Top Stories

1/25/19 – Congress and the president reached an agreement to enact a three-week continuing resolution through Feb. 15, funding the nine federal agencies (departments of Transportation, Agriculture, Homeland Security, Treasury, Commerce, Housing and Urban Development, Justice, State and Interior, as well as the IRS, National Science Foundation, FDA and EPA) that had been closed for 36 days as part of the partial federal government shutdown. It remains unclear if Congress and the president will reach a formal agreement concerning federal funds for a barrier on the southern border. Stay tuned to NCSL for further details on fiscal year 2019 appropriations.

1/14/19 – The Federal Aviation Administration (FAA) released a draft version of a forthcoming proposed rulemaking that would, if finalized, authorize drone flights over people and at nighttime. Currently, such activities are not permitted unless an operator has specific authorization, in the form of a waiver, from the FAA. It is unclear when the FAA plans to finalize this draft proposal, as it noted in the proposal that it must first finalize a rule for remote identification of small drones. For additional details, read NCSL’s Info Alert.

1/3/19 – The House passed a new rules package, 234-197, for the 116th Congress which includes major changes to past rules. No longer will a committee and subcommittee chairperson be limited to six-year terms, while the requirement for legislation to be made public for “three-days” before it is voted on was changed to “72 hours,” which would prevent legislation from being released on Friday night and voted on Monday morning. Additionally, the rules package reinstates pay-as-you-go (PAYGO) rules, replacing “cut-as-you-go” (CUTGO). PAYGO requires that new mandatory spending or tax cuts be fully offset with tax increases or mandatory spending cuts whereas CUTGO allowed only spending cuts. As for tax increases, the rules package also repeals a rule that no legislation containing an increase in federal income tax rates can pass the House without a three-fifths vote on a roll call. Dynamic scoring requirements on the Congressional Budget Office (CBO) are also rescinded although a provision would now require the CBO to determine the budgetary impact of federal land transfers to state, local or tribal governments. Another major budgetary change is the undoing of a requirement that transfers from the general fund to the Highway Trust Fund “shall be counted as new budget authority and outlays equal to the amount of the transfer in the fiscal year the transfer occurs.” This rule, which had been in place since 2011, meant that such transfers needed to be offset by spending cuts or revenue increases elsewhere in the budget.

12/31/18 – The Federal Railroad Administration reported that the 41 railroads required by Congress to comply with the implementation requirements of Positive Train Control (PTC), have submitted documentation sufficient to meet the statutory requirements for system activation or the statutory requirements to qualify for an alternative schedule (“extension”) for up to two additional years to complete full implementation. PTC is a system designed to prevent train-to-train collisions, derailments caused by excessive speeds, unauthorized train movements in work zones, and the movement of trains through switches.

From the Administration

1/16/19 – The president resubmitted two nominations to the Senate that were not confirmed before the second session of
the 115th Congress ended: Heidi King to be National Highway Traffic Safety Administration (NHTSA) administrator, and Thelma Drake to be Federal Transportation Administration administrator. A hearing before the Senate Commerce Committee has not been scheduled. Previously, on Jan. 4, the president nominated Nicole Nason, a former NHTSA administrator, to lead the Federal Highway Administration. She is currently employed at the U.S. State Department as an assistant secretary for administration. Before serving as NHTSA administrator between 2006 and 2008, she was an assistant secretary at the Department of Transportation.