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Weekly Legislative Update

October 2, 2023

Congressional Outlook

Congress worked over the weekend to pass a stopgap government funding bill and avoid a government shutdown. Lawmakers will need to act fast as the continuing resolution President Biden signed into law late Saturday night just hours before a shutdown only funds the government for 45 days.

After months of negotiating and political posturing from both chambers and parties, Congress passed the [45-day stopgap spending bill](#), funding the government through

November 17. On Saturday, both chambers passed the **Continuing Appropriations Act, 2024 and Other Extensions Act** ([H.R. 5860](#)) in a bipartisan manner. The House voted to pass the short-term spending bill by a vote [335-91](#), with all Democrats voting in favor for the extension except for Rep. Mike Quigley (D-Ill.). The Senate followed suit later that afternoon, passing the measure [88-9](#).

The legislation funds the government at fiscal year 2023 funding levels and includes \$16 billion for emergency disaster assistance. The legislation extends the Federal Aviation Administration (FAA) authorization including \$842.1 million for the Airport Improvement Program (AIP), allowing for the planning and development of public-use airports through December 31. Extensions for the National Flood Insurance Program (NFIP), the Temporary Assistance for Needy Families (TANF) program, and programs for disaster response under the Pandemic and All-Hazards Preparedness and Advancing Innovation Act are authorized through November 17. The measure does not include any funding for Ukraine aid despite receiving bipartisan support. House and Senate Republicans also originally hoped to include funding for border security, but that was dropped as lawmakers opted to refrain from attaching less relevant measures to the funding legislation.

Speaker Kevin McCarthy (R-Calif.) expects to receive a challenge to his Speakership from fellow Republican Rep. Matt Gaetz (R-FL). As part of the concessions given to members of his own party to secure the Speakership at the beginning of the 118th Congress, any member can [file a motion to vacate](#) against the Speaker. Rep. Gaetz indicated he intends to initiate that motion this week, citing the Speaker's choice to work alongside Democrats. It is unclear how many supporters Rep. Gaetz will have in his quest to oust the Speaker, nor is it clear if House Democrats will opt to join the Freedom Caucus Republican in removing the Speaker.

The House will consider [five suspension bills](#), including the **Modernizing the Acquisition of Cybersecurity Experts Act of 2023** ([H.R. 4502](#)), allowing Federal agencies to establish educational requirements for certain cybersecurity positions in the competitive service. The House will vote on two FY 2024 Appropriations bills, the **Legislative Branch Appropriations Act** ([H.R. 4364](#)) and the **Energy and Water Development Appropriations Act** ([H.R. 4394](#)). The Senate will vote on the nominations of **James O'Brien** to be Assistant Secretary of State to European and Eurasian Affairs, Brendan Hurson to be United States District Judge for the District of Maryland, and Susan DeClercq to be United States District Judge for the Eastern District of Michigan.

With the passing of Sen. Diane Feinstein (D-Calif.), [Governor Gavin Newsom appointed Laphonza Butler](#), the president of EMILY's List, to serve the remainder of Feinstein's term. The California primary for the seat is March 5; Rep. Adam Schiff, Rep. Katie Porter, and Rep. Barbara Lee are the front runners. Senate Democrats expect to swear in Laphonza Butler by the middle of the week.

For the remainder of the week, the Senate will hold several hearings, including a Commerce, Science, and Transportation Committee nomination [hearing](#) for “**Michael Whitaker to be Administrator of the Federal Aviation Administration;**” a Budget Committee [hearing](#) to “**Examine the Costs of a Government Shutdown;**” and a Commerce, Science, and Transportation Committee [hearing](#) “CHIPS and Science Implementation and Oversight.”

Bills and Regulations of Interest to You

Bill	Title	Sponsors	Background
H.R. 5691	Drought Assistance Improvement Act	Rep. Julia Letlow (R-LA-5)	Expands the Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish Program (ELAP) coverage for farm-raised fish producers who have experienced losses caused by extreme weather or drought.
H.R. 5698	Assisting Family Farmers through Insurance Reform Measures (AFFIRM) Act	Rep. Earl Blumenauer (D-OR-3)	Caps, clarifies, and better targets federal crop insurance subsidies to small and mid-sized farmers.
H.R. 5724	Civic Corps Act of 2023	Rep. Joe Neguse (D-CO-2)	Amends the National and Community Service Act of 1990 to establish a pilot Civic Corps.
S. 2915	Enhancing Electric Grid Resilience Act	Sen. Peter Welch (D-VT)	Amends the Federal Power Act to authorize the allocation of the costs of certain interstate electric power transmission lines and electric power transmission lines that are located offshore.
S. 2917	Rural Water System Disaster Preparedness and Assistance Act	Sen. Catherine Cortez Masto (D-Nev.)	Helps rural water and wastewater systems better prepare for and respond to natural disasters or other extreme weather events.
S. 2919	Advancing Lifesaving Efforts with Rapid Test (ALERT) strips for Communities Act	Sen. Maggie Hassan (D-NH)	Requires research with respect to fentanyl and xylazine test strips, to authorize the use of grant funds for such test strips.

Agency	Title	Proposed Regulation	Comment Deadline
US Army Corps of Engineers / DoD	WRDA Request for Proposals	The Water Resources Development Act of 2020 directs the Secretary of the Army to implement a pilot program for carrying out projects under a continuing authority program for economically disadvantaged communities at 100% Federal cost.	October 20, 2023
NOAA	Equitable Delivery of Climate Services	NOAA seeks information on how to enhance their delivery of climate data, information, science, and tools and ensure that this delivery is equitable.	October 21, 2023
FCC	Establishing a 5G Fund for Rural America	The FCC plans to reach the goal of high-speed mobile services through the 5G Fund will allow the Commission to proceed with its plan to transition from mobile legacy high-cost support, which continues to be distributed inefficient.	October 23, 2023
FEMA	Simplifying FEMA Preparedness Grants	FEMA aims to improve the management and administration of its preparedness grant programs to continue to assist the nation in building and sustaining capabilities to prevent, prepare for, protect against, and respond to terrorist attacks and other hazards.	November 7, 2023
DOL	Proposed Overtime Rule	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees	November 7, 2023
GSA	Updated Guidance for Non-Federal Entities Access to Federal Supply Schedules	Updates and clarifies the requirements for use of Federal Supply Schedule (FSS) contracts by eligible non-Federal entities, such as State and local governments.	November 17, 2023

Treasury	Coronavirus State and Local Fiscal Recovery Funds	The guidance would implement the amendments made by the Consolidated Appropriations Act, 2023 with respect to the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.	November 20, 2023
EPA	Proposed Design of a New Grant Program Regarding the Health Care Provider (HCP) Training Program	The new training program creates a cooperative agreement to help medical professionals better prevent, recognize, treat, and manage pesticide-related illness.	November 24, 2023
FTA / DOT	Programmatic Assessment of Greenhouse Gas Emissions From Transit Projects	The guidance provides a framework for agencies to consider the effects of a proposed action on climate change, as indicated by its estimated GHG emissions. It also advises agencies to assess the effects of climate change on their proposed actions.	November 24, 2023
NIST	Preventing the Improper Use of CHIPS Act Funding	Implement conditions in the Act that seek to prevent funding provided through the program from being used to directly or indirectly benefit foreign countries of concern.	November 24, 2023

Week in Review

[Congress prevents a shutdown just hours before deadline](#)

[Why a government shutdown is complex for state and local governments](#)

[Gaetz vows to move to boot McCarthy](#)

[Dianne Feinstein, senator from California, dies at age 90](#)

[California Gov. Newsom will appoint Laphonza Butler to fill Feinstein's Senate seat](#)

[Shutdown averted: States, localities breathe a sigh of relief](#)

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