



Potomac Partners DC

Monthly Legislative Report – August 2017

August Advocacy Meetings

Chairman Mario Diaz-Balart (R-FL) – We facilitated a trip for Congressman Diaz-Balart, Chairman of the House THUD Appropriations Subcommittee, and his Chief of Staff to Orange County to brief them on County transportation projects such as the OC Streetcar.

Department of Transportation (DOT) – We met with the Deputy Assistant Secretary for Intergovernmental Affairs, and the Deputy Assistant for Congressional Affairs to follow-up on OCTA's TIFIA loan application approval process. The Department of Transportation signed the TIFIA loan application on July 17th and the loan was closed on July 26th.

Congresswoman Napolitano – We met with Congresswoman Napolitano's staff to discuss the Aviation Fuel Tax issue and next steps on the issue. We discussed the Senate's THUD report language that would recommend to the FAA to delay the rulemaking for one year, and a strategy for a more permanent solution in the FAA Authorization bill that could be considered in the House in September.

Congressman Alan Lowenthal (D-CA) – We met with staff in Congressman Lowenthal's office to follow-up on the aviation fuel tax issue and next steps for a legislative solution in the FAA Authorization legislation in the House. We also discussed support for the CIG program and the funding levels in the House and Senate THUD appropriations bill and the report language that was included with the Committee passed bills.

Congressman Lou Correa (D-CA) – We met with Congressman Correa's office to follow-up on our discussion regarding the OC street car and the CIG program. We also discussed support for legislation like Congressman Lowenthal's amendment to revert the rule back to the 29 years of FAA interpretation that the requirement in federal law on aviation fuel taxes is only applied to excise taxes and not general sales taxes with his staff.

Chairman Jeff Denham (R-CA) – We met with Congressman Denham's senior staff to continue our discussion regarding the upcoming infrastructure bill and the inclusion of possible funding provisions into the tax reform process expected to begin in the next three months.

Congressman Darrell Issa (R-CA) – We met with Congressman Issa's staff to follow-up on the need for continued congressional support for the Capital Investments Grant

(CIG) Program, and specifically support for a FFGA for the OC Streetcar. We discussed the limited funding in the House THUD bill for the CIG program and the need to support the higher Senate allocation.

Congressman Ed Royce (R-CA) – We met with staff in Congressman Royce's office to give them an update on the I405 improvements and discuss the TIFIA application and our meetings at DOT. Chairman Royce was actively engaged in helping move the TIFIA along at USDOT. In addition, we discussed support for an expedient FFGA for the OC streetcar at the DOT. We also discussed the need for additional funding support for projects of regional and national significance and the current criteria for TIGER and other discretionary grant programs.

Congressman Ken Calvert (R-CA) – We met with staff in Congressman Calvert's office to discuss FY18 appropriations and budget and the need to include funding for the CIG program. We also discussed the remaining 8 appropriations bills and supplemental appropriations for Hurricane disaster in Texas. We are likely to see passage of both the supplemental and the mini-bus appropriations in early September.

Chairman Sam Graves (R-MO) – We met with Congressman Sam Graves' staff, Chairman of the House Subcommittee on Highways and Transit, to follow-up on our discussion regarding our priorities for the new infrastructure legislation later this year. We also discussed the possibility of this legislation being tied to tax reform. We also discussed support for Congressman Lowenthal's aviation fuel tax amendment to the 21st Century AIRR Act and the need to preserve the integrity of locally enacted sales tax measures that provide critical funding to address local highway, transit, and other transportation requirements.

Senator Kamala Harris (D-CA) – We met with Senator Harris' staff to discuss support for the CIG program and the expected timing for and FFGA for the OC Streetcar.

Senator Dianne Feinstein (D-CA) – We met with staff in Senator Feinstein's office several times throughout the month to discuss FY18 appropriations and the projected timing of an FFGA for the Santa Ana Streetcar.

Senate Commerce Committee – We met with key staff on the Senate Commerce Committee to discuss the aviation fuel tax issue. We also discussed support for additional passenger rail funding.

House Transportation and Infrastructure Committee – We continue to meet with key staff at the House T&I Committee to discuss the timing and contents of the infrastructure bill, and the inclusion of key priorities. We also discussed streamlining provisions being discussed for President Trump's infrastructure package and the inclusion of new financing options such as P3s.

Senate Environment and Public Works Committee – We followed-up with senior staff on the Senate Environment and Public Works Committee (EPW) regarding our

discussion of the upcoming infrastructure bill. We discussed the I405 highway expansion and the use of self-help local funding in conjunction with state and federal resources. We also spoke about the need for a streamlined TIFIA process.

Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects

On August 15th, President Trump and Secretary of Transportation Chao signed an Executive Order ([EO 13807](#)) to “streamline the environmental review system and remove current roadblocks in order to ensure a faster and more efficient permitting process for America’s major infrastructure projects.” This EO is in addition to EO 13766 from January 24th that put the White House Council on Environmental Quality in charge of designating ‘high priority’ infrastructure projects for expedited processing, a role already established under Title 41 of the FAST Act by the Federal Permitting Improvement Steering Council (FPISC). The most recent order directs agencies to process major infrastructure projects using “One Federal Decision”, which means the designation of a single lead agency that project stakeholders can interface with during the permitting process. It also establishes an interagency working group to review each agency’s National Environmental Policy Act (NEPA) implementing regulations and environmental permitting policies for impediments and calls for each agency to develop an action plan for removing those impediments.

DOT Announces INFRA Grant Opportunity

The Department of Transportation (DOT) has announced that the Infrastructure for Rebuilding America (INFRA) discretionary grant program will be making \$1.56 billion available to projects that rebuild, repair, or replace degrading infrastructure. The Notice of Funding Opportunity can be found [HERE](#). All applications must be submitted by November 2nd, 2017. Eligible applicants include:

- 1) a State or group of States;
- 2) a metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals;
- 3) a unit of local government or group of local governments;
- 4) a political subdivision of a State or local government;
- 5) a special purpose district or public authority with a transportation function, including a port authority;
- 6) a Federal land management agency that applies jointly with a State or group of States;
- 7) a tribal government or a consortium of tribal governments; or
- 8) a multi-State or multi-jurisdictional group of public entities.

The INFRA Grant program aims to improve the previous FASTLANE program authorized in the FAST Act. The Department of Transportation released guidance documents regarding this grant process earlier in June. The INFRA grant program will seek to ensure that all awarded funding is spent directly on the specific project that was

approved. Projects must meet criteria related to national and regional economic vitality, potential for innovation, positive leveraging of federal funds, and performance and accountability. We will continue to track this funding opportunity.

FY 2018 Appropriations & Budget Update

On August 16th the House Rules Committee announced that the remaining 8 appropriations bills not included in the 4-bill package passed in the House at the end of July will be consolidated and considered on the House floor as a single bill the week of September 4th. This bill ([HR 3354](#)) consolidates the remaining 8 appropriations bills into a single measure that includes: (1) Interior and Environment ([H. Report](#)), (2) Agriculture and Rural Development ([H. Report](#)), (3) Commerce, Justice, Science, ([H. Report](#)) (4) Financial Services and General Government, ([H. Report](#)) (5) Homeland Security, ([H. Report](#)) (6) Labor, Health and Human Services, Education, ([H. Report](#)) (7) State and Foreign Operations ([H. Report](#)), and (8) Transportation, Housing and Urban Development ([H. Report](#)).

The next item on the legislative agenda will be the FY18 budget and the debt limit, which are scheduled to be considered on the floor the week of September 11th. Senate Majority Leader McConnell said late last week that Congress will most definitely raise the debt ceiling. Congress will only have 12 legislative days in September before the end of the fiscal year. Other programs that expire at the end of the month include funding for the Federal Aviation Administration (FAA), the Children's Health Insurance Program (CHIP), and the National Flood Insurance Program (NFIP).

Amendments to the omnibus package were due to the House Rules Committee by August 25th. Some amendments offered to the appropriations package would reinstate funding for the TIGER grant program as well as the Capital Investments Grant program (CIG). However the Chairman of the Rules Committee stated that any amendments that are not budget-neutral will not be allowed to be offered on the House floor. The full list of amendments offered to Division H – Transportation-HUD as of August 30th are as follows:

- 1 [Rosen \(NV\)](#) Democrat - Increases funding for the Neighborhood Reinvestment Corporation (NeighborWorks America) by \$35M, bringing total NeighborWorks appropriations to the same level as FY16
- 2 [Norton \(DC\)](#) Democrat - Prevents any funds from being used to racially profile drivers on federal highways
- 3 [Cohen \(TN\)](#) Democrat - Restricts appropriated funds in Division H from being made available to enter into any new contract, grant, or cooperative agreement with any Trump hotels or resorts (as listed in the amendment text)
- 4 [Cohen \(TN\)](#) Democrat - Restricts appropriated funds in Division H from being made available to enter into any new contract, grant, or cooperative agreement with any Trump-owned business listed in Donald John Trump's financial disclosure form (entities listed in amendment text)

- 5 [Knight \(CA\)](#) Republican - Increases the Community Development Fund by \$100,000,000
- 6 [King, Steve \(IA\)](#), Perry (PA), Gaetz (FL) Republican - Ensures that no funds are used to implement, administer, or enforce the Davis-Bacon Act
- 7 [Waters \(CA\)](#), Carson (IN), Esty (CT), Hanabusa (HI), Pocan (WI), Grijalva (AZ) Democrat - Provides \$7.5 billion for the TIGER competitive transportation grant program, also known as National Infrastructure Investments.
- 8 [Waters \(CA\)](#), Carson (IN), Esty (CT), Hanabusa (HI), Pocan (WI), Grijalva (AZ) Democrat - Provides \$550 million for the TIGER competitive transportation grant program, also known as National Infrastructure Investments
- 9 [Lowey \(NY\)](#) Democrat - Provides \$1 million to support medical fitness standards for critical safety personnel on interstate railways
- 10 [Soto \(FL\)](#) Democrat - Increases funding for the Limited English Proficiency Initiative, under the Office of Fair Housing and Equal Opportunity, by 50 percent
- 11 [Soto \(FL\)](#) Democrat - Increases funding for Housing for the Elderly by \$2.5 million
- 12 [Fortenberry \(NE\)](#) Republican - Allows airports to use Airport Improvement Program (AIP) funds to construct buildings to store all snow removal equipment, not just equipment purchased with AIP funds
- 13 [DeLauro \(CT\)](#), Welch (VT) Democrat - Restores funding for the TIGER grant program
- 15 [Higgins, Clay \(LA\)](#) Republican - Restricts funds from being made available by this Act to be used to carry out any program or activity that is not authorized by law to be carried out during fiscal year 2018
- 16 [Torres \(CA\)](#) Democrat - Provides the authorized funding level for Section 1441 for the 2015 FAST Act, the Regional Infrastructure Accelerator (RIA) Demonstration program
- 17 [Torres \(CA\)](#) Democrat - Provides the authorized funding level for MAP-21 Section's 20005(b) & FAST Act's Section 3016 FAST Act, the Pilot Program for Transit-Oriented Development Planning
- 18 [Lipinski \(IL\)](#) Democrat - Decreases the Office of the Secretary of Transportation Salaries and Expenses account by \$9,000,000 and increases the National Highway Traffic Safety Administration's Salaries and Expenses account by the same amount for the purpose of expanding NHTSA's connected and automated vehicles oversight and regulatory capabilities
- 19 [Maloney, Sean \(NY\)](#) Democrat - Prohibits funds from being used to contravene the President's Executive Order pertaining to equal employment in Federal government contracting
- 20 [Barr \(KY\)](#) Republican - Prohibits funding for HUD's rule on "On-Site Completion of Construction of Manufactured Homes," their "Interpretative Bulletin for Model Manufactured Home Installation Standards Foundation requirements in Freezing Temperature Areas Under CFR 3285.312(b)," and any implementation of the June 2014 memorandum titled "Construction of On-Site Installation of Add-Ons, such as an Attached Garage."
- 21 [Norton \(DC\)](#) Democrat - Provides \$187 million for new Housing Choice Vouchers

- 22 [Kildee \(MI\)](#) Democrat - Increase funding for the Community Development Block Grant by \$100 million and offset same amount of money from FAA Operations, Air Traffic Organization
- 23 [Kildee \(MI\)](#) Democrat - Increases funding for housing counseling assistance by \$10 million and offset same amount of money from the Office of Commercial Space Transportation
- 24 [Kildee \(MI\)](#) Democrat - **Revised** Increases funding for Office of Lead Hazard Control and Healthy Homes, Lead Hazard Reduction Program, by \$5 million and offsets same amount of money from the Office of Commercial Space Transportation
- 25 [Kildee \(MI\)](#) Democrat - Increases funding for the HOME Investment Partnerships Program by \$100 million, reduces FAA Operations/Air Traffic Control by the same amount
- 26 [Brady, Kevin \(TX\)](#) Republican - Prohibits federal funding, including grant or loan agreement, for the development or construction of high-speed rail, with non-interoperable technology, in the State of Texas
- 27 [Stivers \(OH\)](#) Republican - Increases funding for Administrative Enforcement Initiative by reducing funding from Private Enforcement Initiative
- 28 [Jackson Lee \(TX\)](#) Democrat - Provides that the Secretary may make grants to State and local authorities for the purpose of undertaking capital projects
- 29 [Jackson Lee \(TX\)](#) Democrat - Expresses the sense of the Congress that the Secretary of Housing and Urban Development shall make available to those receiving federal assistance for housing information regarding their rights and responsibilities as tenants, which shall include information on how to seek clarification or additional information regarding the information provided
- 30 [Jackson Lee \(TX\)](#) Democrat - Expresses the sense of the Congress that funds in the Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes Program shall be available for both Lead Hazard Control and the Healthy Homes Initiative
- 31 [Nadler \(NY\)](#) Democrat - Increases funding for Housing Opportunities for Persons with AIDS by \$19 million . The increase is offset by reducing the HUD Information Technology fund by the same amount
- 32 [Nadler \(NY\)](#) Democrat - Increases funding for Tenant Based Rental Assistance, or Section 8, by \$1.4 billion by increasing renewals to \$19.9 billion and administrative fees to \$1.8 billion
- 33 [Tenney \(NY\)](#) Republican - Increases funding to the Community Development Block Grants program by \$10 million and reduces the public housing operating fund allocation by \$10 million.
- 34 [Cicilline \(RI\)](#) Democrat - Designates \$700,000 for the National Scenic Byways program under the Federal Highway Administration
- 35 [Babin \(TX\)](#), Smucker (PA) Republican - Prohibits funds from being used to implement or enforce the Electronic Logging Device (ELD) mandate.Submitted
- 36 [Waters \(CA\)](#) Democrat - Prohibits funds made available by this Act to be used by the Department of Housing and Urban Development to directly or indirectly benefit the President, a relative of the President, the Vice President, an individual

serving in an official capacity in the Executive Office of the President who reports directly to the President, or any member of the Cabinet

- 37 [Waters \(CA\)](#) Democrat - Provides an additional \$5,000,000,000 for Homeless Assistance Grants pursuant to the authority under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, to remain available until September 30, 2022
- 38 [Soto \(FL\)](#) Democrat - Increases funding for the Small Starts program by \$48 million
- 39 [Velázquez \(NY\)](#), Serrano (NY), Espaillat (NY), Meeks (NY), Maloney, Carolyn (NY) Democrat - Increases the Department of Housing and Urban Development's Public Housing Capital Fund by \$2,000,000
- 40 [Biggs \(AZ\)](#) Republican - Removes the Contract Tower Program's \$2 million-per-project cap
- 42 [Lee, Barbara \(CA\)](#), Waters (CA), Hastings, Alcee (FL), Gomez, Jimmy (CA) Democrat - Increases funding for the United States Interagency Council on Homelessness (USICH) by \$3.03 million, offset with HUD IT accounts, and eliminates the sunset date on USICH
- 43 [Woodall \(GA\)](#) Republican - Ensures greater flexibility for state departments of transportation to make targeted recissions
- 44 [Mitchell \(MI\)](#) Republican - Reduces by 10% general administrative and departmental salary and expense accounts in Division H, and transfers the savings to the Spending Reduction Account
- 45 [Rooney, Francis \(FL\)](#) Republican - Prohibits the use of funds to be used to implement or enforce Executive Order 13502
- 46 [Amodei \(NV\)](#) Republican - Maintains the ability for Capital Investment Grant small start projects to enter into grant agreements
- 47 [Panetta \(CA\)](#), Curbelo (FL), Carbajal (CA) Bi-Partisan - Prohibits the use of funds to revoke Executive Order 13690 establishing a federal flood risk management standard
- 48 [Brooks \(AL\)](#) Republican - Defunds Amtrak
- 50 [Brooks \(AL\)](#) Republican - Defunds Amtrak
- 51 [Brooks \(AL\)](#) Republican - Defunds Amtrak
- 52 [Graves, Garret \(LA\)](#) Republican - Allows CDBG to satisfy an outstanding SBA disaster loan
- 53 [Thompson, Glenn \(PA\)](#), Kelly (PA) Republican - Prohibits funds to be used for establishing or collecting tolls on I-80 in the Commonwealth of Pennsylvania
- 54 [Himes \(CT\)](#) Democrat - Increases funding for Amtrak's Northeast Corridor account by \$30 million
- 55 [DeSaulnier \(CA\)](#) Democrat - Adds funds for Section 4 Capacity Building for Community Development and Affordable Housing program
- 56 [DeSaulnier \(CA\)](#) Democrat - Adds funding for the University Transportation Center program
- 57 [Abraham \(LA\)](#) Republican - Prohibits the FAA from implementing the settlement agreement with the City of Santa Monica to shorten the length of the

runway at Santa Monica Municipal Airport and close the Airport in its entirety at the end of 2028

- 58 [Smith, Jason \(MO\)](#) Republican **Revised** - Prevents funds from being used for a State, or local government entity or official if that entity prohibits, or in any way restricts, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual
- 59 [1Perry \(PA\)](#), King, Steve (IA) Republican - Prohibits the use of funds for project labor agreements (PLA's)
- 60 [Perry \(PA\)](#) Republican - Prohibits the use of funds for the NHTSA and FMCSA to finalize the advance notice of proposed rulemaking regarding speed limiting devices (81 Fed. Reg. 61941)
- 61 [Lieu \(CA\)](#) Democrat - Prohibits the use of funds for the reimbursement of costs incurred by the Federal Government in relation to commercial properties in which the President of the United States has a financial stake or that bear the Trump name
- 62 [Napolitano \(CA\)](#), Norton (DC), Nadler (NY) Democrat - Strikes Section 134, which prohibits states from setting meal break, rest break, and wage standards for truck drivers
- 63 [Espaillat \(NY\)](#) Democrat - Ensures none of the funds made available by this Act may be used for the creation, maintenance, or display, as applicable, of any Confederate symbol on Federal public land, including any highway, park, subway, Federal building, military installation, street, or other Federal property
- 64 [Espaillat \(NY\)](#) Democrat - Provides updates to the Rental Assistance Demonstration Component II program in order to maintain rental affordability for low-income tenants in high market areas
- 65 [1Crist \(FL\)](#) Democrat - Provides \$250,000 for studying HUD program impacts on LGBT youth homelessness
- 66 [Blum \(IA\)](#) Republican - Provides funding for capital investments in surface transportation infrastructure
- 67 [O'Rourke \(TX\)](#), Amash (MI), Jeffries (NY), Nadler (NY) Bi-Partisan - Eliminates Section 159 of title 23, which reduces highway funding for states if they did not automatically suspend drivers licenses of anyone convicted of a drug offense
- 68 [Grothman \(WI\)](#) Republican - Decreases the funding for the Public and Indian Housing Tenant-Based Rental Assistance Program by \$177,362,500, excluding veterans, elderly, and the disabled
- 69 [Grothman \(WI\)](#) Republican - Decreases funding for the Project-Based Rental Assistance Housing Program by \$266,000,000
- 70 [Hanabusa \(HI\)](#), Gabbard (HI), Garamendi (CA) Democrat - Increases funding for Assistance to Small Shipyards by \$7 million
- 71 [Hanabusa \(HI\)](#), Gabbard (HI) Democrat - Provides \$2 million for the Native Hawaiian Housing Block Grant Program
- 72 [Herrera-Beutler \(WA\)](#) Republican - States no Funds can be used to establish or collect tolls on Interstate 5 or Interstate 205 in the state of Washington or Oregon

- 73 [Huffman \(CA\)](#) Democrat - Maintains existing requirements that federal infrastructure projects account for the impacts of sea-level rise and other extreme weather events
- 74 [Demings \(FL\)](#) Democrat - Prevents the Department of Housing & Urban Development from spending more than 40% of the funding provided for its Secretary's Office until the President has nominated someone to be HUD Inspector General

Late Amendments:

- 76 [Estes, Ron \(KS\)](#) Republican - Restricts funds from being made available to transfer air traffic control functions from the Federal Aviation Administration to any other organization
- 77 [Grothman \(WI\)](#) Republican - Reduces the funding level for the Department of Housing and Urban Development by two percent
- 78 [Green, Al \(TX\)](#) Democrat - Restores funding for the Department of Transportation Office of Civil Rights to ensure minorities, veterans, and other groups are not discriminated against while using federally funded public transportation
- 79 [Nolan \(MN\)](#) Democrat - Restores the Federal Aviation Administration's Small Community Air Service Development Program at \$10,000,000, offset with a reduction to the agency's administrative operations account.
- 80 [Nolan \(MN\)](#) Democrat - Reduces, and then restores funding for the Federal-State Partnership for State of Good Repair Grants by \$500,000,000
- 81 [Nolan \(MN\)](#) Democrat - Reduces, and then restores funding for the Capital Investment Grant program, which is the Federal Transit Agency's primary grant program for funding major transit capital investments, including heavy rail, commuter rail, light rail, streetcars, and bus rapid transit
- 82 [King, Steve \(IA\)](#) Republican - Ensures that no funds may be used on new hires for which e-verify is not utilized prior to the hire
- 83 [Budd \(NC\)](#) Republican - **Revised** Eliminates a \$900 million allocation for the upgrade of an Amtrak rail line between Newark and New York City by increasing funding for national New Starts Projects by \$400 million and applying savings from the elimination of the TIGER Grant program to deficit reduction
- 84 [DeSaulnier \(CA\)](#), Davis, Rodney (IL), Smucker (PA) Bi-Partisan - Prohibits funds to be used to enforce weight limits, up to a maximum gross vehicle weight limit of 82,000, with respect to trucks powered by electric batteries
- 85 [McClintock \(CA\)](#) Republican - Reduces funding for the Essential Air Service program by \$150 million and applies the savings to the spending reduction account