



Monthly Legislative Report – October

October Advocacy Meetings

Office of Congressman Mike Levin (D-CA) – We met with Congressman Levin’s staff to discuss the Community Project Funding (CPF) request in the Transportation, Housing and Urban Development, and Related Agencies bill for the Coastal Rail Corridor Relocation Study.

Office of Congressman Lou Correa (D-CA) – We met with Congressman Correa’s staff to discuss the Fiscal Year 2024 Appropriations process and the possible timeline for a Continuing Resolution (CR) and the potential impact of the planned discretionary spending cuts if another CR is needed.

Office of Congresswoman Young Kim (R-CA) – We met with Congresswoman Kim’s staff to discuss our CPF request in the Transportation, Housing and Urban Development, and Related Agencies bill for the State Route–91 Improvement Project, and the CPF request for the Orange County Loop—Segments A and B.

Office of Congresswoman Linda Sanchez (D-CA) – We met with Congresswoman Sanchez’s staff to discuss the aviation fuel tax issue in the Federal Aviation Administration Reauthorization (FAA).

Office of Congresswoman Katie Porter (D-CA) – We met with Congresswoman Porter’s staff to discuss passenger rail projects in Orange County and the timing of the Federal Railroad Administration’s Federal-State Partnership State of Good Repair program.

Office of Congresswoman Michelle Steel (R-CA) – We met with Congresswoman Steel’s staff to discuss future transit funding opportunities in preparation for the Los Angeles Olympics.

Office of Senator Alex Padilla (D-CA) – We met with Senator Padilla’s staff to discuss the Senate’s FAA Reauthorization and when to expect conference negotiations with the House.

Office of Congressman Tom Cole (R-OK) – We met with Chairman Tom Cole to discuss funding levels in the Transportation, Housing and Urban Development, and Related Agencies bill, and the plan to advance a CR before the current CR expires on November 17th.

Federal Aviation Administration Reauthorization

The House of Representatives passed a bill to extend the Federal Aviation Administration’s (FAA) statutory authorities until December 31st, 2023. This extension is part of a last continuing resolution (CR). The House Majority hopes to begin negotiations on the FAA

Reauthorization in November if the Senate passes its version of the legislation. At the time of this report, it appears the Senate will require more time to pass a bill on the Senate floor. The Senate Democrats and Republicans were divided on key issues, such as pilot training hours, with Sen. John Thune (R-SD) pushing for virtual training credit and Sen. Tammy Duckworth (D-IL) opposing it.

National Defense Authorization Act (NDAA)

The Senate and House defense authorization committees have passed their respective Fiscal Year 2024 (FY24) National Defense Authorization Act (NDAA) versions (H.R. 2670 and S2226). A conference committee has yet to meet to reconcile these versions and analyze the differences and similarities between them. Due to the House Speaker election delay and the focus on passing Appropriations and a Continuing Resolution (CR), the NDAA conference is expected to occur in late November. The goal for Members remains to enact a final NDAA before the end of 2023.

Continuing Resolution (CR) Update

Senate appropriators are initially proposing a CR that could extend until mid-December. While a CR ending around mid-January of 2024 is being discussed in the House, no House or Senate bill has been introduced as of the writing of this report. House Republicans are also considering a new approach to stopgap funding, referred to as a "laddered" continuing resolution, to extend appropriations for various government functions for different time periods. The goal is to avoid a single deadline that could lead to a government shutdown while keeping the pressure on the Senate to pass its bills and engage in conference talks with the House. This approach could involve extending funding for three bills at a time, expiring one week apart, with the hope of incentivizing conservatives to support it. However, Democrats and some senior appropriators express concerns about the potential complications and disruptions this method could create in the appropriations process.

Despite the proposed "laddered" approach, some Republicans also seek to "decouple" certain critical departments like Defense, Homeland Security, and Veterans Affairs from the continuing resolution to avoid hindering new programs and contracts. The debate highlights the challenges in the delayed appropriations process for the fiscal year and divisions within the GOP over spending priorities. There is also a looming conflict between the two chambers regarding aid for Israel and Ukraine, as well as other national defense and domestic funding priorities requested by President Joe Biden.

Senate Appropriations Update

On November 1st, the Senate passed three Fiscal Year 2024 appropriations bills with a vote of 82-15. These bills include Military Construction, Veterans Affairs, and Related Agencies (MilCon-VA); Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; and Transportation, Housing and Urban Development, and Related Agencies (THUD). The bills now need to be conferenced with the U.S. House of Representatives. The

MilCon-VA bill allocates \$154.352 billion, the Agriculture bill allocates \$25.993 billion, and the THUD bill allocates \$98.931 billion in discretionary funding.

House Speaker

On October 25th, the House elected Rep. Mike Johnson (R-LA) as Speaker of the House. Speaker Johnson was elected to Congress in 2016, having previously served in the Louisiana Legislature, and as a Constitutional Attorney. Speaker Johnson outlined his priorities for the House in his first speech to the chamber, saying that he wishes to return to regular order on appropriations (passing each bill individually), get the legislative schedule back on track, and “decentralize” the leadership structure in the House by giving Members more opportunities for input.

FY24 House Appropriations Update

On the week of October 23rd, the House began consideration of the Fiscal Year 2024 (FY24) Energy and Water Appropriations bill, passing it by a vote of 210-199. The rest of the bills are scheduled to be considered before the end of November, if possible:

Week of October 30th:

- Legislative Branch
- Interior and Environment
- Transportation, Housing & Urban Development

Week of November 6th:

- Financial Services
- Commerce, Justice, and Science

Week of November 13th:

- Labor, Health & Human Services, and Education
- Agriculture

The House will still need to negotiate these bills with the Senate during a conference negotiation. Consequently, another Continuing Resolution (CR) is expected on or before November 17th. If the government is not fully funded by January 1st, an overall 1% discretionary sequestration cut will occur.

White House \$56 Billion Domestic Request

On October 25th, the White House submitted a request to Congress for approximately \$56 billion in emergency funding to address various domestic needs. The largest portion of this funding, over \$23 billion, is allocated for disaster relief efforts, assisting communities impacted by wildfires, floods, hurricanes, and tornadoes. The request also includes \$16 billion to support the continued operation of numerous childcare centers for an additional year and \$6 billion to extend access to free and discounted internet services until December

2024 for low-income families. Other components of this \$56 billion request cover international food aid, energy assistance for low-income households, and compensation for federal wildland firefighters. The breakdown of the funding components can be observed in the chart provided below.

<u>Issue</u>	<u>Funding (Billions)</u>	<u>Purpose and Description</u>
Disaster Response and Other Needs	\$23.5	<ul style="list-style-type: none"> • \$9.0 billion for the Disaster Relief Fund, to address ongoing disaster response and recovery efforts. • \$2.8 billion to address housing and infrastructure needs caused by major disasters. • \$2.8 billion support to farmers and ranchers with crop losses from natural disasters. • \$634 million for Department of Transportation to repair Federal highways and roads damaged in disasters. • \$405 million for Department of Education for schools impacted by disasters nationwide. • \$127 million for disaster loans. • Funding for specific disaster recovery needs, including wildfires on Maui, the Guam typhoon, hurricanes in Florida and the southeastern United States, floods in California and Vermont, tornadoes in Mississippi and other natural disasters across the country.
Child Care	\$16.0	<ul style="list-style-type: none"> • For an additional year of childcare stabilization funding to help keep child care providers afloat, mitigating the likelihood that providers will close or raise costs for families.
Affordable Connectivity Program	\$6.0	<ul style="list-style-type: none"> • To extend free and discounted high-speed internet through the Affordable Connectivity Program for tens of millions of low-income households through December 2024.
American Security and Energy Independence	\$6.0	<ul style="list-style-type: none"> • \$3.1 to reimburse communications providers for the ongoing removal of insecure equipment and software from U.S. communications infrastructure. • \$2.2 billion to improve long-term, domestic enrichment capabilities for low-enriched uranium and high-assay low-enriched uranium. • \$300 million capital improvements to the Strategic Petroleum Reserve to better position it to combat global oil supply disruptions. • \$278 million to mitigate domestic vulnerabilities and enhance U.S. competitiveness in the global market for isotopes/ • \$200 million in grants for nonprofit organizations, including synagogues, mosques, and other places of worship, that are at high risk of attack in order to strengthen facility security.
Energy Assistance	\$1.6	<ul style="list-style-type: none"> • For Low Income Home Energy Assistance Program (LIHEAP) grants to help cover home heating costs and prevent drastic service and benefit cuts compared to last year
Countering Fentanyl	\$1.55	<ul style="list-style-type: none"> • For Substance Abuse and Mental Health Services Administration State Opioid Response grants to provide treatment, harm reduction, and recovery support services in all States and territories
International Food Assistance	\$1.05	<ul style="list-style-type: none"> • \$1.0 billion Food for Peace grants to respond to global emergency food needs using food commodities grown in the United States by U.S. farmers. • \$5 million for the McGovern-Dole Food for Education program to support school feeding and maternal and child nutrition projects across the globe.
Wildland Firefighter Pay	\$220 million	<ul style="list-style-type: none"> • For Federal Firefighter and wildland firefighter salaries.

Senator Laphonza Butler's (D-CA) Senate Committees Announced

Newly appointed Senator Laphonza Butler (D-CA) will join four Senate Committees including the Senate Judiciary Committee, filling the vacancy left on that committee by the late Sen. Dianne Feinstein (D-CA). Democrats hold an 11-10 majority on the Judiciary committee, which is instrumental in confirming judicial nominees. The committee has been addressing various topics, including artificial intelligence, abortion rights, social media regulation, and ethical standards at the Supreme Court. Senate Majority Leader Charles Schumer (D-NY) also announced that Butler will serve on Banking, Housing, & Urban Affairs, Senate Rules, and Homeland Security Committees. Senate Banking, Housing, & Urban Affairs Committee has jurisdictional oversight of the Federal Transit Administration (FTA).

The Federal Railroad Administration (FRA) Mandates Locomotive Recording Devices on Passenger Trains

The FRA has introduced a final rule that necessitates inward and outward-facing image recording devices on passenger train lead locomotives serving scheduled intercity or commuter routes. The rule is required by the 2015 [Fixing America's Surface Transportation \(FAST\) Act](#) (Pub. L. No. 114-94) and prompted by the National Transportation Safety Board (NTSB) aims to bolster passenger rail safety. With the rule, video recording devices on locomotives must remain operational when in motion, storing the last 12 hours of footage in crashworthy memory modules. These devices are classified as "safety devices," making tampering or disabling them prohibited. While the devices cannot prevent accidents, they elevate safety standards and aid post-accident investigations. The rule also establishes guidelines for utilizing these recordings to evaluate employee compliance with regulations and identify areas for improvement. While freight locomotives are not mandated to install these recording devices, many freight railroads have voluntarily adopted them. More details can be found in the Federal Register [HERE](#).

Federal Aviation Administrator Confirmed by the Senate

On October 24th, U.S. Senate voted 98-0 to confirm Michael Whitaker, President Biden's nominee to serve as Administrator of the Federal Aviation Administration (FAA). Earlier in the month, the Senate Commerce, Science, and Transportation Committee advanced Mike Whitaker, a former United Airlines executive, for the position of head of the FAA which has lacked a permanent, Senate-confirmed leader since March 2022. President Biden nominated Whitaker in September after the initial nominee, Phillip Washington, withdrew his nomination in March. Commerce Committee Ranking Member Ted Cruz (R-TX) acknowledged the need for Whitaker's confirmation to end an "avoidable 18-month gap in FAA leadership."

During the nomination process, Whitaker pledged to focus on aviation safety, modernizing FAA systems, and strengthening the aviation workforce. Both Senator Cantwell (D- WA) and Senator Cruz (R-TX) hoped that Whitaker's quick confirmation would facilitate progress on the FAA reauthorization bill, which has been stalled since July due to disagreements over pilot training language and expected Whitaker to join ongoing discussions on the matter.

Federal Transit Administration (FTA) Publishes Guidance on New Disposition Method for TOD/Affordable Housing

On October 31st, the FTA published interim guidance to enact a new provision that permits transit agencies to leverage their real property for the support of transit-oriented development, with a specific focus on affordable housing. This provision, established in the 2022 National Defense Authorization Act, grants the FTA the authority to authorize the transfer of federally funded property that is no longer required for its initial authorized purpose to eligible entities such as local governments or nonprofit organizations. This transfer is permissible if it aligns with the objectives of transit-oriented development and affordable housing.

Federal Grant Opportunities

Fiscal Year 2023 Thriving Communities Program

The Thriving Communities Program is designed to provide funding and support to eligible entities to advance infrastructure plans, projects, and processes, with a primary focus on communities disproportionately affected by pollution, poor air quality, persistent poverty, and historical disadvantages. This program consists of two sub-programs: the Thriving Communities National Capacity Builder Program (TCP-N) and the Thriving Communities Regional Pilot Program (TCP-R).

Under the TCP-N program, individualized technical assistance, planning, and capacity-building support will be provided to communities. The TCP-R program focuses on state and local governments and their agencies, offering agreements to support communities within their jurisdiction.

Eligible Entities: Under TCP-N Capacity Builders, non-profit organizations, philanthropic entities and other technical assistance providers are welcome to submit applications. Under TCP-R Pilot Program state and local governments, Indian tribes, government planning, transportation and regional planning organizations are eligible to apply.

Total Program Funding Available: \$22 million.

Required Cost Sharing or Match: This solicitation does not require a cost match.

Application Deadline: November 28th, 2023 at 4:59 PM EST.

More information is available [HERE](#).

Communities Facilities Program Disaster Repair Grants

This grant program targets repairing eligible essential community facilities that were damaged under Presidentially Declared Disasters for calendar year 2022. The scope of projects includes various community-oriented initiatives such as fire and rescue stations, town halls, healthcare clinics, schools, and more. Eligible facilities must primarily serve rural areas, be situated in rural locations, and cater to a population with a median household income below certain income thresholds relative to the state's nonmetropolitan median household income.

Eligible Entities: Municipality, county, district, authority, other political subdivision of a State, or nonprofits.

Total Program Funding Available: \$50 million.

Required Cost Sharing or Match: A cost match of at least 25% is required.

Application Deadlines: Continual until funds are expended.

More information is available [HERE](#).

Accelerated Innovation Deployment (AID) Demonstration Grants (Fiscal Years 2023-2026)

This program aims to accelerate the adoption of innovative highway transportation technologies and practices, with a focus on faster construction of efficient and safe highways and bridges, enhanced safety, mobility, and sustainability.

Eligible Entities: State Departments of Transportation, Federal Land Management Agency, Tribal Governments.

Funding: \$10 million (FY 2023) and up to \$12.5 million (FYs 2024 - 2026).

Cost Sharing: No cost match required.

Deadline: January 23rd, 2024.

More information is available [HERE](#).

Fiscal Year 2024 Rail Vehicle Replacement Grant Program

The Rail Vehicle Replacement Program (Rail Program) assists States and local governmental authorities in funding capital projects to replace rail rolling stock. The purpose of the Rail Program is to modernize America's transit system, focusing on maintaining a State of Good Repair for fixed-guideway rail transit. Eligible projects are the replacement of rail rolling stock.

Eligible Applicants: Eligible applicants under this program are also those eligible for Section 5337 funds. This eligibility is composed of States and local governmental authorities located in Urbanized Areas (UZA) with fixed guideway or high-intensity motorbus systems in revenue for at least seven (7) years.

Funding: Approximately \$197 million is available from Fiscal Year 2024 funds.

Cost Sharing: Varies (please refer to the program details for specifics).

Deadline: Proposals must be submitted electronically through Grants.gov website by 11:59 PM Eastern Time on December 18th, 2023.

More information is available [HERE](#).

Federal Highway Administration Fiscal Year 2023 – 2026 Bridge Investment Program, Large Bridge Project Grants

This program provides funds for bridge construction and rehabilitation projects with a total cost greater than \$100 million. It focuses on improving safety, efficiency, and sustainability while encouraging non-federal contributions.

Eligible Entities: States or group of States; Metropolitan Planning Organizations; local governments; political subdivisions; special purpose district governments; Tribal Governments; and more.

Funding: \$9.62 billion.

Cost Sharing: A cost match of at least 50% is required.

Deadline: November 27th, 2023 at 11:59 PM EST.

More information is available [HERE](#).