

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Transportation  
**Sent:** Wed 6/28/2017 2:06:40 PM  
**Subject:** POLITICO's Morning Transportation, presented by Airlines for America: House FAA bill advances — First fireworks, then DHS authorization — Locked out of driverless car legislation

By Tanya Snyder and Brianna Gurciullo | 06/28/2017 10:00 AM EDT

*With help from Stephanie Beasley and Lauren Gardner*

**FAA HEADS TO THE FLOOR:** House Transportation Chairman [Bill Shuster](#)'s FAA bill has now made it as far as it did last year, with the committee again approving the bill (H.R. 2997) almost entirely along party lines. Shuster has said that House leadership could bring the bill to the floor for debate in July.

**Rokita stays in the 'no' column:** Shuster (R-Pa.) was pretty much overjoyed when he could say last week that Rep. [Sam Graves](#)(R-Mo.) would support his legislation (even though the work Graves did hasn't pushed general aviation groups to come to Shuster's side). But the other Republican committee member who opposed Shuster's bill last year, Indiana Rep. [Todd Rokita](#), indicated Tuesday that he won't budge. "I'm finding it difficult to support this bill at this time," Rokita said, calling the legislation "fundamentally flawed." He then voted "no."

**Hurdles remain:** The markup is an expected win, but appropriators and taxwriters are still key to the bill's success on the floor. But first, watch for the Senate Commerce to mark up its FAA bill on Thursday. Stay tuned.

**Amendment roundup:** Our Lauren Gardner was at Tuesday's nearly 10-hour markup (bless her) tracking every one of the dozens of amendment that lawmakers voted on or withdrew. Here are the ones you need to know:

- The committee shot down an amendment by committee ranking member [Peter DeFazio](#) (D-Ore.) that would have cut Shuster's air traffic control proposal from the bill.
- It also voted down an amendment by Del. [Eleanor Holmes Norton](#) (D-D.C.) to spell out that among the ATC nonprofit corporation's board members, those picked by the government need to "act in the public interest." In addition, the amendment would have tweaked the board's composition. Instead of two seats going to "at-large" members, those spots would go to representatives of consumer protection interests.
- It approved Rep. [Paul Mitchell](#)'s (R-Mich.) amendment to limit the terms of board members to four years. (Shuster had proposed five.)
- The committee killed a Rep. [Jerry Nadler](#) (D-N.Y.) amendment to require that the corporation buy ATC government assets at fair market value.
- Rep. [Mike Capuano](#) (D-Mass.) withdrew his amendment to make sure that the FAA would keep handling noise complaints if air traffic control operations were separated from the agency.

- The panel OK'd an amendment aimed at preventing DOT from letting a foreign airline conduct flights to the United States if it has attempted to sidestep the labor standards of the country where its parent company is headquartered. The amendment, which took language from a bill by DeFazio and Rep. [Frank LoBiondo](#) (R-N.J.), is a clear shot at Norwegian Air International.

- It approved an amendment by Norton to include e-cigarettes in the federal ban on smoking aboard commercial airplanes.

- It OK'd on amendment by Rep. [André Carson](#) (D-Ind.) and Nadler to mandate that newly made aircraft be equipped with secondary cockpit barriers.

**IT'S WEDNESDAY:** Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Lauren is back today sharing MT with Tanya, so send your tips, feedback and lyrics to [tsnyder@politico.com](mailto:tsnyder@politico.com) or [@TSnyderDC](https://twitter.com/TSnyderDC) and [lgardner@politico.com](mailto:lgardner@politico.com) or [@Gardner\\_LM](https://twitter.com/Gardner_LM).

"At the center of the Earth in the parking lot of the 7-11 where I was taught, the motto was just a lie. It says, 'Home is where your heart is,' but what a shame 'cause everyone's heart doesn't beat the same. It's beating out of time. City of the dead at the end of another lost highway - signs misleading to nowhere."

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**LAST-MINUTE FLIGHT HOURS AMENDMENT:** Before the final roll call votes were taken, Graves offered and then withdrew an amendment meant to address what regional airlines say are damaging consequences of stricter pilot training requirements put into place after the fatal 2009 crash of Colgan Air Flight 3407 near Buffalo, N.Y. Regionals want to see FAA allow more training programs (namely those backed by airlines) counted toward restricted flight certificates even when someone has less than 1,500 hours of flight time. The agency currently allows pilots with military backgrounds or academic experience at certain accredited schools to obtain those restricted certificates.

**Quality vs. quantity:** Graves, a pilot, said he respects the grieving families of the Colgan crash who have become fixtures on Capitol Hill, but that he wants to ensure prospective pilots get quality instruction, rather than "drilling holes in the sky" for the sake of accumulating hours. "I've been flying a long time - a long time - and there are people out there with 20,000 hours that I would not get in the cockpit with to save my life," Graves said.

**FIRST FIREWORKS, THEN DHS AUTHORIZATION:** Rep. [Michael McCaul](#) (R-Texas) confirmed to our Stephanie Beasley what many may have suspected after they looked at the House calendar. A bill (H.R. 2825) to reauthorize the Department of Homeland Security will not get any floor time this week. McCaul, the chairman of the House Homeland Security Committee, said the bill has been held up by disagreements over some provisions, including several related to immigration. Now the new goal is to get it on the suspension calendar in July, possibly as

soon as the week after the Fourth of July recess, he said.

**Bipartisanship is the name of the game:** "I think we're very close to cutting a bipartisan deal," McCaul said. And he emphasized that the bill's popularity (or lack thereof) in the House would determine whether it reached the Senate. The upper chamber won't touch the bill if it's "a rule vote and it's just a partisan vote," McCaul said.

**And just in case you forgot:** The House bill would reauthorize DHS for the first time in its 15-year history. It also includes several provisions that would block President Donald Trump's proposals to eliminate or reduce TSA programs, like the Visible Intermodal Prevention and Response Team and a grant program that reimburses airports that hire local law enforcement.

**FEELING LEFT OUT:** Democrats including Reps. [Frank Pallone](#) (D-N.J.) and [Doris Matsui](#) (D-Calif.) at Tuesday's House Energy and Commerce hearing on driverless cars groused that they hadn't been included in crafting the draft legislation under discussion. But later, Michigan Democrat [Debbie Dingell](#) said that accusation was unfair. "The draft bill was circulated to everybody," Dingell said. That's the problem, subcommittee ranking member [Jan Schakowsky](#) (D-Ill.) told MT - they should have brought Dems in to help develop the package instead of just to present it once it was finished: "Explaining is different than actually negotiating."

**Preemption reception:** California Democrats Rep. [Anna Eshoo](#) and [Doris Matsui](#) complained about the federal government stepping in front of state and local laws and regulations on driverless cars, which some believe is necessary to avoid a confusing patchwork of laws that change at the state line. Matsui said it was especially dangerous to keep California from exercising its own oversight over self-driving cars without "giving NHTSA the tools to fill the void."

**Movin' along:** Rep. [Bob Latta](#) (R-Ohio) said he's spoken only briefly with his colleagues working on similar measures on the Senate side and that he hopes to mark up the legislation - which has not yet been formally introduced - by the end of July. "We've got to keep moving. This technology is moving away from us," he said. "We'd really like to see this moving forward in the next month."

**\*\* A message from Airlines for America:** America invented aviation, yet our global leadership is at risk. Passing FAA reauthorization and modernizing our air traffic control system will bring us into the 21<sup>st</sup> century. We need reforms without increasing costs for travelers. Ask Congress to support ATC Reform and reject an unnecessary Airport Tax increase. - [www.stopairtaxnow.com](http://www.stopairtaxnow.com)  
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**WAIT 'TIL YOU GET A LOAD OF THIS:** A National Academies of Sciences panel concluded that the method of FMCSA's Safety Measurement System is "defensible," but that the agency could switch to a model that's often used to rank hospitals and schools. FMCSA uses the system to single out carriers it deems are at a greater risk of being in a crash. The trucking industry has attacked SMS for using an allegedly faulty methodology.

**tl;dr:** "We have found, for the most part, that the current SMS implementation is defensible as

being fair and not overtly biased against various types of carriers," the committee said. "However, much of what is now done is ad hoc and based on subject-matter expertise that has not been sufficiently empirically validated." Your MT co-host has [more for Pros](#).

**ATA A-OK:** The American Trucking Associations reacted to the study's release by [saying](#) its findings "substantiated many of the concerns" the industry has with SMS. "We strongly agree with the National Academies' conclusion that [the Compliance, Safety, Accountability program] should be based less on the 'subject-matter expertise' of enforcement and more on the empirically validated data," said Sean Garney, the organization's director of safety policy.

**Follow up:** Norton, the top Democrat on the House Transportation highways and transit subcommittee, now wants a hearing on the report.

**SMILE IF YOU WANT TO BOARD:** Houston's George Bush Intercontinental Airport will become the third U.S. airport to participate in a federal pilot program to test facial recognition technology, [Steph reports](#) for Pros. The equipment can confirm a traveler's identity by comparing photos on travel documents with a live photo taken at the airport. Customs and Border Protection has already introduced the technology at Hartsfield-Jackson in Atlanta and Washington Dulles. And the agency is expected to expand to additional airports over the summer.

**If you are what you say you are, then have no fear:** Congress has issued several mandates for CBP to implement biometric exit technology at airports and improve how it tracks the comings and goings of non-U.S. citizens. Worried about privacy? CBP says live photos of U.S. citizens would be discarded shortly after their identities had been confirmed.

**SO LONG FASTLANE?** The Trump administration is changing the name of the FASTLANE grant program to INFRA, for Infrastructure for Rebuilding America. The FASTLANE program was created by the FAST Act to fund freight and highway projects and authorized at \$4.5 billion for fiscal years 2016 through 2020. No word yet on whether there's more behind the shift than a simple name change.

**FRESH MEAT:** Rep. [Ron Estes](#) (R-Kan.) has joined the House Homeland Security Committee. He'll sit on two subcommittees: transportation and protective security, and oversight and management efficiency. Estes was the [winner](#) of an April special election to replace now-CIA Director Mike Pompeo.

**REPORT ROUNDUP:** The National Safety Council says all 50 states and the District of Columbia fail to do enough to protect their residents from "accidents" of all kinds, including traffic crashes. None of the states earned an "A" for overall safety in their new [state-by-state ranking](#) ... And transportation research group TRIP's new [report](#) found that 48 percent of rural roads are in good condition, with 15 percent being in poor condition. And 10 percent of U.S. rural bridges are considered structurally deficient, which is just a hair worse than the national average of 9.1 percent.

**SHIFTING GEARS:** Former Sen. Mark Kirk (R-Ill.), who was the head of the Senate Banking Committee, is joining the board of advisors of the public transit and infrastructure research firm