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MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

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Legislative Schedules
Week of May 18, 2009

House

Wednesday — meets at 10 a.m. — Senate amendment to H.R. 627, credit card holder's rights, and H.R. 2352, job creation through entrepreneurship.

Thursday — meets at 10 a.m. — H.R. 915, FAA reauthorization and conference report to accompany S. 454, defense procurement reform.

Friday — meets at 9 a.m. — possible consideration of H.R. 2200, TSA reauthorization.

Senate

The Senate convened at 9:30 a.m. today and is currently considering H.R. 2346, the supplemental appropriations bill.

Inside This Issue

FAA, TSA Bills On House Floor This Week

The House of Representatives is tentatively scheduled to consider two major aviation-related bills later this week. The Federal Aviation Administration reauthorization bill (H.R. 915) should be on the House floor tomorrow, and the House may possibly consider the Transportation Security Administration reauthorization bill (H.R. 2200) on Friday.

(However, there is always mounting pressure for the House to ditch its Friday business and leave town late Thursday night in the week leading up to a recess, so the timing of the TSA bill is not set in stone.)

The House Rules Committee is scheduled to meet at 3 p.m. today to consider possible amendments to H.R. 915. Also, the Rules Committee has set a deadline of 5 p.m. today for amendments to H.R. 2200 to be submitted, which presupposes a Thursday Rules Committee meeting on that bill.

Two major pieces of aviation legislation are scheduled to be on the House floor this week.

This year's FAA bill is based largely on the bill that passed the House in the last Congress (H.R. 2881, 110th Congress) but died when the Senate could not pass a companion measure.

That bill passed the House by a vote of 267-151 in September 2007, with Transportation and Infrastructure Committee ranking member John Mica (R-FL) trying to rally GOP votes against the bill. The controversial points at the time were: a provision that would throw the labor dispute between the FAA and its air traffic controllers, a provision regarding inspection of foreign repair stations that may provoke retaliation by other nations, and a provision designed to make it easier for labor unions to

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DOT Prepares For Next Highway Trust Fund Default

Personnel from the U.S. Department of Transportation and the White House began briefing Congressional staff yesterday on the Department's plans for dealing with the declining cash balances in the Highway Account of the Highway Trust Fund. DOT is now prepared to admit that unless there is a drastic uptick in tax receipts and slowdown of outlays in May and June, the Federal Highway Administration will almost certainly run out of cash to handle its day-to-day operations several weeks before the end of this fiscal year.

According to multiple persons who were involved in or had knowledge of the content of yesterday's conference calls, DOT plans to formally notify states in June that the Highway Account will probably be unable to sustain daily reimbursements of state voucher claims sometime in early September, or even before — the thought is to give states roughly three months advance notice. At the time the Highway Ac-

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FAA & TSA Bills

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organize the "ground-side" workers of Federal Express.

To these pre-existing problems, add another. After H.R. 915 was reported from the Transportation and Infrastructure Committee, a new section (sec. 602) was added to the bill that makes the issue of controller back pay subject to section 5596 of title 5, United States Code, which provides for automatic payments of back pay owed to federal workers and would appear to kick the issue over to the Merit Systems Protection Board.

Back pay is an issue because the Congressional Budget Office has estimated that the back pay would cost well over the $20 million specifically authorized in the bill, leaving the Appropriations Committees with another large hole to fill.

The box at right shows the major amendments that were filed with the Rules Committee by the deadline yesterday. It is apparent that the Oberstar manager's amendment was shaped to try and address the concerns addressed by some of the other amendments that were filed, and also to address jurisdictional concerns that arose between the Transportation and Infrastructure Committee and other House panels.

The Rules Committee is likely to "self-execute" an amendment offered by Ways and Means Chairman Charlie Rangel (D-NY) to add a revenue title (title X) to the bill. The Rangel amendment is very similar to the revenue title added to the bill in the last Congress. It would extend all existing aviation taxes and trust fund expenditure authority for another three years (from September 30, 2009 to September 30, 2012) and would increase the tax rate on general aviation jet fuel from 21.8 cents per gallon to 35.9 cents per gallon and would increase the tax rate on aviation gasoline from 19.3 cents per gallon to 24.1 cents per gallon.

MAJOR AMENDMENTS SUBMITTED TO H.R. 915

Over two dozen amendments were submitted to the Rules Committee by yesterday's deadline. However, most are minor or regional in scope. The most significant amendments filed yesterday are:

- Oberstar (D-MN) manager's amendment that would (1) make technical corrections; (2) add a new section regarding participation of disadvantaged business enterprises in contracts, subcontracts, and business opportunities funded using passenger facility revenues and in airport concessions; (3) require the FAA to hold discussions with countries that have foreign repair stations to harmonize safety standards; (4) clarify that the foreign repair station section (section 303) is an exercise of the rights of the United States under an international agreement; (5) require the FAA to conduct a rulemaking to improve the safety of flight crewmembers, medical personnel, and passengers aboard helicopters providing air ambulance services under federal regulations; (6) establish within the FAA an Aviation Safety Whistleblower Office to assess and investigate complaints regarding aviation safety; (7) clarify that passengers may not smoke in intrastate and interstate aircraft; (8) require air carriers to permit passengers to carry musical instruments under certain circumstances; (9) permit the Secretary to make grants to airport operators and units of local government for soundproofing certain buildings; (10) require the FAA to initiate research and development work on effective air cleaning and sensor technology for the engine and auxiliary power unit for bleed air supplied to the passenger cabin and flight deck; (11) require the owner or operator of a large hub airport to publish on the Internet a phone number to receive aviation noise complaints and report such complaints to the FAA; (12) authorize the Secretary to grant releases from terms of the August 28, 1973 conveyance from the United States to St. George, Utah, for airport purposes; (13) require the FAA to ensure that any air traffic control tower or facility in operation at Palm Beach International Airport after September 30, 2009, or to replace such tower or facility placed into operation before such date, includes an operating terminal radar approach control.
- Rangel (D-NY) amendment adding a revenue title to the bill that would extend all existing aviation taxes and trust fund expenditure authority for another three years (from September 30, 2009 to September 30, 2012) and would increase the tax rate on general aviation jet fuel from 21.8 cents per gallon to 35.9 cents per gallon and would increase the tax rate on aviation gasoline from 19.3 cents per gallon to 24.1 cents per gallon.
- Minnick (D-ID) amendment striking the provision in the bill that allows airports to increase maximum passenger facility charges (PFCs) from 4.50 to $7.00.
- Salazar (D-CO) amendment to replace provisions in the Oberstar amendment relating to air ambulances.
- Schakowsky (D-IL) amendment to require the FAA to study whether averaging noise pollution from a runway over a 24-hour period is the best methodology for measuring runway noise and possibly change the methodology.
- Schock (R-IL) amendment to clarify that the foreign repair station language in section 303 of the bill must be applied in a manner consistent with international agreements.
- Sestak (D-PA) amendment to prohibit the FAA from continuing any redesign of air space until completion of a cost-benefit analysis of the redesign
- Sestak (R-PA) amendment amend the findings of airspace redesign to provide that because low altitude aircraft are incompatible with land uses for homes, schools, hospitals, and nursing homes, a detailed analysis will be needed to identify the incompatibilities and determine the cost of avoiding them.

Of these, only the Oberstar and Rangel amendments are guaranteed to be made in order by the Rules Committee. Check the Rules website tonight to find out which amendments make the cut and will be considered by the House.

In the Senate, the Commerce, Science and Transportation Committee has jurisdiction over the FAA, and so far, chairman Jay Rockefeller (D-WV) has not introduced a bill. The issue has been complicated somewhat by the surprising proposal by the Obama Administration to continue a version of the Bush Administration's proposal to replace most aviation taxes with user fees starting in FY 2011. The House bill completely ignores the Obama proposal, but once the President's nominee for FAA Administrator is confirmed (which might happen later this week), he is expected to begin selling the user fee proposal to Capitol Hill and fleshing out the details. (See article on page 11 of this issue.) Depending on how hard the White House pushes the proposal, this could delay consideration of the FAA bill in the Senate even further.

(Authorization for FAA funding expired on September 30, 2007.

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FAA & TSA Bills

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For the last two years, the FAA has functioned under a series of short-term extensions, the latest of which will expire on September 30, 2009.)

The TSA bill is coming to the House floor from a more bipartisan approach, having been approved last week by the Homeland Security Committee by a 22-0 vote with one member voting present.

The bill is an attempt by the Homeland panel to get TSA on a regular reauthorization cycle. Since the hurried creation of TSA in the fall of 2001, the agency has not been reauthorized. The Appropriations Committees have taken the lead on oversight and reform within TSA during much of that time.

Last week's issue had a full description of H.R. 2200 as it was reported from subcommittee. The list below shows some of the changes made in the bill via amendment at the full committee level.

Senate consideration of TSA reauthorization legislation is complicated because the House Homeland Security Committee has to deal with the Senate Commerce Committee, not the Senate Homeland Security Committee, on aviation security issues.

Since Senate Commerce also deals with the FAA, it often likes to solve problems with aviation commerce, safety and security in the same bill — which makes life difficult for House Homeland and House Transportation, which fight like cats and dogs over the overlapping areas of their jurisdiction (there was some kind of spat between the two over H.R. 915 earlier this week that has now apparently been resolved.)

HOUSE HOMELAND SECURITY COMMITTEE FULL COMMITTEE MARKUP OF H.R. 2200, TSA REAUTHORIZATION

The House Homeland Security Committee approved H.R. 2200, the TSA reauthorization bill, during a markup on May 14 by a vote of 22-0 with one member (Souder) voting "present". The following amendments were considered during the markup session:

- Thompson (D-CA) manager's amendment in the nature of a substitute consisting of the text of the bill as reported from subcommittee and making changes that include: a new sec.227, requiring a new GAO report on in-line baggage systems; a new sec. 228, requiring periodic GAO audits of any recent appropriations used for EDS systems, a new sec. 231 requiring TSA and GAO reports on screening of air cargo on passenger flights, a new sec. 232 directing TSA to report on the status of its program to certify shipper screening methods, a new sec. 235 requiring a TSA study on the use of wireless communication devices between flight crews, cabin crews and air marshals, a new sec. 236 requiring TSA to develop a plan for security training for air cargo pilots, and a new sec. 237 requiring TSA to develop a program for reimbursing airports for prior EDS deployment costs — *agreed to, as amended, by voice vote.*
- Sanchez (D-CA) amendment #1A to Thompson substitute amending 46 U.S.C. 70105 to provide conditions for port access for pending applicants for transportation security cards — *agreed to by voice vote.*
- Lungren (R-CA) amendment #1B to Thompson substitute allowing truckers who do not transport hazardous materials to be given background checks without fingerprint identification — *agreed to by voice vote.*
- Lungren (R-CA) amendment #1C to Thompson substitute requiring Federal Air Marshals to receive investigative training at the Federal Law Enforcement Training Center — *not agreed to by recorded vote of 11 yeas, 13 nays.*
- Souder (R-IN) amendment #1D to Thompson substitute to add the names of all Guantanamo Bay detainees to the no-fly lists — *agreed to, as amended, by voice vote.*
- Pascrell (D-NJ) second degree amendment #1D1 to Sounder amendment #1D to give the President the authority to place or remove Guantanamo Bay detainees from no-fly lists — *agreed to by record vote of 14 yeas, 11 nays.*
- Bilirakis (R-FL) amendment #1E to Thompson substitute to clarify the role of TSA in pipeline security — *withdrawn.*
- Broun (R-GA) amendment #1F to Thompson substitute to require the DHS Inspector General to give Congress all pending studies within 120 days of enactment — *not agreed to by recorded vote of 9 yeas, 17 nays.*
- Broun (R-GA) amendment #1G to Thompson substitute directing GAO to study TSA staffing levels — *not agreed to by voice vote.*
- Broun (R-GA) amendment #1H to Thompson substitute directing TSA to develop protocols for protective equipment for employees within 180 days of enactment — *agreed, as amended, to by voice vote.*
- Titus (D-NV) amendment #1H1 to Broun amendment #1H clarifying the right of TSA employees to wear protective face masks — *agreed to by voice vote.*
- Thompson (D-MS) en bloc amendment reimbursing federal flight deck officers for training expenses, requiring a report to Congress on implementation of body imaging technology, authorizing a test of inflatable tunnel plugs, requiring an assessment of perimeter security technologies, requiring GAO to identify the number of misidentified passengers at prescreening, increasing the number of canine teams, allowing TSA to give employees a uniform allowance, prohibiting non-governmental entities from comparing passenger information to no-fly lists and watchlists, allowing one-year extensions of expiring transportation security cards, and requiring a further report on vulnerability to cyber attacks — *agreed to by voice vote.*

HTF Bailout #2

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count reaches a critically low level, FHWA will again do what they did last year — go to once-weekly reimbursements based on the available cash on hand, with each state getting a pro-rated share of the amount it is owed and with the unpaid bills piling up until the next transfer of tax receipts from the general fund to the Trust Fund.

The advance notice could become a self-fulfilling prophecy — at the AASHTO spring meeting earlier this week (the confab of all the state DOTs), there was much talk amongst participants that many states, assuming that the Highway Account will run dry towards the end of the construction season, are already processing and submitting claims to FHWA as fast as possible. A formal acknowledgement from FHWA of the Highway Account's woes can only accelerate this process, with more states cashing out more advance construction dollars and leading to a possible "run" on the Trust Fund.

To date (through April 30), Highway Account outlays for FY 2009 have run 4.9 percent ahead of the FY 2008 pace. However, the real test starts this month, since May-October warm-weather outlays are much greater, month-to-month, than cold-weather outlays.

Tax receipts, which don't show as much seasonal variation, were 9.6 percent below the FY 2008 actual numbers through April 30.

Between lower tax receipts and higher outlays, DOT and the White House are acknowledging that the end-of-2009 projection of a $940 million cash balance in the Highway Account, contained in the budget *Appendix* two weeks ago, may be a little high. (And since that $940 million projection includes a $2 billion retroactive payment credited to the Highway Account in mid-October, insiders knew that $940 million really meant zero on a day-to-day basis in September anyway.)

DOT told participants on yesterday's conference calls that they estimated that the Highway Account would need an infusion of at least $4 billion to make it through September 30, 2009 while maintaining daily reimbursements to states.

DOT pointedly did not specify where the $4 billion had to come from, but the only options are changes in tax law designed to bring in more money (which would need to happen as soon as possible — every week's delay in implementing a tax increase means that the tax increase has to be a little bit greater in order to raise a fixed dollar amount by a date certain) or another bailout of the Highway Account by the general fund of the Treasury, similar to what happened in September 2008.

However, DOT made clear on the conference call that they wanted to deal with 2009's cash problems and 2010's cash problems at the same time.

The numbers provided in the budget documents last week prove that using the Obama Administration's spending and revenue assumptions, if the federal-aid highways program receives its baseline spending level of $41.1 billion in new spending authority entirely from the Trust Fund in FY 2010, the Highway Account would need an additional $8.6 billion just to end FY 2010 with a zero balance.

And since a zero balance in the final bookkeeping includes retroactive payments, you have to add a few billion on top of that $8.6 billion to keep FHWA from running out of money on a day-to-day basis in September 2010.

All in all, DOT told conference call participants that another $10-11 billion will be needed to get the Highway Account through September 2010. <u>In total, DOT says that $14 to $15 billion must be provided to the Highway Account — from *somewhere* — before Congress leaves for the August recess</u>.

By telling Congress these things now, the Obama Administration is openly or tacitly acknowledging several things:

1. DOT does not wish to repeat the whistling-past-the-graveyard approach that the Bush DOT took on this issue all the way up to the day they cut off payments to states in September 2008. Secretary LaHood apparently feels that acknowledging reality to Congress earlier, rather than later, is the way to go.
2. By dealing with the 2010 finances in this way, DOT appears to be backing away from its proposal in the budget two weeks ago to lower Trust Fund spending by $36 billion in 2010 and replace that money with general fund appropriations to avoid default. This met with intense criticism from the House Appropriations Committee, which would have to move heaven and earth to find that money at this stage.
3. Bringing the issue up now is a tacit acknowledgement by DOT that Congress is unlikely to get a reauthorization bill enacted in time to avert crisis in 2009 or get 2010 started properly. In fact, every day that DOT delays releasing its detailed "principles" of what the Obama Administration wants out of the reauthorization bill is a day that the White House contributes to this delay.
4. If Congress goes ahead and provides $10+ billion from the general fund for highways for 2010 (the political path of least resistance), this sets the stage for perpetual general fund subsidies of the highway program. This is great for the "smart growth" agenda folks, who want a higher share of total transportation spending to go to mass transit. They were unable to raise transit's share above 19 percent in the good old days when the highway program was wholly user-financed, but if both highways and transit are general fund claimants, that will be easier.

DOT Sets Sept. 15 Deadline For $1.5B In Discretionary Grant Applications

Jun 1 2009	Deadline for comments on DOT's proposed grant allocation process.
Aug 4 2009	Deadline for TIGER TIFIA applicants to deliver a pre-application Letter of Interest.
Sep 15 2009	Deadline for complete TIGER grant applications to be filed with DOT.
Feb 17 2010	Deadline for DOT to issue TIGER grant awards.

This week, the U.S. Department of Transportation formally announced the process by which interested parties can apply for the $1.5 billion in discretionary surface transportation grants provided by the economic stimulus law. Grant applications must be received by DOT by September 15, 2009.

The Department has dubbed the grant program the "Transportation Investment Generating Economic Recovery" grants, or TIGER discretionary grants.

In a notice published in the *Federal Register* on May 18, the Department laid out two primary selection criteria (long-term outcomes and job creation/economic stimulus) and two secondary criteria (innovation and partnership) by which the project applications will be judged.

The stimulus law set few conditions on the funding: a maximum state allocation of $300 million, a minimum project size of $20 million (though that minimum can be waived by the Secretary) and the option of using up to $200 million of the $1.5 billion for credit subsidies under the TIFIA program.

The notice mentions several times that if the full $200 million of TIGER grants goes to TIFIA, the money could leverage a total of $2 billion of investment. By singling out the TIFIA leverage amount, the Administration may be telegraphing that they will be giving TIFIA most or all of its potential $200 million maximum.

The selection criteria are biased in favor of long-term outcomes. The first of the two primary selection criteria, "long-term outcomes", is the only one with a minimum threshold. The notice said that "Projects that are unable to demonstrate a likelihood of significant long-term benefits in any of the five long-term outcomes identified in this criterion will not proceed in the evaluation process."

The stimulus law was purposely vague on the type of cost-benefit analysis to be used to evaluate TIGER grants. The notice lays out two different CBA approaches (one for projects under $100 million, one for projects over $100 million) and then states that:

> In all cases, if it is clear to the Department that the total benefits of a project are not reasonably likely to outweigh the project's costs, the Department will not award a TIGER Discretionary Grant to the project. Consistent with the broader goals of the Recovery Act and the specific appropriation for the TIGER Discretionary Grants program, the Department can consider some factors that do not readily lend themselves to monetization, including equity, and distributional, geographic and other considerations.

The notice says that in case multiple projects of the same type have the same rating under the primary and secondary selection criteria, a set of program-specific criteria will then be used to differentiate the projects. The notice lists the program-specific criteria for bridge, transit, port and TIFIA projects.

In case too many projects receive the highest rating, "To the extent the initial evaluation process does not sufficiently differentiate among highly rated projects, the Department will use a similar three-tiered rating process to re-assess the projects that were highly rated and identify those that should be most highly rated."

A link to the text of the *Federal Register* notice can be found on page 12 of this issue.

PROPOSED SELECTION CRITERIA

Under the proposed selection process, DOT will evaluate project requests under the following criteria and then give each application non-numerical ratings of "highly recommended", "recommended", and "not recommended" for each.

The selection criteria are:

1. Primary Selection Criteria

(a) Long-Term Outcomes — The Department will give priority to projects that have a significant impact on desirable long-term outcomes for the Nation, a metropolitan area, or a region. Applications that do not demonstrate a likelihood of significant long-term benefits in this criterion will not proceed in the evaluation process. The following types of long-term outcomes will be given priority:

(i) State of Good Repair: Improving the condition of existing transportation facilities and systems, with particular emphasis on projects that minimize life-cycle costs.

(ii) Economic Competitiveness: Contributing to the economic competitiveness of the United States over the medium- to long-term.

(iii) Livability: Improving the quality of living and working environments and the experience for people in communities across the United States.

(iv) Sustainability: Improving energy efficiency, reducing dependence on oil, reducing greenhouse gas emissions and benefitting the environment.

(v) Safety: Improving the safety of U.S. transportation facilities and systems.

(b) Job Creation & Economic Stimulus — Consistent with the purposes of the Recovery Act, the Department will give priority to projects that are expected to quickly create and preserve jobs and stimulate rapid increases in economic activity, particularly jobs and activity that benefit economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161) (``Economically Distressed Areas'').

2. Secondary Selection Criteria

(a) Innovation — The Department will give priority to projects that use innovative strategies to pursue the long-term outcomes outlined above.

(b) Partnership — The Department will give priority to projects that demonstrate strong collaboration among a broad range of participants and/or integration of transportation with other public service efforts.

Rockefeller, Lautenberg Introduce Plan For National Surface Policy

The Democratic leaders of the Senate Commerce Committee introduced legislation last week declaring a series of goals and objectives for the national surface transportation system and directing the Secretary of Transportation to take steps to achieve those goals.

The legislation (S. 1036) was introduced by Commerce chairman Jay Rockefeller (D-WV) and Surface Transportation subcommittee chairman Frank Lautenberg (D-NJ).

The bill would amend chapter 3 of title 49, United States Code by moving several sections around and adding new sections 303 and 304. Section 303 would declare the national surface transportation policy, based on the objectives and goals outlined at the bottom of this page. Section 304 would direct the Secretary to develop and implement a National Surface Transportation Performance Plan to achieve the policy, objectives, and goals set forth in section 303.

Another provision of section 303 would give the Secretary the authority, "notwithstanding any other provision of law in effect as of the date of enactment" of the bill, to gather data and establish criteria to measure how well the Plan is succeeding in meeting the goals and objectives, and to take measures to make them all line up, including this whopper:

The Secretary shall "align the availability and award of Federal surface transportation funding to meet the policy, objectives, goals, and performance criteria established by this section..."

The legislation was somewhat unexpected, considering the source. Traditionally, the Senate Commerce, Science and Transportation only has jurisdiction over highway safety portions of the surface transportation bill (and railroad issues, if the bill addresses them).

However, it was the Commerce Committee that originated the law creating the U.S. Department of Transportation, so Commerce retains jurisdiction over the Office of the Secretary.

Also, Commerce has long had recognized jurisdiction over national transportation policy in general — see the mammoth 754-page National Transportation Policy study that the Committee reported in 1961 (S. Rept. 445, 87th Congress), which the Committee was authorized to produce by Senate order.

The jurisdiction over mode-specific policy for highways and transit remains with the Environment and Public Works Committee and the Banking, Housing, and Urban Affairs Committee, respectively.

But the real question is not simply policy but the funding to make that policy a reality. The prospect of the Commerce Committee giving the Secretary the power to override funding decisions and priorities established by the EPW and Banking panels is not sitting well with those panels.

Those committees will, of course, be free to write provisions into their own titles of the surface transportation bill contradicting the provisions of the Commerce title, giving the DOT General Counsel's office headaches when interpreting the law (if any of these provisions ever get enacted into law).

But the timing of the introduction of S. 1036 appears to be designed to influence the House Transportation and Infrastructure Committee, which has jurisdiction over all of the programs to be authorized by the surface bill, in the preparation of its own legislation, which is ongoing.

NATIONAL OBJECTIVES AND GOALS OF THE SURFACE TRANSPORTATION SYSTEM UNDER S. 1036, ROCKEFELLER/LAUTENBERG LEGISLATION

	Objectives:		Goals:
1	Efficient connectivity	1	Annual per capita VMT reductions
2	Public health and safety	2	Reduce fatalities 50 percent by 2030
3	National and public security	3	Reduce CO2 emissions by 40 percent by 2030
4	Environmental protection	4	Annual per capita delay reductions
5	Energy conservation and security	5	Increase state of good repair by 20 percent by 2030
6	Freight movement	6	Annual increases in total transit usage
7	Responsible land use	7	Increase non-truck freight share by 10 percent by 2020
8	Asset preservation	8	Annual reductions in international port of entry delays
9	Access for all users	9	Ensure transportation of domestic energy supply
10	Sustainable, balanced financing	10	Maintain or cut transportation share of GDP
11	Innovation		

Budget Data Shows Multi-Year Spending Assumptions

With last week's release of the budget volumes *Analytical Perspectives* and *Historical Tables*, President Obama's budget request for fiscal year 2010 is now complete.

The *Appendix* to the budget, which came out two weeks ago, contained the detailed appropriations request for fiscal year 2010. But the *Perspectives* volume in particular contains multi-year spending and revenue forecasts that are also useful.

Budget "out-years" (the years after the budget year in question, so right now, out-years are FY 2011 and beyond) for discretionary programs are not always useful, since discretionary programs by their nature are annual requests and can be completely redrawn in the next year's budget.

Out-year projections for mandatory programs can be more useful, since much budget authority is either permanent (like Social Security) or multi-year (like highway and transit contract authority).

And out-year revenue projections are useful because they represent the most current forecasts.

On the discretionary side, the budget is interesting because of what it proposes for the general fund's share of the operations of the Federal Aviation Administration.

The table at right shows the 2010 request and the out-year projections for the general fund contribution to the FAA, compared with both the Congressional Budget Office baseline and with CBO's estimate of the annual general fund contributions required by the FAA reauthorization bill that is pending in the House this week.

The difference is stark. The general fund contribution recommended by the President is less than half the level called for by the House bill in 2010 and 2011, rising slightly in 2012 and 2013.

Since the last multi-year FAA authorization law has expired, there is no enforcement of any spending "guarantee" for aviation spending for the 2010 bill. But H.R. 915, if enacted, would reinstate a point of order against any provision providing a general fund appropriation smaller than authorized, on the grounds that the appropriation will no longer be authorized if it does not meet that minimum level.

(However, the strength of the unauthorized appropriation point of order in House and Senate rules isn't what it used to be, and this point of order gets waived all the time in the House and ignored in the Senate.)

The general fund contribution to the FAA is a big deal because it is the biggest variable in the Airport and Airway Trust Fund balance calculation. The graph at left shows that under the CBO baseline ($3.9 billion from the general fund for FAA in 2010), the end-of-2010 uncommitted balance in the Trust Fund drops to around $400 million. If the appropriators grant the Presidents' request and cut the general fund share by $800 million, increasing the Trust Fund's share by the same amount, the uncommitted balance of the Trust Fund could well hit zero during 2010, necessitating some funding cutbacks in FAA capital programs.

Turning to mandatory transportation programs funded by multi-year contract authority, the budget makes clear that the numbers for these programs are placeholders only. When (and if) the Obama Administration releases a plan for the surface transportation reauthorization bill, those numbers will

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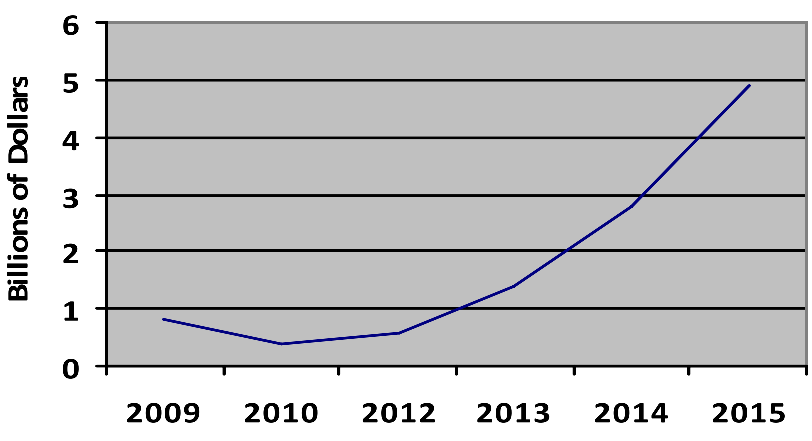
General Fund Share of FAA Operations

(Billions of Dollars, by Fiscal Year)

	2009	2010	2011	2012	2013
Obama Budget	3.8	3.1	3.4	3.5	3.6
CBO Baseline	3.8	3.9	4.0	4.1	4.2
H.R. 915	3.8	6.7	6.8	5.7	5.2

Totals for H.R. 915 are not written into the law but are estimated by CBO based on their forecasts of future receipts of the Airport and Airway Trust Fund, upon which the authorized amount of Trust Fund financing of FAA Operations are based.

UNCOMMITTED BALANCES IN THE AIRPORT AND AIRWAY TRUST FUND UNDER THE CBO BASELINE



CBO has not yet released its analysis of the Trust Fund's balances under the President's budget, but has said that the uncommitted balance will drop to $0.4 billion at the end of FY 2010 under the CBO baseline assumption of a $3.9 billion general fund contribution. Under the budget's $3.1 billion general fund contribution, which must also assume $800 million more coming out of the Trust Fund towards the fast-spending Operations account, it is very possible that CBO will score the President's budget as causing the Trust Fund's uncommitted balance to reach zero during fiscal 2010.

Budget Out-Years

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be revised. But the out-year numbers do tell us something about the relative stability of the Highway Trust Fund.

Because of imminent cash flow shortages in the HTF, the budget proposes to drastically reduce new spending obligations from the Highway Account of the Trust Fund in 2010 and replace that money with appropriations from the bottomless general fund. A less severe reduction in new Mass Transit Account reductions is also proposed.

But after a one-year adjustment, it appears the Highway Account can come much closer to sustaining existing spending levels than can the Mass Transit Account. The budget projects that under the baseline spending levels (a one percent increase each year), the Highway Account could support between 79 and 89 percent of new highway spending obligations over 2011-2013.

The Mass Transit Account, on the other hand, would only be able to support 12 percent of new transit Formula and Bus Grant spending in 2011, rising to only 46 percent in 2013.

This is because the 2005 SAFETEA-LU law increased obligations from the Mass Transit Account to a level that was clearly unsustainable, but used an accounting change that drastically slowed outlays from the Account in 2007 and 2007, which built up a large balance that is now being spent down rapidly.

Another area where the budget is revealing is the FAA's Airport Improvement Program. The budget calls for $3.5 billion per year for the program in 2010 and 2011, dropping to $2.4 billion per year in 2012 and 2013. By contrast, both the House FAA bill (H.R. 915) and the Congressional budget resolution call for $4.0 billion in 2010, $4.1 billion in 2011, and $4.2 billion in 2012.

The Obama Administration has no comment on why AIP should be cut back to $2.4 billion, but experts say that this likely came straight from the Office of Management and Budget. By lowering airport spending to politically unrealistic levels in the out-years, the budget also lowers the total spending and deficit totals in those years.

And when the actual airport spending levels are increased by Congress to levels somewhere near the levels assumed in the budget resolution, the Administration can of course blame Congress for being the ones who increased the deficit by that amount.

CONTRACT AUTHORITY ASSUMPTIONS FOR AIRPORT, HIGHWAY AND TRANSIT PROGRAMS

The budget makes clear that the 2010 and out-year numbers for highway and transit programs are placeholders only and that the Obama Administration's surface transportation reauthorization proposal will revise those numbers (if and when the proposal is ever released). But the out-year assumptions for highway and transit contract authority programs in the budget do tell how badly off, relatively speaking, the Highway Account and the Mass Transit Account of the Highway Trust Fund are. While the proposed replacement of contract authority with general fund appropriations is much greater for highways than transit in 2010, the highway contract authority snaps back to about 90 percent of the highway program in 2011,while the general fund would bear a greater share of mass transit in the out-years.

However, the out-year estimates for the Airport Improvement Program are not supposed to be placeholders, and the Obama Administration apparently intends to cut airport spending by at least $1 billion per year in 2012 and 2013.

	2008 Actual	2009 Estimate	2010 Request	2011 Estimate	2012 Estimate	2013 Estimate
Airport Improvement Program contract authority	3,404	3,820	3,515	3,542	2,428	2,452
Airport Improvement Program obligation limitation	3,515	3,515	3,515	3,542	2,427	2,452
Federal-aid Highways contract authority baseline	37,955	31,283	43,611	44,040	44,473	44,910
Minus Proposed Reduction	-	-	(37,872)	(6,301)	(9,734)	(10,171)
Net Federal-aid Highways contract authority	37,955	31,283	5,739	37,739	34,739	34,739
Federal-aid Highways obligation limitation	40,208	40,700	5,000	37,000	34,000	34,000
Federal-aid Highways general fund appropriation	-	-	36,107	4,682	8,391	9,154
Total, Federal-aid Highways (GF + ObLim)	40,208	40,700	41,107	41,682	42,391	43,154
General fund share of total account	*0%*	*0%*	*88%*	*11%*	*20%*	*21%*
FTA Formula and Bus Grants contract authority baseline	8,747	8,261	8,343	8,460	8,604	8,759
Minus Proposed Reduction	-	-	(3,343)	(7,460)	(6,604)	(4,759)
Net FTA Formula and Bus Grants contract authority	8,747	8,261	5,000	1,000	2,000	4,000
FTA Formula and Bus Grants obligation limitation	8,776	8,261	5,000	1,000	2,000	4,000
FTA Formula and Bus Grants general fund appropriation	-	-	3,343	7,460	6,604	4,759
Total, FTA Formula and Bus Grants (GF + ObLim)	8,776	8,261	8,343	8,460	8,604	8,759
General fund share of total account	*0%*	*0%*	*40%*	*88%*	*77%*	*54%*

White House's Highway Receipt Projections Rosier than Congress's

As part of the final release of budget documents last week, the Department of Transportation released its multi-year forecast for the Highway Trust Fund through FY 2014.

The end-of-year balances for the Highway Account and the Mass Transit Account of the Trust Fund cannot be compared to any other sets of numbers, because they are half-based on the Administration's outlay numbers, which presuppose that Congress will accept the White House's proposed remedy and cut $36 billion from new Highway Account obligations and $3 billion from new Mass Transit Account obligations in FY 2010. This makes the outlays for 2010 and every subsequent year very different from the Congressional Budget Office's baseline which presupposes full funding at baseline levels for all Trust Fund programs.

But the projections of future tax receipts can be compared. The table below shows the estimated tax receipts for 2009-2014 for both accounts of the Trust Fund under both the Congressional and Executive Branch assumptions.

DOT rounded off the receipt estimates to the hundred-million-dollar level, making it difficult to compare the Mass Transit Account datasets. But it appears that the Administration's assumptions for tax receipts for the Highway Account run about three percent above the assumptions used by Congress for the next five years. The key variable in this is likely the underlying economic assumptions used — the White House is assuming that the economy will recover more quickly, and grow faster, than the Congressional Budget Office is assuming.

However, even these slightly rosier tax assumptions in the Administration budget don't mask the serious fiscal imbalance facing the Trust Fund — see the article at the bottom of page one of this issue for more information.

Highway Account	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
CBO/JCT Receipts	31.3	31.6	31.7	32.2	32.9	33.7	34.4
OMB/Treasury Receipts	31.3	31.5	32.6	33.3	33.9	34.8	35.5
OMB Greater by:		-0.1	0.9	1.1	1.0	1.1	1.1
		-0.3%	*2.8%*	*3.4%*	*2.9%*	*3.2%*	*3.1%*
Mass Transit Account							
CBO/JCT Receipts	5.0	4.8	4.8	4.8	4.9	5.0	5.1
OMB/Treasury Receipts	5.0	4.7	4.9	5.0	5.0	5.1	5.1
OMB Greater by:	Negligible - impossible to tell due to rounding of numbers.						

DOT Cancels Plan To Auction NYC-Area Airport Takeoff/Landing Slots

Last week, the Department of Transportation officially withdrew the plan proposed by the FAA under the Bush Administration to auction off takeoff and landing slots at three New York City area airports to decrease congestion. The plan had not yet been put into effect because a federal court issued a stay order preventing implementation of the rule on December 8, 2008.

U.S. Transportation Secretary Ray LaHood said that "We're still serious about tackling aviation congestion in the New York region. I'll be talking with airline, airport and consumer stakeholders, as well as elected officials, over the summer about the best ways to move forward."

In a pair of *Federal Register* notices published on May 14, the FAA said that the public comments on the proposed auction rulemaking indicated that the commenters thought that the proposal "would impose an untested and unproven auction process on airlines that would not address the fundamental airspace congestion issues in the New York metro area."

And the notices made clear that between the court order and language in the FY 2009 omnibus appropriations act forbidding DOT to go through with the slot auctions, the withdrawal of the auction rulemaking was the only course left to DOT.

House Members File 6,800+ Project Requests For Highway Bill

By the time the deadline for high priority project submissions passed last week, members of the U.S. House of Representatives had made over 6,800 individual request for highway, bridge, transit and rail earmarks in the forthcoming surface transportation reauthorization bill.

The House Transportation and Infrastructure Committee solicited the project requests as part of its outreach to make legislators realize that they and their constituents have a personal stake in the reauthorization bill that the committee is trying to shape.

No dollar amount total for the project requests has yet been provided, but it is likely to be in the hundreds of billions of dollars.

SIGN OF THE TIMES DEPARTMENT

The Federal Highway Administration has produced a new brochure entitled "Highways and Climate Change" which can be viewed here:

http://www.fhwa.dot.gov/hep/climate/ccbrochure.htm

If you need any more reminders that the new team at DOT has different priorities than the last team, try to imagine such a brochure being published under the Bush Administration...

White House Announces Significant CAFE Standard Increases

President Obama announced yesterday that he would order the National Highway Traffic Safety Administration to increase and accelerate the phase-in of higher corporate average fuel economy (CAFE) standards by four years.

Under the 2007 energy bill, the total average for each automaker's cars and trucks together would have to be 30 miles per gallon by the 2020 model year. Obama said that the new standard will be 30.5 miles per gallon by 2016.

While fuel economy standards by themselves are not part of this newsletter's brief, the standards do have an effect on the Highway Trust Fund. When the Congressional Budget Office issued its final score of the 2007 energy bill (Public Law 110-140), it determined that the increased fuel economy standards in that law would cost the Trust Fund $2.1 billion in lost taxes over the 2008-2017 period, almost all in the last three years of that time period. The table below shows the estimated tax losses due to the CAFE standard increases mandated by the law, all of which would come from the Trust Fund.

CBO explained the revenue estimate this way:

> CBO estimates that the revenue losses will rise rapidly between 2011 and 2017 for several reasons. First, the CAFE standards will increase over the period. Second, the vehicle fleet is replaced over a period of years as individuals gradually replace old vehicles with new ones. Over time, an increasing share of the vehicle stock will be produced under the new standards, and motor fuel savings will accumulate. Third, some firms will not find the higher standards to be binding immediately because their fleets already exceed the higher standards.

Obviously, increasing the average fuel economy numbers and moving the phase-in schedule ahead by several years will increase the losses in Trust Fund revenues attributable to the higher fuel standards. And further deterioration of the fuel-tax-dependent Trust Fund increases the need for a vigorous debate about alternative financing and the eventual shift to a mileage-based user fee in lieu of fuel taxes.

HIGHWAY TRUST FUND TAX RECEIPTS ESTIMATED TO BE LOST UNDER THE 2007 FUEL ECONOMY STANDARDS

Lost Highway Trust	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Fund Taxes………………….	0	0	0	-16	-52	-122	-226	-366	-550	-782

Hurley Withdraws As NHTSA Nominee

For those keeping score, the count appears to be:

Environmentalists 1, Highway safety advocates 0.

Last week, the Obama Administration's announced nominee to head the National Highway Traffic Safety Administration, Chuck Hurley, asked the White House not to put his name forward formally as the nominee to head NHTSA. The White House announced on April 8 that the President intended to nominate Hurley for the job.

One would think that Hurley's resume (for the last four years he has been Executive Director of Mothers Against Drunk Driving, and before that he worked for years for the National Safety Council and the Insurance Institute for Highway Safety) would make him a natural fit to run the National Highway Traffic Safety Administration.

However, MADD gets much financial backing from automakers, and while at the Insurance Institute, Hurley publicly noted that putting people in smaller, lighter cars for reasons of fuel economy might put those people at a safety disadvantage if they collided with a larger car.

Because NHTSA also has jurisdiction over fuel economy standards (see article at the top of this page), this record did not sit well with several environmental lobbyists, who mounted a low-key "educational campaign" with Senators.

Hurley, apparently unwilling to fight this issue publicly, withdrew his nomination. (And now the issue appears moot until 2016, with the announcement of the deal mentioned above.)

CORRECTION

Last week's *TW* had an error in the first-year outlay rate for the Formula and Bus Grant account. Based on information subsequently released in the *Analytical Perspectives* volume of the budget, the revised table appears below.

Mass Transit Account Only

From Appendix p. 948

(Assumes $5b ob limit and $3.3b GF appropriation)

	FY 2009	FY 2010
Beginning-of-FY Balance	6,787	4,469
Receipts	5,360	5,308
Outlays	7,678	7,885
End-of-FY Balance	4,469	1,892

Question: What would FY 2010 outlays be if the FTA Formula and Bus Grants ob limit were $8.3 billion?

Size of proposed GF appropriation:	3,343
Times year 1 outlay rate for account:	x 0.22
Equals: FY 2010 outlays from $3.3 billion	735
Plus: FY 2010 outlays from above	+7,885
Equals: outlays under $8.3 billion ob limit	8,620

Scenario: assume $8.3b ob limit in FY 2010:

	FY 2009	FY 2010
Beginning-of-FY Balance	6,787	4,469
Receipts	5,360	5,308
Outlays	7,678	8,620
End-of-FY Balance	4,469	1,157

Budget Retains FAA User Fee Proposal, But Without Enthusiasm

BUDGET STATEMENT ON AVIATION USER FEE PROPOSAL

(From p. 267 of *Analytical Perspectives*. Italic emphasis added.)

"Starting in 2011, the Budget assumes the air traffic control system would be paid for by direct charges levied on users of the system. The FAA's current excise tax system is largely based on the price of airline tickets, and does not have a direct relationship between the taxes paid by users and the air traffic control services provided by the FAA. The Administration believes that the financing system should move toward a model where FAA's charges are based on their costs, system users pay their "fair share," and the FAA utilizes the funds directly to pay for the services that the users need and want. *The Administration recognizes that there are alternative ways to achieve these objectives. Accordingly, the Administration will work with stakeholders and Congress to enact legislation that moves toward such a system*. Under the potential scenario displayed in the budget, FAA would reduce aviation excise taxes and collect discretionary user charges for air traffic services. Note that, because of scoring conventions, the reduction in excise taxes reduces receipts, while the discretionary user charge offsets discretionary spending and is not counted toward receipts."

The updated budget information released by the White House last week continues to include some sort of version of the Bush Administration's ongoing proposal to transition the Federal Aviation Administration's air traffic control system from the current excise tax structure to a direct user fee structure. But the budget still gives no details as to the structure of the fees, and explanatory language in the budget seems to indicate that the Obama Administration is not firmly committed to getting the tax-to-fee changeover enacted in the pending FAA reauthorization law.

The table at the bottom of this page shows the year-by-year amount of user fees estimated to be collected under the budget and the amount that aviation excise taxes would be reduced under the budget. The amount of money raised by the fees is projected to exceed the amount of money that a simple extension of existing taxes would raise by $2.4 billion in FY 2011 and by almost $26 billion over nine years.

Table 27-1 in the *Analytical Perspectives* supplement makes it clear that the fees are intended to replace the entire Airport and Airway Trust Fund contribution to the FAA's Operations, Facilities & Equipment, and Research, Engineering and Development accounts. What remains of the Trust Fund would only fund the Airport Improvement Program — and the budget calls for a reduction in AIP funding from $3.5 billion in 2010 to $2.4 billion in 2011 (see article on page 7 of this issue).

However, the House is scheduled to consider an FAA reauthorization bill (H.R. 915) this week that does not contain any user fees, and a recent hearing of the Ways and Means Committee did not evince any enthusiasm for switching from taxes to user fees in the future.

In the Senate, Chairman Jay Rockefeller (D-WV) had to pull teeth and twist arms last year to get a simple $25 per flight fee through his committee, and it had the effect of dooming the bill on the floor, which indicates that there is limited enthusiasm in the Senate for switching from taxes to user fees in that chamber as well.

The budget appears to acknowledge the difficulty of getting Congress to adopt the user fee proposal and the lack of time for Administration input before Congress passes a multi-year authorization bill. The box above shows the only explanatory paragraph on the user fee proposal in the budget and highlights where the Administration says it will accept "alternate ways to achieve these objectives."

But even if the Administration is not strongly wedded to the user fee proposal, it had to stay in the budget, for the simple reason that to remove the proposal would have increased projected deficits and debt by $26 billion over the life of the bill. If Congress refuses to pass user fees, it will appear that Congress, not the President, caused the deficit to increase by that amount.

PROPOSED AVIATION USER FEES VERSUS EXTENSION OF EXISTING AVIATION TAXES

Dollar amounts in millions, by fiscal year. Page numbers from the Analytical Perspectives volume of the FY 2010 Budget.

	2011	2012	2013	2014	2015	2016	2017	2018	2019	9-year
Amount of user fees collected (p. 218)	9,634	10,131	10,639	11,013	11,411	11,824	12,254	12,701	13,165	**102,772**
Amount of taxes reduced (p. 274)	(7,225)	(7,599)	(7,980)	(8,260)	(8,559)	(8,869)	(9,190)	(9,527)	(9,873)	**(77,082)**
Amount fees would exceed current taxes	**2,409**	**2,532**	**2,659**	**2,753**	**2,852**	**2,955**	**3,064**	**3,174**	**3,292**	**25,690**

The specific account-by-account numbers in *Analytical Perspectives* don't go beyond FY 2013, but to the right are the specific division of the user fees to replace all Airport and Airway Trust Fund appropriations except for AIP:

	2011	2012	2013
Operations	6,322	6,595	6,889
Facilities & Equipment	3,122	3,345	3,558
Research, Engineering & Development	190	191	192
Total, User Fees	**9,634**	**10,131**	**10,639**

NEW AND NOTABLE ON THE INTERNET

Budget of the United States Government

The *Analytical Perspectives* volume of the budget for FY 2010 can be found here:

http://www.gpoaccess.gov/usbudget/fy10/pdf/spec.pdf

And the supplemental materials, including all of the detailed out-year funding tables, are here:

http://www.gpoaccess.gov/usbudget/fy10/spec.html

Department of Transportation

The availability notice and application rules for the $1.5 billion in discretionary surface transportation grants from the stimulus act is here:

http://edocket.access.gpo.gov/2009/E9-11542.htm

House Rules Committee

The version of H.R. 915 (FAA reauthorization) that will be brought before the House is here:

http://rules.house.gov/111/AmndmentsSubmitted/hr915/111_subs_oberstar.pdf

The Oberstar (D-MN) managers amendment to that substitute is here:

http://rules.house.gov/111/AmndmentsSubmitted/hr915/oberstar14_111_hr915.pdf

And the version of H.R. 2200 (TSA reauthorization) that will be brought before the House is here:

http://www.rules.house.gov/111/LegText/111_hr2200_text.pdf

Senate Commerce, Science and Transportation Committee

Prepared statements and archived video of the Senate Commerce Committee's May 13 hearing on stakeholder perspectives on FAA reauthorization can be found here:

http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=e43afaf1-dbb9-4490-9402-11fd7060e7ad

STATUS OF TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Ray LaHood	Secretary	Commerce, Science and Transportation	Nomination confirmed 1/22/09
Department of Transportation	John Porcari	Deputy Secretary	Commerce, Science and Transportation	Hearing held on 5/19/09
Department of Transportation	Roy Keinitz	Under Secretary for Policy	Commerce, Science and Transportation	Nomination confirmed 4/29/09
Department of Transportation	Robert Rivkin	General Counsel	Commerce, Science and Transportation	Nomination confirmed 4/29/09
Department of Transportation	Dana Gresham	Assistant Secretary for Governmental Affairs	Commerce, Science and Transportation	Nomination confirmed 4/29/09
DOT-Federal Aviation Administration	J. Randolph Babbitt	Administrator	Commerce, Science and Transportation	Hearing held on 5/19/09
DOT-Federal Highway Administration	Victor Mendez	Administrator	Environment and Public Works	Nomination transmitted 4/23/09
DOT-Federal Railroad Administration	Joseph Szabo	Administrator	Commerce, Science and Transportation	Nomination confirmed 4/29/09
DOT-Federal Transit Administration	Peter Rogoff	Administrator	Banking, Housing and Urban Affairs	Nomination transmitted 4/29/09
DOT-National Highway Traffic Safety Admin.	Charles Hurley	Administrator	Commerce, Science and Transportation	Nomination reportedly will be withdrawn
DOT-Research & Innovative Tech. Admin.	Peter Appel	Administrator	Commerce, Science and Transportation	Nomination confirmed 4/29/09
Department of the Army	Jo-Ellen Darcy	Assistant Secretary for Civil Works	Armed Services *and* Enviro. & Public Works	Hearing held on 5/12/09

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THIS WEEK IN COMMITTEE

Tuesday, May 19, 2009 — Senate Commerce, Science and Transportation — full committee hearing on nominations including Randy Babbitt to be FAA Administrator — *11:00 a.m., SR-253 Russell.*

House Transportation and Infrastructure — Subcommittee on Water Resources and Environment — subcommittee hearing on the report of the National Committee on Levee Safety — *2:00 p.m., 2167 Rayburn.*

Wednesday, May 20, 2009 — House Appropriations — Subcommittee on Transportation-HUD — subcommittee hearing on member project requests — *10:00 a.m., 2358-A Rayburn.*

House Transportation and Infrastructure — Subcommittee on Coast Guard and Maritime Transportation — subcommittee hearing on piracy against U.S.-flagged vessels — *10:00 a.m., 2167 Rayburn.*

House Transportation and Infrastructure — Subcommittee on Aviation — subcommittee hearing on the outlook for summer travel — *2:00 p.m., 2167 Rayburn.*

Senate Commerce, Science and Transportation — full committee markup of various calendar business, including the nominations of John Porcari and Randy Babbitt — *2:00 p.m., SR-253 Russell.*

Senate Appropriations — Subcommittee on Energy and Water Development — subcommittee hearing on the FY 2010 budget request for the Army Corps of Engineers and the Bureau of Reclamation—*2:15 p.m., SD-192 Dirksen.*

Thursday, May 21, 2009 — House Transportation and Infrastructure — full committee markup of pending calendar business — *11:00 a.m., 2167 Rayburn.*

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
FY 2009 Omnibus Appropriations Act	H.R. 1105 passed House 2/25/09 by a vote of 245-178	H.R. 1105 passed Senate 3/10/09 by voice vote	Public Law 111-8 3/11/09
Economic Stimulus Appropriations & Tax Cuts	H.R. 1 conference report passed House 2/13/09 by 246-183-1	H.R. 1 conference report passed Senate 2/13/09 by a vote of 60-38	Public Law 111-5 2/17/09
FY 2010 Congressional budget resolution	H. Con. Res. 85 passed House 4/2/09 by vote of 233-196	S. Con. Res. 13 passed Senate 4/2/09 by vote of 55-43	Conference report (H. Rept. 111-89) agreed to 4/29/09
FY 2010 Transportation-HUD Appropriations			
FY 2010 Energy and Water Appropriations			
FY 2010 Homeland Security Appropriations			
Federal Aviation Admin. Reauthorization Bill	H.R. 915 reported 5/19/09 H. Rept. 111-119		
Surface Transportation Reauthorization Bill			
Water Resources Development Act			
FY 2010 Coast Guard Authorization			
Transportation Security Admin. Reauthorization	H.R. 2200 reported 5/19/09 H. Rept. 111-123		