



Monthly Legislative Report – November 2020

November Advocacy Meeting Summary

House Speaker Nancy Pelosi (D-CA) – We have spoken on the phone with Speaker Pelosi's staff this month to discuss FY21 Appropriations legislation and the possibility that COVID-19 stimulus legislation will be attached to an "omnibus" bill. We also discussed the possibility for a limited return to congressionally directed spending or "earmarks" next Congress.

Senate Majority Leader Mitch McConnell – We have been communicating with Senator McConnell's leadership staff this month to discuss the need for additional local government funding, as well as the need for additional transit and formula funding in a COVID-19 relief package framework.

Congresswoman Katie Porter (D-CA) – We have been in communication with staff in Congresswoman Porter's office to discuss our funding requests for the next Congress and the possibility of a return to earmarks. We also discussed the Alternative Fuel Excise Tax Credit and provided additional briefing materials to the Congresswoman's new staff assistant for transportation.

Congressman Harley Rouda (D-CA) – We have been in contact with Congressman Rouda's office to discuss priorities for the lame duck session. We discussed FY21 appropriations, and the need for additional funding for transit operations during the COVID-19 crisis and additional flexibilities for existing formula accounts.

Congressman Alan Lowenthal (D-CA) – We have been in contact this month with Congressman Lowenthal's office to discuss next steps on Surface Transportation Reauthorization. We discussed the possible priorities for T&I committee in the next congress, and the timeline for a reauthorization in the new year. We also discussed transportation funding in the FY21 THUD appropriations bill, and any opportunities to address the need for additional spending flexibilities for formula funds to help address revenue reductions, and COVID-19 response activities. We also discussed the possibility of a return to earmarks and the likely procedures for submitting requests if they do return.

Congressman Lou Correa (D-CA) – We have been in close communication with Congressman Correa and his staff regarding FY21 appropriations negotiations, and opportunities for new flexibilities that would allow more flexible usage of formula transit funds. We also discussed progress on negotiations for a new stimulus and the procedures for submitting requests if the earmark ban is lifted. We also discussed committee leadership changes and opportunities to brief new Chairs on OCTA's priorities.

Congressman Mike Levin (D-CA) – We have been in regular contact with Congressman Levin's senior staff to discuss the Alternative Fuel Tax Credit issue and opportunities for including language in the FY21 appropriations or tax extenders packages before the end of the year. We reiterated support for additional transit formula funds in the upcoming stimulus bill and discussed the likelihood of a deal before the end of the year.

Congressman Gil Cisneros (D-CA) – We followed-up with senior staff in Congressman Cisneros' office to discuss the lame duck session and the need for new funding to support transit operations.

Congressman Mike Garcia (R-CA) – We have been in communication with Congressman Garcia's staff this month to discuss the Highway Bill and support for long-term robust funding. We also discussed the possibility of a return to earmarks and the preferred procedures for submitting requests should the ban be lifted.

Congressman Pete Aguilar (D-CA) – We have been in close contact with Congressman Aguilar's office to discuss FY21 appropriations and opportunities to provide input. We reiterated the need to include additional infrastructure funding for "shovel-ready" projects that could provide additional economic stimulus. We also discussed committee leadership changes and the ongoing race to replace outgoing House Appropriations Committee Chair Nita Lowey (D-NY). On this topic, we discussed the likelihood of a return to earmarks, even in a limited fashion, and the most effective methods for submitting funding requests. Finally, we discussed opportunities to support funding and policy flexibilities to support service during the pandemic.

House Appropriations: Transportation, Housing and Urban Development – We have been in communication with senior staff on the House THUD Appropriations Committee to discuss new possible CIG funding in a COVID-19 stimulus legislation and how that may differ from the funding included in the amended HEROES Act. We also discussed the timeline for FY21 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 and how committee leadership changes are expected to affect the annual appropriations process.

Senator Dianne Feinstein (D-CA) – We have been communicating with Senator Feinstein's staff this month to discuss negotiations on FY21 appropriations and reiterate the need for additional transit funding and formula spending flexibilities. We also discussed the possibility of a return to earmarks in the Senate.

Senator John Thune (R-SD) – We have been in contact with Senator Thune's staff to discuss the COVID-19 relief framework released late in the month, and support for additional funding and flexibilities for transit providers. We discussed the impact of COVID-19 on transit operations and construction.

House Transportation and Infrastructure Committee – We continue to be in regular communication with both Majority and Minority staff. We have also been discussing

progress on the Highway Bill and the likelihood of a more bipartisan process in 2021 that could include some of the provision in the Republican alternative bill, the *STARTER Act* (H.R. 7248). We also discussed how a return to earmarks may affect the drafting and negotiations process.

Senate Environment and Public Works Committee – We followed-up with EPW staff (minority and majority) on OCTA's Surface Transportation Reauthorization policy asks. We discussed the possibility of bi-cameral agreement on key Highway Bill provisions.

Senate Banking Committee – We followed-up again with senior staff this month to discuss progress on a Senate Surface Transportation reauthorization transit title and the likelihood of progress on negotiations with the House in 2021.

Senator Barrasso Seeks New Position, Leaving Highway Chairmanship

On November 18th, Senator John Barrasso (R-WY) announced that if Republicans retain control of the Senate in the 117th Congress, he will take over the Chairman position on the Senate Energy and Natural Resources (ENR) Committee. Following seniority rules, the Senate Environment and Public Works (EPW) Committee will be Chaired by Senator Shelly Moore Capito (R-WV). The EPW Committee has jurisdiction over highway policy and is responsible for that portion of the Surface Transportation Reauthorization. Senator Moore Capito is currently Chair of the Transportation and Infrastructure Subcommittee on EPW. Additionally, she was a member of the 2012 conference committee on the MAP-21 bill.

Fiscal Year 2021 Appropriations Update

On Tuesday, November 24th, House and Senate Appropriators reportedly reached a bipartisan agreement on an outline for a FY21 discretionary spending omnibus. Congress will need to pass all twelve spending bills by December 11th to avoid a partial government shutdown, or another Continuing Resolution to extend funding authority at FY20 levels. The House and Senate versions of the topline spending allocations were not far apart. The House included more funding for the Departments of Veterans Affairs, Interior, EPA, Transportation, and Housing Urban Development. The Senate favored more funding for Defense, Homeland Security, Energy, and the US Army Corps of Engineers. One major difference was the inclusion of \$233 billion in emergency spending to address the COVID-19 pandemic in the House bills. Senate Republicans have been opposed to including COVID-19 relief funding in the regular appropriations bills, favoring a stimulus package approach. Despite reports that a deal has been reached, the agreed-upon numbers have not been made public and are expected to be released once the text of the bills have been finalized.

President Trump has signaled support for signing an omnibus, but Congress will need to work quickly with only a few legislative days remaining before the current Continuing Resolution expires on December 11th. Included below are links to the subcommittee

allocations, as well as the legislative text, explanatory statement, and highlights for each of the FY21 appropriations bills.

SENATE FY21 APPROPRIATIONS BILLS:

[302\(b\) Subcommittee Allocations](#) (Topline spending for each bill)

Agriculture: [Text](#) | [Summary](#) | [Report](#)

Commerce-Justice-Science: [Text](#) | [Summary](#) | [Report](#)

Defense: [Text](#) | [Summary](#) | [Report](#)

Energy-Water: [Text](#) | [Summary](#) | [Report](#)

Financial Services: [Text](#) | [Summary](#) | [Report](#)

Homeland Security: [Text](#) | [Summary](#) | [Report](#)

Interior-Environment: [Text](#) | [Summary](#) | [Report](#)

Labor-HHS-Education: [Text](#) | [Summary](#) | [Report](#)

Legislative Branch: [Text](#) | [Summary](#) | [Report](#)

Military Construction-VA: [Text](#) | [Summary](#) | [Report](#)

State-Foreign Operations: [Text](#) | [Summary](#) | [Report](#)

Transportation-HUD: [Text](#) | [Summary](#) | [Report](#)

HOUSE FY21 APPROPRIATIONS BILLS:

[302\(b\) Subcommittee Allocations](#) (Topline spending for each bill)

Agriculture: [Text](#) | [Summary](#) | [Report](#)

Commerce-Justice-Science: [Text](#) | [Summary](#) | [Report](#)

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Homeland Security: [Text](#) | [Summary](#) | [Report](#)

Interior-Environment: [Text](#) | [Summary](#) | [Report](#)

Labor-HHS-Education: [Text](#) | [Summary](#) | [Report](#)

Legislative Branch: [Text](#) | [Summary](#) | [Report](#)

Military Construction-VA: [Text](#) | [Summary](#) | [Report](#)

State-Foreign Operations: [Text](#) | [Summary](#) | [Report](#)

Transportation-HUD: [Text](#) | [Summary](#) | [Report](#)

COVID-19 Stimulus Negotiations

With the clock running out, Congress continues to work on a COVID-19 stimulus package. Other priority items like FY21 appropriations, the National Defense Authorization Act (NDAA), the Water Resources Development Act (WRDA), and a series of tax extenders are also expected to take up much of the limited floor time remaining in the year. After a meeting with Senate Majority Leader Mitch McConnell (R-KY) just before Thanksgiving, Speaker Pelosi (D-CA) told reporters that the discussion focused solely on reaching a consensus on an FY21 omnibus package. Meanwhile, Treasury Secretary Mnuchin has been trying to restart negotiations with Speaker Pelosi, but House Democrats have not wavered in their initial offer of \$2.4 trillion. The White House has indicated a willingness to support a stimulus totaling up to \$1.8-2 trillion, but this amount may not be tenable in the Senate, where Republicans fear that oversized bailouts will not only contribute too much to the debt but could also spawn a political movement similar to the Tea Party in 2009. Despite political complications in the negotiations, the biggest barrier to a COVID-19 stimulus is the limited floor time remaining in both chambers. Congressional staff are being told to expect the end of the session to begin on December 11th, leaving only eight legislative days on the calendar for the 116th Congress.

A bipartisan group of 9 Senators including Democratic Senators Chris Coons (DE), Joe Manchin (WV), Mark Warner (VA), Michael Bennet (CO) and Dick Durbin (IL), and Republican Senators Mitt Romney (UT), Susan Collins (ME), Lisa Murkowski (AK) and Rob Portman (OH) released a “framework” COVID-19 stimulus that outlines a spending breakdown on November 30th. This framework has not been approved or endorsed by leadership in either chamber, but both Majority Leader McConnell (R-KY) and Minority Leader Schumer (D-NY) voiced support for a new stimulus. The framework is included below:



COVID Emergency Relief Framework

Major Issues	Cost Estimate
State, Local, and Tribal Governments	\$160 billion
Additional Unemployment Insurance (UI)	\$180 billion
Support for small businesses including Paycheck Protection Program (PPP), EIDL, restaurants, stages, and deductibility	\$288 billion
CDFI/MDI Community Lender Support	\$12 billion
Transportation (Airlines, Airports, Buses, Transit and Amtrak)	\$45 billion
Vaccine Development and Distribution & Testing and Tracing	\$16 billion
Healthcare Provider Relief Fund	\$35 billion
Education	\$82 billion
Student Loans	\$4 billion
Housing Assistance (Rental)	\$25 billion
Nutrition/Agriculture	\$26 billion
U.S. Postal Service	\$10 billion
Child Care	\$10 billion
Broadband	\$10 billion
Opioid Treatment	\$5 billion
Provide short term Federal protection from Coronavirus related lawsuits with the purpose of giving states time to develop their own response.	
TOTAL	\$908 billion

House Transportation & Infrastructure Committee Hearing on Passenger Rail

On November 18th, the House Transportation and Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled “*Examining the Surface Transportation Board’s Role in Ensuring a Robust Passenger Rail System*”. During his opening statements, Chairman Lipinski (D-IL) said 1) there needs to be an increase in investments in public rail infrastructure, 2) the domestic rail supply industry needs to be expanded to meet demand, and 3) Congress needs to establish more balanced and efficient processes to utilize existing trackage, much of which is owned by freight railroads. He also discussed support for public investments while encouraging private investments. He also discussed the success of BNSF in increasing efficiency by helping expand passenger rail capacity.

Ranking Member Crawford, conversely, discussed the vital services provided by freight rail. Full Committee Chairman DeFazio (D-OR) highlighted the impacts and burdens resulting from the COVID-19 pandemic and expressed his support for assistance to passenger rail entities. Amtrak Vice Chairman Gardner suffered technical difficulties during questions with Chairman DeFazio and Ranking Member Crawford, and the committee requested his written testimony as a result. The remainder of the hearing focused mostly on funding for Amtrak with support and opposition falling mostly along party lines.

Ann Bergman discussed the STB’s role as a mediator between public rail and commuter entities, and freight rail providers. She discussed a number of cases where the STB mediated conflicts between Amtrak and freight rail entities, including the modification of previously approved rail lines.

Witness List

- **Surface Transportation Board** - Ann D. Begeman, Chairman
 - [Testimony](#)
- **Surface Transportation Board** - Martin J. Oberman, Vice Chairman
 - [Testimony](#)
- **Metra** - Romaine C. Brown, Chair of the Board of Directors
 - [Testimony](#)
- **Amtrak** - Stephen Gardner, Senior Executive Vice President
 - [Testimony](#)
- **Association of American Railroads** - Ian Jefferies, President and CEO
 - [Testimony](#)
- **Cato Institute** - Randal O’Toole, Senior Fellow
 - [Testimony](#)
- **American Public Transportation Association** - Paul Skoutelas, President and CEO
 - [Testimony](#)

Possible Return for Congressionally Directed Spending in the 117th Congress

On November 20th, House Majority Leader Steny Hoyer (D-MD) told reporters that earmarks are slated to make a return in the new session of Congress. Once the new House Appropriations Chairwoman is elected, she will begin soliciting House lawmakers to “ask for Congressional initiatives for their districts and their states”. Connecticut’s Rosa DeLauro has received the steering committee endorsement for the Chairmanship and will likely take the gavel. Delauro has voiced strong support for the return of earmarks.

Senate Republicans made their earmark ban permanent last year, but Senate Appropriations Committee Chairman Richard Shelby (R-AL) has indicated openness to earmarks with proper transparency measures in place if it will help Congress “return to regular order” when working on the annual appropriations bills.

2020 Election Wrap-up

As of this report, the Presidential Election has been called for Joe Biden by all major news outlets. The results have been undergoing official certification by the states according to individual deadlines. For example, Georgia certified their votes by 5:00pm on Friday, November 20th, followed by Pennsylvania and Michigan on Monday, November 23rd. Minnesota, Nevada, and North Carolina certified their votes on Tuesday, November 24th, followed by Ohio on the 28th, and Arizona, Iowa, and Nebraska on the 30th.

Another key date in the process is December 8th. If by December 8th, states have resolved all disputes and certified all results, the vote count will no longer be open to legal challenges. The governor of each state will compile the results and submit them to Congress along with the names of the state’s electors. The Electoral College will then meet on December 14th and cast their votes. On January 6th, the 117th Congress will meet to count and certify the votes cast by the Electoral College, followed by inauguration on January 20th.

To summarize key dates:

November 20th Georgia Vote Certification Deadline
November 23rd Pennsylvania and Michigan Vote Certification Deadline
November 24th Minnesota, Nevada, and North Carolina Vote Certification Deadline
November 30th Arizona, Iowa, and Nebraska Vote Certification Deadline
December 8th Federal Vote Certification Deadline
December 14th Electoral College Vote
January 6th 117 th Congress Counts and Certifies Electoral College Votes
January 20th President Sworn into Office (Inauguration)

117th Congress – House (2021-2022)

Democrats ✓

Republicans

222 -10

Toss-up
1

+11 **212**



116th Congress – House (2018-2020)

Democrats

232

Republicans

197



Democrats will maintain control of the House, surpassing the 218 Member threshold to have a majority. However, Republicans have gained 11 seats in an election year where Democrats were expected to greatly expand their Majority. Democrats did pick up three seats, but two of these seats were essentially uncontested after North Carolina drew new district borders that made them significantly more Democratic. The only remaining House race that has yet to be called is in New York CD-22, between Claudia Tenny (R) and Anthony Brindisi.

Additionally, Louisiana Representative Cedric Richmond (D) has announced plans to resign from Congress to serve as a senior advisor to President Joe Biden and as Director of the White House Office of Public Engagement. It is unlikely that his seat will flip for a Republican in a special election, but Richmond has been a key ally to Democratic Leadership and additional departures for the Administration may shrink the Democratic Majority even more in the coming months.

Congressman Aguilar (D-CA) was also elected to be the Vice Chairman of the Democratic Caucus, the 6th ranking position in the House Democratic Caucus after a tight race. Reps. Ted Lieu (D-CA) and Joe Neguse (D-CO) were also elected to serve as Democratic Policy and Communications Committee Co-Chairs along with Reps. Debbie Dingle (D-MI) and Matt Cartwright (D-PA). Speaker Pelosi (D-CA), Majority Leader Hoyer (D-MD), Whip Clyburn (D-SC), and Caucus Chairman Jeffries (D-NY) were all nominated without opposition.

117th Congress – Senate (2021-2022)

Republicans

50 -1

Toss-up
2

Democrats

+1 **48**



116th Congress – Senate (2018-2020)

Republicans

Democrats

*Includes 2 Independents who caucus with Democrats

Republicans are favored to maintain their majority control of the Senate in the 117th Congress according to current projections of the two Georgia Senate runoff races. Control of the chamber will come down to the upcoming runoff races in Georgia. The two Senate races in Georgia (Purdue [R] v. Ossoff [D]) and (Warnock [D] v. Loeffler [R] v. Collins [R]) failed to cross the 50% threshold. Therefore, a state-wide runoff will be held on January 5, 2021.

In Georgia, any Congressional candidate must win over 50% of the vote. If the 50% threshold is not crossed by any candidate, the two candidates must enter a runoff election in which voters can only vote for one of the two as opposed to a general election that does not limit the number of candidates. The latest projections suggest Republican voters in the state split between Senator Loeffler and Congressman Doug Collins (R-GA) will likely unite behind Loeffler in the runoff. If Democrats are able to win both seats, the Senate will be split into a 50-50 Republican-Democrat no-majority, giving Vice President Harris the tie-breaking vote.

Biden Cabinet and Transition Update

On Monday, November 23rd, President-elect Joe Biden announced his intent to nominate **Alejandro Mayorkas** as Secretary of the Department of Homeland Security (DHS). Mayorkas was born in Havana and has been serving as an Assistant US Attorney in the Central District of California specializing in white collar crime. He has been confirmed by the Senate three times for prior roles, including Director of the US Citizen and Immigration Services office. He also worked on the Obama Administration's team in response to the Ebola outbreak. The Biden campaign has said that combatting COVID-19 will be a top priority for DHS and the Administration.

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.

Positions that do not need 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.

Neera Tanden will be 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.

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.

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.

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

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.

The Biden team is also expected to announce **Brian Deese** to be President Biden’s top economic advisor in the White House. Deese previously served in the Obama Administration as Deputy Director (and later Acting Director) of OMB, and Deputy Director of the National Economic Council.

Kate Bedingfield will be White House Communications Director.

Jen Psaki will be Press Secretary.

“These officials will start working immediately to rebuild our institutions, renew and reimagine American leadership to keep Americans safe at home and abroad, and address the defining challenges of our time — from infectious disease, to terrorism, nuclear proliferation, cyber threats, and climate change,” the Biden team said in a statement. A Secretary of Transportation has not yet been announced along with other key USDOT positions.

House Minority Leader Kevin McCarthy (R-CA) released the official calendar for the House in 2021. It is linked [HERE](#) and included below:

HOUSE CALENDAR

REPUBLICAN LEADER KEVIN MCCARTHY 117TH CONGRESS, FIRST SESSION

JANUARY

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DECEMBER

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GOPLeader
 RepKevinMcCarthy

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