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TO: Mayor Robinson and City Councilmembers

FROM: Genesee Adkins, Chief of External Affairs
Nina Collier, Jeff Bjornstad, Tony Williams – W2A (federal affairs consultants)

SUBJECT: Federal Legislative Update

October Federal Legislative Summary

Congress is on recess until after the November elections. Before leaving Washington, DC, the House and Senate passed a Continuing Resolution to extend FY 2022 funding through December 16. This buys Congress and the Administration time to finish up negotiations and work on the twelve annual appropriations bills for FY 2023. Beyond preventing a government shutdown, the key focus was on the elections, the outcome of which will determine control of Congress.

This update provides details of the Continuing Resolution (CR) that was passed to prevent a government shutdown, summarizes some of the key funding programs recently released by the Administration, and provides a preview of some of the items Congress may take up after the November elections. It also summarizes Bellevue's federal affairs activities over the last few weeks.

Budget and Appropriations

Congress has a lot of work to do to complete work on the twelve annual appropriations bills for FY 2023. Thus far, the House has passed a six-bill minibuss package, which narrowly passed along party lines. The House package covered Agriculture-FDA, Energy and Water, Financial Services, Interior, Military Construction-VA, and Transportation-HUD appropriations bills.

Senate Democrats released a nearly \$1.7 trillion spending package covering all twelve appropriations bills in July but little movement has occurred in the Senate to move the bills towards passage. The major logjams are the typical of a closely divided Congress: lack of agreement on the top-line numbers for spending (Republicans want more for defense, Democrats want more for domestic spending) and controversial policy riders, particularly on abortion (i.e., Hyde Amendment which bars federal funding for abortions).

Hours before the end of the fiscal year on September 30, work was completed on a Continuing Resolution (CR) to extend current funding beyond the fiscal year deadline to keep the government open. The enacted CR extends current funding through December 16. It also includes supplemental funding and extends authorization for some priority programs including:

- \$12 billion in emergency funding for Ukraine;
- \$1.8 billion for HHS refugee & entrant assistance;
- \$3 billion to State Department for Afghan resettlement;
- \$2 billion for HUD's CDBG program to address disaster recovery;
- \$1 billion for HHS' LIHEAP program to help mitigate the rising cost of energy this winter;



- \$112.5 million for security improvements at US courthouses and facilities;
- Authorization to USDOT to extend availability of the National Infrastructure Investment program awards through FY 2023; and
- Extension of several programs and authorities through Dec. 16, including:
 - ✓ FCC's authority to auction radio spectrum;
 - ✓ FEMA's National Flood Insurance Program;
 - ✓ Afghan refugee benefits;
 - ✓ HUD's Market-to-Market Program;
 - ✓ US Parole Commission;
 - ✓ DHS & DOJ authority to protect facilities and assets from drones; and
 - ✓ HHS Maternal, Infant, and Early Childhood Home Visiting Program.

A few key items left out of the CR include proposals to include supplemental funding for COVID-19 and funding for Monkeypox resources. An energy permitting streamlining proposal pushed by Senator Joe Manchin of West Virginia was also left out. As timing was running short on getting a deal on the CR, these items simply proved to be too controversial. Rather than risk shutting down the government before the mid-term elections, members chose to remove these items from the CR and take them up after the election. Additional funding for Monkeypox and COVID response are both likely to be debated as part of the Labor Health and Human Services appropriations bill, and Senator Manchin is already looking at other ways to move his energy permitting bill.

Infrastructure

Several new programs authorized under the Bipartisan Infrastructure Law (BIL) have become available over the last couple months. Programs of possible interest to Bellevue include:

Program	Summary														
National Electric Vehicle Infrastructure Program	<p>FHWA announced at the end of September the approval of state plans, including that of WA State, for the National Electric Vehicle Infrastructure program. With state plans approved, the state formula funds for this program will start flowing to the states. WA state's allocation over the next five years is estimated by FHWA to be:</p> <table border="1" data-bbox="597 1436 1390 1575"> <thead> <tr> <th></th> <th>FY 2022</th> <th>FY 2023</th> <th>FY 2024</th> <th>FY 2025</th> <th>FY 2026</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>WA</td> <td>\$10.4M</td> <td>\$15.1M</td> <td>\$151M</td> <td>\$15.1M</td> <td>\$15.1M</td> <td>\$70.8M</td> </tr> </tbody> </table> <p>A link to WA state's plan: WA State NEVI deployment plan</p> <p>A competitive grant program that will be available to states and local governments is expected to be released later this year.</p>		FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total	WA	\$10.4M	\$15.1M	\$151M	\$15.1M	\$15.1M	\$70.8M
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total									
WA	\$10.4M	\$15.1M	\$151M	\$15.1M	\$15.1M	\$70.8M									
Reconnecting Communities	USDOT competitive grant program that funds eligible projects that will restore community connectivity.														



	<p>FY 2022 Available Amount: \$50M for planning; \$145M for project implementation. Application Deadline: 10/13/22</p>
State and Local Cybersecurity Grant Program	<p>Department of Homeland Security program to strengthen state and local cybersecurity infrastructure. This is a state formula program where local governments would apply to their state to be subgrantees. 80% of funds to states must be granted to local governments of which 25% is obligated to rural areas.</p> <p>State & Local Cybersecurity Grant Program NOFO FY 2022 Available Amount: \$185M Application Deadline: 11/15/22</p>
SMART	<p>USDOT competitive grant program for demonstration projects focused on smart community technology & systems.</p> <p>SMART Program NOFO FY 2022 Available Amount: \$100M Application Deadline: 11/18/22</p>
Advance Transportation Technologies & Innovation (ATTIMD) Program	<p>USDOT program to deploy, install, and operate advanced transportation technologies.</p> <p>ATTIMD Program NOFO FY 2022 Available Amount: \$60M Applications Deadline: 11/18/22</p>
Building Resilient Infrastructure and Communities (BRIC) Program	<p>Department of Homeland Security program to support state and local efforts to implement pre-disaster mitigation activities to reduce risk and disaster costs and increase resilience of critical infrastructure. Local governments apply as a sub-applicant through the state.</p> <p>BRIC Program NOFO FY 2022 Available Amount: \$200M Application Deadline: 1/23/23</p>
Flood Mitigation Assistance Program	<p>FEMA program to support local governments efforts to reduce or eliminate risk of flood damage to structures insured by the National Flood Insurance Program</p> <p>FEMA Flood Mitigation Program NOFO FY 2022 Available Amount: \$800M Application Deadline: 1/27/23</p>



National Culvert Removal, Replacement, and Restoration Grant Program	<p>USDOT program for projects that replace, remove, or repair culverts that improve fish passage for certain fish with priority for endangered species.</p> <p>National Culvert Program NOFO FY 2022 Available Amount: \$1B Application Deadline: 2/6/23</p>
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Post-Election Agenda

At the top of to-do list for Congress and Administration after the November elections will be to complete work on the twelve annual appropriations bills for FY 2023. In addition to this work, several other bills are expected to come up for consideration, including:

- **National Defense Authorization Act** – This bill provides the annual authorization and funding levels for Pentagon and Department of Defense activities. Bellevue's U.S. Rep. Adam Smith chairs the House Armed Services Committee, which has jurisdiction over this critical, must-pass bill.
- **Electoral Count Act** – A proposal introduced in the Senate by two moderates, Senators Susan Collins (R, ME) and Joe Manchin (D, WV), would clarify the Vice President's role is limited to only conducting the proceedings at the House-Senate vote-count session. It would also bar state legislatures from overriding the popular vote. This is the latest effort to reach bipartisan agreement on election reform legislation. House Democrats have complained the bill does not go far enough. Previous measures, pushed only by Democrats, failed to get any Republican support and, therefore, did not move in the closely divided Senate.
- **Same-sex Marriage Recognition (HR 8404)** – Repeals the Defense of Marriage Act and authorizes DOJ and individuals to sue anyone carrying out a state or local law violating the measure. House passed the bill with 47 Republican votes and there are strong indications that there will be sufficient votes in the Senate for passage.
- **Water Resources Development Act (HR 7776)** – Bill that is regularly enacted to authorize US Army Corps of Engineers water infrastructure programs, including waterway improvements and spending for flood control and coastal resilience. The House and Senate have both passed their versions of the bill. Congress must now conference and pass the final bill before the end of the year.
- **Retirement Legislation** – The House passed HR 2954, requiring automatic enrollment in new employer retirement plans. The Senate advanced two bills to create retirement savings options for students and part-time workers. It's expected these bills will be combined in one package with floor votes likely before the end of the year.
- **Other** – Other issues that may receive consideration before the end of the year include
 - Cannabis (S.4591) would decriminalize marijuana and impose an excise tax.



- Immigrant Farmworker Status (HR 1603) would overhaul the US agriculture guestworker program.
- Online privacy (HR 8152) would approve a comprehensive privacy proposal. The Senate has taken a narrower approach, focusing only on children.
- Tech Antitrust – Several bills are pending to ban large online platforms from engaging in anticompetitive practices and to reduce 'gatekeeper' power in the app economy.

Federal Affairs Activities

Focus of the City's external and federal affairs team has been on advocating for the City's grant application for USDOT's Safe Streets & Roads 4 All (SS4A) competitive grant. The City of Bellevue's Transportation Department submitted a grant application for \$40 million to USDOT to implement the Bellevue Safe Access For Everyone (B-SAFE) program.

In early October a delegation from Bellevue visited Washington, DC. The team included Mayor Robinson, Chief of External Affairs Genesee Adkins, the City's Mobility Planning and Solutions Manager Franz Loewenherz, and W2A, the City's federal relations consulting team. The Bellevue delegation met with USDOT's Office of Intergovernmental Affairs, the lead transportation policy lobbyist for the National League of Cities, and the offices of U.S. Reps. Smith and DelBene and Senators Murray and Cantwell.

The purpose of the visit was to provide an update on Bellevue, share the City's federal agenda and advocate for the City's SS4A grant application and other federal priorities. The group achieved the following:

- Solidified the federal delegation's support for Bellevue's SS4A grant application and got their agreement to take further direct action on the City's behalf. All delegation offices confirmed that Bellevue's application will be a priority for them. In addition to providing us a joint delegation letter of support for the grant application, Cantwell, Murray, Smith and DelBene's offices will also place calls into USDOT on our behalf. These touches are valuable to confirm our delegation's support to USDOT and to keeping Bellevue front of mind for the agency as it goes through the grant review process.
- Officially introduced Bellevue to the USDOT's Secretary's Office via the Office of Intergovernmental Affairs.
- The National League of Cities provided some good insight and agreed to be helpful in elevating and highlighting Bellevue's safety program where it can.

Bellevue's federal team is developing a strategy to follow-up on these activities in the coming months to keep Bellevue's grant application a priority for our delegation and officials at USDOT. The SS4A grants are expected to be awarded in early 2023.

Additionally, the federal team will continue to explore other federal funding and grant opportunities (culverts, EV charging, electrification, cybersecurity, etc.) and continue to monitor legislative and regulatory activity of direct interest to Bellevue.