

United States Senate
WASHINGTON, DC 20510-3203

November 14, 2021

Dear Colleague:

I hope you are having a productive state work period. On the heels of the House passing the Senate's *Infrastructure Investment and Jobs Act*, Senate Democrats have a lot to celebrate with our constituents, small businesses and local officials – finally, it is Infrastructure Week. This historic legislation, which will be signed by President Biden on Monday, is one of the largest ever investments in the nation's physical infrastructure. It will create millions of good-paying jobs and finally fix long-standing problems in our communities from lead contamination to failing bridges and more. I especially want to thank the Senators who led the bipartisan negotiations over the summer, the Committee Chairs that turned the final deal into legislation, and Speaker Pelosi and our House colleagues for making this important bill into a law.

I would also like to recognize the good work of our colleagues abroad at the COP26 U.N. Climate Change Conference in Glasgow. During this week, many Senators and members of the House joined President Biden and his team at the conference to demonstrate the return of U.S. climate leadership on the global stage. Our *Build Back Better Act* is the cornerstone of that renewed leadership. The BBBA represents the largest ever investment in clean energy in U.S. history, which will unleash the tremendous potential the U.S. economy has to create new energy jobs and reduce carbon emissions commensurate with our global commitments. Thank you to those Senators who attended the conference on behalf of Senate Democrats. Now we must deliver on our commitments by passing the BBBA.

Let me turn to the work ahead of us in November and December. As you know, the legislative agenda for the remainder of 2021 is considerable. In addition to the BBBA, we will aim to process the FY2022 National Defense Authorization Act and a short-term Continuing Resolution that we hope will allow more time for a bipartisan, bicameral agreement on FY2022 Appropriations. We also need to come to a final resolution on the Senate's other major legislative priorities, like the bipartisan *U.S. Innovation and Competition Act (USICA)*– which, among many things, addresses immediate supply chain issues -- and the *Freedom to Vote Act* to safeguard our democracy and protect the right to vote. Finally, we will need to continue confirming President Biden's judicial and executive nominations and deal with the potential for Debt Limit legislation pending further information on the X date. I will now outline some additional specifics on those items.

Build Back Better Act: during the state work period, the Budget Committee and my office continued to work with the House and Senate committees and the Senate Parliamentarian on the so-called "Privilege Scrub." This process is necessary to ensure the House legislation is in compliance with Senate reconciliation rules and the instructions in the budget resolution, and thereby maintains its status as "privileged" legislation in the Senate. We are aiming to finish that work this week. Additionally, the separate process of holding "Byrd Bath" meetings with the Senate Parliamentarian will begin this week. On a bill of this magnitude, this process takes time and patience and I want to thank Chairman Sanders and his entire staff for their hard work and due diligence. Timing of consideration of the BBBA in the Senate will largely depend on when

the House sends us the bill and when CBO finalizes their scores for all of the committees, which are needed to complete the “Byrd Bath” process. We will update you regularly on these steps.

National Defense Authorization Act: due to the House pushing back consideration of the BBBA to the week of November 15th, it is likely that the Senate considers the NDAA this upcoming week as we await House passage of the BBBA. The Senate may add the Senate-passed text of USICA to the NDAA. I have had a number of conversations with Senators on both sides of the aisle and there seems to be fairly broad support for doing so, which would enable a USICA negotiation with the House to be completed alongside NDAA before the end of the year. One of the core goals of USICA is bolstering U.S. domestic manufacturing and supply chains. The funding and policies included in USICA will help alleviate the supply chain challenges facing our small business and consumers on a daily basis, making its passage this year critical. In addition, we will seek to have an amendment vote to the NDAA on bipartisan legislation repealing the 2002 Iraq AUMF that was reported by the Foreign Relations Committee earlier this year. I made a commitment to having a vote on this proposal in 2021 and the NDAA is a logical place to have that vote.

FY2022 Appropriations: with my full support, Chairman Leahy has been leading bipartisan 4 corners negotiations on Appropriations. I am disappointed that we have not yet been able to reach a “topline” agreement on funding levels for FY2022 with our Republican colleagues. But I am hopeful that we can reach an agreement soon so that the Committees can finalize their bills and we can consider a FY2022 Omnibus bill later this year. However, it is likely that we will need to process a Continuing Resolution before December 3rd to give our Appropriators more time to finish their work.

The Fight for Free and Fair Elections: this Congress, the Senate has worked diligently to advance critical legislation to protect the integrity of our elections. The Freedom to Vote Act and the John Lewis Voting Rights Advancement Act work together to safeguard our elections and promote equitable access to the ballot, while fighting back against partisan gerrymandering and unaccountable dark money. Sadly, our Republican colleagues have blocked Senate consideration of these bills at every turn, preventing the world’s greatest deliberative body from even having a simple debate about the merits of these critical measures. But just because Republicans will not join us doesn’t mean Democrats should stop fighting. This is too important. Even if it means going at it alone, we will continue to fight for voting rights and work to find an alternative path forward to defend the most fundamental liberty we have as citizens. To that end, a number of our colleagues – with my full support - have been discussing ideas for how to restore the Senate to protect our democracy. Those conversations will continue in earnest this coming week. Despite all that confronts us, we must continue our fight to protect our democracy.

Finally, the Republicans’ unprecedented obstruction of even the most non-controversial of nominees means we will likely need to spend additional hours taking roll call votes. President Biden deserves his full team to execute our goals at home and abroad. We will do what we need to do to get them confirmed, even if it means voting at inconvenient times.

In conclusion, I ask that you please keep your schedule flexible for the remainder of the calendar year. As you can see, we still have much work to do to close out what will be a very successful year of legislative accomplishments. I am confident we can get each of these important items done this year, but it will likely take some long nights and weekends.

Thanks again for your continued partnership.

Sincerely,

A handwritten signature in blue ink that reads "Charles Schumer". The signature is written in a cursive, flowing style.

Charles E. Schumer
United States Senator