

Capitol Hill Weekly

Washington National Tax
Federal Legislative & Regulatory Services

September 28, 2026

This update reflects facts as of Monday morning, September 28, 2026. The situation is fluid and may change.

The Senate remains in session for one more week until it joins the House in adjourning for the November elections. The leadership plans a vote early in the week on a bipartisan bill to regulate college sports. It also plans a test vote on data center legislation. Negotiations over energy permitting reform continue but are not yet complete. And there may be votes on some pending judicial and administrative nominations, although a vote on an IRS Chief Counsel is not yet expected. The list of matters left to be addressed in a lame duck session is quite long.

College sports. The Senate voted 77-23 last week to advance the Protect College Sports Act. It is expected to vote on passage of the bill as soon as Monday. The legislation would set national standards for name, image, and likeness rights, limit student-athlete transfers, establish health and safety standards, and provide limited antitrust exemptions for the NCAA.

Objections nevertheless remain. Some have complained that the protections provided to athletes is insufficient and the antitrust exemptions are too broad. Others find the bill generally too intrusive. The bill appears to have more than sufficient support in the Senate for passage, but problems could remain in the House.

Data centers. The House passed the Ratepayer Protection Act by an overwhelming 417-3 vote before it adjourned. The bill would be the first to address growing concerns about the proliferation of data centers, particularly with the growth of AI. Concerns about electricity rates, water usage, noise, and land use have become locally contentious, attracting bipartisan interest.

Opponents, particularly on the Democratic side, have found this legislation weak, however. The bill would direct state power utility regulators and unregulated utilities to consider requiring large facilities to cover the incremental cost of infrastructure upgrades needed to serve them. The guidelines, however, are not mandatory. A procedural vote to advance the measure will test the size of the opposition, sixty votes being needed in the Senate for passage.

Permitting reform. Negotiations are continuing in the Senate over legislation to facilitate

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environmental permitting of energy projects. Senate leadership is monitoring progress to determine whether the legislation, strongly supported by the Administration, might be advanced. Again, the need for sixty votes and the need to balance hydrocarbon and sustainable energy complicate negotiations.

Nominations. Judicial and administrative nominations will remain on the Senate agenda for the remainder of the year, made more compelling by the possible change in control of the Senate in the November elections.

The Senate Finance Committee voted last week to advance the nomination of a new IRS Chief Counsel. The IRS has been missing a Senate-confirmed Chief Counsel since the beginning of the Trump Administration. The Finance Committee vote was narrow and partisan, however, 14-13. A vote by the Senate on the nomination is not expected until after the elections.

Lame duck. The House has already adjourned until after the elections, and the Senate is set to join it this week. When Congress returns a week after the elections, it will face a daunting agenda. Must-do legislation includes funding the government past December 11, when the existing continuing resolution expires. Congress must also reauthorize surface transportation and agriculture programs, as well as critical defense programs.

Legislation to provide supplemental funding for defense to address the costs of the war with Iran will also be on the lame duck agenda unless addressed by increases in the annual funding bill. Regulation of cryptocurrency and its taxation also remain unaddressed, but negotiations could extend into 2027. And, unless addressed this week, federal regulation of data centers will continue to be an issue, along with growing concerns about artificial intelligence.

The small Republican majorities are likely to continue to complicate passage of legislation, potentially made still more difficult should there be a change in control of one or both houses coming in 2027.

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