

# THE LEGISLATIVE SERVICES GROUP'S

## *Transportation Weekly*

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 10, Issue 9

Tuesday, February 03, 2009

### *Legislative Schedules* *Week of February 2, 2009*

#### House

**Tuesday** — meets at 2 p.m. for legislative business — seven measures under suspension of the rules — no votes until 6:30 p.m.

**Wednesday** — meets at 10 a.m. — Senate amendment to H.R. 2, SCHIP, and S. 352, DTV transition delay (closed rules).

**Thursday and Friday** — no votes.

#### Senate

The Senate convened at 10 a.m. today and is currently considering amendments to H.R. 1, the economic stimulus bill.

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## Senate Debating Increases To Stimulus Bill

### Murray Amendment Would Add Extra \$25 Billion For Infrastructure; Other Amendments To Address Discretionary Funding, Highway Rescission

The United States Senate has begun debating the economic stimulus bill (H.R. 1), and the first amendment offered this morning was a proposal to increase infrastructure funding in the bill by \$25 billion.

Due to layout constraints, details on amendments proposed to the bill will be found later on in this article.

The Senate is currently considering its version of the bill, which is amendment number 98 to H.R. 1. Amendment 98 is a complete substitute for the bill offered by Appropriations chairman Inouye (D-HI) and Finance chairman Baucus (D-MT). All other amend-

ments offered on the Senate floor will be amendments to the substitute.

The Senate version of the stimulus bill has many small to medium-sized differences from the House bill, but it has one huge difference. The Senate Finance Committee added a one-year "patch" deferring the scheduled expansion of the alternative minimum tax (AMT). The cost of the patch is \$70 billion.

This puts the deficit increase caused by the Senate bill over the next 10.5 years at \$884.5 billion, as opposed to the lower \$819.5 billion of the House-passed bill.

The outside role that the AMT patch plays in the



Sen. Patty Murray (D-WA) proposed an extra \$25 billion in infrastructure spending be added to the economic stimulus bill.

Senate bill, and the way in which Congress passes an AMT patch every single year, raise a question — is the AMT patch truly stimulus?

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## House Passes Stimulus Bill; Adds \$3 Billion More For Transit

The U.S. House of Representatives passed the economic stimulus bill (H.R. 1) by a strictly party-line vote of 244 to 188 on January 28 after voting to add several transportation-related amendments, including an additional \$3 billion for mass transit programs.

As passed by the House, the bill would provide a

total of \$821.8 billion in spending and tax reductions, \$819.5 billion of which would be felt in the economy in the 10.5 year period between now and September 30, 2019.

After the changes made by the House, approximately 59.2 percent of the bill's total would be felt in the economy in the next eighteen months (the remainder

of fiscal year 2009 and all of fiscal 2010) according to the nonpartisan Congressional Budget Office.

President Obama has said that he intends to sign a stimulus bill that "spends out" at least 75 percent of its funding within eighteen months, and the White House's Office of Management and Budget says it disputes some of

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## Senate Stimulus

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If your grandmother sends you a check for \$100 on your birthday every year, like clockwork, you will eventually come to budget that money in advance — mentally, by the time the check arrives, it has already been spent. Likewise, Congress patches AMT every year, to the point that taxpayers and markets have factored in future patches even though they have not yet taken place. So — can the \$70 billion AMT patch in the stimulus bill really be called "stimulus" if everyone had already pre-budgeted the money?

In any case, the AMT patch (together with some other differences in funding) makes a huge difference in how quickly the stimulus bill will actually stimulate the economy. The nonpartisan Congressional Budget Office has estimated that 78.1 percent of the total budget authority and tax cuts provided by amendment number 98 would be "spent out" into the economy in the form of outlays or actual tax receipt reductions by September 30, 2010.

This contrasts with an 18-month spendout rate for the House-passed bill of only 59.2 percent. The White House has stated that President Obama wants to sign a stimulus bill that has an 18-month spendout rate of at least 75 percent.

### SCORING THE SENATE STIMULUS BILL (S. Amdt. 98) (Millions of Dollars)

	<u>FY 2009</u>	<u>FY 2010</u>	<u>Later</u>
Division A - Appropriations	43,829 12.0%	134,930 36.9%	186,871 51.1%
Division B - Direct Spending	88,326 32.7%	107,414 39.8%	74,331 27.5%
Division B - Tax Cuts	101,037 40.0%	218,534 86.5%	(67,027) -26.5%
<b>TOTAL STIMULUS</b>	<b>233,192 26.3%</b>	<b>460,878 51.9%</b>	<b>194,175 21.9%</b>

**18-Month Stimulus (2009 & 2010): 78.1%**

*Compare to score of House-passed bill later in this issue...*

*Note: the difference between the 78.1 percent 18-month outlay rate shown above and the 78.5 percent rate shown in other news outlets is that we take into account \$3.7 billion in budget authority provided by the amendment that spends out in FY 2020 and beyond. This increases the denominator of the operation from \$884.512 billion to \$888.245 billion, and we submit it is a more accurate measure.*

The extra tax relief is not the only reason why the Senate bill spends out faster than the House bill. Both versions contain roughly similar amounts of discretionary appropriations in Division A (\$361.0 billion in the House bill, \$365.6 billion in the Senate version), but the Senate's version would spend 48.9 percent of those appropriations by the end of FY 2010, while the House bill would only spend 39.6 percent during that time frame.

Although the highway spending in the House and Senate versions of the bill is structured slightly differently, CBO estimates that the spendout rate for highway money, as a percentage of the total, will be the same under both bills.

CBO also estimates that other stimulus funding at the Department of Transportation would spend out slightly more slowly under the Senate bill — 25.5 percent spent out within 18 months, as opposed to 26.7 percent under the House bill (within the margin of error, to be sure).

At present, the Senate version of the bill would appropriate an additional \$45.5 billion for the U.S. Department of Transportation, compared with \$46.1 billion in the House-passed bill. The details of the Senate transportation spending were given in last week's issue.

The Senate bill also appropriates \$5.1 billion for the Department of Homeland Security, compared with just \$1.1 billion for that agency in the House bill. The Senate bill ap-

#### U.S. Department of Transportation

Admin.	Account	House-Passed	Senate Version
OST	Competitive surface transportation grants:	\$ -	\$ 5,500,000,000
FAA	Facilities and equipment:	\$ -	\$ 200,000,000
FAA	Airport improvement grants:	\$ 3,000,000,000	\$ 1,100,000,000
FHWA	Highways and bridges:	\$ 30,000,000,000	\$ 27,060,000,000
FRA	Intercity passenger rail:	\$ 300,000,000	\$ 250,000,000
FRA	Amtrak capital grants:	\$ 800,000,000	\$ 850,000,000
FRA	High-speed rail corridors:	\$ -	\$ 2,000,000,000
FTA	Transit formula grants:	\$ 7,500,000,000	\$ 8,400,000,000
	Formula grants: Urbanized area formula	\$ 6,750,000,000	\$ 5,964,000,000
	Formula grants: Nonurbanized area formula	\$ 750,000,000	\$ 840,000,000
	Formula grants: Dense/fast growth formula	\$ -	\$ 1,596,000,000
FTA	Transit rail modernization:	\$ 2,000,000,000	\$ -
FTA	Transit new starts:	\$ 2,500,000,000	\$ -
MARAD	Assistance to small shipyards:	\$ -	\$ 100,000,000
OIG	Office of Inspector General	\$ 20,000,000	\$ 7,750,000
<b>Total, USDOT</b>		<b>\$ 46,120,000,000</b>	<b>\$ 45,467,750,000</b>

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# Senate Stimulus

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appropriates \$4.6 billion for the water projects of the Corps of Engineers (compared with \$4.5 billion in the House bill) and appropriates \$7.4 billion for Environmental Protection Agency water grants (as opposed to \$9.4 billion in the House bill).

The first amendment to be offered to the Senate substitute was put forward by Senate Transportation-HUD Appropriations Subcommittee chair Patty Murray (D-WA) and Sen. Dianne Feinstein (D-CA).

The amendment would add \$25 billion in additional appropriations to the stimulus bill — \$13 billion for highways, \$5 billion for mass transit, and \$7 billion for wastewater and drinking water treatment plants.

The amendment (#110) was justified by Murray on the grounds that

the unemployment rate in the construction industry is now almost sixteen percent (she did not mention if the rate she was quoting was seasonally adjusted, as it is now the height of winter) and that the amendment's \$25 billion would create 655,000 new jobs.

For highways alone, Murray's figures say that the extra \$13 billion would create or sustain an additional 362,000 jobs. This would be on top of the \$27 billion in highway spending already contained in the bill, which would presumably create or sustain another 751,000 jobs. And it is also in addition to the estimated \$41+ billion in the regular highway budget for FY 2009 (soon to be finalized in an omnibus appropriations bill), which presumably sustains 1.14 million jobs.

All of these jobs created/sustained numbers stem from a study by the Federal Highway Administration updated in April 2008 that estimates how many jobs are directly

and indirectly created or sustained by each billion dollars in federal highway spending. The answer (at a 100 percent federal cost share) was 27,823 jobs per billion dollars. But let us ponder the limits of what we can extrapolate from those numbers.

There is, of course, some point at which the economic models fail to work. If you just use the basic FHWA job creation estimate and plug in ever-increasing dollar amounts, like legislators and highway lobbyists do, then an appropriation of \$1 trillion for highways would create 27.8 million new jobs. But realistically, even if Congress could sell enough debt to finance a \$1 trillion up-front expenditure for highways, there aren't 27.8 million construction workers and related industry workers in the U.S., so most of the jobs could not be created and most of the money could not be spent.

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**Congressional Budget Office Cost Estimate of Senate Amendment #98 to H.R. 1 (Economic Stimulus) As Filed**  
 (Millions of Dollars, By Fiscal Year - Assumes H.R. 1 Is Signed Into Law in Mid-February)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	11 years
<b>Highway Construction</b>												
Budget Authority	27,060	-	-	-	-	-	-	-	-	-	-	27,060
Outlays	2,706	6,765	5,412	4,059	2,977	2,706	1,894	541	-	-	-	27,060
Spending Rate	10.0%	25.0%	20.0%	15.0%	11.0%	10.0%	7.0%	2.0%	0.0%	0.0%	0.0%	100.0%
<b>Other USDOT</b>												
Budget Authority	18,408	-	-	-	-	-	-	-	-	-	-	18,408
Outlays	1,798	2,897	4,633	3,854	2,498	1,616	943	193	(24)	-	-	18,408
Spending Rate	9.8%	15.7%	25.2%	20.9%	13.6%	8.8%	5.1%	1.0%	-0.1%	0.0%	0.0%	100.0%
<b>U.S. Army Corps of Engineers (Civil Works)</b>												
Budget Authority	4,600	-	-	-	-	-	-	-	-	-	-	4,600
Outlays	1,071	1,677	1,008	423	318	103	-	-	-	-	-	4,600
Spending Rate	23.3%	36.5%	21.9%	9.2%	6.9%	2.2%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
<b>EPA State Revolving Funds (Water)</b>												
Budget Authority	6,000	-	-	-	-	-	-	-	-	-	-	6,000
Outlays	180	1,380	1,800	1,240	600	320	120	68	36	42	-	5,786
Spending Rate	3.0%	23.0%	30.0%	20.7%	10.0%	5.3%	2.0%	1.1%	0.6%	0.7%	0.0%	96.4%
<b>Other, Division A (Appropriations)</b>												
Budget Authority	294,711	5,043	3,561	658	887	1,052	1,052	1,052	1,052	492	2	309,562
Outlays	38,074	122,211	80,843	32,488	16,918	8,915	3,363	1,827	1,371	678	(28)	306,660
Spending Rate	12.3%	39.5%	26.1%	10.5%	5.5%	2.9%	1.1%	0.6%	0.4%	0.2%	0.0%	99.1%
<b>Total, Division A (Appropriations)</b>												
Budget Authority	350,779	5,043	3,561	658	887	1,052	1,052	1,052	1,052	492	2	365,630
Outlays	43,829	134,930	93,696	42,064	23,311	13,660	6,320	2,629	1,383	720	(28)	362,514
Spending Rate	12.0%	36.9%	25.6%	11.5%	6.4%	3.7%	1.7%	0.7%	0.4%	0.2%	0.0%	99.1%
<b>Total, Division B (Direct Spending)</b>												
Budget Authority	91,063	106,352	50,473	7,420	7,364	6,216	3,768	1,205	(818)	(1,387)	(1,584)	270,071
Outlays	88,326	107,414	51,233	7,621	7,418	6,231	3,772	1,217	(818)	(1,387)	(1,584)	269,454
<b>Total, Division B (Tax Reductions)</b>												
Tax Cut (Increase)	101,037	218,534	(2,957)	(23,624)	(14,102)	(9,781)	(6,366)	(4,257)	(3,015)	(2,607)	(326)	252,544
<b>GROSS TOTAL</b>	233,192	460,878	144,929	49,685	30,729	19,891	10,092	3,846	1,383	720	-	955,345
Spending Rate	24.4%	48.2%	15.2%	5.2%	3.2%	2.1%	1.1%	0.4%	0.1%	0.1%	0.0%	
<b>Plus Offsets</b>			(2,957)	(23,624)	(14,102)	(9,781)	(6,366)	(4,257)	(3,833)	(3,994)	(1,938)	(70,852)
<b>NET DEFICIT INCREASE</b>	233,192	460,878	141,972	26,061	16,627	10,110	3,726	(411)	(2,450)	(3,274)	(1,938)	884,512

# Senate Stimulus

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(Ed. Note: Unless you first spend another trillion on biotech R & D to develop and breed a race of humanoid replicants to fill excess construction jobs...)

(Further Ed. Note: On second thought, the building trades unions would probably oppose developing a race of humanoid replicants to fill construction jobs and would instead seek to amend the Davis-Bacon Act to clarify that it refers to a prevailing wage for human beings only.)

But at what point do the diminishing returns start to kick in? Most experts agree that raising highway spending by an additional \$1 billion this year at a 100 percent federal share would create or sustain somewhere in the ballpark of

EFFECTS OF PROPOSED MURRAY-FEINSTEIN AMENDMENT:			
	In the Bill As Filed:	Extra Proposed By Murray- Feinstein:	Total if the Amendment Had Been Adopted:
Highway formula grants:	\$ 27,060,000,000	+ \$ 13,000,000,000	\$ 40,060,000,000
Transit formula grants:	\$ 8,400,000,000	+ \$ 2,000,000,000	\$ 10,400,000,000
Transit FGM grants:	\$ -	+ \$ 2,000,000,000	\$ 2,000,000,000
Transit new starts:	\$ -	+ \$ 1,000,000,000	\$ 1,000,000,000
EPA SRF water grants:	\$ 6,400,000,000	+ \$ 7,000,000,000	\$ 13,400,000,000
<b>TOTAL</b>		<b>+ \$ 25,000,000,000</b>	

27,800 jobs. It is unlikely that an extra \$100 billion this year could be successfully implemented in order to create or sustain 2.78 million jobs. Pro-spending legislators and highway lobbyists contend that the point of diminishing returns will not begin until some point beyond an extra \$40 or \$50 billion this year. But there is scant economic evidence for their contention, and it is quite possible that the point of diminishing returns on job creation starts well below these numbers.

highway program to be distributed to states via formula.

It is possible that Murray wanted to kill two birds with one \$25 billion check: to increase spending for her preferred programs, and to make it more difficult for the EPW Senators to kill her new discretionary grant program. After all, it would (presumably) be harder to vote for a \$5.5 billion increase in highway funding if one had just finished approving a \$13 billion increase (on top of the underlying \$27 billion increase).

Majority Leader Reid allowed Murray to offer her amendment first, which put her at an advantage vis-à-vis the EPW amendment. Murray tried her best to get her amendment disposed of before the Senate adjourned for its weekly policy luncheon break today.

After brief debate on the amendment (chairman Inouye called the amendment "just what the doctor ordered", and Murray laid out the specific case for the transportation money while Feinstein laid out the case for the water plant funds), EPW ranking member Inhofe spoke. Inhofe cited his longstanding support for extra highway spending, bemoaned past raids on the Highway Trust Fund, and talked about the upcoming \$5.5 billion transfer amendment.

He then criticized the fact that the Murray amendment increased spending by \$25 billion without an offsetting spending cut and made a point of order against a provision in the amendment that declared the \$25 billion to be off-budget emergency spending (such designations require no less than 60 votes).

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**SENATE ROLL CALL VOTE ON MOTION TO WAIVE BUDGET ACT FOR CONSIDERATION OF EMERGENCY FUNDING DESIGNATION ON MURRAY AMENDMENT #110.**

"Yea" = supports the spending, "nay" = opposes the spending. 60 required.

**Yea votes - 58**

Akaka (D-HI)	Feinstein (D-CA)	Nelson (D-FL)
Baucus (D-MT)	Gillibrand (D-NY)	Nelson (D-NE)
Bayh (D-IN)	Hagan (D-NC)	Pryor (D-AR)
Begich (D-AK)	Harkin (D-IA)	Reed (D-RI)
Bennet (D-CO)	Inouye (D-HI)	Reid (D-NV)
Bingaman (D-NM)	Johnson (D-SD)	Rockefeller (D-WV)
Bond (R-MO)	Kaufman (D-DE)	Sanders (I-VT)
Boxer (D-CA)	Kerry (D-MA)	Schumer (D-NY)
Brown (D-OH)	Klobuchar (D-MN)	Shaheen (D-NH)
Burr (D-IL)	Kohl (D-WI)	Specter (R-PA)
Byrd (D-WV)	Lautenberg (D-NJ)	Stabenow (D-MI)
Cantwell (D-WA)	Leahy (D-VT)	Tester (D-MT)
Cardin (D-MD)	Levin (D-MI)	Udall (D-CO)
Carper (D-DE)	Lieberman (ID-CT)	Udall (D-NM)
Casey (D-PA)	Lincoln (D-AR)	Warner (D-VA)
Conrad (D-ND)	McCaskill (D-MO)	Webb (D-VA)
Dodd (D-CT)	Menendez (D-NJ)	Whitehouse (D-RI)
Dorgan (D-ND)	Merkley (D-OR)	Wyden (D-OR)
Durbin (D-IL)	Mikulski (D-MD)	
Feingold (D-WI)	Murray (D-WA)	

**Nay votes - 39**

Alexander (R-TN)	DeMint (R-SC)	Martinez (R-FL)
Barrasso (R-WY)	Ensign (R-NV)	McCain (R-AZ)
Bennett (R-UT)	Enzi (R-WY)	McConnell (R-KY)
Brownback (R-KS)	Graham (R-SC)	Murkowski (R-AK)
Bunning (R-KY)	Grassley (R-IA)	Risch (R-ID)
Burr (R-NC)	Hatch (R-UT)	Roberts (R-KS)
Chambliss (R-GA)	Hutchison (R-TX)	Sessions (R-AL)
Coburn (R-OK)	Inhofe (R-OK)	Shelby (R-AL)
Cochran (R-MS)	Isakson (R-GA)	Snowe (R-ME)
Collins (R-ME)	Johanns (R-NE)	Thune (R-SD)
Corker (R-TN)	Kyl (R-AZ)	Vitter (R-LA)
Cornyn (R-TX)	Landrieu (D-LA)	Voinovich (R-OH)
Crapo (R-ID)	Lugar (R-IN)	Wicker (R-MS)

**Not voting - 2**

Gregg (R-NH)	Kennedy (D-MA)
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Bottom line: everyone should be extremely skeptical of precise job creation estimates, and the skepticism should increase proportionally as the additional spending levels increase.

Murray may have had an ulterior motive in offering the amendment (though we do not question the sincerity of her support for the programs). Murray and her staff drafted the DOT portions of the Senate stimulus bill, and the highlight is a new \$5.5 billion program of discretionary, multimodal surface transportation grants.

Sens. Kit Bond (R-MO), Barbara Boxer (D-CA), James Inhofe (R-OK), and Max Baucus (D-MT), all of the Environment and Public Works Committee, made it known last week that they wanted to amend the Senate bill to eliminate Murray's new \$5.5 billion discretionary program and transfer that money to the

# Senate Stimulus

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The motion (by Inouye) to waive the Budget Act and allow the emergency designation fell two votes short, as only 58 Senators voted in favor. Accordingly, the emergency designation was stripped from the amendment. However, the \$25 billion in spending stayed put, and the amendment stayed pending. (Contrary to what we reported earlier—the microphones on the Senate dais failed when the vote total was announced, and the press gallery told reporters that the entire amendment had been rejected).

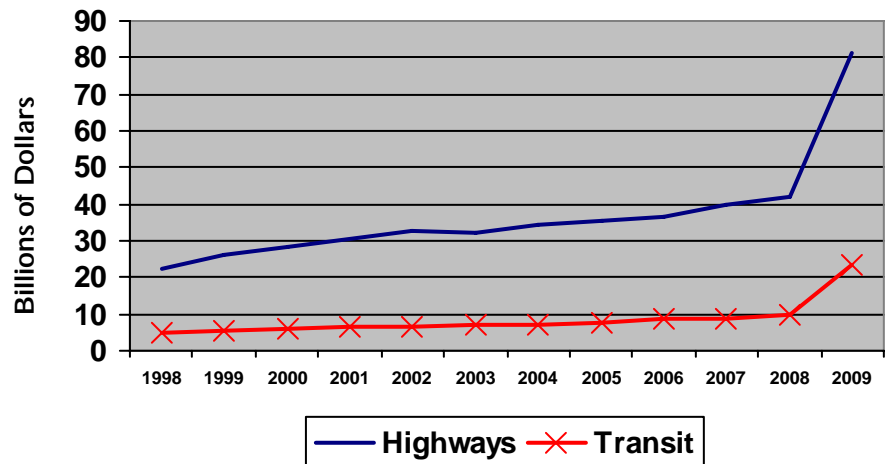
At this point, the scheduled vote on the Murray amendment was called off and staff began to huddle with the Parliamentarian and the Budget Committee to figure out if the extra \$25 billion was permissible in the absence of an emergency designation. Without the designation, the spending is subject to the 302(b) budget ceiling for FY 2009 for the appropriate subcommittee — the \$18 billion DOT portion would have to fit under the \$53.325 billion Senate cap for spending in the Transportation-HUD bill.

The problem is, since the Senate never passed a Transportation-HUD bill, a point of order may not lie against the Murray amendment because the amount of spending so far approved by the Senate is zero, and 18 is less than 53.325.

But if the Senate decides to enforce the budget allocation based on the THUD bill reported from committee, the \$13 billion for DOT would breach the cap. Alternatively, if the \$13 billion is not subject to a point of order today, the omnibus appropriations bill coming down the road in a week or two *would* be subject to a point of order because the extra non-emergency money in the stimulus will cause the bill to breach its ceilings.

As of press time (4:15 p.m. EST, Tuesday, February 3), the situation is unresolved and the Murray amendment is still pending.

EFFECT OF STIMULUS AND MURRAY-FEINSTEIN AMENDMENT ON HIGHWAY AND TRANSIT FUNDING, WITH HISTORICAL COMPARISON



Numbers are in terms of agency-wide new obligation authority (excluding emergency relief appropriations for highways). Numbers for FY 2009 assume regular FY 2009 funding in the omnibus at the SAFETEA-LU guarantee levels and enactment of the Senate version of H.R. 1 with the Murray-Feinstein amendment.

The Bond-Boxer-Inhofe-Baucus amendment that is expected once the Murray amendment is disposed of. The money would distribute that extra \$5.5 billion via highway formulas (written by the EPW committee in the 2005 highway bill) instead of at DOT discretion (which would be subject to Appropriations Committee earmarking if funds are still not awarded by the next time the appropriators write a bill).

Sen. Baucus plans to offer an amendment that would repeal the rescission of highway contract authority contained in section 10212 of the SAFETEA-LU law. This rescission, currently set at \$8.708 billion, would take effect on September 30, 2009 under current law and would repeal proportional shares of highway contract authority balances held by states as of that date (it is impossible to know precisely how much each state will lose on September 30 because we can't know exactly how much they will have left by then). The Baucus amendment will require 60 votes.

An amendment may be offered to the stimulus bill to add funding to the Federal Aviation Administration's next generation air traffic control modernization, but no specifics have been revealed.

The DOT provisions of the Senate bill were summarized in last week's issue. A summary of other transportation and infrastructure provisions follows.

**Security.** The differences in homeland security funding between the House bill and the Senate amendment are stark. The House bill appropriates a total of \$1.1 billion for the Department of Homeland Security while the Senate amendment appropriates \$5.1 billion

The Senate amendment provides an appropriation of \$1.2 billion to the Transportation Security Administration for "procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection equipment" and requires TSA to submit a plan to Congress within 45 days describing how it intends to award the money. The House bill provided only \$500 million for this purpose but requires TSA to "prioritize the award of these funds to accelerate the installations at locations with completed design plans and to expeditiously award new letters of intent."

The Senate amendment appropriates \$572.5 billion for the Coast

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# Senate Stimulus

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Guard's procurement account, an appropriation not contained in the House bill. \$255 million would go towards "shortfalls in priority procurements due to materials and labor cost increases", \$195 million would go to shore facilities and navigational aids, \$87.5 million would go to buy a new polar ice-breaker, and \$35 million would go towards emergency maintenance of cutters.

The Senate amendment appropriates \$240.4 million for alteration of bridges, which is \$90.4 million more than the House bill. This is normally a miniscule account — \$15 or \$16 million per year — and all of the funds are normally earmarked by Congress, so it will be interesting to see what the Coast Guard does with fifteen times the annual budget for the program in the (presumed) absence of earmarks.

The Senate amendment provides \$950 million for grants to states and localities, an appropriation not found in the House bill. Of this amount, \$100 million will be for transit, rail and Amtrak security grants and \$100 million will be for port security grants.

The Senate amendment appropriates \$198 million for salaries and expenses at the DHS Customs and

U.S. Department of Homeland Security			
Admin.	Account	House-Passed	Senate Version
DHS	Under Sec. for Management (new HQ)	\$ -	\$ 248,000,000
DHS	Office of Inspector General	\$ 2,000,000	\$ 5,000,000
CBP	Salaries and expenses (sea port EDS)	\$ 100,000,000	\$ 198,000,000
CBP	Border security fencing	\$ -	\$ 200,000,000
CBP	Construction (land ports of entry)	\$ 150,000,000	\$ 800,000,000
ICE	Automation modernization	\$ -	\$ 27,800,000
TSA	Aviation security (EDS/checkpoints)	\$ 500,000,000	\$ 1,200,000,000
USCG	Acquisition, construction & improvements	\$ -	\$ 572,500,000
USCG	Alteration of bridges	\$ 150,000,000	\$ 240,400,000
FEMA	Management and administration	\$ -	\$ 6,000,000
FEMA	State and local programs	\$ -	\$ 950,000,000
	<i>S&amp;LP: Transit and rail security grants</i>	\$ -	\$ 100,000,000
	<i>S&amp;LP: Port security grants</i>	\$ -	\$ 100,000,000
	<i>S&amp;LP: Emergency operations centers</i>	\$ -	\$ 250,000,000
	<i>S&amp;LP: Critical infrastructure grants</i>	\$ -	\$ 500,000,000
FEMA	Firefighter assistance grants	\$ -	\$ 500,000,000
FEMA	Emergency food and shelter	\$ 200,000,000	\$ 100,000,000
FLETC	Acquisition, construction & improvements	\$ -	\$ 15,000,000
S&T	R&D, acquisition & operations	\$ -	\$ 14,000,000
<b>Total, USDHS</b>		<b>\$ 1,102,000,000</b>	<b>\$ 5,076,700,000</b>

Border Protection directorate, of which \$100.8 million goes for "procurement and deployment of non-intrusive inspection systems to improve port security." The House bill appropriated \$100 million for the same purpose.

The Senate amendment also appropriates \$800 million to CBP for construction at land border ports of entry. The House bill provides \$150 million for this purpose.

**Water.** The Senate amendment and the House bill are fairly close when it comes to the water resources program of the U.S. Army Corps of Engineers. The Senate amendment would appropriate \$4.6 billion for the Corps compared to

\$4.5 billion for the Corps in the House bill.

Within individual accounts, both versions have identical amounts for the construction account — an even \$2 billion. The Senate amendment appropriates \$500 million (twice as much as the House) for the Mississippi River system and makes up for the difference by cutting the appropriation for operations and maintenance to \$1.9 billion, \$325 million below the House.

The Senate amendment adds appropriations for Corps investigations (the studies that eventually lead to construction projects) of \$25 million, for site cleanup of \$100 million, and for flood control and coastal emergencies of \$25 million. No similar appropriations were contained in the House bill.

The Senate amendment found one area in which to lowball the House: Environmental Protection Agency grants for wastewater and drinking water treatment plants. The House bill provides \$8.4 billion for state and tribal assistance grants — \$6 billion for wastewater plants, \$2 billion for drinking water plants, and \$400 million for other grants.

The Senate amendment cuts the wastewater plants by one-third, to \$4 billion while leaving the other totals the same.

U.S. Army Corps of Engineers (Civil Works)			
Admin.	Account	House-Passed	Senate Version
USACE	Investigations	\$ -	\$ 25,000,000
USACE	Construction	\$ 2,000,000,000	\$ 2,000,000,000
USACE	Mississippi River and tributaries	\$ 250,000,000	\$ 500,000,000
USACE	Operation and maintenance	\$ 2,225,000,000	\$ 1,900,000,000
USACE	Regulatory program	\$ 25,000,000	\$ 25,000,000
USACE	Formerly utilized sites (cleanup)	\$ -	\$ 100,000,000
USACE	Flood control and coastal emergencies	\$ -	\$ 50,000,000
<b>Total, USACE (Civil)</b>		<b>\$ 4,500,000,000</b>	<b>\$ 4,600,000,000</b>
Environmental Protection Agency			
Admin.	Account	House-Passed	Senate Version
EPA	Hazardous substance Superfund	\$ 800,000,000	\$ 800,000,000
EPA	LUST trust fund	\$ 200,000,000	\$ 200,000,000
EPA	State and tribal assistance grants	\$ 8,400,000,000	\$ 6,400,000,000
	<i>STAG: Clean Water State Revolving Funds</i>	\$ 6,000,000,000	\$ 4,000,000,000
	<i>STAG: Drinking Water State Revolving Funds</i>	\$ 2,000,000,000	\$ 2,000,000,000
	<i>STAG: Brownfields remediation grants</i>	\$ 100,000,000	\$ 100,000,000
	<i>STAG: Diesel emission reduction grants</i>	\$ 300,000,000	\$ 300,000,000
<b>Total, EPA</b>		<b>\$ 9,400,000,000</b>	<b>\$ 7,400,000,000</b>

**HIGHWAY FORMULA FUNDING UNDER SENATE STIMULUS BILL AND UNDER TWO ALTERNATIVE AMENDMENTS**

	Base Bill	Plus:	Bond-Boxer-Inhofe Amendment		Or:	Murray-Feinstein Amendment	
			Additional	Total		Additional	Total
ALABAMA	\$ 510,388,740		+ \$ 105,977,729	\$ 616,366,469		+ \$ 250,492,814	\$ 760,881,554
ALASKA	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
ARIZONA	\$ 502,431,243		+ \$ 104,325,424	\$ 606,756,667		+ \$ 246,587,366	\$ 749,018,609
ARKANSAS	\$ 360,744,049		+ \$ 74,905,326	\$ 435,649,375		+ \$ 177,048,952	\$ 537,793,001
CALIFORNIA	\$ 2,554,367,859		+ \$ 530,391,997	\$ 3,084,759,856		+ \$ 1,253,653,811	\$ 3,808,021,670
COLORADO	\$ 425,788,184		+ \$ 88,411,168	\$ 514,199,352		+ \$ 208,971,852	\$ 634,760,036
CONNECTICUT	\$ 243,835,864		+ \$ 50,630,370	\$ 294,466,234		+ \$ 119,671,784	\$ 363,507,648
DELAWARE	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
DIST. OF COL.	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
FLORIDA	\$ 1,342,640,241		+ \$ 278,787,426	\$ 1,621,427,667		+ \$ 658,952,098	\$ 2,001,592,339
GEORGIA	\$ 897,639,463		+ \$ 186,386,932	\$ 1,084,026,395		+ \$ 440,550,930	\$ 1,338,190,393
HAWAII	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
IDAHO	\$ 164,198,222		+ \$ 34,094,315	\$ 198,292,537		+ \$ 80,586,563	\$ 244,784,785
ILLINOIS	\$ 945,433,022		+ \$ 196,310,843	\$ 1,141,743,865		+ \$ 464,007,447	\$ 1,409,440,469
INDIANA	\$ 627,200,608		+ \$ 130,232,684	\$ 757,433,292		+ \$ 307,822,708	\$ 935,023,316
IOWA	\$ 389,442,980		+ \$ 80,864,406	\$ 470,307,386		+ \$ 191,134,051	\$ 580,577,031
KANSAS	\$ 401,224,409		+ \$ 83,310,716	\$ 484,535,125		+ \$ 196,916,238	\$ 598,140,647
KENTUCKY	\$ 419,754,610		+ \$ 87,158,349	\$ 506,912,959		+ \$ 206,010,643	\$ 625,765,253
LOUISIANA	\$ 425,063,478		+ \$ 88,260,689	\$ 513,324,167		+ \$ 208,616,174	\$ 633,679,652
MAINE	\$ 133,323,210		+ \$ 27,683,391	\$ 161,006,601		+ \$ 65,433,470	\$ 198,756,680
MARYLAND	\$ 419,971,070		+ \$ 87,203,295	\$ 507,174,365		+ \$ 206,116,879	\$ 626,087,949
MASSACHUSETTS	\$ 408,467,809		+ \$ 84,814,744	\$ 493,282,553		+ \$ 200,471,213	\$ 608,939,022
MICHIGAN	\$ 884,623,998		+ \$ 183,684,385	\$ 1,068,308,383		+ \$ 434,163,092	\$ 1,318,787,090
MINNESOTA	\$ 561,775,770		+ \$ 116,647,793	\$ 678,423,563		+ \$ 275,712,965	\$ 837,488,735
MISSISSIPPI	\$ 382,310,789		+ \$ 79,383,470	\$ 461,694,259		+ \$ 187,633,656	\$ 569,944,445
MISSOURI	\$ 638,285,959		+ \$ 132,534,460	\$ 770,820,419		+ \$ 313,263,269	\$ 951,549,228
MONTANA	\$ 168,286,449		+ \$ 34,943,200	\$ 203,229,649		+ \$ 82,593,018	\$ 250,879,467
NEBRASKA	\$ 257,910,300		+ \$ 53,552,803	\$ 311,463,103		+ \$ 126,579,353	\$ 384,489,653
NEVADA	\$ 201,570,404		+ \$ 41,854,320	\$ 243,424,724		+ \$ 98,928,393	\$ 300,498,797
NEW HAMPSHIRE	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
NEW JERSEY	\$ 586,516,033		+ \$ 121,784,891	\$ 708,300,924		+ \$ 287,855,197	\$ 874,371,230
NEW MEXICO	\$ 245,711,006		+ \$ 51,019,727	\$ 296,730,733		+ \$ 120,592,082	\$ 366,303,088
NEW YORK	\$ 992,306,143		+ \$ 206,043,634	\$ 1,198,349,777		+ \$ 487,012,226	\$ 1,479,318,369
NORTH CAROLINA	\$ 729,907,072		+ \$ 151,558,778	\$ 881,465,850		+ \$ 358,229,839	\$ 1,088,136,911
NORTH DAKOTA	\$ 160,774,985		+ \$ 33,383,510	\$ 194,158,495		+ \$ 78,906,478	\$ 239,681,463
OHIO	\$ 914,598,673		+ \$ 189,908,362	\$ 1,104,507,035		+ \$ 448,874,310	\$ 1,363,472,983
OKLAHOMA	\$ 499,511,701		+ \$ 103,719,207	\$ 603,230,908		+ \$ 245,154,489	\$ 744,666,190
OREGON	\$ 344,745,050		+ \$ 71,583,275	\$ 416,328,325		+ \$ 169,196,832	\$ 513,941,882
PENNSYLVANIA	\$ 897,060,671		+ \$ 186,266,751	\$ 1,083,327,422		+ \$ 440,266,866	\$ 1,337,327,537
RHODE ISLAND	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
SOUTH CAROLINA	\$ 482,314,809		+ \$ 100,148,424	\$ 582,463,233		+ \$ 236,714,457	\$ 719,029,266
SOUTH DAKOTA	\$ 182,487,252		+ \$ 37,891,871	\$ 220,379,123		+ \$ 89,562,604	\$ 272,049,856
TENNESSEE	\$ 578,764,583		+ \$ 120,175,370	\$ 698,939,953		+ \$ 284,050,875	\$ 862,815,458
TEXAS	\$ 2,263,162,957		+ \$ 469,925,863	\$ 2,733,088,820		+ \$ 1,110,733,858	\$ 3,373,896,815
UTAH	\$ 222,407,496		+ \$ 46,180,959	\$ 268,588,455		+ \$ 109,154,994	\$ 331,562,490
VERMONT	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
VIRGINIA	\$ 699,908,574		+ \$ 145,329,853	\$ 845,238,427		+ \$ 343,506,925	\$ 1,043,415,499
WASHINGTON	\$ 495,069,722		+ \$ 102,796,869	\$ 597,866,591		+ \$ 242,974,418	\$ 738,044,140
WEST VIRGINIA	\$ 197,039,259		+ \$ 40,913,467	\$ 237,952,726		+ \$ 96,704,558	\$ 293,743,817
WISCONSIN	\$ 537,075,284		+ \$ 111,518,954	\$ 648,594,238		+ \$ 263,590,255	\$ 800,665,539
WYOMING	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
PUERTO RICO	\$ 132,440,000		+ \$ 27,500,000	\$ 159,940,000		+ \$ 65,000,000	\$ 197,440,000
PLUS FED. LANDS	\$ 500,000,000			\$ 500,000,000			\$ 500,000,000
PLUS FERRY BOATS	\$ 60,000,000			\$ 60,000,000			\$ 60,000,000
PLUS OVERSIGHT	\$ 12,000,000			\$ 12,000,000			\$ 12,000,000
<b>TOTAL, HIGHWAYS</b>	<b>\$ 27,060,000,000</b>		<b>+ \$ 5,500,000,000</b>	<b>\$ 32,560,000,000</b>		<b>+ \$ 13,000,000,000</b>	<b>\$ 40,060,000,000</b>

Note: The Bond-Boxer-Inhofe amendment and the Murray-Feinstein amendment are not mutually exclusive — the Senate could conceivably adopt both. But look at the sponsorship of each. The whole point of the Bond-Boxer-Inhofe amendment is to get rid of the \$5.5 billion in discretionary surface transportation grants — a new program created by Murray — and move that money to the highway formulas (which were written by Bond, Boxer and Inhofe's committee). The highway funding in the Murray-Feinstein amendment can logically be seen as an attempt to preempt and trump the Bond-Boxer-Inhofe amendment by adding twice as much money for highways while keeping the new \$5.5 billion program. However, the Bond-Boxer-Inhofe amendment does not increase the overall cost of the stimulus bill while the Murray-Feinstein adds all of the extra highway spending directly to the federal deficit. The two amendments are thus competing for slightly different groups of Senate votes.

## House Stimulus

### *CONTINUED FROM FRONT PAGE*

CBO's findings (without actually saying which of CBO's conclusions they dispute).

The most important transportation-related amendment offered to the bill was put forward by Rep. Jerrold Nadler (D-NY) and other Democrats. It increased transit funding in the bill by \$3 billion — \$1.5 billion extra for transit formula grants and \$1.5 billion extra for new start projects. Total funding in the House-passed bill for those accounts is now \$7.5 billion for formula grants and \$2.5 billion for new starts.

Nadler said that "The amendment is supported by numerous transportation, labor, and environmental organizations. I have been informed the Transportation Trades Department of the AFL-CIO will be scoring the amendment, and the League of Conservation Voters may be scoring it as well.

"This amendment has broad support because people all over the country recognize that investing in transit is one of the smartest things we can do to create jobs here in America, to reduce congestion and dependence on foreign oil, and spur economic growth."

When speaking in support of the amendment, Transportation and Infrastructure Committee ranking member John Mica (R-FL) may have inadvertently revealed where almost all of the \$2.5 billion in new starts funding may go: "These projects are expensive. Transportation projects in New York, the tunnel across Long Island, \$7 billion; the Second Avenue subway tunnel is over \$7 billion."

The only member to speak in opposition to the Nadler amendment was Appropriations Committee ranking member Jerry Lewis (R-CA), who said that "...it does raise the top [spending] line, and everybody should know that. I know that Mr. Oberstar loves that, for it helps him out when he is trying to pass the bill down the line when he is short of money. But in the meantime, on this side of the aisle the vast percentage of my Members would prefer that we have an offset before we start raising the line of spending."

(If Nadler had offered his amendment to a normal appropriations bill, budget rules say that he would have been forced to find \$3 billion in cuts elsewhere in the bill to offset his new spending. But House Democrats waived all budgetary rules and constraints for consideration of the stimulus bill and the Nadler amendment).

Lewis apparently knew that the fix was in for the Nadler amendment and did not bother asking for a roll call vote, and the Nadler amendment passed by voice.

T&I chairman James Oberstar (D-MN) offered an amendment moving up the deadline for states to obligate at least 50 percent of their highway and transit formula funding, lest they get the unobligated portion of that 50 percent taken away and redistributed to other states. In the bill as reported, the deadline was 180 days after apportionment, and Oberstar's amendment moved it to 90 days.

Oberstar's amendment was an attempt to make the highway and transit money spend out and create jobs faster. However, CBO analyzed Oberstar's amendment and found that "...the amendment would not significantly change the pace of spending for the highway, transit, and aviation funds that would be provided by H.R. 1." CBO had previously determined that the extra transportation spending in H.R. 1 would spend out more slowly than the regular program funds.

Oberstar disputed the CBO findings, saying that "I have been on the phone — CBO has not — with the commissioners of transportation from the principal states and from the association of transportation officials. They have committed to have projects obligated or under contract in 90 days for the first \$15 billion of this funding, and the next \$15 billion in 180 days."

Oberstar may not have read the CBO cost estimate on the underlying bill closely enough. It said that "For this estimate, CBO consulted with transportation officials in nearly half of the states, accounting for roughly two-thirds of annual highway spending...On balance, CBO concludes that many states would probably move as rapidly as possible to obligate new funds, but that much of the construction and procurement work associated with highway and transit projects would occur over an extended period of

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### Key House Floor Amendments to the Stimulus Bill (H.R. 1)

- **Oberstar (D-MN)** amendment shifting deadlines for obligation of half of the bill's highway and transit formula apportionments to 90 days after apportionment — *agreed to by voice vote.*
- **Shuster (R-PA)** amendment clarifying that if the Governor of a state cannot certify that the state will maintain its previously scheduled funding efforts on programs receiving funds under the bill, that the state will not receive additional federal funding for such programs — *agreed to by voice vote.*
- **Nadler (D-NY)** amendment appropriating an additional \$1.5 billion for transit formula grants and an additional \$1.5 billion for transit new start projects — *agreed to by voice vote.*
- **Flake (R-AZ)** amendment to strike the \$850 million in Amtrak funding from the bill — *failed by recorded vote of 116 yeas, 320 nays.*
- **Lewis (R-CA)** motion to recommit the bill with instructions to strike all funding in the bill that is not appropriated until after September 30, 2009 and instead transfer the money as follows: an additional \$36 billion for highway grants and an additional \$25 billion for the Corps of Engineers water resources program — *failed by recorded vote of 159 yeas, 270 nays.*



## House Stimulus

*CONTINUED FROM PAGE EIGHT*

time, leading to federal outlays over several years.”

Why the discrepancy between what the states tell Oberstar and what the states tell CBO? It may have something to do with who's doing the talking — Oberstar talks to the head person, who is often a political appointee without a deep working knowledge of the details of the process. CBO usually talks to the career budget people in the state agencies, who will actually be in charge of trying to fulfill the unrealistic promises made by their political bosses.

It also may have something to do with human nature. No supplicant for federal dollars ever says to Congress “Gosh, don't give me so much money, I'm not sure I can spend all that.” It never happens. Never. Never. Never. Instead, supplicants are conditioned to ask for the sun, moon and stars, knowing that the usual constraints of the budget process mean that they will eventually receive a small fraction of what they asked for. Until they run across a budget process without constraints. Which is apparently taking place with regards to the stimulus bill, as with the TARP bill last fall.

(*Ed. Note:* No, the governor of South Carolina does not count as a “supplicant” because he was not asking for anything in the first place.)

Rep. Bill Shuster (R-PA) offered an amendment forcing state governors

### SCORING THE HOUSE-PASSED STIMULUS BILL (H.R. 1) (Millions of Dollars)

	<u>FY 2009</u>	<u>FY 2010</u>	<u>Later</u>
Division A - Appropriations	29,024 7.9%	115,900 31.7%	216,115 59.1%
Division B - Direct Spending	78,050 28.9%	120,479 44.6%	79,938 29.6%
Division B - Tax Cuts	62,519 24.8%	119,692 47.4%	45 0.0%
<b>TOTAL STIMULUS</b>	<b>169,593 19.1%</b>	<b>356,071 40.1%</b>	<b>296,098 33.3%</b>

**18-Month Stimulus (2009 & 2010): 59.2%**

*Compare to score of Senate amendment on page 2 of this issue...*

to sign a certification that they will maintain their own spending on infrastructure programs in order to receive federal money (but again provides no penalty if the state goes ahead and slashes its budget anyway). The amendment passed by voice vote.

And Rep. Jeff Flake (R-AZ) offered an amendment to eliminate the \$850 billion in Amtrak capital funding from the bill. The Flake amendment ran into the bipartisan Amtrak juggernaut and lost on a 116 to 320 vote.

At the end of debate, Lewis offered one final amendment in the form of a motion to recommit the bill with instructions. The Lewis amendment would have stricken \$61 billion in “forward funding” for social programs and aid to states from the bill and would have transferred that funding to infrastructure programs

— \$36 billion for highway grants and \$25 billion for the Corps of Engineers. (Forward funding describes an appropriation made now that does not become available for obligation until a future year.)

The amendment would have boosted highway spending in the bill to \$66 billion (in combination with the \$41+ billion for highways in next week's 2009 omnibus bill, that would top \$100 billion) and would have boosted funding for the Corps in the bill to \$40.5 billion — almost ten times the regular annual Corps budget.

The amendment was apparently drafted to give Republicans a chance to vote in favor of extra infrastructure spending to give them political cover so they could vote “no” on the final bill. The Lewis motion failed on a 159 to 270 vote.

**Congressional Budget Office Cost Estimate of USDOT Portions of H.R. 1 (Economic Stimulus) As Passed by the House**  
(Millions of Dollars, By Fiscal Year - Assumes H.R. 1 Is Signed Into Law in Mid-February)

	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>11 years</u>
<b>Highway Construction</b>												
Budget Authority	30,000	-	-	-	-	-	-	-	-	-	-	30,000
Outlays	3,000	7,500	6,000	4,500	3,300	3,000	2,100	600	-	-	-	30,000
Spending Rate	10.0%	25.0%	20.0%	15.0%	11.0%	10.0%	7.0%	2.0%	0.0%	0.0%	0.0%	100.0%
<b>Other USDOT</b>												
Budget Authority	16,100	-	-	-	-	-	-	-	-	-	-	16,100
Outlays	1,705	2,595	3,710	2,900	2,265	1,570	995	360	-	-	-	16,100
Spending Rate	10.6%	16.1%	23.0%	18.0%	14.1%	9.8%	6.2%	2.2%	0.0%	0.0%	0.0%	100.0%
<b>Total, USDOT</b>												
Budget Authority	<b>46,100</b>	-	-	-	-	-	-	-	-	-	-	<b>46,100</b>
Outlays	<b>4,705</b>	<b>10,095</b>	<b>9,710</b>	<b>7,400</b>	<b>5,565</b>	<b>4,570</b>	<b>3,095</b>	<b>960</b>	-	-	-	<b>46,100</b>
Spending Rate	<b>10.2%</b>	<b>21.9%</b>	<b>21.1%</b>	<b>16.1%</b>	<b>12.1%</b>	<b>9.9%</b>	<b>6.7%</b>	<b>2.1%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>100.0%</b>

## House Postpones Consideration of Omnibus Appropriations

The House of Representatives is tentatively scheduled to consider a \$410 billion omnibus appropriations bill next week.

When the 110th Congress finally adjourned, it left nine of the annual appropriations bills for fiscal year 2009 incomplete: Agriculture, Commerce-Justice-Science, Energy and Water, Financial Services, Interior and Environment, Labor-HHS-Education, Legislative Branch, State-Foreign Operations, and Transportation-HUD.

The staffs of the House and Senate Appropriations Committees worked in December and January behind closed doors to work out the differences between their versions of the nine bills (which were in many cases draft versions never debated by either chamber) and finalized a bill a few weeks ago.

The original plan was for the text of the bill and supporting materials to be posted on the House Rules Committee website by today and for the bill to be debated and passed by the House tomorrow (in time for Democrats to leave town for their annual retreat on Thursday and Friday).

However, that plan was abandoned, in part because House leaders did not want the bill to compete with the stimulus bill for media attention or to add scrutiny to the stimulus bill.

It might be harder to justify extra spending in the stimulus for certain programs, for example, if it were known how much money those programs are already slated to receive in the omnibus appropriations bill.

Majority Leader Hoyer announced earlier today that the House will probably not consider the bill until the week of February 23, following

the week-long President's Day recess (assuming the recess takes place — leaders have pledged that Congress will not go on recess after Friday the 13th unless the stimulus bill is passed and is on the way to the White House).

This means that the omnibus will likely stay shrouded in secrecy for at least two more weeks. This includes the estimated 4,000+ earmarked projects in the bill.

Were the text of the bill and its earmarks to be made public now, for example, reporters and outside groups would have several weeks in which to correlate earmark recipient lists with FEC campaign donation records and draw conclusions.

Funding for programs under those nine bills is currently provided by a stopgap continuing resolution that expires on March 6.

## House Leaders Debating Timetable For Surface Reauthorization Bill

*(Ed. Note: We had hoped that House Transportation and Infrastructure chairman James Oberstar (D-MN) was going to announce his planned timetable for committee action on the surface transpor-*

*tation reauthorization bill by press time. This has not happened. However, we still feel like running our cautionary historical study, below, that demonstrates that Congress has found it impossible in recent*

*decades to get a multi-year surface transportation reauthorization law enacted by the time the previous law expires — or at any time even close to it. See the table, below.)*

### TIMING OF LEGISLATIVE ACTION ON THE LAST FIVE MULTI-YEAR SURFACE TRANSPORTATION AUTHORIZATION ACTS

	<u>1983 STAA</u>	<u>1987 STURAA</u>	<u>1991 ISTEA</u>	<u>1998 TEA21</u>	<u>2005 SAFETEA-LU</u>
Day previous authorization act expired:	9/30/1982	9/30/1986	9/30/1991	9/30/1997	9/30/2003
Bill introduced in House:	4/29/1982	7/31/1985	7/18/1991	9/4/1997	11/20/2003
Bill reported from main House committee:	5/17/1982	7/2/1986	7/26/1991	3/25/1998	3/29/2004
Bill passed House:	12/6/1982	8/15/1986	10/23/1991	4/1/1998	4/2/2004
Bill introduced in Senate:	n/a	5/6/1986	6/4/1991	9/12/1997	5/15/2003
Bill reported from main Senate committee:	12/9/1982	8/5/1986	6/4/1991	10/1/1997	1/3/2004
Bill passed Senate:	12/21/1982	9/24/1986	6/19/1991	4/2/1998	2/12/2004
Bill enacted into law:	1/6/1983	7/2/1987	12/18/1991	6/9/1998	8/10/2005

#### Days Between Prior Act's Expiration and New Act's Enactment:

**98                      275                      79                      252                      680**

*The 1987 and 2005 Acts stretched over two Congresses - bills had to be re-introduced, re-reported, and passed anew in the subsequent Congress. The tables show the original attempts at passage and the final enactment date in the following Congress. Note that the 1983 Act containing a controversial gas tax increase had to be enacted in a post-election lame duck session and that the 1987 Act had to wait until the Democrats took over the Senate after the 1986 elections so it could be passed over President Reagan's veto.*

## NEW AND NOTABLE ON THE INTERNET

### Economic Stimulus Legislation

The text of the Senate substitute (Inouye-Baucus #98) for the stimulus bill, as filed, is here:

[http://appropriations.senate.gov/News/2009\\_02\\_02\\_The\\_American\\_Recovery\\_and\\_Reinvestment\\_Act\\_of\\_2009.pdf](http://appropriations.senate.gov/News/2009_02_02_The_American_Recovery_and_Reinvestment_Act_of_2009.pdf)

The text of the House bill (H.R. 1), as passed by the House last week, is here:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h1eh.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1eh.txt.pdf)

The CBO score of the Inouye-Baucus substitute amendment (S. Amdt. #98) is here:

<http://www.cbo.gov/ftpdocs/99xx/doc9977/hr1senate.pdf>

The CBO score of H.R. 1, as passed by the House last week, is here:

<http://www.cbo.gov/ftpdocs/99xx/doc9976/hr1aspassed.pdf>

Tables showing how the House-passed bill apportions its transit formula funding to every state and large urbanized area can be found here:

[http://transportation.house.gov/Media/File/Full%20Committee/Stimulus/Combined%20FTA%20Grants%20\(State%20and%20UZA\).pdf](http://transportation.house.gov/Media/File/Full%20Committee/Stimulus/Combined%20FTA%20Grants%20(State%20and%20UZA).pdf)

Tables showing how the House-passed bill apportions its transit fixed guideway funding to individual transit systems can be found here:

<http://transportation.house.gov/Media/File/Full%20Committee/Stimulus/Combined%20Transit%20Fixed%20Guideway%20Modernization.pdf>

Tables showing how the House-passed bill apportions its highway funding to every state and every large urbanized area with a population over 200,000 can be found here:

[http://transportation.house.gov/Media/File/Full%20Committee/Stimulus/Combined%20Highway%20and%20Bridge%20\(State%20and%20UZA\).pdf](http://transportation.house.gov/Media/File/Full%20Committee/Stimulus/Combined%20Highway%20and%20Bridge%20(State%20and%20UZA).pdf)

The CBO cost estimate for the Oberstar amendment to H.R. 1 can be found here:

<http://www.cbo.gov/ftpdocs/99xx/doc9974/hr1oberstar.pdf>

The DOT Inspector General announced a review of oversight challenges for forthcoming stimulus funding:

[http://www.oig.dot.gov/StreamFile?file=/data/pdffdocs/Review\\_of\\_Oversight\\_Challenges\\_Associated\\_With\\_Economic\\_Stimulus\\_Funding.pdf](http://www.oig.dot.gov/StreamFile?file=/data/pdffdocs/Review_of_Oversight_Challenges_Associated_With_Economic_Stimulus_Funding.pdf)

## STATUS OF TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Ray LaHood	Secretary	Commerce, Science and Transportation	Sworn into office 1/23/09

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[Mail@transportationweekly.com](mailto:Mail@transportationweekly.com)*

**THIS WEEK IN COMMITTEE**

**Wednesday, February 4, 2009** — House Transportation and Infrastructure — Subcommittee on Water Resources and Environment — subcommittee hearing on sustainable wastewater management — *10:00 a.m., 2167 Rayburn.*

House Transportation and Infrastructure — Subcommittee on Coast Guard and Maritime Transportation — subcommittee hearing on international piracy on the high seas — *2:00 p.m., 2167 Rayburn.*

**UPCOMING CALENDAR**

**Friday, March 6, 2009** — Current continuing resolution expires.

**Tuesday, March 31, 2009** — Current extension of federal aviation taxes and spending authority expires.

**Wednesday, September 30, 2009** — Expiration of fiscal year 2009 and expiration of spending authority for surface transportation programs under the SAFETEA-LU law.

**STATUS OF MAJOR TRANSPORTATION BILLS — 111<sup>th</sup> CONGRESS**

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
<b>FY 2009 Omnibus Appropriations Act</b>	House floor action tentatively scheduled for week of 2/23/09		
<b>Economic Stimulus Appropriations &amp; Tax Cuts</b>	H.R. 1 passed House 1/28/09 by a vote of 244-188	H.R. 1 debated on Senate floor 2/3/09	
<b>FY 2010 Congressional budget resolution</b>			
<b>FY 2010 Transportation-HUD Appropriations</b>			
<b>FY 2010 Energy and Water Appropriations</b>			
<b>FY 2010 Homeland Security Appropriations</b>			
<b>Federal Aviation Admin. Reauthorization Bill</b>			
<b>Surface Transportation Reauthorization Bill</b>			
<b>Water Resources Development Act</b>			
<b>FY 2010 Coast Guard Authorization</b>			