

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 22-cv-149

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From: Kelly, Stephen D. (OGC) (FBI)
Subject: [REDACTED]
To: [REDACTED] (OGC) (FBI)
Sent: August 10, 2021 1:57 PM (UTC-04:00)

b6 -1
b7C -1
b7E -3
b5 -2

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

[REDACTED]

From: [REDACTED]
Sent: Tuesday, August 10, 2021 12:58 PM
To: Kelly, Stephen D. (OGC) (FBI) [REDACTED]
Subject: [REDACTED]

b6 -1
b7C -1
b7E -3
b5 -2

Hi Stephen,

I am forwarding in case the below got lost in all the emails you got while you were on leave.

Thanks.

[REDACTED]

SSA [REDACTED]
Unit Chief
Investigative Law Unit
Office of the General Counsel
Federal Bureau of Investigation

[REDACTED]

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From: [REDACTED]
Sent: Thursday, August 5, 2021 11:06 AM
To: Feinberg, Matthew A. (CD) (FBI) [REDACTED]
Cc: [REDACTED] Kelly, Stephen D. (OGC) (FBI) [REDACTED]
Subject: [REDACTED]

b6 -1
b7C -1
b7E -3
b5 -2

Hello,

[REDACTED]

b5 -1,2

[Redacted]

b5 -1,2

Thank you!

[Redacted]

Special Advisor
Federal Bureau of Investigation

[Redacted]

b6 -1
b7C -1
b7E -3

From: Feinberg, Matthew A. (CD) (FBI) [Redacted]

Sent: Thursday, August 5, 2021 10:28 AM

To: [Redacted]

Cc: [Redacted] Kelly, Stephen D. (OGC) (FBI) [Redacted]

Subject: [Redacted]

b5 -1,2
b6 -1
b7C -1
b7E -2,3

Thank [Redacted]

[Redacted]

Matt

Matthew A. Feinberg
Section Chief [Redacted]
Federal Bureau of Investigation

[Redacted]

From: [Redacted]

Sent: Thursday, August 5, 2021 10:22 AM

To: Feinberg, Matthew A. (CD) (FBI) [Redacted]

Cc: [Redacted] Kelly, Stephen D. (OGC) (FBI) [Redacted]

Subject: [Redacted]

b6 -1
b7C -1
b7E -3
b5 -2

Hi Matt,

[Redacted]

Thanks.

[Redacted]

From: [Redacted]

Sent: Wednesday, August 4, 2021, 11:26 AM

To: [Redacted]

Subject: [Redacted]

b6 -1
b7C -1
b7E -3
b5 -2

[Redacted]

b6 -1
b7C -1
b7E -3

Assistant General Counsel
Office of the General Counsel
Investigative Law Unit
Room 7919 JEH

(o) [Redacted]
(c) [Redacted]

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From: [Redacted]
Sent: Wednesday, August 4, 2021 8:55
To: Kelly, Stephen D. (OGC) (FBI) [Redacted]

b6 -1,5
b7C -1,5
b7E -3
b5 -1

[Redacted]

Feinberg, Matthew A. (CD) (FBI)

[Redacted]

C [Redacted]
Subject: [Redacted]

b5 -1,2

[Redacted]

Thanks.

[Redacted]

b6 -5
b7C -5

Drug Enforcement Administration

[Redacted]

From: [redacted] (OGC) (FBI)
Subject: [redacted]
To: Kelly, Stephen D. (OGC) (FBI)
Cc: [redacted] Prest, Erin M. (OGC) (FBI)
Sent: August 10, 2021 2:06 PM (UTC-04:00)
Hi Stephen,

b6 -1
b7C -1
b5 -2

No worries, I hope you had a good vacation.

Thanks very much for the update. Sounds like a very frustrating situation. I'll refer the CDCAC to Matt Feinberg.

Thank you for your help on this. Welcome back!

[redacted]

b6 -1
b7C -1
b7E -3

[redacted]
Counsel, Field Legal Program
Office of General Counsel
Federal Bureau of Investigation
Cell: [redacted]
Desk [redacted]

From: Kelly, Stephen D. (OGC) (FBI) [redacted]
Sent: Tuesday, August 10, 2021 10:02 AM
To: [redacted]
Cc: [redacted] Prest, Erin M. (OGC) (FBI) [redacted]
Subject: [redacted]

b6 -1
b7C -1
b7E -3
b5 -2

[redacted]

Sorry not to get back to you sooner; I've been out for two weeks on vacation.

[redacted]

b5 -1,2

Stephen

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

[Redacted]

b7E -3

From: [Redacted]
Sent: Wednesday, July 28, 2021 4:29 PM
To: Kelly, Stephen D. (OGC) (FBI) [Redacted]
Subject: [Redacted]

b6 -1
b7C -1
b7E -3
b5 -2

Hi Stephen,

I had my bi-weekly call with the CDCAC today and was again asked about any HQ update on BWC (the CDC is being consistently asked by the SAC and crim ASAC). I realize there's probably no news but I said I'd reach out again to double check.

Thanks,

[Redacted]

[Redacted]
Counsel, Field Legal Program
Office of General Counsel
Federal Bureau of Investigation
Cell: [Redacted]
Desk [Redacted]

From: [Redacted]
Sent: Wednesday, July 14, 2021 3:05 PM
To: Kelly, Stephen D. (OGC) (FBI) [Redacted]
Subject: [Redacted]

b6 -1
b7C -1
b7E -3
b5 -2

Hi Stephen,

I had a call with the CDCAC this afternoon and they asked if there are any updates re: the BWC policy. I told them it's probably still very much in the process with you and main Justice but that I'd reach out to you. They also asked about a BWC survey that someone at the last Director's meeting apparently said was being sent out to the field, but I'm not familiar with that. Is there any info on either the BWC policy or survey that you have that I may relay to the CDCAC? Thanks very much for your help.

[Redacted]

[Redacted]
Counsel, Field Legal Program
Office of General Counsel
Federal Bureau of Investigation
Cell: [Redacted]
Desk [Redacted]

From: [redacted] (OGC) (FBI)
Subject: [redacted]
To: Kelly, Stephen D. (OGC) (FBI)
Sent: August 10, 2021 3:06 PM (UTC-04:00)
Hi,

b6 -1
b7C -1
b7E -3
b5 -2

Tried you, please call my cell back whenever, should be free until 3:45 then again at 4:45.

Thanks,

[redacted]

[redacted]
Special Counsel
Deputy Director's Office
Federal Bureau of Investigation

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From: [redacted]
Sent: Tuesday, August 10, 2021 9:51:49 AM
To: Kelly, Stephen D. (OGC) (FBI) [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Re: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

That works.

From: Kelly, Stephen D. (OGC) (FBI) [redacted]
Sent: Tuesday, August 10, 2021 9:49:52 AM
To: [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: [redacted]

b6 -1
b7C -1
b7E -3
b5 -2

Thanks. Can we try 3 today? Does not need to be a long call.

I mostly just want to get your perspective on where this sits at the executive level.

I'm also happy to wait until tomorrow if that's easier, as I'll also be in.

Stephen

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

[redacted]

b7E -3

From: [redacted]
Sent: Tuesday, August 10, 2021 9:47 AM
To: Kelly, Stephen D. (OGC) (FBI) [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Re: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

Good morning,

I'm actually quite flexible today as I'm off due to some [redacted] things that I'm handling. I'm available for a call in the afternoon after 3 if it works for you, or back in tomorrow.

Thanks.

From: Kelly, Stephen D. (OGC) (FBI) [redacted]
Sent: Tuesday, August 10, 2021 9:44:36 AM
To: [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Fw: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

I'm sure you swamped, but please let me know if you have a minute to discuss the revisions to the BWC policy. I'm back from two weeks of vacation and want to re-engage in as positive way as possible. I believe that Matt is out this week, but I still wanted to get your perspective on a few matters related to BWCs.

Thanks, and just let me know if you have any availability.

Stephen

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

From: Kelly, Stephen D. (OGC) (FBI)
Sent: Thursday, July 29, 2021 12:04 PM
To: Feinberg, Matthew A. (CD) (FBI) [redacted]
Dunham, Timothy M. (TD) (FBI) [redacted]
Cc: McNally, Richard (OGC) (FBI) [redacted]
Subject: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

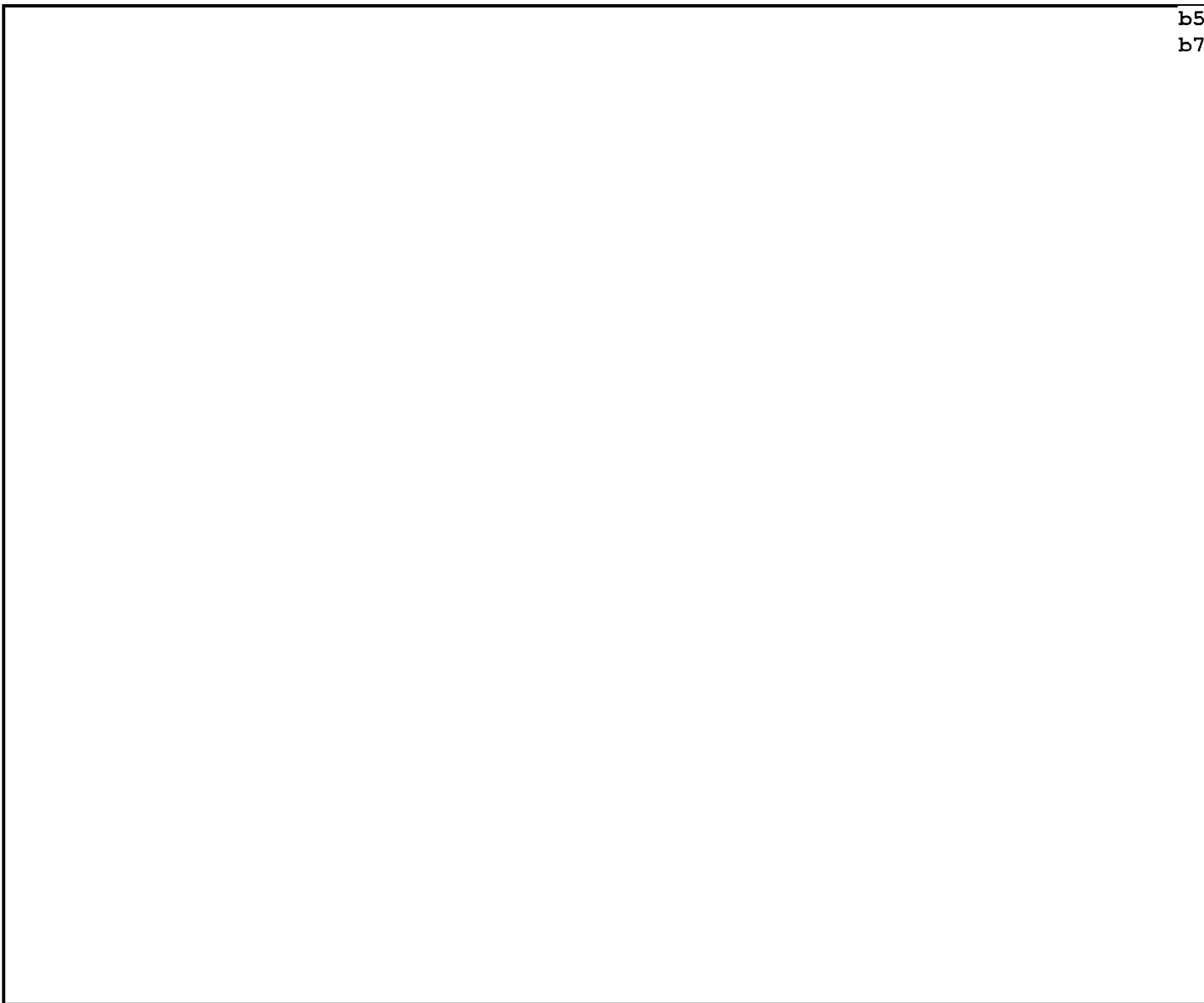
All:

Sorry not to get back to folks sooner, but I've been out on vacation and unexpectedly I had to take care of

I've had a chance to review the changes from DoJ. [redacted]

[redacted] That being said [redacted]

b5 -1,2



Here are a few examples:



b5 -1,2
b6 -1
b7C -1
b7E -4,27

I have a proposed a few changes below, as I cannot figure out how to make changes to the document circulated and how to get it to everyone. [REDACTED]

Unfortunately, I will not be available later today, but feel free to connect with [REDACTED] with follow-up questions,

Thanks everyone.

Stephen

Proposed Revisions:

b5 -1,2
b7E -4,27

Stephen D. Kelly

FBI (22-cv-00149)-7189

Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation



b7E -3

From: Kelly, Stephen D. (OGC) (FBI)
Subject: Re: BWC Revisions by DoJ
To: [redacted] (OGC) (FBI)
Sent: August 10, 2021 3:07 PM (UTC-04:00)

b6 -1
b7C -1
b7E -3

Can you call me on my cell [redacted] I can't seem to get your cell using my new phone. It only lists your office phone.

Thanks.

Stephen

From: [redacted]
Sent: Tuesday, August 10, 2021 9:51:49 AM
To: Kelly, Stephen D. (OGC) (FBI) [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Re: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

That works.

From: Kelly, Stephen D. (OGC) (FBI) [redacted]
Sent: Tuesday, August 10, 2021 9:49:52 AM
To: [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Re: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

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I mostly just want to get your perspective on where this sits at the executive level.

I'm also happy to wait until tomorrow if that's easier, as I'll also be in.

Stephen

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation
[redacted]

From: [redacted]
Sent: Tuesday, August 10, 2021 9:47 AM
To: Kelly, Stephen D. (OGC) (FBI) [redacted]
Cc: Prest, Erin M. (OGC) (FBI) [redacted]
Subject: Re: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

Good morning,

I'm actually quite flexible today as I'm off due to some [redacted] things that I'm handling. I'm available for a call in the afternoon after 3 if it works for you, or back in tomorrow.

Thanks,

[Redacted]

b6 -1
b7C -1
b7E -3

From: Kelly, Stephen D. (OGC) (FBI) [Redacted]

Sent: Tuesday, August 10, 2021 9:44:36 AM

To: [Redacted]

Cc: Prest, Erin M. (OGC) (FBI) [Redacted]

Subject: Fw: BWC Revisions by DoJ

[Redacted]

I'm sure you swamped, but please let me know if you have a minute to discuss the revisions to the BWC policy. I'm back from two weeks of vacation and want to re-engage in as positive way as possible. I believe that Matt is out this week, but I still wanted to get your perspective on a few matters related to BWCs.

Thanks, and just let me know if you have any availability.

Stephen

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

[Redacted]

b7E -3

From: Kelly, Stephen D. (OGC) (FBI)

Sent: Thursday, July 29, 2021 12:04 PM

To: Feinberg, Matthew A. (CD) (FBI) [Redacted]

Dunham, Timothy M. (TD) (FBI) [Redacted]

Cc: McNally, Richard (OGC) (FBI) [Redacted]

[Redacted]

Subject: BWC Revisions by DoJ

b6 -1
b7C -1
b7E -3

All:

Sorry not to get back to folks sooner, but I've been out on vacation and unexpectedly I had to take care of

[Redacted]

I've had a chance to review the changes from DoJ. [Redacted]

b5 -1,2
b7E -4,27

[Redacted] That being said [Redacted]

[Redacted]

[Large Redacted Block]

b5 -1,2
b7E -4,27

Here are a few examples:

b5 -1,2
b7E -4,27

I have a proposed a few changes below, as I cannot figure out how to make changes to the document circulated and how to get it to everyone.

b5 -1,2
b7E -4,27

Unfortunately, I will not be available later today, but feel free to connect with [redacted] with follow-up questions,

Thanks everyone.

Stephen

Proposed Revisions:

b5 -1,2
b7E -4,27

Stephen D. Kelly
Chief, Operational Law Section
Office of the General Counsel
Federal Bureau of Investigation

b7E -3

From: Bulletin Intelligence
Subject: [EXTERNAL EMAIL] - FBI Public Affairs - Director's AM News Briefing Wednesday, August 11, 2021
To: [REDACTED]
Sent: August 11, 2021 5:00 AM (UTC-04:00)
Attached: FBI Dir Briefing 210811.doc

b7E -3

This morning's Director's AM News Briefing is attached.

Full-text Links: Clicking the hypertext links in our write-ups will take you to the newspapers' original full-text articles.

Interactive Table of Contents: Clicking a page number on the table of contents page will take you directly to that story.

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b7E -3

FBI PUBLIC AFFAIRS – DIRECTOR’S AM NEWS BRIEFING

WEDNESDAY, AUGUST 11, 2021 5:00 AM EDT

Cuomo Unexpectedly Announces Resignation. The announcement by New York Gov. Andrew Cuomo (D) that he is resigning in the face of numerous charges of sexual harassment was the top political story in the latest news cycle, surpassing the passage of the infrastructure bill in coverage.

The CBS Evening News (8/10, 6:31 p.m. EST, lead story, 4:45, Garrett, 3.58M) reported, “The sudden resignation” of Cuomo “came as a shock to many because for days, if not weeks, Cuomo vowed to fight allegations of sexual harassment by 11 women.” Cuomo “said he will leave office in 14 days, and as a result, New York Lieutenant Governor Kathy Hochul will become, very soon, the state’s first female governor.” NBC Nightly News (8/10, 6:31 p.m. EST, lead story, 3:00, Holt, 4.71M) reported that in “an address to New Yorkers, Cuomo maintained he never crossed the line with anyone but suggested the line has been redrawn.” ABC World News Tonight (8/10, 6:32 p.m. EST, lead story, 5:15, Muir, 6.15M) called the announcement a “bombshell,” and added that Cuomo offered a “denial today, but also an apology.” Cuomo said, “There is a difference between alleged improper conduct and concluding sexual harassment. Now you don’t get me wrong, this is not to say that there are not 11 women who I truly offended. There are. And for that, I deeply, deeply apologize. I take full responsibility for my actions. I have been too familiar with people. In my mind, I’ve never crossed the line with anyone. But I didn’t realize the extent to which the line has been redrawn.”

To the AP (8/10, Villeneuve), the Governor was “by turns defiant and chastened.” The resignation “was announced as momentum built in the Legislature to remove him by impeachment and after nearly the entire Democratic establishment had turned against him, with President Joe Biden joining those calling on him to resign.” The Washington Post (8/10, 10.52M) reports Cuomo said, “Wasting energy on distractions is the last thing that state government should be doing. ... Given the circumstances, the best way I can help now is to step aside and let government get back to governing.” Cuomo “announced his resignation shortly after his attorney, Rita Glavin, delivered a lengthy attack on a report commissioned by the state attorney general that was released last week.” Glavin said the report “got key facts wrong, it omitted key evidence, and it failed to include witnesses who did not support the narrative that it was clear this investigation was going to weave from day one.”

The New York Times (8/10, Glueck, 20.6M) reports that as Cuomo delivered his remarks on Tuesday, “another message became clear: The governor, ever the tactician, was seeking redemption in the eyes of New Yorkers, straining to litigate and define his legacy – sometimes in defiance of reality – and to preserve his future standing amid the worst crisis of his career.” Dana Milbank writes in the Washington Post (8/10, 10.52M) that in his resignation speech, Cuomo said, “I take full responsibility for my actions.” It was, Milbank writes, “a noble sentiment, and it would have been a graceful way to exit the political stage. But none of it was true.” Cuomo “had made his position perfectly clear before he opened his mouth” when “his private lawyer, Rita Glavin...blamed Cuomo’s troubles on his accusers, the investigators, state legislators, the media – everybody, that is, but Cuomo himself.” Milbank says Cuomo’s “forced resignation is probably the best result for New York and for the principle that public figures should be accountable. But it’s a pity he couldn’t do it with more dignity.”

In another piece, the New York Times (8/10, Ferré-Sadurní, 20.6M) says the report’s “fallout was swifter than even those closest to Mr. Cuomo expected. He quickly became isolated and grew more so by the day. His top aide, Melissa DeRosa, resigned Sunday after concluding the governor had no path to remain in office, according to a person familiar with her thinking. In the end, Mr. Cuomo followed through on the advice his top advisers and onetime allies had been offering: leave office voluntarily.”

Politico New York (8/5, Young, Bocanegra) says it is “a Shakespearean fall from grace for ‘America’s governor,’ a man who had been widely discussed as a possible attorney general, vice presidential — or even presidential — contender. He drew widespread acclaim for his fireside chat-style pandemic briefings, which earned him an Emmy, a book deal and comparisons to a previous occupant of his Albany office: President Franklin D. Roosevelt.” Bloomberg (8/10, Beckwith, 3.57M) say it was “an ignominious ending to the once-bright political career” of Cuomo. The New York Daily News (8/10, Slattery, Sommerfeldt, 2.51M) called the resignation “a stunning downfall for one of the most prominent Democrats in the country.”

Looking at the internal debates that led the Governor to resign, the New York Times (8/10, Flegenheimer, Haberman, Rashbaum, Hakim, 20.6M) reports the “spectacle on Tuesday morning...was at once stunning and unsurprising to those closest to him. It was the culmination of a frenetic, often contradictory few days during which Mr. Cuomo seemed to vacillate between defiant and defeated, predisposed to fight but eventually resigned to the fact that his formidable political army had fallen away.” Separately, the New York Times (8/10, Grynbaum, 20.6M) reports CNN anchor Chris Cuomo “has regularly spoken with

Governor Cuomo by telephone over the past week and advised his brother to resign, said two people who requested anonymity to describe sensitive private conversations.”

Reuters (8/10, Allen, Ax) reports Cuomo “had for months denied escalating accusations of sexual harassment – and renewed those denials after the investigative report was issued. But what was left of his political support crumbled after the findings [of James’ investigation] were made public. Hours later, Biden, a longtime friend, said he believed Cuomo should resign.” The Wall Street Journal (8/10, Vielkind, Paul, Ramey, Subscription Publication, 8.41M) reports Cuomo drafted his resignation announcement on Monday as Assembly leaders met at the state Capitol to discuss impeaching him.

Biden: Cuomo Did A “Hell Of A Job” As Governor, But Respects Decision To Step Down. The CBS Evening News (8/10, 6:36 p.m. EST, story 2, 1:50, Garrett, 3.58M) reported President Biden “said today he respected Cuomo’s decision to step down as the President tried to put some distance between himself and the allegations that drove Cuomo from office.” CBS (O’Keefe) added that the President had called on Cuomo to resign, and “today reluctantly discussed the downfall of one of his closest political allies.” Asked to assess Cuomo’s time in office, the President said that as a governor, “Well, he’s done a hell of a job, done a hell of a job. That’s why it’s so sad.” ABC World News Tonight (8/10, 6:32 p.m. EST, lead story, 5:15, Muir, 6.15M) showed the President saying, “I respect the governor’s decision.”

USA Today (8/10, Campbell, Spector, 12.7M) reports that shortly after the announcement, White House press secretary Jen Psaki said, “Our view is that this is a story about these courageous women who came forward, told their stories, shared their stories.” She “added that Biden has not spoken with Cuomo nor was the White House given a heads up on the New York Democrat’s decision to resign.”

Cuomo May Still Face Charges, Suits, Impeachment. Kathy Park reported for NBC Nightly News (8/10, 6:31 p.m. EST, lead story, 3:00, Holt, 4.71M) that Cuomo “said his resignation was meant to avoid a long and expensive impeachment. But that process may still go forward. And if convicted, Cuomo could be barred from ever seeking state office again.” For ABC World News Tonight (8/10, 6:37 p.m. EST, story 2, 0:40, Muir, 6.15M), chief legal analyst Dan Abrams said that “as a legal matter, that investigation in Albany County is the biggest threat to him right now. The possibility of a misdemeanor assault charge. And nothing that happens in the political arena, resigning, et cetera, changes that investigation. There’s also the possibility of a civil lawsuit that could be filed by one or more of the women as long as it’s within the statute of limitations. So, while this may be over as a political matter, it’s not as a legal matter.”

The Albany (NY) Times Union (8/10, 315K) reports Cuomo’s “decision to resign would not impact the criminal investigation into executive assistant Brittany Comisso’s allegation Cuomo groped her at the Executive Mansion last year, Albany County Sheriff Craig Apple said Tuesday afternoon.”

In addition, Bloomberg (8/10, Clukey, 3.57M) reports Cuomo may also “still face impeachment if only to keep him from running for office again.” The state Assembly Judiciary Committee, “which has been considering whether it had enough evidence to proceed with impeachment of the three-term Democrat, is scheduled to meet on Aug. 16 to discuss ‘what, if any, role there is anymore,’ committee member David Weprin, a Democrat, said in an interview.”

Fox News (8/10, Ruiz, 23.99M) reports that “there may still be criminal consequences” for Cuomo, noting that “at least five district attorneys from around the state have asked for materials from the probe to explore whether they might open criminal investigations into the governor,” and “the Department of Justice could open one as well.” Fox News adds, “In late July, the Justice Department dropped a civil rights inquiry into Cuomo’s handling of the coronavirus death toll on nursing homes in New York, although other federal investigations remained open. Last week, the DOJ’s Civil Rights Division announced a new investigation into police – but no word on Cuomo. The outgoing governor faces separate scrutiny over his \$5 million book deal about his coronavirus leadership and questions about whether well-connected friends and relatives got inside access to early COVID-19 testing.”

The New York Post (8/10, Campanile, Golding, 7.45M) reports that “the FBI and Brooklyn US Attorney’s Office are investigating Cuomo and his administration over their handling of nursing homes during the coronavirus crisis, a probe sparked by The Post’s revelation that then-top aide Melissa DeRosa admitted to Democratic lawmakers that officials had covered up the total nursing home death toll from COVID-19.”

Hochul Says She Is “Ready To Lead.” The Hill (8/10, Schnell, 5.69M) reports Lt. Gov. Kathy Hochul (D) tweeted Tuesday, “As someone who has served at all levels of government and is next in the line of succession, I am prepared to lead as New York State’s 57th Governor” She “said she agrees with the governor’s decision, adding that it was ‘the right thing to do and in the best interest of New Yorkers.” Politico New York (8/10, French, Mahoney) reports Hochul “may not be a household name like her boss,” but “in many ways she has been the most visible elected official in New York since she assumed her current role six years ago. She is renowned for putting in grueling hours cutting ribbons, campaigning for down-ballot Democrats and cheerleading for upstate businesses.” Reuters (8/10) runs a profile piece on Hochul, as does Roll Call (8/10, Saksa, 130K).

Speculation Begins On Potential 2022 Gubernatorial Candidates. The New York Daily News (8/10, Gartland, 2.51M) looks at who might contend for governor on the Democratic side in 2022 now that Cuomo appears to be out. Atop “that list are Hochul and New York State Attorney General Letitia James.” Other Democrats “thought to be considering runs are state Comptroller Tom DiNapoli, Mayor de Blasio, Rep. Tom Suozzi (D-Queens), New York City Public Advocate Jumaane Williams, Nassau County Executive Laura Curran, Suffolk County Executive Steve Bellone, and — although it’s probably a long shot — Cuomo himself.” In a similar piece, the Albany (NY) Times Union (8/10, Bragg, 315K) reports that James, “who would be a top Democratic contender if she runs, has carefully avoided discussion of a possible campaign, even as Cuomo has in recent weeks stated without proof that she has gubernatorial aspirations.” Hochul “could also be a formidable candidate.”

Former Rep. Peter King (R), in an op-ed for The Hill (8/10, 5.69M), writes that with Cuomo leaving, “the power struggle begins for the future of the Democratic Party in New York.” While King says he has “great respect” for Hochul, progressive Democrats “of the type personified by Rep. Alexandria Ocasio-Cortez (D-N.Y.) will attempt to use this opportunity created by Cuomo’s scandalous departure to seize control of the party.”

Todd: Democrats Locally, Nationally Relieved By Resignation. On NBC Nightly News (8/10, 6:34 p.m. EST, story 2, 0:40, Holt, 4.71M), political director Chuck Todd said that the resignation is “a big sigh of relief both for Democrats in New York and for Democrats nationally. Cuomo a national brand name. He had the ability to drag this out. It could have sullied Democrats up and down the ballot, could have cost them a couple of house seats, which could cost them control of Congress.” The move “actually helped the party and put the party before himself.”

Marcus: Resignation Shows “System Worked.” Ruth Marcus writes in the Washington Post (8/10, 10.52M) that Cuomo’s resignation shows that “the system worked. There wasn’t a precipitous rush to judgment about Cuomo, with the predicate facts still subject to reasonable dispute, as in the case of former Minnesota senator Al Franken (D).” In addition, “the ride-it-out strategy pioneered by former president Donald Trump in the wake of the ‘Access Hollywood’ tape and pursued by Virginia Gov. Ralph Northam (D) after a blackface photo from his medical school yearbook page surfaced, did not work this time around.” Marcus says “the lesson of Cuomo’s demise is that other abusers in similar positions of power should worry about what they have done, and worry even more about whether they will be able to survive its disclosure.”

Still, in an editorial, the Wall Street Journal (8/10, Subscription Publication, 8.41M) says given that Cuomo believes that the state Attorney General’s investigation into him was unfair, he should have stuck it out and attempted to defend himself during an impeachment investigation.

More Commentary. In an editorial, the Albany (NY) Times Union (8/10, 315K) says that in the wake of the current situation, a top priority for state government must be “fixing the broken ethical guardrails that Mr. Cuomo has exploited over and over in a host of ways. If they fail, another governor will surely exploit them again.”

In an editorial, the New York Post (8/10, 7.45M) hammers Cuomo’s record as governor, and says that “given the harm he’s done not just to these women but to the state during his 11 years in office, his resignation marks a huge win for New York.”

Gail Collins, in her column for the New York Times (8/10, 20.6M), writes, “Hard to imagine where his talents could take him now. Andrew Cuomo’s governor-father, Mario, was famous for giving speeches, way more famous, in fact, than he was for governing. But absolutely nobody would turn up for an Andrew Cuomo speech — unless, of course, he was trying to explain why all those women were accusing him of sexual harassment.”

Biden Says “Democracy Can Still Work” As Senate Approves \$1T Infrastructure Plan. The AP (8/10, Mascaro) reports the Senate “approved a \$1 trillion infrastructure plan” in a 69-to-30 vote Tuesday “as a rare coalition of Democrats and Republicans joined together to overcome skeptics and deliver a cornerstone of President Joe Biden’s agenda.” Nineteen Republicans, including Senate Minority Leader McConnell, “joined all Democrats” in voting for passage. In remarks at the White House, Biden said, “Today, we proved that democracy can still work. ... We can still come together to do big things, important things, for the American people.” The Washington Post (8/10, Romm, 10.52M) quotes Biden as saying, “America’s often had the greatest prosperity and made the most progress when we invest in America itself. ... And that’s what this infrastructure bill does, with overwhelming support from the United States Senate.”

The Hill (8/10, Samuels, 5.69M) says Biden “extolled the virtues of bipartisanship.” Biden said, “This is transformational. I know compromise is hard for both sides. But it’s important, it’s necessary for democracy to be able to function. ... So I want to thank everyone on both sides of the aisle for supporting this bill. Today, we proved democracy can still work.” Biden “said he’d reached out to many of the Republicans who voted in favor of the bill earlier in the day to express his gratitude.”

The Los Angeles Times (8/10, 3.37M) says Biden “touted the bill’s investments and the likely jobs created, framing the accomplishment as proof that he has delivered on his campaign promise to restore a measure of bipartisan comity to Washington.” In a later piece, the AP (8/11, Mascaro) reports that the President said two months ago that passage of the bill

“would send a signal ‘to ourselves and to the world that American democracy can deliver.’ The senators who led the legislation to passage Tuesday agreed.”

Nightly news broadcasts unanimously called the bill a victory for President Biden. NBC Nightly News (8/10, 6:39 p.m. EST, story 4, 1:35, Holt, 4.71M) reported the Senate is “giving President Biden a victory by passing a huge infrastructure bill.” ABC World News Tonight (8/10, 6:45 p.m. EST, story 5, 2:45, Muir, 6.15M) called passage of the bill “a major victory in Washington for President Biden.” For The CBS Evening News (8/10, 6:40 p.m. EST, story 4, 1:40, Cleave, 3.58M), Kris Van Cleave similarly called passage “a major win for President Biden.” The President was shown saying, “In this bill, we proved that we can still come together to do big things, important things.”

In a separate story, The Hill (8/10, Carney, 5.69M) calls the Senate vote “a significant win” for the President, while Politico (8/10, Everett, LeVine, 6.73M) calls the bill’s passage “an achievement both for Biden and the bipartisan gang of 10 senators who took the lead on investing \$550 billion in new spending into roads, bridges, broadband and ports.” Politico says it was “an undisputed triumph for their brands of aisle-crossing politics,” but a New York Times (8/10, Weisman, Kanno-Youngs, 20.6M) analysis says while the vote “may have been a vote of confidence for...Biden and his insistence that bipartisanship can still thrive,” there is “a far harder task ahead for his agenda: keeping Democrats in lock step.” Similarly, the CBS Evening News (8/10, 6:40 p.m. EST, story 4, 1:40, Cleave, 3.58M) reported “it is no guarantee that even the President’s own party will hold together to get this bill across the finish line in the House.” The Wall Street Journal (8/10, Duehren, Subscription Publication, 8.41M) provides similar coverage.

Asked on CNN (8/10, 556K) how long it will take for Americans to feel the economic impact of the infrastructure deal if the measure passes the House, Commerce Secretary Raimondo said, “We know we have many shovel-ready projects. ... So Americans will feel it within a matter of months certainly. But I will say I don’t think we can gloss over the magnitude of this accomplishment. Having by been in the thick of it on the President’s team, we have heard over and over again, ‘This is too hard. Republicans won’t vote for it. You won’t find the compromise.’ Yet the President has lead through all of that and delivered us to this point today – which is just extraordinary leadership by him and a big step forward for America.”

Bill Faces “Potentially Rocky” Path In House. The measure now heads to the House, where the New York Times (8/10, Cochrane, 20.6M) says it “faces a potentially rocky and time-consuming path.” In a separate story, the New York Times (8/10, Cochrane, 20.6M) reports that in a letter to House Speaker Pelosi, “leaders of the Congressional Progressive Caucus said a poll of their 96 members had confirmed a majority would withhold their support for the infrastructure legislation until the Senate passes a \$3.5 trillion package.” The “left-leaning members drew a line in the sand, putting them at odds with moderate Democrats who have been pushing for an immediate, stand-alone vote on the infrastructure bill.”

On its website, CNBC (8/10, Pramuk, 7.34M) reports, “It could take months for Congress to pass both measures,” and Politico (8/10, Snyder, 6.73M) says “passage of the reconciliation bill is far from assured, leaving a huge question mark on how much of the progressive agenda will survive.” In a separate story, Politico (8/10, Snyder, 6.73M) reports, “Theoretically, the House could decline to take up the bipartisan Senate bill as written and instead take it to a conference committee to be melded with a larger, more liberal surface transportation and water infrastructure bill sponsored by House Transportation Chair Peter DeFazio (D-Ore.). But White House officials have privately cautioned Democrats against going the conference route, saying they would risk delaying or blowing up the deal.”

Politico (8/10, Cadelago, Barron-Lopez, 6.73M) reports White House officials “say they plan to use public polling showing the popularity of the proposals inside the bipartisan deal to compel skeptical House Democrats to support it. White House officials will hammer home the impact of money for bridges, electric vehicle charging stations, and lead pipe replacement, said [Louisa] Terrell [director of the White House Office of Legislative Affairs].” Terrell said, “That kind of momentum and energy will help us in our strategy with our House colleagues to move as quickly as they can.”

Roll Call (8/10, Wehrman, 130K) reports Rep. Tom Malinowski (D-NJ), “a member of the House Transportation and Infrastructure Committee and the House Problem Solvers Caucus, predicted both measures would pass.” Malinowski said, “Basically, we have several planes up in the air, trying to come in for a landing in stormy weather, and we have air traffic controllers – our leadership in the House and the Senate – that are going to bring those planes down. ... I’m not sure what order, or exactly when, but I’m absolutely certain the House will pass this infrastructure bill. ... I just don’t see anybody who is committed to governing saying no to this bill at the end of the day.”

The Washington Post (8/10, 10.52M) says even if the legislation is signed into law this fall, “it could take many more years for Americans to feel its full impact.” According to the Post, “key parts” of the plan “may take the better part of a decade to come to fruition.” That “may push completion of many of its projects into the next administration, which could complicate who receives its political payoff. The White House maintains that the package will create both short-term and lasting economic benefits for the nation, and pointed to polls showing it is widely popular among voters of both parties.”

Business Groups Urge House To Pass Infrastructure Bill. [The Hill](#) (8/10, Evers-Hillstrom, 5.69M) reports the “nation’s largest business lobbying groups,” including the US Chamber of Commerce, the Business Roundtable and the National Association of Manufacturers, “celebrated the Senate’s passage of the \$1 trillion bipartisan infrastructure bill urged the House to swiftly send the bill to President Biden’s desk.”

Senate Begins “Vote-A-Rama” Process On Reconciliation Bill Amendments. [USA Today](#) (8/10, 12.7M) reports the Senate “immediately voted to start formal debate on the \$3.5 trillion budget plan that includes what the Biden administration has called ‘human infrastructure’ – massive investments in areas like the environment, housing, education and health care.” [Reuters](#) (8/10) says the Senate “began a ‘vote-a-rama,’ a process that gives senators the opportunity to propose amendments to the budget resolution. Debate can run for days unless party leaders agree to a shorter period.” McConnell “signaled that Republicans would use the vote-a-rama to erode support from moderate Democrats for what he called a ‘radical’ larger spending plan. He said the plan would create a permanent welfare state and usher in the largest peacetime tax hike in U.S. history.”

The [New York Times](#) (8/10, Cochrane, 20.6M) reports McConnell “said hundreds of amendments had been prepared, centered on national security funding, federal funding for abortions, tax increases and immigration,” and the [AP](#) (8/10, Fram) says Republicans “unleashed an avalanche of amendments aimed at making their rivals pay a price in next year’s elections.”

[Politico](#) (8/10, Emma, Scholtes, 6.73M) reports Sen. Lindsey Graham (R-SC), the ranking member of the Senate Budget Committee, said, “Yes, sir. We’re going to have one hell of a fight. ... I don’t know how long we’re going to be here, but as long as it takes. America is worth fighting for, and America as we know it is at risk in this budget resolution.” [The Hill](#) (8/10, Carney, 5.69M) reports Sen. Bill Hagerty (R-TN), “who slow-walked the bipartisan infrastructure bill, predicted a lengthy session, saying that it would be ‘a while.’” But [Roll Call](#) (8/10, Krawzak, 130K) says “with the session already stretching farther into August than senators anticipated, neither side had much appetite to drag things out.”

In a separate piece, the [AP](#) (8/11, Fram) reports that approval of the budget resolution, “which seems assured, would mark a crucial first step by Democrats toward enacting the heart of President Joe Biden’s domestic agenda.”

In a separate story, the [New York Times](#) (8/10, Broadwater, Cochrane, 20.6M) says while “both parties have historically lamented the vote-a-rama process,” neither “wants to give it up. Typically, the party in the minority...revel in the uncomfortable votes it can force upon the majority party that typically controls the chamber, its floor time and what gets voted on.” The [Wall Street Journal](#) (8/10, Peterson, Duehren, Collins, Subscription Publication, 8.41M) provides similar coverage.

House Will Interrupt Summer Recess To Consider Senate Budget Resolution. [The Hill](#) (8/10, Marcos, 5.69M) reports the House will interrupt its summer recess “to consider a budget resolution to kick off the process for Democrats’ \$3.5 trillion spending plan.” In a letter to lawmakers Tuesday, House Majority Leader Hoyer announced that the House “will return to session on Aug. 23 to consider the budget resolution, assuming Senate adoption likely later this week.”

House Democrats Want Pathway To Citizenship For “Documented Dreamers” In Reconciliation Bill. [Roll Call](#) (8/10, Monyak, 130K) reports in a Monday letter to Pelosi and Schumer, “nearly two dozen House Democrats” called for “a pathway to citizenship not only for undocumented immigrants in their budget reconciliation measure, but also for foreign citizens who grew up in the U.S. legally.” The lawmakers asked Pelosi and Schumer “to establish a path to green cards for people raised and educated in the U.S. as dependents on their parents’ work visas – but who find themselves without status of their own upon turning 21.” These so-called “documented Dreamers,” must “switch to student visas if they are in college, and then hope to find an employer to sponsor them for limited work visas. If they can’t, many have to leave their families and ‘self-deport’ to a country they may not even remember.”

WSJournal: Democrats Should Include Debt-Limit Increase In Budget Resolution. A [Wall Street Journal](#) (8/10, Subscription Publication, 8.41M) editorial argues a debt-limit increase should be included in the budget resolution but Democrats intend to link it with a short-term spending bill to keep the government operating past Sept. 30. Democrats, the Journal argues, believe the possibility of a government shutdown and a debt default will cause Republicans to support an increase, thereby removing it as an issue for the midterm elections.

WPost: Debt-Limit Increase Should Be Bipartisan. The [Washington Post](#) (8/10, 10.52M) says in an editorial that both parties should “share the responsibility for increasing” the debt limit “on a bipartisan basis.” To the Post, “A default would harm all Americans regardless of party. A vote to back ‘the full faith and credit of the United States’ is a pragmatic and patriotic one, which all senators should be eager and proud to cast.”

WSJournal Decries Defeat Of Cryptocurrency Amendment. In an editorial, the [Wall Street Journal](#) (8/10, Subscription Publication, 8.41M) cites the defeat of an amendment to the infrastructure bill regarding the taxation of cryptocurrency “brokers” as an example of what happens when lawmakers move quickly to write legislation on issues they do not understand.