

Wednesday, June 11, 2008

House Meets At...	Votes Predicted At...
10:00 a.m. For Legislative Business	Last Vote: 7:00-8:0 p.m.
Fifteen "One-minutes" Per Side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **Complete consideration of H.R. 6003 – Passenger Rail Investment and Improvement Act of 2008 (Rep. Oberstar-Transportation and Infrastructure):** Debate on the bill will be managed by Transportation and Infrastructure Committee Chair Rep. James Oberstar, or his designee, and will proceed as follows:
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on passage of the bill.**
- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
 - 1) H.R. 5749** - Emergency Extended Unemployment Compensation Act of 2008 (Rep. McDermott - Ways and Means)
 - 2) H.R. 1553** - Conquer Childhood Cancer Act of 2007 (Rep. Pryce - Energy and Commerce)
 - 3) H.Res. 977** - Expressing the sense of the House of Representatives that rebate checks would better stimulate the economy if spent on American-made products and services from American-owned companies (Rep. Braley - Energy and Commerce)
 - 4) S. 2146** - To authorize EPA to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects. (Sen. Carper - Energy and Commerce)

- **H. Res. 1257–Rule providing for consideration of H.R. 6063 - National Aeronautics and Space Administration Authorization Act of 2008 (Rep. Hastings (FL)-Rules):** The structured rule provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Science and Technology. The rule provides one motion to recommit with or without instructions. Debate on the rule will be managed Rep. Hastings, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **H.R. 6063 - National Aeronautics and Space Administration Authorization Act of 2008 (Rep. Mark Udall-Science and Technology):** Pursuant to the rule, debate on the bill will be managed by Science and Technology Committee Chair Rep. Bart Gordon, or his designee, and will proceed as follows:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote yes on passage of the bill.**

- **Possible Vote to Refer Kucinich Privileged Resolution Regarding Articles of Impeachment against the President to Committee of Jurisdiction (Judiciary)**

- **Postponed Suspension Vote (1 Bill):**
 - 1) **H.Res. 1235** - Expressing support for the designation of National D-Day Remembrance Day, and recognizing the spirit, courage, and sacrifice of the men and women who fought and won World War II (Rep. Scalise – Veterans’ Affairs)

Bill Summary and Key Issues

H.R. 6003 – PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 (Rep. Oberstar – Transportation and Infrastructure)

Major provisions of H.R. 6003

Increases Capital and Operating Grants to Amtrak. The bill authorizes \$4.2 billion (an average of \$840 million per year) to Amtrak for capital grants and \$3.0 billion (an average of \$606 million per year) for operating grants. Past inconsistent Federal support has hampered Amtrak’s ability to replace

catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. These capital grants will help Amtrak bring the Northeast Corridor to a state-of-good-repair, procure new rolling stock, rehabilitate existing bridges, as well as make additional capital improvements and maintenance over its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

Develops State Passenger Corridors. In an effort to encourage the development of new and improved intercity passenger rail services, the bill creates a new State Capital Grant program for intercity passenger rail capital projects, and based on the New Starts transit capital program administered by the Federal Transit Administration. The bill provides \$2.5 billion (\$500 million per year) for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal share of the grants is up to 80 percent. The Secretary of Transportation would award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors.

Provides Funding for High-Speed Rail Corridors. The National Surface Transportation Policy and Revenue Study Commission, established to develop a national transportation vision to address surface transportation needs for the next 50 years, recommends that the United States establish a high-speed rail network that spans the entire country. The bill authorizes \$1.75 billion (\$350 million per year) for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. The Federal share of the grants is up to 80 percent. The Secretary of Transportation would award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors.

Alleviates Rail “Choke Points.” Many of Amtrak’s service routes outside the Northeast Corridor suffer from poor service reliability and on-time performance because of freight traffic congestion. This congestion prevents Amtrak from retaining and attracting new ridership, and increases Amtrak’s operating costs. The Department of Transportation Inspector General recently reported that if Amtrak achieved an 85 percent on-time performance outside the Northeast Corridor in fiscal year 2006, it would have saved Amtrak \$136.6 million, or almost one-third of its operating budget. Amtrak is required by law to have preferred access on freight corridors; however, freight railroads do not always comply with Amtrak’s access rights. The bill addresses this problem by providing congestion grants to Amtrak and the States for high-priority rail corridors in order to reduce congestion and facilitate ridership growth.

Reduces Amtrak’s Debt. Federal support of Amtrak was cut drastically in fiscal year 2000 and 2001, forcing Amtrak to assume a large amount of debt to stay in operation. Amtrak has aggressively targeted this debt, paying down \$600 million from 2002 through 2007. Our bill helps Amtrak to take further steps to reduce its debt, authorizing \$345 million each year for debt service through FY2013. This funding will allow Amtrak to focus its resources on improving existing services and making additional capital and operational improvements.

Establishes an RFP for High-Speed Rail Service. A provision of H.R. 6003 directs the Secretary of Transportation to issue a request for proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City. Proposals would need to meet certain financial, labor, and planning criteria, as well as a detailed description to account for any impacts on existing passenger, commuter, and freight rail traffic to be considered. If the Secretary receives a qualifying proposal, she would be directed to form a Commission to study any proposals received. Finally, the Secretary would issue a report to the Congress on the Commission's findings. Any further action on a proposal would need legislative approval by Congress.

Resolves Disputes between Commuter and Freight Railroads. Currently, no Federal guidelines exist to mediate disputes between commuter rail providers and freight railroads over use of freight rail tracks or rights-of-way, nor is there a standard forum for negotiating commuter rail operating agreements. The bill establishes a forum at the STB to help complete stalled commuter rail negotiations, helping our rail network operate as efficiently as possible. This section is identical to what was included in H.R. 2701, the "Transportation Energy Security and Climate Change Mitigation Act of 2007", as ordered reported by the Committee on Transportation and Infrastructure on June 20, 2007.

Anticipated Amendments to H.R. 6003

1. Oberstar (MN): Manager's Amendment. Would provide that none of the funds may be used to employ workers in violation of section 274A of the Immigration and Nationality Act; and requires the Secretary of Transportation to conduct a study on ways to streamline compliance with National Historic Preservation Act requirements for federally funded railroad infrastructure projects. It also contains provisions regarding the Northeast Corridor. It requires studies regarding the expansion of the South Central High-Speed Rail Corridor to Memphis and to far south Texas. It requires proposals for building station stops for the proposed high-speed rail system in the Northeast Corridor. It also would authorize intercity passenger rail grants to be used for bicycle access into rolling stock and would provide bicycle racks in trains. Finally, it makes technical corrections to the bill. (30 minutes)

2. Davis, Tom (VA)/Van Hollen (MD)/Hoyer (MD): Would authorize the Transportation Secretary to make grants to the Washington Metropolitan Area Transit Authority to finance in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority. It would prohibit funds to the Transit Authority unless the Authority ensures its rail customers have access to any services provided by any licensed wireless provider that notifies the Authority of its intent to offer services to the public. (10 minutes)

3. Smith, Adam (WA): Would require Amtrak to engage in good faith discussions, with commuter rail entities and public transportation authorities operating on the same trackage owned by a rail carrier as Amtrak, with respect to routing and timing of trains to efficiently move a maximal number of commuters, intercity, and passenger rail passengers, particularly during peak times of commuter usage. It also would require such discussion with respect to the

expansion and enhancement of commuter rail and regional rail public transportation service. (10 minutes)

4. Sessions (TX): Would prohibit funds from being used for the long distance Amtrak route with the highest cost per seat/mile according to Amtrak's March 2008 monthly performance report unless the Secretary has transmitted a waiver for this route or a portion of it because the Secretary considers it critical to homeland security. (10 minutes)

5. McCarthy (NY): Would add to the passenger rail system comparison study a request to study train horn technology, with an emphasis on reducing train horn noise and its effect on local communities. (10 minutes)

6. Flake (AZ): Would remove section 104 of the bill (Baltimore tunnel project). (10 minutes)

7. Murphy, Christopher (CT): Would express support for commuter rail service between New Haven, CT, and Springfield, MA. It would encourage Amtrak to cooperate with state Departments of Transportation to expand commuter rail service on that line. Amtrak shall report to Congress and the Transportation Departments of Connecticut and Massachusetts on the total cost of uncompleted infrastructure maintenance on the rail line between New Haven and Springfield. (10 minutes)

8. Murphy, Patrick (PA)/Schwartz (PA)/Holt (NJ): Would require Amtrak, within one year of enactment, to report to Congress on the results of an evaluation of passenger rail between Cornwells Heights, PA, and New York City, NY, and between Princeton Junction, NJ, and New York City, NY, to determine whether to expand passenger rail service by increasing the frequency of stops or reducing commuter ticket prices for this route. (10 minutes)

H.R. 6063 – NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008 *(Rep. Udall (CO) – Science and Technology)*

This year marks the 50th anniversary of the establishment of the National Aeronautics and Space Administration (NASA) and the dawn of the United States space program. NASA is the nation's primary civil space and aeronautics R&D agency, and its current civil service workforce consists of approximately 18,400 employees. NASA conducts research and development activities in a wide range of disciplines including aeronautics, astrophysics, heliophysics, planetary science, Earth science and applications, microgravity research, and long-term technology development. NASA also operates a fleet of three Space Shuttles and is assembling and operating the International Space Station (ISS). NASA also maintains a space communications network that supports both NASA missions and other federal agency requirements. NASA's current authorization expires September 30, 2008.

H.R. 6063, the NASA Authorization Act of 2008 reaffirms the basic principles that NASA is and should remain a multi-mission agency with a balanced portfolio of programs in science, aeronautics, and human space flight, including human and robotic exploration beyond low Earth orbit. In addition, the bill also emphasizes the importance of NASA leadership in Earth observations and research,

aeronautics R&D to address critical national needs such as the NextGen air traffic control management system, and an exploration program strengthened by international cooperation under strong U.S. leadership.

H.R. 6063 authorizes \$20.21 billion in funding for NASA in FY2009. This includes \$19.21 for:

- Science (\$4,932,200,000)
- Aeronautics (\$853,400,000)
- Exploration (\$3,886,000,000)
- Education (\$128,300,000)
- Space Operations (\$6,074,400,000)
- Cross-Agency Support Programs (\$3,299,900,000)
- Inspector General: (\$35,500,000)

The bill also includes \$1 billion in augmented funding to accelerate the development of the Orion Crew Exploration Vehicle (CEV) and Ares I Crew Launch Vehicle (CLV), which will replace the Space Shuttle. The Shuttle will be retired in 2010 and the CEV/CLV are currently not expected to be completed until 2015. The \$1 billion in augmented funding will help close this gap, when the U.S. will be reliant on other countries or commercial services (if they are available) for transportation to the International Space Station.

H.R. 6063 also adds an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station (ISS) and contains provisions addressing near-Earth objects (such as asteroids), commercial initiatives including commercial crew services, NASA institutional capabilities, space weather, space traffic management, innovation prizes, astronaut health care, and study of export control policies.

H.R. 6063 includes recommendations and findings from 16 hearings that the Science and Technology Committee held throughout the 110th Congress to review every major aspect of NASA's programs. The bill was approved by the Space and Aeronautics Subcommittee on May 20 and the full Science and Technology Committee on June 4, both by voice vote.

Anticipated Amendments to H.R. 6063

1. Gordon (TN): Includes a provision related to coordination with the FAA on sonic boom research. It also replaces Secs. 305 and 306 with equivalent language from Secs. 903 and 905 respectively of the House-passed FAA Reauthorization, H.R. 2881. It adds suborbital reusable launch vehicles to the list of suborbital science research platforms. The amendment includes a sense of Congress on the value of NASA's EarthKam and robotics competitions for inspiring students. It also includes sense of Congress language urging NASA use entrepreneurial companies to conduct appropriate R&D and seek ways to ensure that firms that rely on fixed price proposals aren't disadvantaged. The amendment also includes NASA workforce-related provisions, including an extension of the RIF moratorium, a limit on the use of term positions in FY 2009, and a temporary continuation of coverage of health benefits. (10 minutes)

- 2. Rohrabacher (CA):** Expresses the sense of Congress that the U.S. should seek to obtain cooperation from other nations in discovering and monitoring near-Earth asteroids. (10 minutes)
- 3. Wu (OR):** Encourages the United States to lead confidence building measures that advance the long-term initiative for international cooperation. (10 minutes)
- 4. Wu (OR):** Expresses the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof. (10 minutes)
- 5. Lampson (TX):** Exempts NASA from Section 526(a) of the Energy Independence and Security Act of 2007 if the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional source, the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source, and the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source. (10 minutes)
- 6. Arcuri (NY):** Amends Title IV, Section 407 to require the National Aeronautics and Space Administration (NASA) to examine the feasibility of contracting non-federal actors to disseminate images and multi-media records delivered from space to the public as part of NASA's participatory exploration technology plan. Additionally, the amendment would require NASA to employ a transparent bidding process to award any such contracts, pursuant to U.S. law. (10 minutes)
- 7. DeFazio (OR):** Requires CBO to update their report from 2004 on the budgetary analysis of the NASA's Vision for the Nation's Space Exploration Program. This report is to be completed in 6 months. (10 minutes)
- 8. Harman (CA)/Ehlers (MI):** Expresses the sense of Congress that NASA should work with other government agencies and the aerospace industry to develop and implement policies to sustain and expand the aerospace industry workforce. (10 minutes)
- 9. Braley (IA):** Directs NASA to prioritize any existing cooperatives with the National Oceanic Atmospheric Administration (NOAA) that are related to the study of tornadoes and tornado force winds with the goal of determining the nation's ability to predict tornado events. The amendment would also require NASA to examine if there are other areas where NASA can work with NOAA in the area of tornado research. (10 minutes)
- 10. Hodes (NH):** Establishes a scholarship program in honor of Christa McAuliffe, a teacher from Concord, New Hampshire who died in the 1986 Challenger Space Shuttle disaster. The scholarship would go to women pursuing degrees in mathematics, science, and engineering. (10 minutes)
- 11. Yarmuth (KY):** Requires NASA to respond to recommendations in recent reports of the Government Accountability Office and the National Academy of Sciences to ensure the public has access to correct and timely research and data on global warming. (10 minutes)

12. Jackson-Lee (TX): Clarifies that the NASA Outreach and Technology Assistance Program will include small, minority-owned, and women-owned businesses. It would also give preference, in selection for the program, to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. (10 minutes)

Quote of the Day

“If all mankind were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.”

-John Stuart Mill

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