



Monthly Legislative Report – December 2020

December Advocacy Meeting Summary

House Minority Leader Kevin McCarthy (R-CA) – We spoke with Congressman McCarthy's leadership staff this month regarding the negotiations surrounding the FY21 spending package and COVID-Relief/stimulus framework. We discussed the need for additional transportation funding in the COVID-19 relief package.

House Speaker Nancy Pelosi (D-CA) – We spoke with Speaker Pelosi's personal office staff regarding the FY21 omnibus appropriations negotiations, and we reiterated support for emergency funding for transit operations and transportation projects.

Congressman Pete Aguilar (D-CA) – We have been in close contact with Congressman Aguilar's office to discuss FY21 omnibus appropriations legislation and COVID-19 relief funding. We discussed the need for transit operations funding, and support for new flexibilities in the use of existing formula accounts. We also discussed possible changes to the House rules in 2021. On this topic, we further discussed the likelihood of earmarks and the process for submitting funding requests depending on committee rules.

Congresswoman Grace Napolitano (D-CA) – We spoke with the Congresswoman's Chief of Staff to discuss possible T&I subcommittee assignment changes. We also discussed transportation funding in the FY21 omnibus appropriations bill.

Congressman Alan Lowenthal (D-CA) – We communicated with Congressman Lowenthal's office to discuss next steps on Surface Transportation Reauthorization with the new Biden Administration. We also discussed transportation funding in the FY21 omnibus appropriations bill and support for additional spending flexibilities for formula funds to help address revenue reductions, and COVID-19 response activities.

Congresswoman Katie Porter (D-CA) – We followed up with staff in Congresswoman Porter's office regarding OCTA funding requests for the 117th Congress and the process for a possible return to earmarks. We also discussed the *Alternative Fuel Excise Tax Credit* (AFETC) and OCTA provided additional follow up information via email.

Congressman Mike Levin (D-CA) – We have been in regular contact with Congressman Levin's staff to discuss the Alternative Fuel Excise Tax Credit, which was extended in the FY 21 omnibus package. We also discussed some of the negative provisions in H.R. 2 that would have phased out tax credit. We also reiterated support for additional transit formula funds.

Congressman Lou Correa (D-CA) – We had several calls with Congressman Correa’s legislative staff regarding the FY21 omnibus appropriations negotiations. We discussed support for new flexibilities that would allow more effective usage of formula transit funds, as well as support for additional transit operations funding.

House Appropriations: Transportation, Housing and Urban Development – We have been regular contact with senior staff on the House THUD Appropriations Committee throughout the month to discuss the timeline for FY21 omnibus appropriations, and the need for additional transit formula funding and ongoing transportation projects that may see additional revenue impacts in 2021. We also discussed a possible return to earmarks for the FY22 appropriations process.

House Transportation and Infrastructure Committee – We were in phone and email communication throughout the month with both majority and minority committee staff. We discussed possible new priorities for the Highway Bill, and how specific projects might be addressed in a 2021 Highway Bill. We also discussed reports that President-Elect Biden would like to restart negotiations on an infrastructure package, and possible new priorities for the incoming administration as it relates to environmental issues to include new funding programs to deploy zero-emission busses.

Senate Banking Committee – We followed-up again with senior staff this month to discuss progress on a Senate Surface Transportation reauthorization transit title and possible changes to some of the transit formula programs in the next Highway Bill.

Fiscal Year 2021 Appropriations Update

On Monday, December 21st, the House and Senate met to pass [H.R. 133](#) – Consolidated Appropriations Act. On December 27th, President Trump signed the omnibus/relief package into law. While signing the Omnibus package, President Trump issued a statement (found [HERE](#)) denouncing the package, announcing his intent to submit a rescission request to Congress. House Appropriations Committee Chairwoman Nita Lowey (D-NY) responded in a statement, saying “The House Appropriations Committee has jurisdiction over rescissions, and our Democratic Majority will reject any rescissions submitted by President Trump. By turning the page on this request, we will allow the Biden-Harris Administration to begin to Build Back Better.”

Omnibus division-by-division summary, appropriations provisions [HERE](#).

- Full Legislative Text [HERE](#)
- Explanatory Statements (Table of Contents [HERE](#))
 - [Division A](#) - Agriculture
 - [Division B](#) - Commerce-Justice-Science
 - [Division C](#) - Defense
 - [Division D](#) - Energy and Water Development
 - [Division E](#) - Financial Services

- [Division F](#) - Homeland Security
- [Division G](#) - Interior and Environment
- [Division H](#) - Labor-Health and Human Services
- [Division I](#) - Legislative Branch
- [Division J](#) - Military Construction-Veterans Affairs
- [Division K](#) - State-Foreign Operations
- [Division L](#) - Transportation-Housing and Urban Development

COVID-19 Relief division-by-division summary [HERE](#)

- \$14 billion for Transit Emergency Relief for operating assistance.
- \$10 billion to support State Departments of Transportation. Funds may be used to replace amounts lost as a result of coronavirus for preventative maintenance, routine maintenance, operations, and personnel costs, and may support tolling agencies and ferry systems.
- \$4.5 billion for State, local, Territorial, and Tribal Public Health Departments through the CDC.
- \$2 billion for assistance through states to families with funeral expenses related to COVID-19 without a state match.

Extensions

- Extends the date by which state and local governments may make expenditures with CARES Act Coronavirus Relief Fund awards from December 30, 2020 to December 31, 2021.
- Extends through March 14, 2021 the CARES Act provision which reimbursed states for the cost of waiving the “waiting week” for regular unemployment compensation. Sets the reimbursement percentage for weeks ending after December 26, 2020 at 50 percent.
- Extends through March 14, 2021 the CARES Act provision which gave state unemployment offices temporary, emergency authority to use “non-merit” staff.
- Extends Pandemic Emergency Unemployment Compensation (PEUC) to March 14, 2021 and allows individuals receiving benefits as of March 14, 2021 to continue through April 5, 2021, as long as the individual has not reached the maximum number of weeks.
- Increases the number of weeks of benefits an individual may claim through the PEUC program from 13 to 24.
- Extends through March 14, 2021 the CARES Act provision which provided temporary 100 percent federal financing for Short-Time Compensation (“worksharing”) programs which are established in state law.

- Extends through March 14, 2021 the CARES Act provision which provided a 50 percent subsidy to non-statutory, temporary state Short-Time Compensation programs.
- Extends through March 14, 2021 the provision in the Families First Coronavirus Response Act which provided temporary full federal financing of Extended Benefits (EB) for high-unemployment states. States are normally required to pay 50 percent of the cost of EB, which is a program in permanent law.
- Provides rules for states about sequencing these benefits with other unemployment benefits.
- Ensures individuals who are otherwise eligible for Pandemic Unemployment Assistance do not have their benefits terminated because of inadvertent or state system failure errors in past required weekly benefit recertifications, so long as the state made good faith efforts to implement the program.
- Provides a temporary waiver of the mandatory “EB freeze period” for states that trigger back onto the program because of fluctuations in their unemployment rates, beginning November 1, 2020 and ending December 31, 2021.
- On August 8, 2020, the President of the United States issued a memorandum to allow employers to defer withholding employees’ share of social security taxes or the railroad retirement tax equivalent from September 1, 2020 through December 31, 2020 and required employers to increase withholding and pay the deferred amounts ratably from wages and compensation paid between January 1, 2021 and April 31, 2021. Beginning on May 1, 2021, penalties and interest on deferred unpaid tax liability will begin to accrue. The provision extends the repayment period through December 31, 2021. Penalties and interest on deferred unpaid tax liability will not begin to accrue until January 1, 2022.
- Extends the period of eligibility for FY19 TIGER/Build Grants.
- Child Care Access Means Parents in Schools (CCAMPIS) extension until December 31, 2021

Authorizing Matters division-by-division summary [HERE](#)

The Omnibus package also included the House-passed Water Resources Development Act (WRDA), authoring US Army Corps of Engineers projects. The bill was included in [H.R. 133, in Division AA](#). To access the provision directly and a section-by-section summary, click [here](#) and [here](#).

117th Congress

The House and Senate convened the 117th Congress - First Session on January 3rd at noon. All legislation that has not been signed into law during the previous session expires at the commencement of a new Congress, with the exception of treaties.

The **House** follows a well-established first-day routine. The proceedings included:

- A call to order by the Clerk of the House
- A prayer led by the Chaplain and the Pledge of Allegiance led by the Clerk
- A quorum call ordered by the Clerk
- The election of the Speaker, ordered by the Clerk and conducted with the assistance of tellers
- Remarks by the Speaker-elect, followed by his or her swearing-in by the dean of the House
- The oath of office for the newly elected and re-elected Members, administered by the Speaker
- Adoption of the rules of the House for the new Congress
- Adoption of various administrative resolutions and unanimous consent agreements
- Announcement of the Speaker's policies on certain floor practices

On Monday, January 4th, the House met to adopt the Rules of the 117th Congress ([H.Res. 5](#)). This package codifies the Office of Diversity and Inclusion and makes other important improvements to promote diversity like requiring committees to include in their oversight plans a discussion on how their work will address inequities and supporting efforts to increase diversity among witnesses who testify before House committees.

The House rules maintain the Select Committee on the Climate Crisis, the Select Committee on the Modernization of Congress, and the Select Subcommittee on the Coronavirus Crisis as well as creating a new Select Committee on Economic Disparity and Fairness in Growth. The new rules bans former Members convicted of corruption from the House floor, codifies the Office of the Whistleblower Ombuds, and protects whistleblowers from retaliation and from having their identities disclosed without their consent. The rules package allows Congress to continue investigations into the census and coronavirus response. It maintains the longstanding PAYGO rule while including exceptions for responses to the COVID-19 pandemic and climate change. The package also strengthens Truth in Testimony disclosure requirements for witnesses appearing before committees, and it creates a process for House Members to formally lend their support to Senate-passed bills.

The package continues remote voting by proxy and remote committee activity put in place in the 116th Congress during the pandemic. It maintains a motion to recommit for the minority while reforming it so it is a true procedural vote without specific instructions and debate and no longer can be used to hijack the legislative process for political gamesmanship.

Click [here](#) for the bill text.

Click [here](#) for a section-by-section from the Rules Committee.

Click [here](#) for a press release from Speaker Pelosi and Chairman McGovern.

In the **Senate**, the first day procedures are as follows:

- Swearing in Senators elected or reelected in the most recent general election (approximately one-third of the Senate) or newly appointed to the convening Senate
- Establishing the presence of a quorum
- Adopting administrative resolutions
- Adopting standing orders for the new Congress
- Agreeing by unanimous consent to a date, other than the convening date, on which bills, and joint resolutions may begin to be introduced
- Electing a new President pro tempore and one or more Senate officers if there is a vacancy or a change in party control.

Negotiations between parties over committee sizes and ratios, parties' action on committee assignments, is ongoing in the Senate. The committee assignment process may continue after the beginning days of a new Congress. (**Note:** These procedures may not begin in earnest until the Georgia runoff election results are clear on January 5th or later if the vote margins are close.)

The Senate has designated January 21st as the first day bill introductions will be accepted, but they will meet along with the House on January 6th to count and certify the electoral votes.

Both parties in the House and Senate have voted on their leadership positions and selected new committee leaders for the 117th Congress, First Session. New leaders are **highlighted** in the charts below. Additionally, each name is hyperlinked to the Member's website that corresponds with the position (e.g., because Liz Cheney is the GOP Conference Chair, her name is linked to www.gop.gov, the House Republican Conference website).

House Leadership Democrat (Majority)					
Speaker	Majority Leader	Majority Whip	Assistant Speaker	Caucus Chair	Caucus Vice Chair
Nancy Pelosi	Steny Hoyer	James Clyburn	Katherine Clark	Hakeem Jeffries	Pete Aguilar
Republican (Minority)					
Minority Leader	Minority Whip	Conference Chair	Policy Committee Chair	Conference Vice Chair	NRCC Chair
Kevin McCarthy	Steve Scalise	Liz Cheney	Gary Palmer	Mike Johnson	Tom Emmer

Senate Leadership						
Republican (Majority)* pending GA elections						
Majority Leader	President Pro Tempore	Majority Whip	Conference Chair	Policy Committee Chair	Conference Vice Chair	NRSC Chair
Mitch McConnell	Chuck Grassley	John Thune	John Barrasso	Roy Blunt	Joni Ernst	Rick Scott
Democrat (Minority)						
Leader & Conference Chair	Minority Whip	Assistant Minority Leader	Policy and Comms Chair	Conference Vice Chair	Steering Chair	DSCC Chair
Chuck Schumer	Richard Durbin	Patty Murray	Debbie Stabenow	Elizabeth Warren	Amy Klobuchar	Chris Van Hollen

Furthermore, the House Committee leadership positions are included in the table below. While all of the House Committee leadership positions have been determined, the Senate is waiting to determine new Chairs and Ranking Members until after the Georgia Runoff Elections. Once again, each Member named in the chart below is hyperlinked to their respective website and newly elected leaders are highlighted.

House Committees									
Agriculture		Appropriations		Armed Services		Budget		Ed and Labor	
Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking
David Scott	GT Thompson	Rosa DeLauro	Kay Granger	Adam Smith	Mike Rogers	John Yarmuth	Jason Smith	Bobby Scott	Virginia Foxx
Energy and Commerce		Financial Services		Foreign Affairs		Homeland Security		Judiciary	
Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking
Frank Pallone	McMorris Rodgers	Maxine Waters	Patrick McHenry	Gregory Meeks	Mike McCaul	Bennie Thompson	John Katko	Jerrold Nadler	Jim Jordan
Natural Resources		Oversight and Reform		Science, Space, and Tech		Small Business		T&I	
Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking	Chair	Ranking
Raul Grijalva	Bruce Westerman	Carolyn Maloney	James Comer	Eddie Bernice Johnson	Frank Lucas	Nydia Velazquez	Blaine Luetkemeyer	Peter DeFazio	Sam Graves
Veterans Affairs				Ways and Means					
Chair		Ranking		Chair		Ranking			
Mark Takano		Mike Bost		Richard Neal		Kevin Brady			

Biden Administration – Nominations and White House Advisors

In December the Biden team began announcing expected nominees for Cabinet appointments, White House Staff, and other positions. An ongoing list of announced names is included below:

Require Senate Confirmation:

Pete Buttigieg will be nominated as Secretary of Transportation. He previously served as Mayor of South Bend, Indiana.

Dr. Miguel Cardona will be nominated as the next Secretary of Education. He has been a 4th grade teacher, Principal, and Assistant Superintendent.

Katherine Tai will be nominated as US Trade Representative. Tai served in the USTR's Office of the General Counsel, first as Associate General Counsel from 2007 to 2011 and then as Chief Counsel for China Trade Enforcement with responsibility for the development and litigation of U.S. disputes against China at the World Trade Organization (WTO).

Marcia Fudge will be nominated to serve as the next Secretary of Housing and Urban Development (HUD). Marcia Fudge has been a Member of the US House of Representatives since 2008 in Ohio's 11th Congressional District, covering much of Cleveland and Akron. Prior to the House, she was Mayor of Warrensville Heights, Ohio.

Tom Vilsack will be nominated as Secretary of US Department of Agriculture (USDA). Tom Vilsack was USDA Secretary for all eight years of the Obama Administration and is the former governor of Iowa.

Denis McDonough will be nominated as Secretary of Veterans Affairs (VA). He is a former White House Chief of Staff under President Obama, serving from January 2012 until January 2017. Prior to this role, he held a number of legislative aide positions in the Senate, focusing on foreign affairs.

Llyod Austin will be nominated to serve as the next Secretary of Defense. He is a retired Army General and former Commander of CENTCOM. Austin retired in 2016, so the House and Senate would need to pass a waiver to override a law requiring the top position in the DOD to be filled by a civilian who has not been in the military for at least seven years. This law is designed to provide a "cooling off" period and ensure civilian control of the military. Secretary Mattis received this waiver in 2016 before President Trump was inaugurated, and while this is only one of two times in history a waiver has been granted.

Alejandro Mayorkas is expected to be nominated as Secretary of the Department of Homeland Security (DHS). Mayorkas previously served as a US Attorney, Director of US Citizenship and Immigration Services, and Deputy Secretary of DHS.

Xavier Becerra has been named to be the next Secretary of Health and Human Services. Becerra was previously a US Representative from California (1993-2017) and Chair of the House Democratic Caucus. He is currently serving as the Attorney General for the State of California.

Antony Blinken is expected to be nominated to serve as Secretary of State. He previously served as the Deputy Secretary of State from 2015 to 2017 and as Deputy National Security Advisor from 2013 to 2015.

Former Chair of the Federal Reserve **Janet Yellen** has been tapped to be nominated as Secretary of the Treasury. She formerly served as Chair of the White House Council of Economic Advisors under President Clinton. If confirmed, she will be the first woman to serve as Secretary of the Treasury.

Wally Adeyemo will be nominated as Deputy Secretary of the Treasury. He previously served in the Obama administration as Deputy Director of the National Economic Council and Deputy National Security Advisor.

Dr. Vivek Murthy will be nominated to become the next Surgeon General of the United States. Dr. Murthy previously served as Surgeon General under President Obama. He will also serve as co-chair of President Biden's COVID-19 Advisory Board.

Katherine Tai will be nominated as US Trade Representative. She previously served as Chief Trade Counsel on the House Ways and Means Committee.

Linda Thomas-Greenfield will be nominated to serve as Ambassador to the United Nations. She previously served as Assistant Secretary of State for African Affairs.

Avril Haines will be the National Intelligence Director. Haines previously served as Deputy National Security Advisor for the Obama Administration and as Deputy Director of the CIA.

Neera Tanden will be nominated to serve as the Director of the Office of Management and Budget (OMB). Tanden has previously served as senior advisor to Secretary Kathleen Sebelius at HHS, helping to draft the Affordable Care Act. She has also been a longtime senior Vice President of the Centers for American Progress think tank.

Cecilia Rouse will be nominated as Chair of the White House Council of Economic Affairs. She is a former member of the Obama-Biden Council of Economic Advisers, and dean of the Princeton School of Public and International Affairs.

Brenda Mallory will be nominated as the Chair of the White House Council on Environmental Quality. Mallory has served in both Democratic and Republican administrations, including as General Counsel on the White House Council on Environmental Quality and as the Principal Deputy General Counsel at the Environmental Protection Agency during the Obama-Biden Administration.

Positions that do not require a Senate Confirmation include the following:

Ron Klain will be Chief of Staff to the President. Klain has served as Chief of Staff to both Vice President Al Gore and Vice President Joe Biden.

Jen O'Malley Dillon will be Deputy Chief of Staff. Jen O'Malley Dillon served as the Campaign Manager for the Biden-Harris campaign.

Symone Sanders will be Senior Advisor and Chief Spokesperson for the Vice President. Symone Sanders served as a Senior Advisor on the Biden-Harris campaign and in 2016 on the Bernie Sanders campaign for President.

Jake Sullivan will be National Security Advisor. Sullivan previously served as Deputy Chief of Staff at the Department of State, and as Deputy Assistant to the President and National Security Advisor to Vice President Biden.

Former Secretary of State **John Kerry** will be joining the Biden Administration as an advisor on climate change. Kerry said that as the "President's Climate Envoy", the federal government will treat climate change as an urgent national security threat.

Jared Bernstein will be a member of the Council of Economic Advisors. He previously Served as Vice-President Biden's Chief Economist during in the first years of the Obama Administration.

Heather Boushey will be a member of the Council of Economic Advisors. Boushey served as chief economist for Secretary of State Hillary Clinton's 2016 presidential transition team, and previously served as an economist for the Center for American Progress, the Joint Economic Committee of the U.S. Congress, the Center for Economic and Policy Research, and the Economic Policy Institute.

Brian Deese will be Director of the National Economic Council. During the Obama Administration, he served as Special Assistant to the President for Economic Policy after the 2008 financial crisis, as Deputy Director of the National Economic Council, and as Deputy Director and Acting Director of the Office of Management and Budget.

Julie Rodriguez will be Director of the White House Office of Intergovernmental Affairs. During the Obama-Biden administration, Chavez Rodriguez served as Special Assistant to the President and Senior Deputy Director of Public Engagement in the Office of Public Engagement.

Louisa Terrell will be the Director of the White House Office of Legislative Affairs. She previously served as a Special Assistant to the President for Legislative Affairs under President Obama.

Reema Dodin and **Shuwanza Goff** will be Deputy Directors of the White House Office of Legislative Affairs. Reema Dodin serves as Deputy Chief of Staff and Floor Director to the Senate Democratic Whip, Senator Richard Durbin (D-IL). Shuwanza Goff served as Floor Director for the House of Representatives under House Majority Leader Steny H. Hoyer.

Dana Remus will be White House Counsel. During the Obama-Biden administration, Remus was the Deputy Assistant to the President and Deputy Counsel for Ethics. Previously, she was a Professor of Law at the University of North Carolina School of Law, where she specialized in legal and judicial ethics and the regulation of the legal profession. Remus clerked for U.S. Supreme Court Associate Justice Samuel A. Alito, Jr. and Judge Anthony J. Scirica of the U.S. Court of Appeals for the Third Circuit, and was an associate at Cravath, Swaine & Moore LLP.

Kate Bedingfield will be White House Communications Director.

Jen Psaki will be Press Secretary.

Anthony Fauci will stay on as Chief Medical Advisor to the President on COVID-19.

Dr. Rochelle Walensky is expected to be appointed as Director of the Centers for Disease Control and Prevention (CDC). The position does not require Senate confirmation.

Jeff Zients will be coordinator of the COVID-19 Response and Counselor to the President. He previously served as Director of the National Economic Council, Acting Director of OMB, and is responsible for the 2013 healthcare.gov “tech surge” and the “Cash for Clunkers” program.

Natalie Quillian will be Deputy Coordinator of the COVID-19 Response. Previously served as Advisor to the White House Chief of Staff and Senior Advisor to the Deputy National Security Advisor during the Obama Administration.