

**Transportation/Aviation Update**

September 24, 2021

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NEXT WEEK**House**

Floor Vote: Infrastructure Bill. On Monday, September 27, the House is expected to vote on H.R. 3684, the Infrastructure Investment and Jobs Act (IIJA), the five-year \$1.2 trillion bill. The bill also includes a five-year reauthorization of highway, transit, rail, and auto safety programs.

- Monday's vote will be on the Senate amendment to H.R. 3684, without the opportunity to offer amendments. The fate of the bill is uncertain, despite the fact that the Senate approved the bill on a 69-30 bipartisan vote. Despite the fact that the House Republican leadership is recommending a "no" vote by its members, as many of 10-20 could vote for the IIJA. Among Democrats, which hold a three seat majority, as many of 50 progressive Democrats could vote against the IIJA, as they want the \$3.5 trillion budget reconciliation bill, which is focused on human infrastructure and tax increases, to be voted on at the same time (see below).
- If the Senate amendment is approved by the House, the IIJA would go to the President to be signed into law. If it fails, the IIJA will not automatically die, as there would be another opportunity for the leadership to vote again on the same bill text.

Markup: Budget Reconciliation. On Saturday, September 25, the Budget Committee is expected to meet to bundle the 12 respective Committee legislative packages into a very large \$3.5 trillion bill. Under the rules of the budget reconciliation process, the Budget Committee cannot make any changes to content of the bill. As the bill continues to be negotiated by the Speaker and others, changes will be made at a later date by the Rules Committee, which will send the bill to the House floor for a vote.

- Budget Committee Chairman John Yarmouth has said he expects the massive bill could be voted on by the House next week.

As approved by the Transportation and Infrastructure Committee, the transportation provisions in the reconciliation bill include:

- \$10 billion to enhance transit mobility to affordable housing and for low-income individuals and residents of disadvantaged or persistent poverty communities.

- \$4 billion for reduction of carbon pollution in the surface transportation sector—addressing the largest source of transportation greenhouse gas emissions.
- \$4 billion to support neighborhood equity, safety, and affordable transportation access, including reconnecting communities divided by existing infrastructure barriers.
- \$6 billion to advance local surface transportation projects (earmark placeholder).
- \$1 billion to support projects that develop, demonstrate, or apply low-emission technologies or produce, transport, blend, or store sustainable aviation fuels.

Hearing: Waterborne Ferries. On September 28, the Highways and Transit Subcommittee of the Transportation and Infrastructure Committee will hold a hearing entitled “Examining the Role of Ferries in Improving Mobility.” Witnesses have not yet been announced. Information on the hearing can be found [here](#).

Hearing: State of TSA. On September 29, the Homeland Security Committee will hold a virtual hearing entitled “20 Years After 9/11: The State of the Transportation Security Administration.” Witnesses have not yet been announced. Information on the hearing can be found [here](#).

Senate

Floor Vote: FY 2022 Continuing Resolution/Debt Limit Extension. On Monday, September 27, the Senate will take up the House-passed Continuing Resolution (CR) to fund the federal government through December 3 and extend the federal debt limit to December 16, 2022. The bill also includes \$28.6 billion for a variety of programs to provide emergency relief from natural disasters. On September 21, the House voted 221-210 to approve CR/debt limit bill.

- Senate Republicans have said they would not support a CR which includes a debt limit extension. As such it will not get the 60 votes needed for passage. Senate Minority Leader McConnell has said that Republicans would support a CR, if the debt limit is stripped from the bill. A simple CR to December 3 is the likely outcome before September 30.
- *FAST Act Authorization.* The CR/debt limit bill does not include an extension of the FAST Act authorization. As such, there is the possibility of a lapse in highway and transit funding if this bill fails and the IIJA or a simple extension of the FAST Act are not approved and signed into law by October 1.

THIS WEEK

House

Hearing: Air Passenger Rage. On September 23, the Aviation Subcommittee of the Transportation and Infrastructure Committee held a hearing entitled “Disruption in the Skies” The Surge in Air Rage and its Effects on Workers, Airlines, and Airports.” Witnesses included representatives from the Association of Flight Attendants, Association of Professional Flight Attendants, Airports Council International – North America, and Airlines for America. Testimony and video archive is [here](#).

- Full Committee Chairman Peter DeFazio said the hearing was to “examine how air rage cases unfold on planes, how airports and law enforcement respond, and what airlines are doing in the aggregate to respond to these incidents.” Subcommittee Chairman Rick Larsen cited FAA’s statistics that there had been more unruly passenger incidents in the first six months of this year

as there had been between 2015-2020. Several Republican members criticized the Biden Administration mask mandate on airlines and public transportation.

- Separately, the FAA yesterday asked airports to take steps to help address this year's rapid growth in air-rage cases, such as prohibiting the sale of take-away alcohol at airports.

Senate

Hearing: DOT Nominations. On September 22, the Commerce, Science and Transportation Committee held a hearing on the nominations of these DOT nominees:

- Victoria Marie Baecher Wassmer, to be Chief Financial Officer ([bio](#))
- Mohsin Raza Syed, to be Assistant Secretary of Government Affairs ([bio](#))
- Amitabha Bose, to be Administrator of the Federal Railroad Administration ([bio](#))
- Meera Joshi, to be Administrator of the Federal Motor Carrier Safety Administration ([bio](#))

Nominee testimony and a video of the hearing is [here](#).

Department of Transportation

FTA: RFI Transit Worker Safety. On September 24, FTA issued a Request for Information (RFI) on safety issues that affect transit workers in two areas: Rail transit Roadway Worker Protection and transit worker assault prevention. FTA will use this information to evaluate potential actions to mitigate the identified safety risk for transit workers. The RFI is [here](#).

FAA: Airport Grants Awarded. On September 21, the FAA announced that it had awarded nearly \$432 million in Airport Improvement Program grants to 60 airports in 31 states. The list of grant recipients is [here](#).

FTA: Bus and Bus Facility NOFO. On September 20, FTA issued a Notice of Funding Opportunity (NOFO) for the FY 2021 Bus and Bus Facility Program. FTA announced the availability of nearly \$410 million in competitive grants to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities including technological changes or innovations to modify low or no emission vehicles or facilities. Applications must be submitted by November 21. The NOFO is [here](#).

DOT: INFRA Extra Projects Announced. On September 20, DOT announced that it would designate 44 projects as INFRA Extra. These projects made it to the final round for funding under the 2021 INFRA competitive grant program but did not receive grant awards. The INFRA Extra initiative, announced by DOT earlier this year, provides INFRA applicants the opportunity to apply for TIFIA credit assistance for up to 49 percent of eligible project costs if the project advanced for funding but was NOT awarded due to resource constraints. The list of projects and more detail on INFRA Extra is [here](#).

Department of Justice

American-JetBlue Alliance. On September 21, the Department of Justice filed a suit to require that American Airlines and JetBlue Airways to unwind their agreement to coordinate flights in the Northeastern United State, arguing that the pact violates antitrust laws by eliminating competition between them in Boston and New York City. The DOJ press release is [here](#).

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