

**CITY COUNCIL STUDY SESSION****Federal Legislative Update**

Joyce Nichols, Director of Intergovernmental Relations, 452-4225

*City Manager's Office*

**DIRECTION NEEDED FROM COUNCIL****INFORMATION  
ONLY**

No formal action is required; this is an informational briefing. Congress, the Administration, and Federal agencies each year approve actions that impact the City in a broad range of areas. Staff may recommend, and/or Council may wish to direct, communication to the City's congressional delegation on a range of issues throughout the year.

**RECOMMENDATION**

NA

**BACKGROUND & ANALYSIS****D.C. Big Picture Update**

Four major events dominated Washington, D.C., the Administration and Congress in the last month: the 2020 General Election; the President's nomination and the Senate's appointment process for Supreme Court nominee Amy Coney Barrett to fill the seat left vacant by the death of Justice Ruth Bader Ginsburg; funding the federal government after the September 30 end of the federal fiscal year; and a possible COVID-19 stimulus package—#4.

**Passage of a Continuing Resolution (CR) to fund the federal government through December 11.**

The federal fiscal year ended on September 30. With no indication that Congress could complete compromise legislation to enact FY 2021 appropriations bills, a CR was enacted that extends current year federal funding through December 11. The CR prevented a government shut down on September 30 and provides all parties more time to work out agreements on the 12 federal appropriation bills needed to fund the government. In addition to extending existing funding levels, the CR extends the authorization for several federal programs including surface transportation programs authorized under the FAST Act, the National Flood Control Program and several community health programs, among others.

**COVID Relief/Stimulus**

Once the threat of a government shutdown was averted, the White House representative, Treasury Secretary Steve Mnuchin, and House Speaker Nancy Pelosi (D-CA) resumed talks about a possible fourth COVID-19 stimulus package. Talks are ongoing and it remains uncertain if a deal will be reached in time to enact a package before the November 3 General Election. Even if a package is not enacted before the election, Speaker Pelosi has signaled her commitment to resuming talks after the election. Some of the major sticking points between the White House and Speaker Pelosi have been

around funding for state and local governments, the size of supplemental unemployment benefits—Democrats support another round of \$600 per week; the White House offering \$400 per week; and Senate Republicans offering \$300 per week. Other points of disagreement included tax credits, liability language for businesses that the Senate has insisted on since May, and language around COVID-19 contact tracing and testing.

In the latest round of discussions, House Democrats moved another stimulus funding package on October 1. The 'Update' to the HEROES Act (HR 925) is a \$2.2 trillion package that largely reflects the original HEROES Act (HR 6800) passed by the House in May. The 'Updated' package provides funding for a wide range of issues, including a \$436 billion fund for state and local governments and language allowing federal, state and local governments to be eligible to receive tax credits for paid sick and family medical leave. Government entities were excluded from these tax credits in the COVID-19 package #2 that passed in mid-March. Additional funding is also provided for health care, education, transportation, etc.

President Donald Trump expressed willingness to support a package that is, at least as large as the House Democrats' package. Differences on specific policy language remain. Furthermore, Senate Republicans remain concerned about another big federal spending package and its impact on the national debt. The national deficit ballooned to over \$3.1 trillion in FY 2020 after the federal government approved spending in response to the COVID-19 pandemic. Republicans have insisted that the federal government should pause until the impact of federal COVID-19 spending becomes clearer and then determine what funding may still be needed to help the economy recover from the impacts of the pandemic. and clearer the impact of federal COVID funding thus far and determine what funding may still be needed.

Recently, Senate Majority Leader Mitch McConnell (R-KY) announced that the Senate will vote soon on an economic recovery package. The package is expected to be in the form of two bills: one that would add another round of funds for the Paycheck Protection Program; and a \$500 billion "skinny" relief bill. It is expected that the \$500 billion relief bill will be like the Senate "skinny" COVID-19 relief bill proposed in September. That proposal included funding for the Postal Service; \$300 per week in supplemental unemployment benefits; emergency appropriations for COVID-19 healthcare response, contact tracing and vaccine development; and \$100 billion for schools. The original Senate "skinny" bill was not brought up for a vote.

Talks continued last week and Speaker Pelosi and Secretary Mnuchin and are expected to continue.

### **SUPREME COURT VACANCY**

President Trump nominated 7<sup>th</sup> District Federal Appeals Court Judge Amy Coney Barrett to the U.S. Supreme Court in late September. Since her nomination, Judge Barrett has appeared before the Senate Judiciary Committee for four days of hearings. In addition to the Appeals Court, she is a professor of law at the University of Notre Dame Law School. She also served as a law clerk to the late Supreme Court Justice Antonin Scalia.

The Senate Judiciary Committee is scheduled to vote as early as October 22, on Judge Amy Coney Barrett's nomination to the Supreme Court. Senate Majority Leader McConnell has said that there are enough votes to confirm the appointment of Judge Barrett and he expects to bring her nomination to the Senate floor with a final vote expected the week of October 26. Supreme Court nominees require a simple majority vote of the Senate for confirmation. Republicans outnumber Democrats 53-47 in the Senate.

## **EXECUTIVE MEMORANDUM DESIGNATING "ANARCHIST JURISDICTIONS" COULD IMPACT TRANSIT AND OTHER FEDERAL FUNDING**

On September 2, the President issued a memorandum directing federal agencies to review and restrict funding to states and local governments "that are permitting anarchy, violence, and destruction in American cities." The "anarchist" cities specifically named and detailed in the memorandum are Portland, OR; Seattle, WA; New York City; and Washington, DC.

In part, the memorandum states: *"Within 30 days of the date of this memorandum, the Director of OMB shall issue guidance to the heads of agencies on restricting eligibility of or otherwise disfavoring, to the maximum extent permitted by law, anarchist jurisdictions in the receipt of Federal grants that the agency has sufficient lawful discretion to restrict or otherwise disfavor anarchist jurisdictions from receiving."*

The Justice Department officially identified Portland, OR, Seattle, WA and New York, NY as, "jurisdictions permitting violence and destruction of property." The Federal Transit Administration (FTA) said in a notice that it will consider the designation when picking grant recipients for a \$10 million program designed to help public transit agencies research response and measures to prevent the spread of COVID-19. FTA's announcement is the first instance of USDOT using the new eligibility criteria.

The National League of Cities and other stakeholders, including national transit organizations, have sent letters to President Trump strongly urging that he rescind the "anarchist jurisdictions" memorandum.

## **POLICY & FISCAL IMPACTS**

Congress, the Administration, and Federal agencies each year approve actions that impact the City in a broad range of areas. Staff may recommend, and/or Council may wish to direct, communication to the City's Congressional delegation on a range of issues throughout the year.

## **OPTIONS**

N/A

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

N/A

**AVAILABLE IN COUNCIL LIBRARY**

N/A