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## LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



March 23, 2012

### **House to Consider Three-Month Surface Transportation Extension Next Week; Will Also Consider Budget Resolution**

On Thursday March 22, House Transportation and Infrastructure Committee Chairman John Mica (R-FL) introduced a three-month extension of SAFETEA-LU, the current surface transportation law. The House is expected to take up the legislation the week of March 26.

The Surface Transportation Extension Act of 2012, H.R. 4239, is considered a “clean” extension of Highway Trust Fund (including Mass Transit Account) expenditure authority, taxes, and highway and transit funding authorizations through June 30, 2012. The legislation provides for distribution of funds at the same rate as under the existing 2012 Department of Transportation (DOT) Appropriations Act and the current short-term extension (Public Law 112-30), which expires March 31. Please [click here](#) for the text of the bill.

If passed, it will be the ninth extension of authorization since SAFETEA-LU expired on September 30, 2009. Failure to pass an extension of existing law or enact new authorizing legislation before the current extension expires would lead to a shutdown of the programs and cease tax deposits into the Highway Trust Fund.

Earlier this week, House Democrats attempted to force consideration of a House version of S. 1813, the “Moving Ahead for Progress in the 21st Century Act” (MAP-21), the bipartisan two-year bill that passed the Senate on March 7 by a vote of 74-22. Representative Timothy Bishop (D-NY) had introduced H.R. 14, an identical version of MAP-21, and during consideration of an unrelated health care bill, House Democrats attempted to force a vote on the Senate-passed legislation. The move failed on a procedural vote.

It is unclear how or when the House three-month extension bill will be considered in the House next week. The House Rules Committee indicates that the bill may be taken up under a procedure known as “Suspension of the Rules,” which means that two-thirds of the House must vote in favor of the measure in order for it to pass – requiring a bi-partisan majority. As of Friday, it remained unclear whether this would be the procedure followed in the House, and whether House Democrats would support the measure.

Senate Environment and Public Works Committee Chairman Barbara Boxer (D-CA) has called for passage of the Senate bill, but has also suggested that if an extension must be passed, that it should be for a 45 day term to encourage swift action on a longer-term bill.

### **House Budget Resolution to Be Considered in House; Senate Democrats File Resolution “Deeming” Fiscal Year 2013 Spending Levels**

Next week, the House will also take up the Budget Resolution passed by the House Budget Committee this week by a vote of 19-18. The Resolution would cut discretionary spending in 2013 another \$19 billion below the \$1.047 trillion level included in the Budget Control Act of 2011, which was signed into law as part of the debt ceiling and deficit control agreement reached last year.

The Budget Resolution includes projections of deep cuts to budget authority for transportation programs in Fiscal Year (FY) 2013 and beyond. Additionally, the budget envisions specific cuts to current and planned high-speed and intercity rail projects, but policy of that nature would have to be legislated by the authorization and appropriations committees. In a departure from last year’s budget resolution, the House Budget includes provisions allowing for the Transportation and Infrastructure Committee to work with the Ways and Means Committee and other committees to find additional revenues or offsets to pay for the pending surface transportation authorization bill. The House Budget also proposes to reprioritize the spending cuts planned to take place under the sequestration process set forth under the Budget Control Act.

In the Senate, Budget Committee Chairman Kent Conrad was taking a substantially different approach from the House Budget Committee, arguing that spending levels for FY 2013 had already been set through the Budget Control Act as part of last year's debt agreement. Chairman Conrad announced Tuesday that he had filed a "deeming" resolution (as statutorily required under the Budget Control Act) adhering to the levels established in last year's agreement, which will enable the Appropriations Committee to move forward in writing the twelve appropriations bills that fund the Federal government in FY 2013. Conrad's statement also indicated that the deeming resolution sets budget enforcement levels for the five-year window through 2017, and the 10-year window through 2022.

The Budget Resolution is a required part of the congressional budget process set forth in the Congressional Budget and Impoundment Control Act of 1974. Although it also does not have the force of law, the budget resolution is a central part of the budget process in Congress, as it represents an agreement between the House and Senate that establishes budget priorities, and defines the parameters for all subsequent budgetary actions. The spending, revenue, and public debt legislation necessary to implement decisions agreed to in the budget resolution are subsequently enacted separately.

For questions on these issues, please contact Brian Tynan of APTA's Government Affairs Department at (202) 496-4897, or [btynan@apta.com](mailto:btynan@apta.com).



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