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This Week in Congress!

Congress returned this week for three weeks of legislative work before recessing for the holidays on December 18th. Members of Congress have packed agendas, mirroring their holiday tables, as they return to Washington. They are striving to prevent an affordability crisis with impending spikes in health insurance premiums for millions of Americans. Concurrently, they must maintain their momentum to fund the government, with senators pushing forward their second set of spending bills for federal agencies. Additionally, Congress is tasked with passing the annual defense policy bill, all within the three weeks they are scheduled to be in session before they adjourn for the year.

FCA International Supports Infrastructure Expansion Act of 2025

On Wednesday, FCA International walked the halls of Congress advocating for the passage of the Infrastructure Expansion Act of 2025 (H.R. 3548), which would reform New York's antiquated liability law on federally funded projects, reduce taxpayer costs, and promote more construction and jobs in New York. This legislation would preempt state law and align New York with 49 other states, which utilize a comparative negligence standard to assess fault, when injuries occur on a construction site. FCA met with the following congressional offices: Reps. Malliotakis (R-NY), Lawler (R-NY), Langworthy (R-NY), Garbarino (R-NY), Tenney (R-NY), and the House Transportation and Infrastructure Committee. Rep. Langworthy authored H.R. 3548.

Healthcare Update

Millions of Americans could face significantly higher health insurance costs next year due to the scheduled expiration of the ACA enhanced premium tax credits. While many Republicans are concerned about the potential impact on their prospects in the mid-term elections, the majority remains undecided on any course of action. Initially, President Trump stated he would not support extending the ACA subsidies. However, reports surfaced last week indicating that the White House was preparing a proposal to extend the subsidies for two years, with new limits on eligibility and an option to receive part of the credit in a Health Savings Act (HSA). This plan faced strong opposition from the more conservative wing of the Republican party, leading the White House to quickly retract the proposal.

Even if Republicans could agree on a strategy to reduce healthcare costs without extending the credits, there isn't enough time to utilize the budget reconciliation process for a partisan reform package before the end of the year. Consequently, any solution Congress could enact before the credits expire would require bipartisan support, including an extension of the credits with reforms to limit eligibility. Such a compromise bill is unlikely to garner sufficient Republican support to pass both chambers unless President Trump advocates for it, and even then, it would likely need significant Democratic votes.

FY26 Appropriations Update

Senate leadership is considering merging four or five FY 2026 appropriations bills into a minibus package, which would encompass Commerce-Justice-Science, Defense, Labor-Health and Human Services (Labor-HHS), Transportation-Housing and Urban Development (THUD), and possibly Interior. Majority Leader Thune (R-SD) plans to bring this package to the floor soon.

National Defense Authorization Act (NDAA) Update

Negotiations on the NDAA are ongoing. Given that this measure is one of the few that consistently passes at the end of each year with bipartisan support and considering the lack of legislative movement since the One Big Beautiful Bill Act, the NDAA is seen as a valuable opportunity to advance non-military priorities. Prior to Thanksgiving, the Chairman of the House Financial Services Committee rejected a bipartisan Senate plan to include affordable housing legislation and other financial policy provisions, such as a temporary ban on the Federal Reserve creating a central bank digital currency. Despite this, members are still advocating for the addition of other provisions. These include measures to prevent states from regulating AI, limit the export of advanced semiconductors to adversarial countries like China, and impose new restrictions on U.S. investments in China. The Chairman of the House Armed Services Committee has indicated that he expects to release the negotiated bill text this week, with a House vote potentially occurring next week.

Successful Use of Discharge Petitions

Notable for what it might signify regarding the strength of the House Speaker, Republican rank-and-file members of Congress are increasingly bypassing leadership to force House votes on their legislative priorities. The discharge petition process is available for bills that have sat in committee for at least 30 legislative days. Once a member files a petition, the clerk holds it for signatures. If it gets 218 signatures (a majority of the full House), the clerk enters a discharge motion on the House calendar. After seven legislative days, any member who signed the petition may notify the House of an intention to offer the motion on the floor, and the Speaker then must schedule a vote on the measure within two legislative days.

Until recently, discharge petitions very rarely resulted in a floor vote. Typically, members of the majority party face a real disincentive to sign a discharge petition because such public rebuke of one's own party's leadership can invite political retribution. But since Speaker Mike Johnson (R-LA) won his leadership position, members of his own party have collected the required number of signatures on five discharge petitions.

Republican's very narrow majority in the House contributes to the unusually successful use of discharge petitions in the past couple years, but increasing reliance on the procedure could also reflect weak Republican leadership. Concededly, in some instances, most notably relating to the Epstein files, the Speaker might have chosen to rely on a discharge petition to limit his own risk when dealing with politically tricky problems. But the trend may indicate growing disorder in the House.

New House Party Ratios

In a district that Donald Trump won by 22 percent in 2024, GOP candidate Matt Van Epps (R-TN) won election to the U.S. House by 9 percent and on Thursday, he became the newest member of Congress by taking the oath of office - just two days after his election. Last week, former Democratic Rep. Mikie Sherril resigned following her election to be the next governor of New Jersey. The House now stands at 220 Republicans to 213 Democrats. Two seats are currently vacant, one in Texas, and one in New Jersey.