

New Fiscal Year, New Extensions

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Happy New Year? October 1 marks the beginning of the federal government's 2021 fiscal year. Shortly after midnight, as September 30 shifted into October 1, the president signed a continuing resolution (CR) into law.

Public transit providers and their partners will note two key points from this 44-page bill:

- (1) Nearly all federal spending, including Federal Transit Administration (FTA) spending, is continued through December 11, 2020, at the same levels as appropriated in FY 2020's routine appropriations and authorizations; and
- (2) All FAST Act surface transportation authorizations and programmatic provisions are continued for a full year, through September 30, 2021.

Given the fairly short duration of this CR, it's unlikely that FTA will be issuing any partial-year apportionments of FY 2021 formula grants. Moreover, Section 110 of the CR includes a government-wide statutory directive that "This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities."

The December expiration of this CR all but guarantees that Congress will return for some sort of "lame duck" session after next month's federal elections, if only to further continue routine appropriations and address any other essential unfinished legislative business.

Extending the FAST Act through the duration of this new fiscal year effectively "kicks the can" of surface transportation authorization into the next session of Congress. Once this Congress adjourns *sine die* at the end of December, all pending legislation evaporates, including the highway and transit bills that have been moving through the House and Senate. It will be up to next year's Congressional leaders and committees to introduce new authorizing legislation, which may look like the bills we've seen this year, or may look different,

Overall, this just-enacted CR and FAST Act extension is pretty "clean," meaning that Congress didn't use this as a legislative mechanism to make major programmatic or policy changes in federal programs. There are a few policy riders and programmatic tweaks, but none that affect FTA programs or procedures. Within Department of Transportation funding, the CR does rescind and reallocate some unobligated funds for BUILD grants, but that won't affect any BUILD funding that's already been obligated. The continuing resolution does not touch any of the CARES Act's transit funding.