



The Daily Whip

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WEDNESDAY, MARCH 9, 2005

House Meets At...	Last Vote Predicted At...
10:00 a.m.: Morning Hour Unlimited "One Minutes"	6:00 – 7:00 p.m.

FLOOR SCHEDULE AND BILL SUMMARY

Suspensions (2 bills):

- H.Res. 41** – Expressing the sense of the House of Representatives that a day should be established as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish-Americans to the United States (*Rep. McIntyre – Government Reform*)
- H.Res. 119** – Recognizing the contributions of the United States Marine Corps and other units of the United States Armed Forces on the occasion of the 60th anniversary of the Battle of Iwo Jima during World War II (*Rep. Issa – Armed Services*)

H.R. 3 – Transportation Equity Act: A Legacy for Users (TEA-LU) (Rep. Young {AK} – Transportation & Infrastructure) (Subject to a Rule). This bill authorizes \$284 billion over six years for federal highways, public transit, and road safety projects, a 42% increase over the guaranteed funding for the 1998 Transportation Equity Act for the 21st Century (TEA-21). This bill authorizes \$225.5 billion for the Federal Highway Administration; \$52.3 billion for the Federal Transit Administration; \$3.2 billion for the National Traffic and Highway Safety; and \$2.9 billion for the Motor Carrier Safety Administration.

Funding provisions in H.R. 3 include: continuing the revenue-aligned budget authority (RABA), under which the amount of money available for highway and transit projects would rise or fall based on annual revenue coming into the Highway Trust Fund; and maintaining the budgetary firewalls from TEA-21 that prevent Highway Trust Fund money from being diverted to other programs. In addition, this bill's guaranteed funding is \$4.5 billion higher than the guaranteed funding in last year's House passed bill --- ethanol-related losses were restored to the Highway Trust Fund and a proposed diversion of 2.5 cents per gallon from the Highway Trust Fund to the General Fund was revoked.

As reported out of committee, H.R. 3 does not address the issue of changing the allocation of funds among the states to increase the current 90.5% return each state is guaranteed on its contribution to the federal Highway Trust Fund. The bill does contain a "re-opener" clause that freezes FY2006 funding until August 1, 2006 unless Congress enacts a law that will increase the guaranteed rate of return to 92% in FY2006 and an additional percentage each year, so that by FY2009 states will be guaranteed a 95% return.

The Rules Committee has recommended the first of two Rules for consideration of H.R. 3. This Rule provides two hours and twenty minutes of general debate and makes in order ten amendments. In addition, the Rules Committee is expected to recommend a second rule for consideration of additional amendments that will be debated and voted on tomorrow.

The ten amendments made in order by the rule are:

- **Boozman Amendment (10 minutes).** To allow operators of a property carrying motor vehicle to work up to 16 hours, up from the current 14 hours. **VOTE NO**
- **Conway Amendment (10 minutes).** To exempt commercial motor vehicle operators working in field operations for the natural gas and oil industry from the hours-of-service rules issued by the Federal Motor Carrier Safety Administration.
- **Kuhl Amendment (10 minutes).** To amend the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvest for a 100 air mile radius to the distribution point of the source of the commodities, by increasing the air mile radius to 150.
- **Moran (KS) Amendment (10 minutes).** To amend the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvest for a 100 air mile radius to the distribution point of the source of the commodities by including in the definition of "agricultural commodities", livestock, food, feed, and fiber, and other farm products. It also extends to the agricultural hours of service exemption the same protection that currently applies to well drilling rigs.
- **Kuhl Amendment (10 minutes).** To name a portion of Interstate 86 in upstate New York, in the vicinity of the City of Corning, the "Amo Houghton Bypass", after Former Congressman Amo Houghton who retired from Congress in 2004 after serving 18 years.

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- **Osborne Amendment (10 minutes).** To exempt the State of Nebraska from the ISTEA 1991 truck length freeze, subject to a change in state statute, to allow the operation of commercial vehicle combinations not exceeding 81 feet, 6 inches for custom harvesters operating in the State of Nebraska. These commercial vehicle combinations can only be used for the purposes of harvesting wheat, soybeans, and milo on a contract basis during the harvest months for such crops, as determined by the State.
- **Cox/Moran (VA) Amendment (10 minutes).** To clarify that states are not preempted under federal law from requiring one or both of the following from towtruck operators when they are removing a vehicle from private property without the consent of the vehicle owner or operator: 1) a state can require that the towtruck operator have written permission from the owner (or his lessee, or the employee or agent thereof) of the private property authorizing the nonconsensual tow; and 2) a state can require that the owner (or his lessee, or the employee or agent thereof) of the private property be present at the time the vehicle is towed from the private property.
- **Kennedy (MN) Amendment (20 minutes).** To streamline tolling authority to charge tolls on new lanes, and dedicate those revenues to the user fee purpose. It also restricts the authority to convert existing nontoll Interstate highway lanes into tolled roads and then indefinitely toll those roads.
- **Davis, Tom (VA) Amendment (10 minutes).** To remove the requirement that toll rates on high occupancy toll lanes be differentiated for low income drivers.
- **Graves Amendment (20 minutes).** To eliminate liability under state law for an owner of a motor vehicle or their affiliate who is engaged in the business of renting and leasing motor vehicles. This amendment would eliminate current requirements in 16 states and the District of Columbia that companies assume responsibility when uninsured drivers cause injury and are financially unable to compensate the people they injure or kill. **VOTE NO**

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule: on Thursday, the House will meet at 10:00 a.m. for legislative business. The House is expected to consider all amendments to **H.R. 3 – Transportation Equity Act: A Legacy for Users (TEA-LU) (Rep. Young {AK} – Transportation & Infrastructure)** made in order by a second rule and to complete consideration of this bill.

Daily Quote...

"The heart of President Bush's plan for Social Security, allowing younger workers to create personal accounts in exchange for a lower guaranteed government benefit, is among the least popular elements with the public, Republican pollsters told House GOP leaders Tuesday."

- [Associated Press, 3/9/05]