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Client Alert: Lay-of-the-Land: Fall Congressional Schedule

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September 13th, the Senate returns to D.C., while the House returns September 20th.

With just a four-vote margin in the House, an even split in the Senate, and 10 days before the end of the fiscal year, Speaker Pelosi, Majority Leader Schumer, and the Biden Administration will try to get through a long list of "must-do's."

Listed below are the key items on the fall agenda:

Government Funding

- Government funding is set to expire on September 30th and without a Continuing Resolution (CR) the federal government will shut down. However, media reports hint at a CR being prepared that would extend government funding into November or even December.
- Look for disaster aid and Afghan refugee funding in the neighborhood of $20 billion to be attached to the CR.

Debt Ceiling

- Treasury Secretary Yellen has stated that the federal debt limit must be raised by an undetermined date in October or the U.S. risks default.
- Minority Leader McConnell has stated that the majority should include raising the debt limit in the $3.5 trillion reconciliation package; Speaker Pelosi has stated they will not be doing that. Likely it will be included in the CR.

Infrastructure

- Speaker Pelosi self-imposed a deadline of September 27th to consider the bipartisan legislation sent over from the Senate in a deal she struck with House moderates.
- She can push this back, but risks alienating moderates she needs to pass other legislation.

Reconciliation

- Lots of moving pieces and disagreements within the Democratic Party over issues like permanently

funding the Affordable Care Act, Medicare/Medicaid expansion, taxes (i.e., State and Local Tax (SALT) deduction reinstatement).
- Discussions with Senate Parliamentarian about including immigration reform into reconciliation. The Senate Parliamentarian needs to confirm it passes the "Byrd Rule" test.
- Senator Joe Manchin (D-WV) has publicly stated he will not support a reconciliation package anywhere near $3.5 trillion and would be more comfortable in the $1 trillion – $1.5 trillion range. Without his vote, and possibly Senator Sinema's (D-AZ) vote, the Senate cannot pass a reconciliation package. The intra-party battle between Moderates and Progressives will define the outcome.
- Will be difficult to get done by the end of the month. This can get pushed to October, but has ramifications linked to the infrastructure bill. Progressives have stated they will not support infrastructure unless reconciliation is voted on first and vice versa for moderates. Sequencing them together is the Speaker's best bet.

Flood Insurance

- Expires on September 30th.

Abortion Rights

- Speaker Pelosi has scheduled a vote next week on abortion rights in response to the new Texas heart beat bill.
- H.R. 3755, the Women's Health Protection Act, sponsored by Representative Judy Chu (D-CA) would establish a legal right to abortion.
- Will pass the House, but passing the Senate is unlikely.

Eviction Moratorium & Unemployment Insurance

- Both have expired, but it is unlikely there are the votes to extend them.

National Defense Authorization Act

- Has been passed every year for the last 60 years, but Progressives are balking at the $24 billion plus-up of the Pentagon's budget by the House Armed Services Committee (HASC).

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