

## SPOTLIGHT REPORT

September 10, 2024

## Congress' Lame Duck To-Do List

**What's Happening:** Congress has just three weeks to do what it does best — punt — before government spending runs out on September 30th. After that, lawmakers have only the post-election lame duck period to pass legislative proposals before the 118th Congress calls it quits.

**Why It Matters:** Members of Congress returned from their August recess on Monday. They better be well-rested because **there's a hectic window between now and when government funding runs out and lawmakers go on October recess to campaign before the election.** Between funding negotiations and partisan messaging bills, **there's not going to be much oxygen in the room to fuel the other legislation currently being batted around.** It's generally accepted that both sides will come to *some* deal extending funding — the ongoing battleground rages around the form the continuing resolution (CR) will take. **The results of the CR fight and of the election set up the lame duck session that takes place in November and December.** Besides the eternal fights over topline spending numbers or the balance between defense and nondefense spending, there's still a lot on the docket. There's the annual National Defense Authorization Act (NDAA), whose passage is one of the only things in DC that can reasonably be counted on. Its place in the broader legislative ecosystem is vitally important, as smaller, non-controversial bills that face little hope of attracting floor time are often attached to the NDAA. **High-profile proposals include a tax deal, laws cracking down on Chinese influence in the economy, energy permitting reform, rail safety, cryptocurrency, children's online privacy, and pharmacy benefit manager reform.** This term, **the smart rule of thumb is assuming nothing** and requiring bills to affirmatively illustrate their ability to pass. The chance of success for the above proposals range from slim (the rail bill, for example) to relatively good (the BIOSECURE Act targeting Chinese biotech firms has demonstrated bipartisan support). **Many other programs also face an upcoming deadline.** The Farm Bill, which authorizes the Agriculture Department's insurance, conservation, food stamp, and nutrition programs, also ends on September 30th. Several healthcare programs and funds, including the Community Health Center Fund, funding for diabetes, a pay bump for Medicare physicians, a delay of payment cuts to Medicaid disproportionate share hospitals, and telehealth eligibility under Medicare all expire at the end of the calendar year. **Many lawmakers are retiring and others will lose, and all of them will want to leave their mark before they leave Washington, adding to the**

**urgency to act.**

**What's Next: If Republicans have a good Election Night, expect legislative activity to slow to a trickle.** If GOP lawmakers enter the lame duck session knowing they will control the federal government come January, the pressure will be high to kick as many cans as possible down the road until the next term begins, even if Republicans cave to Democrats' demands this month to only extend the CR into December. **The political environment would be a bit friendlier to dealmaking under the divided government that would likely come with a Vice President Harris victory.** Although her success would be more likely than not sufficient to help flip the House, it remains likely that Republicans will flip the Senate red regardless. With the situation essentially similar to that before the election, the incentive to wait would be less. The Democratic proposal for the CR to expire in mid-December would also provide at least one more possible spending vehicle for bills to catch a ride on — a possible full-year FY25 spending deal, or in its absence, yet another CR. In the House, Speaker Mike Johnson (R-LA) could have an incentive to lock in a deal depending on what he sees as his prospects to remain in House GOP leadership. In the Senate, Senate Minority Leader Mitch McConnell (R-KY) is stepping down as the GOP leader; besides wanting to make an imprint before he leaves leadership, he could take the heat for compromising with Democrats as a gift to his successor. **But even under such a scenario, significant legislative activity is not guaranteed.**

## The Dynamics Governing the Lame Duck

An [increasing](#) number of bills are passed every year in the lame duck period following the election but before new members of Congress take their seats. After the 2022 midterms, Congress passed groundbreaking marriage equality and electoral reform bills, the annual National Defense Authorization Act (NDAA) and appropriations bills, and minor cannabis research and police de-escalation bills. The timing of lame ducks engender some dealmaking: lawmakers know they cannot be held immediately accountable for what they do the rest of their terms and that what they do cannot easily be used to score political points, loosening them up a bit. **This time is ideally suited for low-priority bills both sides mostly agree on and trust they can come to a solution for, which may fit some of the proposals floating around this term.**

**The outcome of the election and the current spending fight will set the tone for the entire lame duck session. A Republican romp on November 5th would mean an incredible pressure to delay,** especially if former President Trump believes tools like budget impoundment or emergency declarations can force Democrats to make big concessions. While some Republicans are hesitant, the MAGA wing of the party is firmly behind the idea to wait. **While the GOP has insisted on delaying consideration for FY25 spending and taxes specifically, if this scenario came to pass, the same sentiment would likely trickle down to other topics and issues.** Trump's opinion on the topic, whatever it ends up being, will carry the day.

**A Democratic presidential victory would likely provide better conditions for a productive lame duck.** Democrats are keen to get the distraction of the spending fight out of Vice President Harris' first days in office if she wins in November. Under the more likely Harris victory scenarios, Republicans would be trading control of the House for the Senate, leaving them in mostly the same place they started. The GOP leader in each chamber, with at least one on the way out, would have incentives to negotiate while they have the chance. Senate Minority Leader Mitch McConnell (R-KY) is stepping down at the end of this term; besides wanting to ensure his own policy positions carry the day, getting the necessary negotiating with Democrats that comes with FY25 appropriations out of the way would be a boon for his successor as Senate GOP leader, whoever it turns out to be. If Republicans lose the House and Harris wins, there's a chance Rep. Mike Johnson (R-LA) won't be retained as party leader. If true, he may wish to cut a deal on his own terms, perhaps one that favors the military installations in his district; the less clear it is he's getting the boot, the weaker the impulse to negotiate.

**It also matters which CR deadline Congress is working with.** If Republicans are set to take over and if Democrats cave to the GOP's current six-month CR proposal, Democrats' leverage to insist on passing bills in the lame duck would shrink, and vice-versa if Democrats win in November and the GOP accepts a three-month CR. **At the moment, it seems like Democrats will get their way on the CR.** The GOP only controls the House and lacks consensus over what they want or how they want to negotiate. Defense hawks on both sides of the aisle are worried about the prospect of kicking the can too far down the road, both because they want to increase spending immediately and because if no deal is reached by April, the Fiscal Responsibility Act holds that defense spending will receive an automatic one percent cut across-the-board. Democrats are similarly loath to risk the one percent automatic cut that would be applied to non-defense spending under such a scenario. **Such an outcome would still come with fireworks within the Republican coalition:** fiscal hawks would want larger cuts and partisan policy riders to be attached, and many oppose omnibus bills on principle. Johnson may try to pass a partisan CR this week but already it's not clear such a measure would pass given [internal pushback](#). **Ultimately, most Republicans prefer to avoid the optics of causing a shutdown in the run-up to the election** and GOP critics of Johnson don't have the stomach to initiate another motion to vacate this month.

**However, even if Harris wins and the Democrats prevail on the CR this month, it's hardly guaranteed both sides can come to a deal on every pending issue by the end of the year. The rapidly diminishing clock is increasing the chance the NDAA will be informally negotiated and conferenced between the two chambers without receiving floor time first in the Senate, making it even tougher for a bill to hitch a ride on the NDAA.** Compounding the issue is that the two chambers' drafts are far apart: the GOP House proposal is almost \$25 billion smaller with different allocations within and is loaded up with culture war provisions. Yesterday, Politico reported that Senate Armed Services Committee Chair Jack Reed (D-RI) predicted that "informal conferences" were going to be the "likely" way to resolve the differences. **A three-month CR would create at least one more legislative vehicle besides the NDAA.** With a new spending deadline set for mid-

December, it would be necessary to pass at least another CR in the absence of reaching a full-year FY25 spending deal.

**As of now, eight senators and 45 representatives have chosen not to seek re-election. This lame duck will be the last chance for these lawmakers to make their legislative impact.** Those on the brink of an exit typically try to get some passion projects over the finish line and others in Congress are typically more willing than usual to accommodate these wishes. **The list of coming retirees includes a striking ten current committee chairs** (Rep. Mike Gallagher (R-WI) has already retired):

- Senate Energy and Natural Resources Committee Chair Joe Manchin (I-WV),
- Senate Foreign Relations Committee Chair Ben Cardin (D-MD),
- Senate Environment and Public Works Committee Chair Tom Carper (D-DE),
- Senate Agriculture Committee Chair Debbie Stabenow (D-MI),
- House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-WA),
- House Financial Services Committee Chair Patrick McHenry (R-NC),
- House Rules Committee Chair Michael Burgess (R-TX),
- House Select Subcommittee on the Coronavirus Pandemic Chair Brad Wenstrup (R-OH), and
- House Homeland Security Committee Chair Mark Green (R-TN).

**Many have items they'd like to wrap up before they go.** Manchin has permitting reform, McMorris Rodgers has the American Privacy Rights Act, Stabenow has been working on cryptocurrency legislation, etc. Retiring members who don't chair one of the big committees have their own bills they're working on.

## *Taxes*

Prepare for Tax-mageddon. The individual tax provisions of the TCJA will expire at the end of 2025. Combined with a series of business tax breaks that have also recently expired, and the expanded Child Tax Credit (CTC) and biofuel and sustainable aviation credits that expire at the end of this year, and **2025 is a tax cliff where the government will be forced to come to a decision on trillions of dollars of revenue and spending. This term has already seen congressional leaders to try to get ahead of the cliff, but with no success.** Senate Finance Committee Chair Ron Wyden (D-OR) and House Ways and Means Committee Chair Jason Smith (R-MO) came together at the beginning of this year to try to pass a \$79 billion bipartisan deal. Under the compromise, Democrats would receive a permanently expanded CTC and Republicans would receive the restoration of TCJA business tax breaks that have already expired. **Despite passing the House 357-70 earlier in the year, the legislation failed 48-44 in the Senate in July. Key GOP lawmakers on the Senate Finance Committee, led by Ranking Member Mike Crapo (R-ID), continue to oppose the bill without modification, taking particular issue with its CTC provisions.** If the GOP sweeps, you can expect them to wait until next year before acting on taxes. Even if Harris wins in November, it's still likely that the Senate will flip red, making Crapo the Senate Finance Committee chair and giving him meaningful power over 2025's TCJA negotiations, providing ample incentive to wait. **For those hoping that the Wyden-Smith bill's trio of business deductions or the expanded CTC**

becomes law, 2025 TCJA negotiations are the better bet.

## *Agriculture*

Separate from the impending budget deadline, **authorization for high-profile nutrition and agricultural programs expires on September 30th** (though pre-existing funding for many of these lasts until the end of the year). The Congressional Budget Office's (CBO) baseline for maintaining current spending under the past Farm Bill comes to a whopping [\\$1.4 trillion](#) over the next ten years. This number does not incorporate the extra \$153 billion in supplemental spending Congress has tacked on since it last passed the bill in 2018 to cover producers affected by Trump's trade war, disaster assistance for agricultural losses, and aid to farmers and low-income families alike during the pandemic. The four largest buckets are: food security and nutrition assistance, primarily the Supplemental Nutrition Assistance Program (SNAP), crop insurance, commodity programs, and conservation.

**The political calculus behind the bill typically combines Democratic support for SNAP with Republican support for agribusiness to get it over the finish line but disagreements are threatening to torpedo the delicate consensus.** The Farm Bill was already given a one-year extension in 2023 after both sides failed to come to the typical five-year deal. House Republicans want to redesignate Inflation Reduction Act climate spending for conservation more broadly, to bar SNAP benefits from rising more than the cost of living, and to remove the Agriculture secretary's ability to use Section 5 authority via the Commodity Credit Corporation. They're currently waiting on the CBO to score these proposals to find how much money they would save. The House version has passed the Agriculture Committee without yet hitting the floor while the Senate Agriculture Committee, led by retiring Senator Debbie Stabenow (D-MI), has not released the bill's text. **Both sides want to pass a new Farm Bill over another extension in the abstract but the devil is in the details. This is another example of a topic Republicans are more willing to punt on than Democrats, especially if they have a stronger hand next term.**

## *China*

**The bipartisan urge to look tough on China in an election year makes this perhaps the policy area most amenable to legislative progress.** This widespread support is reflected in the fact that **consideration of a swath of anti-China bills in the House [this week](#) is one of the only things happening alongside the spending fight before the October recess.** While many of the upcoming bills are meant to score partisan points by making Democrats look weak on the issue, there is broad impetus to try to pass *something*. Seventeen security-focused bills passed via a voice vote on Monday, including the Countering CCP Drones Act, which blocks new products from DJI from operating in the US. **Also passed in an overwhelmingly bipartisan vote was the BIOSECURE Act, which would block US companies that work with five Chinese biotech firms from receiving federal funds** — effectively a ban, given the massive involvement of the government in healthcare and biomedical research. The House bill would give firms until 2032 to cut ties while the Senate version would eternally grandfather in all existing contracts.

**With all of this smoke, at least a little fire is possible.** Many bills have already passed one chamber unanimously or with overwhelming support from both Democrats and Republicans. **Both chambers still need to reconcile some of the finer details of these policies, which could trip up even popular ideas.** The best chance for many of these bills is catching a ride on the topic-adjacent NDAA during the lame duck period, but with the House having already passed its draft and the Senate looking like it will go to an informal conference with the House without considering its version passed in committee on the Senate floor, it could be difficult to make the cut.

## *Healthcare*

**Enhanced Affordable Care Act (ACA) subsidies for insurance premiums will also expire at the end of next year. Politico reported on Monday that Senate Democrats plan to hold a vote soon on a bill from Senator Jeanne Shaheen (D-NH) to make these subsidies permanent.** The expiration of the ACA premium subsidies would raise costs for those insured via the Obamacare marketplaces, threatening the stability of ACA implementation. **Making the subsidies permanent is not cheap. Earlier this year, the CBO [calculated](#) in a report that it would widen the deficit by \$335 billion over the next decade.** Congressional Democrats originally passed the enhanced subsidies as part of President Biden's American Rescue Plan in 2021 and extended them on a temporary basis in the Inflation Reduction Act of 2022, both on party-line votes. **Any attempt by Democrats to make the subsidies permanent is virtually certain to fail as a result of the 60-vote threshold needed to defeat a likely Republican filibuster. This can be seen as more of a political messaging effort ahead of the election.**

**The future of the enhanced ACA premium subsidies ultimately depends on the election outcome.** Under divided government, the ACA subsidies are poised to become a bargaining chip in tax reform. The two parties would have to compromise in extending expiring provisions of the Tax Cuts and Jobs Act (TCJA). Democrats would likely push for an extension, temporary or permanent, and would need to give the GOP a victory in return. Under unified Republican control of the federal government, the GOP would likely allow the subsidies to expire. Repealing the ACA outright has proved politically challenging for Republicans but quietly letting the subsidies disappear, which wouldn't require any action on their part, would be much easier. **The fact that the fight over ACA subsidies is being tied to TCJA provisions expiring next year increases the odds that discussions will be postponed regardless of who wins.** If Republicans sweep, they will wait for next term to make major changes to spending. While a continued divided government is better for a deal, a permanent solution coming together in the lame duck still faces an uphill battle; the actual forcing mechanism bringing Republicans to the table — the expiration of many tax provisions — doesn't kick in until the end of next year.

**Several health programs are slated to expire at the end of the year and on September 30th. The key question is less whether these programs will eventually be extended and more how soon and for how long. The key dynamic governing the inclusion of these and any other policies is how much they cost. Getting through**

fiscal conservatives in the House and thus finding bipartisan agreement requires finding offsets for additional costs incurred, creating an impetus to keep spending light. For example, while many lawmakers in Congress favor permanently extending telehealth eligibility under Medicare, the price tag associated with such a proposal makes a cheaper two-year extension the lowest common denominator on what members can agree on. This barrier leaves certain pricey policy proposals, like changing Medicaid's Institutions for Mental Diseases exclusion or permitting Medicare to cover drugs prescribed for weight loss, out in the cold. **One source told Inside Health this week that the costs of a lame duck package will likely exceed \$12 billion:** \$4 billion for a two-year telehealth extension, \$4 billion to delay Medicaid disproportionate share hospital cuts, and \$4 billion to expand funding for community health centers.

**Two policies on Congress' radar as possible money-savers include instituting site-neutral payments under Medicare and reforms targeting pharmacy benefit managers (PBMs).** While Medicare would save money, site neutrality would come at the expense of hospitals. While limited site neutrality has already passed the House as part of the Lower Costs, More Transparency [Act](#), it faces an extremely difficult task making it through the Senate, particularly as Senate Majority Leader Chuck Schumer (D-NY) is a noted hospital industry ally. **Site neutrality legislation is not impossible, but it would have to be counterweighted with a combination of significant concessions for hospitals and Democratic priorities to get Schumer's approval, making passage difficult.**

PBMs have been the subject of intense congressional scrutiny all year; most recently, House Oversight and Accountability Committee Chair James Comer (R-KY) believes three CEOs who spoke before a hearing in July gave false testimony and has demanded they correct the record. **Politico reports that industry consensus believes that a catchall spending package at the end of the year provides the best chance for PBM reform. The debate thus far has focused on how far lawmakers should go.** The House-passed Lower Costs, More Transparency Act would also require increased PBM transparency and prohibits spread pricing for payments under Medicaid, saving approximately \$1 billion. The Modernizing and Ensuring PBM Accountability [Act](#), which passed the Senate Finance Committee 26-1, would require PBMs to only earn flat service fees when working under Medicare Part D and ban spread pricing in Medicaid. **Transparency, empowering the Federal Trade Commission, and preventing pharmacy discrimination is a lighter lift than changing business models. Likewise, changes affecting only Medicaid, or Medicare Part D, are more achievable than mandates that would also apply to the commercial market.** Stronger changes engender more private sector pushback but correspondingly may save the government more money; bills live and die on the predicted budget impacts published by the CBO. **While there's clearly bipartisan support behind some change in the abstract, the differing details behind all these proposals provide the opportunity to trip up PBM reform actually getting done this year.**

## *Tech*

**Four major topics are set to dominate tech policy discussions for the rest of the term:**

- Children's online safety and privacy protections,
- Expanding access to high-speed internet,
- Regulating the use of AI in political campaigns, and
- Restoring the Federal Communication Commission's (FCC) authority to auction parts of the electromagnetic spectrum.

**The Senate passed legislation containing the Kids Online Safety Act (KOSA) and Children and Teens' Online Privacy Protection Act (COPPA 2.0) 91-3 before August recess.** KOSA would create a legal requirement for platforms to keep children safe from harms on the internet, while COPPA 2.0 would expand existing children's privacy rules. The Senate-passed legislation has differences with the lower chamber counterparts that have to be ironed out. **Speaker Johnson has yet to indicate if he plans to bring the measure to the chamber floor.**

**A broader federal data privacy bill that has bipartisan support is a top priority for McMorris Rodgers but has stalled** after the House Energy and Commerce Committee canceled a markup of the measure earlier this summer. Passage during the lame duck would be a tall order. The more narrowly focused children's bill is an easier lift but is still not guaranteed.

In the Senate, one bipartisan bill would put forward \$7 billion to subsidize high-speed internet with funds derived from FCC [auctions](#) while [another](#) would restore the Affordable Connectivity Program, which expired in May. The House copy of the latter has 232 co-sponsors as of writing. **Both have opponents** (most notably, Senate Commerce Committee Ranking Member Ted Cruz (R-TX)), **removing the possibility of either gaining an easy unanimous agreement.** On that theme, while Senate Commerce Committee Chair Maria Cantwell (D-WA) has introduced a bill that would restore auction authority to the FCC, Cruz and Senate Minority Whip John Thune (R-SD) have put forward a competing version. This partisan clash makes a lame-duck telecom compromise more challenging.

## *Crypto*

Retiring committee chairs in both chambers are facing off with their visions of crypto. In the House, retiring House Finance Committee Chair Patrick McHenry (R-NC) and Agriculture Committee Chair Glenn Thompson (R-PA) collaborated to pass [a bill](#) that would settle the jurisdictional debate between the Commodity Futures Trading Commission and the Securities and Exchange Commission. The bill passed the chamber with bipartisan support but garnered significant opposition from senior Democrats, which could jeopardize its future in the Senate.

In the upper chamber, retiring Senate Agriculture Committee Chair Debbie Stabenow (D-MI) is working on her own version, but has struggled to attract little Republican buy-in. **While pending retirements increase the chance of a deal, the small window to work with and the possibility of a Republican sweep makes the prospect more difficult.**



## *Energy Permitting Reform*

It's been called the "Zombie Bill." Despite years of failed attempts, energy permitting reform just won't die. **The latest shot at permitting reform is a bipartisan Senate proposal, the Energy Permitting Reform Act of 2024, authored by Senators Joe Manchin (I-WV) and John Barrasso (R-WY). Manchin is the chair of the Senate Energy and Natural Resources Committee and is retiring this term and permitting is his number one priority before he leaves Congress.** The [legislation includes](#) lots of different previous texts wrapped into one in a little mix of everything with wins available for fossil fuel companies and renewable energy businesses.

**One reason to be optimistic is that key Republicans understand this is likely to be the best deal they're going to get.** Any bill on this issue will be subject to the filibuster in the Senate, making who wins in November almost irrelevant to future reform attempts in the upper chamber. With no party close to 60 votes, any permitting law will need Democratic support, and there's hardly a friendlier negotiating partner for the fossil fuel industry than Manchin. **Several senators have already come out in favor of the bill and Senator John Barrasso (R-WY), the lead Republican on the Senate Energy and Natural Resources Committee, has said he believes he can get them to back it. The bill passed out of the committee overwhelmingly, 15-4.** Large swaths of both the fossil fuel and the renewable energy sectors have also come out in favor.

**But there's many more reasons to believe this effort is going nowhere quickly.**

There's a lot of fossil fuel provisions for the left to oppose and renewable energy provisions for the right to oppose. Manchin and Barrasso are trying to strike a delicate balance trading everything for everything, and this could just as easily alienate people and cross red lines as give every part of the political spectrum something they like. The four "no" votes from the Senate Energy and Natural Resources Committee came from three avid climate progressives and a MAGA acolyte. **Other senators are publicly so-so on the bill and some influential progressive politicians and groups are already outwardly opposed.** Others, like Senator Lisa Murkowski (R-AK), have expressed an interest in adding amendments, representing another possibility for the effort to trip this bill up. The bill only passed through the Energy and Natural Resources Committee successfully because Manchin was willing to vote with all Republicans against Democratic amendments that would have upset the precarious balance of the bill. **Even if the compromise does pass the Senate, it has to be reconciled with a parallel push in the House.** Rep. Scott Peters (D-CA) and House Natural Resources Committee Chair Bruce Westerman (R-AK) are working on their own permitting bill that also includes changes to the National Environmental Policy Act (NEPA), widening the possible scope of a final bill and threatening to erode the support of environmentalists. Westerman described the Senate version as a "first step" with "still much work to be done," implying that this is closer to the beginning than to the end. Westerman released a discussion [draft](#) for broader NEPA reform last week with a committee hearing scheduled for [tomorrow](#). **All of this to say that permitting reform is neither guaranteed nor doomed but this lame duck period may be the best shot it will have for the foreseeable future, even if that shot isn't particularly strong.**

## Rail Safety

This topic gained prominence in the wake of the February 2023 train accident in East Palestine, OH, and safety advocates hope the National Transportation Safety Board's final report, released in June, will provide the push needed to get reform over the hill. **To date, legislative progress has been stuck still on the tracks.** Support for increased safety standards is universal among Democrats but the leading Senate [proposal](#) has failed to attract enough Republican approval. The dynamic behind the GOP's position on the bill reflects current party divisions. While the vast majority of Republicans oppose any new regulations outright, a handful of populists, including vice presidential candidate Senator JD Vance (R-OH) willing to saber-rattle at big business have expressed interest and co-sponsored the bill. The companion bill in the House is [backed](#) by a handful of moderate Republicans in battleground seats in mostly blue states. No further GOP members have come out in favor and none seem forthcoming.

**The railroad industry has aggressively lobbied [against](#) the bill behind the scenes and donated to its opponents. Norfolk Southern (NSC)** federal lobbying increased 30 percent last year and its stock has since returned to its pre-accident levels. Both [McConnell](#) and [Thune](#) (R-SD), the latter a former railroad lobbyist that's received \$67,000 from the industry this [cycle](#), are against it. Democrats tried testing the waters on whether the bill could go ahead without raising any objections to no [avail](#). **The legislation also faces intense competition for floor time with other bills and Majority Leader Schumer has said he won't go forward on a vote until he knows it could pass;** he claims to have asked Vance for the names of enough Republicans to overcome a filibuster but has come up empty.

**Even if it does pass the Senate, it faces arguably even tougher terrain in the House.** All Democrats there can be expected to vote for it, as well as [nine](#) battleground GOP members that co-sponsored sister legislation in the chamber. **However, House Transportation Committee Chair Sam Graves (R-MO) and Rail Subcommittee Chair Troy Nehls (R-TX) have expressed skepticism about potential regulations.** Both members are also top recipients of rail's political donations. Graves has been [reported](#) to be very unlikely to see anything in the final safety report worth acting on. Nehls has said in the past he opposes burdensome regulations but **in a rare glint of hope, Politico reported that Nehls is working on a bipartisan bill with Rep. Seth Moulton (D-MA).** **This represents the best chance of safety legislation passing this term.** This bill *might* get the needed amount of Republicans in both chambers; this fact also means the product will likely lean towards handling the industry with a light touch. If it does end up becoming law, it would most likely have to do so via its attachment to a larger, must-pass bill already heading out the door.



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