for Congress to change the deadline, a position that U.S. Archivist David Ferriero, the man who oversees constitutional amendments for the federal government, agrees with.

	Legislative Purpose	Bill Status	Outlook
Federal Employees	<p>H.R. 5885, S. 3104</p> <p>The Federal Employee Parental Leave Technical Correction Act would provide 12 weeks of paid parental leave to federal workers who weren't covered by an earlier measure signed by President Trump in December as part of the fiscal 2020 National Defense Authorization Act (NDAA; Public Law 116-92). These include medical personnel at the Veterans Affairs Department and workers, other than airport screeners, at the Transportation Security Administration.</p>	<p>House: Rep. Carolyn Maloney (D-N.Y.) introduced H.R. 5885 in February. It was referred to four committees: House Administration, Judiciary, Oversight and Reform, and Veterans' Affairs. The bill has 22 co-sponsors, including 11 Democrats and 11 Republicans.</p> <p>Senate: S. 3104 was introduced by Sen. Chuck Schumer (D-N.Y.) in December and referred to the Homeland Security and Governmental Affairs Committee. It has nine cosponsors, all Democrats.</p>	<p>House and Senate: Though action on the individual bills is possible, the measure most likely would be passed and signed as part of a larger, must-pass bill such as legislation to fund the federal government in fiscal 2021 or the next NDAA.</p> <p>Administration: The Trump administration supported the earlier measure and President Trump likely would sign the bill to address what many describe as the inadvertent omission of some types of federal workers in the original legislation.</p>
Paid Family Leave	<p>H.R. 1185, H.R. 1940, H.R. 5296, S. 463, S. 920, S. 2976</p> <p>The Advancing Support for Working Families Act (H.R. 5296, S. 2976) would use a tax credit to extend paid leave benefits to private sector workers.</p> <p>The FAMILY Act (H.R. 1185, S. 463) would create a national insurance fund, which employers and employees would pay into and would be used to provide workers with as many as 12 weeks of paid family leave, as well as medical leave for a new child, serious medical illness, or to care for a seriously ill family member.</p> <p>The New Parents Act (H.R. 1940, S. 920) would provide paid leave through early access to Social Security benefits in exchange for delayed or reduced retirement benefits later.</p>	<p>House: H.R. 5296, introduced Dec. 4 by Rep. Colin Allred (D-Texas), was referred to the House Committee on Ways and Means.</p> <p>H.R. 1185, introduced by Rep. Rosa DeLauro (D-Conn.), has been subject to three hearings, most recently before the House Ways and Means Committee. It has the support of more than 200 Democrats and one Republican.</p> <p>H.R. 1940, introduced by Rep. Ann Wagner (R-Mo.), was referred to the House Ways and Means Committee and was the subject of a January hearing. It has nine Republican cosponsors and no Democrats.</p> <p>Senate: S. 2976, introduced Dec. 4 by Sens. Bill Cassidy (R-La.) and Kyrsten Sinema (D-Ariz.), was referred to the Finance Committee. It has the support of four Republicans and two Democrats.</p> <p>Sen. Kirsten Gillibrand (D-N.Y.) introduced S. 463, which was referred to the Senate Finance Committee and is cosponsored by 32 Democrats and two independents.</p> <p>S. 920, introduced by Sen. Marco Rubio (R-Fla.), was referred to the Senate Finance Committee. Sen. Mitt Romney (R-Utah) is the lone cosponsor.</p>	<p>House: Many House Democrats and their leaders support the FAMILY Act. There is some concern among some Democrats and Republicans about the potential cost of the program. Senate: Republican leaders haven't coalesced on one specific leave proposal. Cassidy said he's awaiting a Senate Finance Committee CBO score on his bill, S. 2976, after which he believes the bill would move forward with bipartisan support.</p> <p>Administration: President Donald Trump announced his endorsement of the Advancing Support for the Working Families Act (H.R. 5296, S. 2976) in his Feb. 4 State of the Union address. The White House believes this proposal is the only one that has bipartisan, bicameral support and is a good starting place to get something across the finish line.</p>

Labor & Employment

	Legislative Purpose	Bill Status	Outlook
Paid Sick Leave	<p>H.R. 1784, H.R. 6442, S. 840, S. 3513</p> <p>The Healthy Families Act (H.R. 1784, S. 840) would require employers with 15 or more employees to provide at least one hour of earned paid sick leave for every 30 hours worked, up to a maximum of 56 hours of paid sick leave in a year.</p> <p>The Providing Americans Insured Days of Leave Act (H.R. 6442, S. 3513) would offer as many as 14 emergency paid sick days and as many as 12 weeks of paid family and medical leave fully funded by the federal government during the coronavirus emergency and future public health emergencies. The bill would also establish a family and medical leave insurance benefit program to provide up to 60 days of paid leave in qualifying circumstances. Both employees and independent contractors would be covered.</p> <p>It would replace temporary provisions included in the Families First Coronavirus Response Act (Public Law 116-127).</p>	<p>House: H.R. 1784, which DeLauro introduced March 14, 2019, was the subject of an Education and Labor Committee hearing on March 11, 2019, before the bill's introduction. It has the support of 160 members, including one Republican.</p> <p>DeLauro introduced H.R. 6442 April 3. It was referred to five committees: Education and Labor, Ways and Means, Oversight and Reform, House Administration, and Judiciary.</p> <p>Senate: Sen. Patty Murray (D-Wash.) introduced S. 840 on March 14, 2019. It was referred to the Health, Education, Labor, and Pensions Committee.</p> <p>She introduced S. 3513 on March 17, and it was referred to the Finance Committee.</p>	<p>House: Democrats support a more expansive paid medical and sick leave requirement. They have proposed expanded provisions in negotiations over coronavirus relief bills, including language similar to H.R. 1784 offered during negotiations on what became the Families First Coronavirus Act.</p> <p>Senate: Murray's bill hasn't advanced in the GOP-controlled Senate and leaders are unlikely to back legislation to create additional leave requirements for businesses.</p> <p>Administration: The Trump administration is unlikely to support the additional paid leave proposals.</p>
Unions	<p>H.R. 2474, H.R. 3463, S. 1306, S. 1970</p> <p>The Protecting the Right to Organize Act (H.R. 2473, S. 1306) would expand private sector workers' abilities to strike and unionize and would change the criteria used to classify certain workers as independent contractors.</p> <p>The Public Service Freedom to Negotiate Act (H.R. 3463, S. 1970) would create a minimum federal standard of collective bargaining rights for public sector workers.</p>	<p>House: H.R. 2474, introduced by Rep. Scott (D-Va.) in May, was passed by the House on Feb. 6 by a vote of 224-194. Rep. Matt Cartwright (D-Pa.) introduced H.R. 3463 June 25. It was referred to the House Education and Labor Committee, where it was subject of one hearing June 26. It has the backing of 225 Democrats and four Republicans.</p> <p>Senate: S. 1306 was introduced by Sen. Murray (D-Wash.) in May. Sen. Mazie Hirono (D-Hawaii) introduced S. 1970 on June 25. Both measures were referred to the Senate Health, Education, Labor, and Pensions Committee.</p>	<p>House: H.R. 3463 has support in the House, but hasn't been the subject of further committee action in several months.</p> <p>Senate: Both bills are unlikely to move in the GOP-controlled chamber. Businesses have stepped up lobbying efforts to short-circuit unions' push for both bills in the chamber.</p> <p>Administration: President Trump's advisers would urge him to veto H.R. 2474, the White House said, arguing the legislation would threaten jobs and the gig economy.</p>

	Legislative Purpose	Bill Status	Outlook
Workforce Training	<p>Not yet introduced.</p> <p>The National Apprenticeship Reauthorization Act would increase funding for registered apprenticeship programs, codify existing standards, and establish youth apprenticeship and pre-apprenticeship programs.</p> <p>Lawmakers may also consider legislation to reauthorize the Workforce Innovation and Opportunity Act, which expires Sept. 30. The law covers Job Corps, formula grants for state job training programs, adult education and literacy, and support for employing disabled individuals. Services are provided through a network of federal, state, and local workforce development boards.</p>	<p>House and Senate: Authorizing legislation hasn't been introduced in either chamber.</p>	<p>House: Democrats and Republicans were negotiating the details of the apprenticeship legislation before the coronavirus pandemic.</p> <p>Senate: There is bipartisan interest in investing further in workforce training programs, but no proposals have been introduced.</p> <p>Administration: The Labor Department and the White House have worked to promote their new, separate Industry Recognized Apprenticeship Program, and are pushing that job training alternative.</p> <p>The department's fiscal 2021 budget request called for changes to the Job Corps program and the consolidation of some workforce development programs.</p>

Workplace Safety	<p>H.R. 1309, H.R. 6559, S. 851</p> <p>The Workplace Violence Prevention for Health Care and Social Service Workers Act would force the Labor Department's Occupational Safety and Health Administration to require certain employers to develop and implement a comprehensive plan for protecting health-care and social-service workers from violence on the job.</p> <p>The COVID-19 Every Worker Protection Act (H.R. 6559) would require OSHA to issue an emergency temporary standard directing employers to take actions to protect their workers from Covid-19.</p>	<p>House: H.R. 1309, introduced by Rep. Joe Courtney (D-Conn.), was passed by a 251-158 vote on Nov. 21.</p> <p>Senate: S. 851, introduced on March 14, 2019, by Sen. Tammy Baldwin (D-Wis.), was referred to the Health, Education, Labor, and Pensions Committee.</p> <p>Education and Labor Chairman Scott (D-Va.) introduced H.R. 6559 on April 21 and it was referred to his committee and the Energy and Commerce panel. Only Democrats have cosponsored the legislation.</p>	<p>House: Provisions similar to H.R. 6559 have been proposed during negotiations on other Covid-19 measures but haven't been included.</p> <p>Senate: The GOP-led chamber is not likely to support new safety requirements for employers. The health-care violence bill's 31 cosponsors are all Democratic caucus members.</p> <p>Administration: The White House threatened to veto H.R. 1309.</p> <p>OSHA has proposed non-binding guidance for employers, but has rejected calls for emergency standard requirements.</p>
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To contact the reporters: Jaclyn Diaz at jdiaz@bloombergindustry.com; Louis LaBrecque at lلابrecque@bloombergindustry.com; Bruce Rolfsen at brolfsen@bloombergindustry.com

To contact the editors: Martha Mueller Neff at mmuellerneff@bloombergindustry.com; Chris Opfer at copfer@bloombergindustry.com



Postal Service

	Legislative Purpose	Bill Status	Outlook
Postal Service Funding	<p>H.R. 2382, H.R. 6379, H.R. 6425, S. 2965</p> <p>The U.S. Postal Service estimated in April that the coronavirus pandemic will increase its net operating loss by more than \$22 billion over 18 months, and leave it without cash by Sept. 30 if Congress doesn't act. That could jeopardize the Postal Service's ability to provide universal service, with potential consequences this year for stimulus funds, Census forms, and ballots sent through the mail.</p> <p>Postmaster General Megan Brennan asked lawmakers for \$25 billion in emergency funding to offset virus-related losses, a \$25 billion grant for "shovel-ready" modernization projects, and \$25 billion in unrestricted borrowing authority from the Treasury Department.</p> <p>The Take Responsibility for Workers and Families Act (H.R. 6379) would provide \$25 billion in emergency funding and wipe out the Postal Service's outstanding debt to the Treasury Department.</p> <p>The stand-alone Protect Our Post Offices Act (H.R. 6425) would also provide \$25 billion in emergency funds.</p> <p>The USPS Fairness Act (H.R. 2382, S. 2965) would repeal a mandate for the Postal Service to make "prefunding" payments for retiree health-care benefits.</p> <p>House Oversight and Reform Chairwoman Carolyn Maloney (D-N.Y.) and several other Democrats called for additional changes, such as authorizing \$250 million a year to cover paid family leave and other unfunded mandates, requiring eligible employees to enroll in Medicare, and allowing the Postal Service to conduct more nonpostal business.</p>	<p>House: House Democratic leaders offered H.R. 6379 during negotiations on the CARES Act (Public Law 116-136), though it wasn't included in the enacted version. The package was introduced March 23 by Appropriations Chairwoman Nita Lowey (D-N.Y.) and is cosponsored by nine other committee chairmen.</p> <p>The stand-alone H.R. 6425 was introduced March 31 by Rep. Joe Neguse (D-Colo.) and has more than 65 Democratic cosponsors.</p> <p>The House passed H.R. 2382 on Feb. 5 by a vote of 309-106, with the backing of 87 Republicans.</p> <p>Senate: The Senate Homeland Security and Governmental Affairs Committee hasn't acted on S. 2965, which was introduced Dec. 3, 2019, by Sen. Steve Daines (R-Mont.) and has five cosponsors, including three Democrats.</p>	<p>House: House Democrats want to provide funding to the Postal Service as part of the next coronavirus response package.</p> <p>Senate: Senate leaders haven't announced plans to vote on the measures.</p> <p>Administration: The CARES Act included a \$10 billion line of credit for the Postal Service, though the Trump administration is unlikely to lend it money with no strings attached.</p> <p>President Donald Trump said he wouldn't approve aid for the Postal Service unless it raises its package delivery prices, which he says are too low and benefit Amazon.</p> <p>The Trump administration called for other changes in its fiscal 2021 budget request, such as reducing Postal Service employee wages and modifying the requirement to prefund retiree health benefits.</p> <p>The Postal Service was unable to make \$47.2 billion in required health-care funding payments as of Sept. 30, 2019, which has contributed to its deteriorating financial condition.</p>

To contact the analyst: Michael Smallberg at msmallberg@bloombergindustry.com

To contact the editors: Loren Duggan at lduggan@bloombergindustry.com; Adam Schank at aschank@bloombergindustry.com



Regulatory Policy

Spring 2020 Hill Watch

	Legislative Purpose	Bill Status	Outlook
Agency Guidance	<p>H.R. 5270, S. 3412</p> <p>The Guidance Clarity Act would codify the agency guidance document practices in Executive Order 13891, such as requiring agencies to post on one site all memos, letters, and notices that interpret regulations.</p>	<p>House: Rep. Blaine Luetkemeyer (R-Mo.) introduced H.R. 5270 on Nov. 26. It was referred to the House Oversight and Reform Committee.</p> <p>Senate: S. 3412, introduced by Sen. James Lankford (R-Okla.), was approved by the Senate Homeland Security and Governmental Affairs Committee by voice vote on March 11.</p>	<p>House: No action has been taken on the bill since its introduction in November.</p> <p>Senate: There has been no movement on the bill since March.</p> <p>Administration: The White House hasn't expressed its views on the legislation.</p>
Enforcement	<p>S. 2757</p> <p>The Harmless Error Lesser Penalty for Small Businesses Act would waive fines for first-time paperwork violations by small businesses with 50 or fewer employees.</p>	<p>Senate: The bill, introduced by Lankford, was approved by the Senate Homeland Security and Governmental Affairs Committee by an 8-5 vote on March 11.</p> <p>House: No companion bill has been introduced.</p>	<p>Senate: The bill was amended to help win support from Democratic Sen. Maggie Hassan (N.H.), but no other Democrats voted in favor.</p> <p>Administration: The White House hasn't expressed its views.</p>
Independent Agencies	<p>S. 869</p> <p>The Independent Agency Regulatory Analysis Act would require independent federal agencies to submit significant proposed and final rules, along with supporting analysis, for review by the White House Office of Management and Budget.</p>	<p>Senate: This is the fifth time Sen. Rob Portman (R-Ohio) has introduced a version of this bill in the last decade. It has been referred to the Senate Homeland Security and Governmental Affairs Committee.</p> <p>House: No companion bill has been introduced.</p>	<p>Senate: The bill could get a committee hearing this year, but chances of passage are slim.</p> <p>House: The bill traditionally hasn't advanced in the House.</p> <p>Administration: Past heads of independent agencies have opposed previous versions. Nearly all past administrators of the White House regulatory affairs office since the Clinton administration have endorsed oversight of independent agency rulemaking.</p>
Plain Language	<p>H.R. 1087, S. 395</p> <p>The Providing Accountability Through Transparency Act would require agencies to include a link in notices of rulemaking to a 100-word, plain language summary of the rule.</p>	<p>Senate: The Senate passed S. 395 by unanimous consent on June 11, 2019.</p> <p>House: Both S. 395 and H.R. 1087, introduced by Luetkemeyer on Feb. 7, 2019, were referred to the Judiciary Subcommittee on Antitrust, Commercial, and Administrative Law.</p>	<p>House: Democrats, who have the majority in the House, remain skeptical of GOP-sponsored regulatory legislation, which Subcommittee Chairman David Cicilline (D-R.I.) has described as "dead on arrival."</p> <p>Administration: The White House hasn't expressed its views.</p>

Regulatory Policy

	Legislative Purpose	Bill Status	Outlook
Rulemaking Evaluation	S. 1419 The Early Participation in Regulations Act would require agencies to issue a public notice at least 90 days before proposing a major rule and collect public comments.	Senate: Introduced by Lankford, the bill was approved by the Senate Homeland Security and Governmental Affairs Committee by voice vote on June 19, 2019. House: No companion bill has been introduced.	Senate: The committee approved the bill with bipartisan support, but public interest groups oppose it, saying it would slow the rulemaking process. Administration: The White House hasn't expressed its views.
Unfunded Mandates	H.R. 300, S. 870 The legislation would require cost analyses of regulations under more circumstances, allow for more input from affected stakeholders, and codify Congressional Budget Office methods of accounting to determine the costs of regulations.	House: This is the fifth time Rep. Virginia Foxx (R-N.C.) has introduced a version of this bill in 10 years. She introduced H.R. 300 , the Unfunded Mandates Information and Transparency Act, on Jan. 8, 2019. It was referred to the committees on Budget, Rules, Judiciary, and Oversight and Reform. Senate: Portman introduced S. 870 , the Unfunded Mandates Accountability Act, on March 26, 2019. It was referred to the Senate Homeland Security and Governmental Affairs Committee.	House: Democrats controlling the chamber oppose bills they say would stymie the rulemaking process. Senate: Prospects are dimming for a hearing on the bill this year. Administration: The White House hasn't expressed its views.

To contact the reporter: Cheryl Bolen at cbolen@bloombergindustry.com;

To contact the editors: Loren Duggan at lduggan@bloombergindustry.com;
Martha Mueller Neff at mmuellerneff@bloombergindustry.com



Taxation

Spring 2020 Hill Watch

	Legislative Purpose	Bill Status	Outlook
Earned Income Tax Credit and Child Tax Credit	<p>H.R. 3300</p> <p>The Economic Mobility Act would expand earned income, child, child and dependent care tax credits.</p>	<p>House: The Ways and Means Committee approved H.R. 3300 in June, the same month it was introduced by the panel's chairman Richard Neal (D-Mass.).</p> <p>The bill hasn't received a floor vote in the House.</p>	<p>House: Neal wants to attach the measure to any future virus relief package.</p> <p>Senate: Democrats want to help the most vulnerable affected by the pandemic, but many Republicans have historically opposed EITC expansion.</p> <p>Administration: Trump is opposed to an expansion of the EITC.</p>
Electric Vehicle Tax Credit	<p>H.R. 2256, S. 1094</p> <p>The legislation, also included in a discussion draft put forward by House Ways and Means Committee Democrats, would expand the current manufacturer cap on vehicles eligible for a consumer tax credit.</p> <p>The \$7,500 tax credit currently phases out after a manufacturer sells 200,000 vehicles. Tesla Inc. and General Motors Co. have each hit that threshold.</p>	<p>House: Rep. Dan Kildee (D-Mich.) introduced H.R. 2256, the Driving America Forward Act, in April 2019. The bill was referred to the Ways and Means Committee.</p> <p>Senate: Sen. Debbie Stabenow (D-Mich.) introduced S. 1094 in April 2019. The legislation was referred to the Senate Finance Committee.</p>	<p>House: The measure would likely have the support for approval by the Ways and Means Committee and House passage along party lines. But it is more likely that the Ways and Means panel will move a broader clean energy package.</p> <p>Senate: Due to widespread opposition from Senate Republicans, a clean-energy package likely wouldn't be passed this Congress.</p> <p>Administration: President Donald Trump opposes expanding the tax credit, making it unlikely to happen during his administration.</p>
SALT Cap Repeal	<p>H.R. 5377, S. 3178</p> <p>The Restoring Tax Fairness for States and Localities Act would repeal the 2017 tax law's \$10,000 deduction cap for state and local tax payments in 2020 and 2021.</p> <p>The cap hits taxpayers in New York, New Jersey, California, and other high-tax states.</p> <p>The change would be paid for by raising the top individual tax rate to 39.6% from 37%.</p>	<p>House: The House passed the bill in December 2019 by a 218-206 vote, with five Republicans voting yes and 16 Democrats voting no. It was introduced by Rep. Tom Suozzi (D-N.Y.).</p> <p>Senate: The Senate companion, S. 3178, introduced in January by Minority Leader Chuck Schumer (D-N.Y.), has been referred to the Finance Committee.</p>	<p>House: House Speaker Nancy Pelosi (D-Calif.) has voiced interest in suspending the SALT cap in future virus relief legislation.</p> <p>Senate: Republicans like Senate Finance Committee Chairman Chuck Grassley (R-Iowa) remain opposed to making any changes to the SALT cap.</p> <p>Administration: The White House threatened to veto the House bill.</p>

Taxation

	Legislative Purpose	Bill Status	Outlook
Syndicated Easements	<p>H.R. 1992, S. 170</p> <p>The bipartisan Charitable Conservation Easement Program Integrity Act would prevent partnerships from profiting from the donation of a conservation easement when the charitable amount claimed is more than two-and-a-half times the original amount invested.</p> <p>The land deals involve multiple people claiming tax deductions for donations of property that will be protected from future development. The IRS in 2016 flagged the transactions as potentially designed to avoid taxes.</p>	<p>House: H.R. 1992 was introduced by Reps. Mike Thompson (D-Calif.) and Mike Kelly (R-Pa.) in March 2019. The measure hasn't received a committee vote.</p> <p>Senate: S. 170, introduced by Sens. Steve Daines (R-Mont.) and Debbie Stabenow (D-Mich.) in January 2019, has been referred to the Senate Finance Committee.</p>	<p>House: Andrew Grossman, the chief tax counsel for Ways and Means Democrats, said the bill could see some tweaks before it clears Congress.</p> <p>Senate: Finance Committee Chairman Chuck Grassley (R-Iowa) and ranking member Ron Wyden (D-Ore.) are investigating these controversial tax-advantaged land deals. Congress could move to pass the bill after the results of the investigations are released later this year.</p> <p>Administration: The administration hasn't weighed in on the legislation.</p>
Tax Extenders	<p>Not yet introduced.</p> <p>A variety of temporary tax perks, ranging from racehorse depreciation to investment and production tax credits for renewable energy facilities, are set to expire at the end of the year. Renewable and alternative energy benefits will likely get most of the attention, as the area has some bipartisan support. Democrats may also try to extend deadlines for disrupted alternative energy projects claiming the investment and production tax credits.</p>	<p>Temporary tax breaks typically have the best chance of passing when attached to larger, must-pass packages.</p>	<p>Any package would need broad sign off from the House, Senate, and White House.</p> <p>Because economic relief packages related to Covid-19 dwarf the overall cost of extending tax breaks, there will likely be less attention on tax extenders this year. They may be included as part of a broader relief package, if Congress passes another one, or could wind up in a lame-duck session deal after the November election.</p>
Technical Corrections to the 2017 Tax Law	<p>H.R. 4509, S. 2589, S. 3548</p> <p>Most of the major technical corrections to the 2017 tax law have already been made, such as a fix to the retail glitch which kept restaurants and retailers from immediately writing off interior renovations.</p> <p>Senate Republicans want to act on changes that would restore previous controlled foreign corporation attribution rules and allow companies that overpaid their one-time repatriation tax to receive a refund.</p>	<p>House: Rep. John Lewis (D-Ga.) introduced H.R. 4509 in September 2019, and it was referred to the Ways and Means Committee.</p> <p>Senate: Former Sen. Johnny Isakson (R-Ga.) introduced S. 2589 at the same time, and it was referred to the Senate Finance Committee.</p> <p>S. 3548 was the Republican draft of the third package of economic relief legislation that became law (Public Law 116-136), though Republican asks on CFCs and the repatriation tax refund were rebuffed.</p>	<p>House: H.R. 4509 is unlikely to advance as a standalone bill, but similar text could be included in anticipated end-of-year bicameral negotiations.</p> <p>Senate: S. 2589 may be considered by the Senate Finance panel, but the chamber is unlikely to advance it as a standalone bill. Similar text could be included in anticipated end-of-year bicameral negotiations.</p> <p>The CFC downward attribution technical correction and one-time repatriation tax overpayment refund could be added to other economic relief legislation.</p> <p>Administration: Trump is likely to sign these technical corrections into law.</p>

To contact the reporters: Kaustuv Basu at kbasu@bloombergindustry.com; Colin Wilhelm at cwilhelm@bloombergindustry.com

To contact the editors: Patrick Ambrosio at pambrosio@bloombergindustry.com; Colleen Murphy at cmurphy@bloombergindustry.com



	Legislative Purpose	Bill Status	Outlook
5G Wireless Development	<p>H.R. 6624, S. 3189</p> <p>Legislation would support U.S. innovation in the next-generation of wireless technology, known as 5G, by authorizing \$750 million for telecommunication companies to invest in Western-based alternatives to the Chinese 5G equipment providers Huawei and ZTE. Those companies have been banned by the U.S. government.</p> <p>The Senate legislation would direct the FCC to spend \$750 million or up to 5% (whichever is greater) of its annual auction proceeds from new auctioned spectrum licenses to create a grant program to spur innovation in technologies in the U.S. mobile broadband market. The House bill would authorize a flat \$750 million for the grant program.</p>	<p>House: Energy and Commerce Chairman Frank Pallone (D-N.J.), ranking member Greg Walden (R-Ore.), Rep. Brett Guthrie (R-Ky.), and Rep. Doris Matsui (D-Calif.) introduced H.R. 6624 in April. It hasn't been marked up.</p> <p>Senate: Sens. Mark Warner (D-Va.), Richard Burr (R-N.C.), John Cornyn (R-Texas), Bob Menendez (D-N.J.), Marco Rubio (R-Fla.), and Michael Bennet (D-Colo.) introduced S. 3189 in January. It has been referred to the Commerce, Science, and Transportation Committee, which hasn't marked it up.</p>	<p>While neither bill has been advanced by each chamber's respective committee, the bills have bipartisan support. The effort has the support of cloud infrastructure company VMWare, Verizon, AT&T, and Juniper Networks.</p>

	Legislative Purpose	Bill Status	Outlook
Data Privacy	<p>S. 2968</p> <p>Lawmakers are negotiating broad federal privacy legislation to create a national enforcement standard.</p> <p>A draft Senate bill, the United States Consumer Data Privacy Act (CDPA), would increase Federal Trade Commission enforcement powers, allow for state attorney general enforcement, and create new consumer data rights.</p> <p>S. 2968, the Consumer Online Privacy Rights Act, would allow consumers to sue over privacy violations. It currently has only Democratic cosponsors.</p> <p>A draft House privacy bill would create limits on sharing consumers' information and allow users to correct their data. The draft measure includes room for discussion over a private right of action allowing lawsuits and pre-emption of existing state privacy laws.</p> <p>Senate Republicans also plan to introduce the Covid-19 Consumer Data Protection Act, which would require companies such as Apple Inc. and Alphabet Inc.'s Google to obtain consent to collect people's health or location data in response to the coronavirus pandemic.</p>	<p>Senate: Commerce, Science, and Transportation Chairman Roger Wicker (R-Miss.) circulated the CDPA draft legislation Dec. 3, and has yet to formally introduce it. Ranking member Maria Cantwell (D-Wash.) introduced S. 2968 on Dec. 3. The committee held a hearing in December to discuss the bills.</p> <p>Wicker, John Thune (R-S.D.), Jerry Moran (R-Kan.) and Marsha Blackburn (R-Tenn.) plan to introduce the Covid-19 bill when the Senate returns.</p> <p>House: Rep. Jan Schakowsky (D-Ill.) released a draft measure Dec. 18 but hasn't introduced the bill.</p>	<p>Senate: Wicker is working with Sen. Maria Cantwell (D-Wash.) to craft a bipartisan bill, but Republicans and Democrats are split over whether to include right-to-sue and state preemption provisions. Cantwell has introduced her own bill.</p> <p>House: Schakowsky is negotiating with Rep. Cathy McMorris Rodgers (R-Wash.) over state preemption and private right of action language.</p>
Electronic Surveillance	<p>H.R. 6172, S. 3501</p> <p>Provisions of the USA FREEDOM Act expired March 15 after lawmakers could not agree on an extension that would continue National Security Agency authority to collect business records more easily in national security investigations, place roving wiretaps on targets, and obtain certain call and text records from U.S. telecommunications companies.</p>	<p>Senate: The Senate on March 16 passed S. 3501, from Senate Majority Leader Mitch McConnell (R-Ky.), by voice vote. The measure would extend authorizations through May 30.</p> <p>House: The House on March 11 passed H.R. 6172, introduced by Judiciary Chairman Jerrold Nadler (D-N.Y.), on a 278-136 vote. The measure would extend authorizations through December 2023 and create new restrictions for government oversight activities.</p>	<p>Senate: The chamber scrapped a procedural vote on the House-passed measure.</p> <p>House: It is unclear whether the House will take up the Senate-passed bill.</p>

	Legislative Purpose	Bill Status	Outlook
National Suicide Hotline	<p>H.R. 4194, S. 2661</p> <p>The legislation would direct the Federal Communications Commission to designate 988 for a national suicide prevention and mental health crisis hotline. The bill would ensure that states are able to collect fees for the hotline, similar to how they collect fees for the 911 emergency line.</p>	<p>House: The House bill, advanced by the Energy and Commerce Communications and Technology Subcommittee on March 10, has over 130 bipartisan cosponsors.</p> <p>Senate: The Senate bill, advanced by the Senate Commerce, Science, and Transportation Committee in December 2019, has over 30 bipartisan cosponsors.</p>	<p>House and Senate: Lawmakers renewed efforts to advance the bill during the Covid-19 outbreak, sending a letter to House and Senate leadership on April 27 asking for the bill to be included in a coronavirus stimulus package.</p> <p>Administration: Separately, the FCC approved a notice of proposed rulemaking to designate 988 as a national suicide prevention hotline in December 2019.</p>
Online Child Exploitation	<p>S. 3398</p> <p>The Eliminating Abusive and Rampant Neglect of Interactive Technologies (EARN IT) Act aims to create best practices for technology companies to follow to better identify and report online child sexual exploitation. The bill would create a 19-member commission that includes the heads of the Department of Justice and the Federal Trade Commission, as well as technology industry representatives. The bill would allow congressional oversight over the best practices and companies that violate the practices would risk losing their liability protections under Section 230 of the Communications Decency Act.</p>	<p>Senate: Senate Judiciary Chairman Lindsey Graham (R-S.C.), ranking member Dianne Feinstein (D-Calif.), Sen. Richard Blumenthal (D-Conn.), and Sen. Josh Hawley (R-Mo.) introduced the measure. It has 7 additional bipartisan cosponsors. The Senate Judiciary Committee held a hearing on the legislation in March. The bill has not been marked up.</p> <p>No House companion bill has been introduced, but senators say a House companion bill is in the works.</p>	<p>The bill has bicameral, bipartisan support, but has not been advanced by the Senate Judiciary Committee.</p> <p>The bill is supported by more than 70 groups, including the National Center for Missing & Exploited Children (NCMEC), Rights4Girls, and the National Center on Sexual Exploitation. However, tech companies claim it could lead to weakening of encryption on their platforms.</p> <p>The Department of Justice has also been investigating tech companies' liability under Section 230 of the Communications Decency Act. It held a public workshop in February but has not announced next steps.</p>

	Legislative Purpose	Bill Status	Outlook
Rural Broadband	<p>H.R. 2785, H.R. 6474, H.R. 6563</p> <p>The Community Broadband Act (H.R. 2785) aims to expand broadband to an estimated 21 million families. The bill would ban states from writing laws that prevent local governments from building their own broadband.</p> <p>The Healthcare Broadband Expansion During COVID-19 Act (H.R. 6474) would expand the FCC's Rural Health Care Program, which subsidizes broadband for public and nonprofit rural health care facilities.</p> <p>The Emergency Educational Connections Act (H.R. 6563) would appropriate \$2 billion to establish an Emergency Connection Fund under the FCC to disburse funds to schools and libraries to purchase modems, routers, and devices for students, as well as set up Wi-Fi hotspots.</p> <p>Sen. Ed Markey (D-Mass.) plans to introduce a bill that would appropriate \$4 billion for an Emergency Connection Fund at the FCC to disburse wireless devices.</p>	<p>House: Reps. Anna Eshoo (D-Calif.), Ro Khanna (D-Calif.), Mike Thompson (D-Calif.), and Chellie Pingree (D-Maine) introduced H.R. 2785 in May 2019. It hasn't been marked up.</p> <p>H.R. 6474 was introduced in April by Eshoo, who leads the Energy and Commerce Subcommittee on Health, and Rep. Don Young (R-Alaska). It currently has 18 other cosponsors. The bill hasn't been marked up by the House Energy and Commerce Committee.</p> <p>H.R. 6563 was introduced by Rep. Grace Meng (D-N.Y.) in April. It has more than 20 Democratic cosponsors. The bill hasn't been marked up by the House Energy and Commerce Committee.</p> <p>Senate: Democrats, led by Sens. Cory Booker (D-N.J.) and Ed Markey, plan to reintroduce the Community Broadband Act after the Senate resumes on May 4.</p> <p>Markey also plans to introduce his wireless device legislation when the Senate returns.</p>	<p>The Community Broadband Act (H.R. 2785) has been introduced in the 114th and 115th Congresses in the House and Senate. The push in the 116th Congress coincides with the coronavirus pandemic that has forced much of the country to work from home.</p> <p>The outlook for H.R. 6474 is uncertain, but it could be included in a future coronavirus stimulus package if it's supported by leadership. The CARES Act provided \$200 million to the FCC to implement more telehealth programs to hospitals.</p> <p>Meng and Markey are asking House and Senate leaders to incorporate their wireless equipment bills in the next coronavirus package. More than 50 education groups endorsed Markey's draft bill.</p>

To contact the reporters: Rebecca Kern at rkern@bloombergindustry.com; Daniel Stoller at dstoller@bloombergindustry.com

To contact the editors: Keith Perine at kperine@bloombergindustry.com; Zachary Sherwood at zsherwood@bloombergindustry.com



Transportation

Spring 2020 Hill Watch

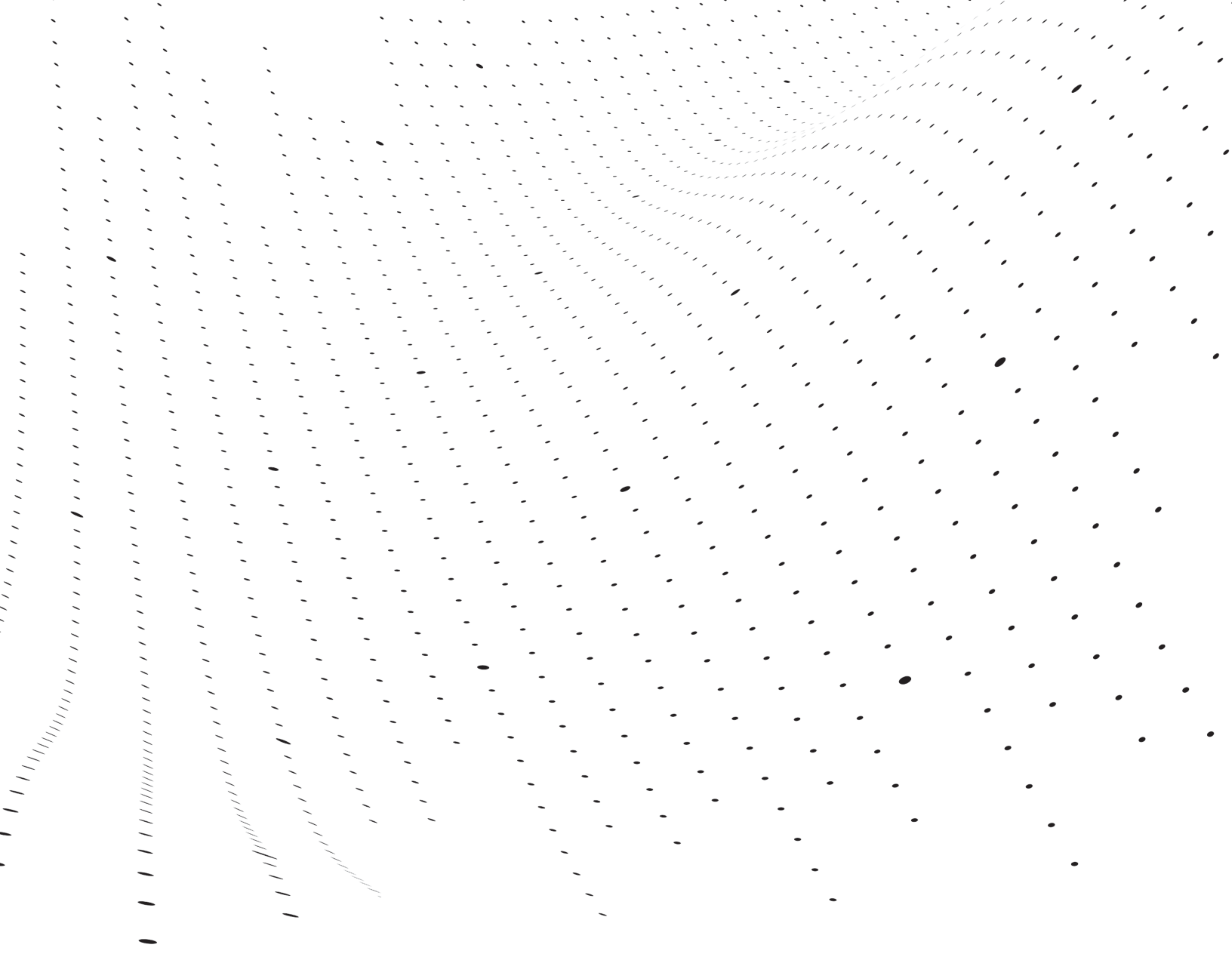
	Legislative Purpose	Bill Status	Outlook
Infrastructure Package/Surface Transportation Bill	<p>S. 2302</p> <p>The five-year, \$287 billion Senate Environment and Public Works bill would authorize funding for highway and mass transit programs; the current authorization expires Sept. 30. The Senate bill includes the first-ever climate change title in a highway bill.</p> <p>The Highway Trust Fund will be insolvent after fiscal 2021 if lawmakers don't enact authorizing legislation with additional funding. The trust fund primarily relies on receipts from the federal motor fuels tax and other excise taxes. It has needed several infusions from the general fund in recent years because Congress has balked at raising the gasoline tax of 18.4 cents per gallon and diesel tax of 24.4 cents per gallon, which haven't increased since 1993.</p> <p>The Senate Environment and Public Works portion of the bill would not address funding sources, leaving the decision to the Finance Committee.</p> <p>Talks between Democrats and the White House on a broader infrastructure package have not been productive.</p>	<p>Senate: The Senate Environment and Public Works Committee, led by Sens. John Barrasso (R-Wyo.) and Tom Carper (D-Del.), unanimously approved its portion of the surface transportation bill in July.</p> <p>House: Democrats said in January that their surface transportation plan would authorize \$319 billion for highways, \$105 billion for transit, and \$55 billion for rail over five years. The Transportation and Infrastructure Committee has not introduced the bill.</p>	<p>Senate: The Finance; Banking, Housing, and Urban Affairs; and Commerce, Science, and Transportation committees still need to write and approve their portions of a surface bill, including identifying funding. The measure can't go to the Senate floor until the Finance Committee approves a financing plan.</p> <p>House: The Transportation and Infrastructure Committee still needs to write and approve its portions of a surface bill. The Ways and Means Committee needs to identify funding. Ways and Means Chairman Richard Neal (D-Mass.) said his committee will not offer a funding stream until he reaches an agreement on it with Treasury Secretary Steven Mnuchin. Both leaders have said that an infrastructure package could be a way to stimulate an economy damaged by the coronavirus pandemic.</p> <p>Administration: President Donald Trump called for a \$2 trillion infrastructure package as part of the coronavirus response but didn't offer a way to pay for it.</p> <p>If a reauthorization deal cannot be reached by the end of September, an extension is possible.</p>

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	Legislative Purpose	Bill Status	Outlook
Self-Driving Cars	<p>Not yet introduced.</p> <p>A bipartisan, bicameral plan would create the first national framework regulating emerging self-driving vehicle technology. The legislation would preempt state and local authority over certain aspects of self-driving vehicles and delegate it to the federal government. The bill also would establish a process for the Transportation Department to exempt autonomous vehicle manufacturers from traditional vehicle safety standards.</p>	<p>No bills have been introduced in this Congress.</p> <p>Staffs from the House Energy and Commerce Committee and the Senate Commerce, Science, and Transportation Committee have released 13 draft sections of a bill for stakeholder feedback. The drafts do not address a key sticking point that held up self-driving car legislation last Congress: whether a customer can sue the manufacturer in the event of a crash.</p>	<p>Sens. John Thune (R-S.D.) and Gary Peters (D-Mich.), who drafted the AV START Act in the 115th Congress, are working with their House counterparts, so whatever bill lawmakers and stakeholders agree on can pass both chambers and get the president's signature.</p> <p>A compromise measure could be part of a National Highway Traffic Safety Administration title in a surface transportation bill.</p>

To contact the reporter: Courtney Rozen in Washington at crozen@bloombergindustry.com

To contact the editors: Paul Hendrie at phendrie@bloombergindustry.com; Heather Rothman at hrothman@bloombergindustry.com



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