

June 25, 2001  
(House Rules)

**H.R. 2299 - DEPARTMENT OF TRANSPORTATION AND  
RELATED AGENCIES APPROPRIATIONS BILL, FY 2002**  
**(Reps. Young (R) Florida; Rogers (R) Kentucky)**

This Statement of Administration Policy provides the Administration's views on the Department of Transportation and Related Agencies Appropriations Bill, FY 2002, as reported by the House Committee.

We commend the Committee's efforts to accommodate many of the Administration's priorities in the bill. We welcome the bill's funding of highway, transit, and aviation programs consistent with the Transportation Equity Act for the 21st Century and the Aviation Investment and Reform Act for the 21st Century. The Administration is also pleased that the Committee has provided the requested levels for Coast Guard operating expenses and provided the funding requested for motor carrier safety inspections at the U.S.-Mexico border. This funding is to be used to increase Federal and State inspection and safety review activities, and to permit the construction of necessary border inspection facilities, which will enable the United States to open the border to commercial vehicles, pursuant to NAFTA, while maintaining a high level of truck safety.

The Administration is committed to working with the Congress to enact all 13 appropriations bills in a timely manner and within the framework of the recently adopted budget resolution. The President believes that this level of funding will moderate the recent rapid growth in spending while funding important national priorities. In developing the FY 2002 Budget, he sought to make reductions in one-time spending, unjustified or duplicative programs, and programs that have completed their mission. The Administration urges the Congress to support the President's overall approach to the FY 2002 Budget.

While the Administration supports the bill, we would like to take this opportunity to share some concerns with the Committee version of the bill. We look forward to working with the Congress to resolve these issues as the bill moves forward.

**Earmarks in Aviation, Highway, and Transit Programs**

The Administration is very concerned about the level of earmarking in this bill. The bill contains approximately \$1.6 billion in earmarks for more than 900 projects, approximately \$300 million and more than 300 projects over the FY 2001 House Committee version of the bill. In some Departmental activities, such as bus and bus facilities programs, the Committee has earmarked 100 percent of the available funding. The Committee's level of earmarked funding diminishes the Department's ability to distribute these funds based on merit or in support of an overall transportation infrastructure funding strategy.

**New Freedom Initiative**

The Administration strongly urges the House to provide the \$145 million requested to fund alternative transportation programs for people with disabilities under the President's New Freedom Initiative. The New Freedom Initiative is a comprehensive set of proposals to fulfill America's promise to the 54 million Americans with disabilities. The President's request includes \$45 million for pilot programs that promote new and innovative transportation solutions and \$100 million in grants to state and local governments

and non-profit organizations to promote access to alternative methods of transportation.

### Mexican Motor Carrier Applicants

The Administration appreciates the clarifying report language adopted by the Committee regarding truck safety along the U.S.-Mexico border. This language supports the efforts of the Department to ensure compliance with U.S. safety laws and regulations while permitting free trade. The Administration remains strongly opposed to any amendment that would require Mexican motor carrier applicants to undergo safety audits prior to being granted authority to operate beyond commercial zones on the U.S.-Mexico border, as this would violate the NAFTA agreement and the President's strong commitment to open the U.S.-Mexico border to free and fair trade.

### Infringement on Executive Authority

The Administration objects to a provision of the bill which raises constitutional concerns. The section in Title I of the bill entitled "Transportation Administrative Service Center" provides that "no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees." This provision violates the requirement that Congress act only within the constitutionally prescribed legislative process. See *INS v. Chadha*, 462 U.S. 919, 952 (1983). If the bill is enacted, the President will construe this provision only as a notification requirement, since any other interpretation would contradict the Supreme Court ruling in *INS v. Chadha*.

### Pay Raise

The President's budget proposes a pay raise of 3.6 percent for Federal civilian employees. We believe this proposal is both reasonable and responsible and urge the Congress to support the President's budget. While recruiting and retaining the skilled and dedicated Federal civilian work force necessary to provide high-quality services to the American public is very important, we believe that civilian employees are already benefitting from several recent enhancements to their compensation package. We do not believe that military pay and civilian pay raises should necessarily be automatically linked. We will continue to review Federal pay policy annually, and evaluate military and civilian pay raise policies on the basis of the particular circumstances applicable to each (for example, recruiting and retention needs), consistent with prudent use of taxpayers' dollars. The additional cost of a Government-wide 4.6 percent civilian pay raise is nearly \$900 million over what is currently included in the President's request, and would, if funded, divert critical resources from programs such as those funded in this bill.