

THE LEGISLATIVE SERVICES GROUP'S

Transportation Weekly

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 10, Issue 26

Monday, June 08, 2009

Legislative Schedules Week of June 8, 2009

House

Monday — meets at 2 p.m. for legislative business — 8 measures under suspension of the rules.

Tuesday — meets at noon for legislative business — 17 measures under suspension of the rules.

Wednesday and the balance of the week — meets at 10 a.m. (9 a.m. Friday) — H.R. 2410, State Department authorization, H.R. 1886, Pakistan assistance, and conference report to accompany H.R. 2346, supplemental appropriations for Iraq/Afghanistan.

Senate

The Senate will convene at 2 p.m. on Monday for until 5:30 p.m., at which time the Senate will vote on invoking cloture on the Dodd amendment to H.R. 1256, smoking prevention.

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2010 Appropriations Process Starts This Week

The House Appropriations Committee is scheduled to meet tomorrow to kick off the appropriations process for fiscal year 2010.

In addition to marking up the Commerce-Justice-Science appropriations bill (reported by subcommittee last week), the panel will also approve the annual “302(b)” allocations of spending authority to each of the panel’s twelve subcommittees.

The panel must divide up \$1.083 trillion in budget authority (the ability to enter into new spending commitments) and \$1.270 trillion in estimated outlays (dollars leaving the Treasury to pay off new and prior commitments) twelve ways.

Subcommittees have already been given draft 302(b) numbers, which allowed the Commerce-Justice-Science subpanel to mark its bill last week (they got about \$64.3 billion of the \$1.083 trillion in budget authority).

And the Homeland Security Subcommittee is scheduled to mark up its bill this afternoon at 5 p.m. for full committee consideration this Friday.

The Transportation-HUD bill will probably be the last of the twelve to be marked up in committee and sent to the House (the target is to get all twelve bills through the House by the start of the five-week August recess on Saturday, August 1).



The House Appropriations Committee will meet formally tomorrow to slice up the federal spending “pie” for fiscal year 2010.

But the budget allocation given to the “THUD” subcommittee tomorrow will give several clues as to how the Appropriations Committee intends to solve several unusual issues faced by the subcommittee this year.

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White House Wants Next HTF Bailout Paid For

Transportation Secretary Ray LaHood told Congress last week that the Obama Administration was committed to offsetting the full cost of the next general fund bailout of the Highway Trust Fund with equivalent spending cuts or revenue increases.

When Congress last bailed out the Trust Fund, providing \$8 bil-

lion in September 2008, no offset was used because the Congressional Budget Office ruled that the bailout was a deficit-neutral intragovernmental transfer and did not need an offset.

But LaHood told the Transportation-HUD “THUD” Appropriations Subcommittee on June 4 that “We believe strongly

that any Trust Fund fix must be paid for.”

It was made a bit more clear in LaHood’s prepared opening statement from which he deviated verbally (the prepared testimony had to be reviewed by the White House’s Office of Management and Budget). The statement said that “I want to assure you that

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The table at the bottom of this page shows how the net totals of non-emergency budget authority for 2009 (which exclude the stimulus bill) compare to the proposed net totals for 2010 in the President's budget, as re-estimated by the Congressional Budget Office. (Refer back to the table during the next bit of analysis.)

In determining the 302(b) allocation for the THUD subcommittee, the full committee chairman faces one Gigantic Variable and two Very Big Variables.

Gigantic Variable: the proposed shift from funding most highway and transit spending from the Highway Trust Fund to the general fund. Because of the declining balances in the Trust Fund (see article at the bottom of page 1 of this issue for the latest news on that), the

Obama Administration proposed to give those programs a modest one percent increase in 2010 over 2009 but to shift \$39.45 billion of that money from Trust Fund obligation limitations (a form of spending that does not count against the subcommittee's 302(b) ceiling to general fund appropriations (which *do* count against the ceiling).

So if one accepts the Administration's budget in this regard, THUD would need a 302(b) of \$108.3 billion to fully fund the President's request — a 97 percent increase over 2009. In the appropriations world, no one gets a 97 percent annual increase for an entire subcommittee. Ever.

If the THUD 302(b) is less than \$70 billion, this is a clear sign that the Committee is rejecting the Administration's proposal for shifting the funding burden for highways and transit to the general fund. (*Ed. Note:* We believe a big reason the

White House and DOT have gotten out front so publicly on the need for a second Trust Fund bailout so early in the process (again, see the other article on page 1 this week) is because the Appropriations front office raised eight kinds of hell with the Office of Management and Budget for including this proposal in the budget *after* Congress had enacted a budget resolution with an overall spending ceiling low enough to make the proposal unworkable.)

Very Big Variable #1: rescissions of contract authority. For several consecutive years, the THUD subcommittee has relied on rescissions of Highway Trust Fund and Airport and Airway Trust Fund contract authority to offset a huge chunk of the Department of Transportation discretionary budget and meet its 302(b) allocation that way.

In FY 2009, as the table shows, \$3.5 billion in contract authority rescissions were used to make the \$17.0 billion discretionary DOT budget look 20.5 percent lower for the 302(b) exercise.

Such rescissions are one of the last completely meaningless gimmicks left in the federal budget process. The rescissions in contract authority do not result in a single dollar of real savings (outlays from the Treasury do not decrease unless there is a corresponding reduction in obligation authority) but the new appropriations being offset will eventually be outlaid from the Treasury. This violates the spirit of budget accounting, even if it is within the rules, because from a real-world spending perspective, you're offsetting something with nothing.

The White House Office of Management and Budget earlier proposed to change the scorekeeping rules relating to contract authority, in part so that this meaningless gimmick could no longer be perpetuated. Although the Budget Committees did not approve the scorekeeping change, we can assume that OMB is still opposed to large contract authority rescissions being

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Appropriations 302(b): The Home Game

FY 2010 President's Budget Request For the Transportation-HUD Appropriations Subcommittee, As Scored By CBO

(Dollar amounts in thousands - discretionary budget authority only)

	FY 2009 Enacted	FY 2010 Request	Increase
Title I: Department of Transportation			
USDOT Non-Emergency Appropriations (Regular)	16,998,830	18,176,772	+1,177,942
New General Fund Appropriation for Highways	0	36,107,000	+36,107,000
New General Fund Appropriation for Transit Formulas	0	3,343,171	+3,343,171
USDOT Rescissions of Appropriations	-39,065	0	+39,065
USDOT Rescissions of Contract Authority	-3,479,947	0	+3,479,947
Equals: USDOT Net Total for 302(b)	13,479,818	57,626,943	+44,147,125
Title II: Housing and Urban Development			
HUD Non-Emergency Appropriations	38,662,490	41,977,259	+3,314,769
HUD Rescissions of Appropriations	-792,600	-27,600	+765,000
HUD Advance Appropriations	4,400,000	4,400,000	+0
HUD Offsetting Receipts and Collections	-734,600	-867,000	-132,400
Equals: HUD Net Total for 302(b)	41,535,290	45,482,659	+3,947,369
Title III: Other Independent Agencies			
Other Agencies Non-Emergency Appropriations	303,683	5,296,438	+4,992,755
Other Agencies Rescissions of Appropriations	-671	0	+671
Equals: Other Agencies Net Total for 302(b)	303,012	5,296,438	+4,993,426
Scorekeeping Adjustments			
Adjustment for Pipeline Safety User Fees	-75,120	-86,973	-11,853
Less HUD Advance Appropriations	-4,400,000	-4,400,000	+0
Plus Prior Year HUD Advance Appropriations	4,158,000	4,400,000	+242,000
Other Scorekeeping Adjustments	-1,000	0	+1,000
Total Scorekeeping Adjustments	-318,120	-86,973	+231,147
Total THUD Subject to 302(b) Ceiling	55,000,000	108,319,067	+53,319,067
Minus: General Fund Appropriation for Highways	0	-36,107,000	-36,107,000
Minus: General Fund Appropriation for Transit Formulas	0	-3,343,171	-3,343,171
Total General Fund Proposals for HTF Solvency	0	-39,450,171	-39,450,171
Total THUD Subject to 302(b) Ceiling if General Fund Proposals for HTF Solvency Are Ignored	55,000,000	68,868,896	+13,868,896

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used as offsets from a public policy perspective.

Assuming that the appropriators don't intend to appropriate an extra \$39.45 billion from their budget for highways and transit in 2010, then a 302(b) allocation of \$68.9 billion in budget authority would be necessary to fully fund the President's budget request — if no large rescissions of contract authority are used as an offset.

So any 302(b) for the THUD folks of around \$68.9 billion will indicate that the Committee does not intend to use large-scale rescissions of contract authority this year as they did in the past. (In truth, it would be harder to make such rescissions this time because the surface transportation authorization law expires in September and the balances from which one could rescind are dwindling.) And it would mean one other thing (see below)

Very Big Variable #2: the proposed new National Infrastructure Bank. In the CBO scoring of the President's budget, CBO was directed to place the proposed \$5 billion appropriation for a National Infrastructure Bank under the THUD subcommittee.

The President's budget proposed the \$5 billion placeholder. Here is the entirety of what the budget *Appendix* said about the NIB:

The National Infrastructure Bank will invest funds directly into large capital infrastructure projects that promise significant national or regional economic benefits. Federal funds are to be delivered through a variety of credit and grant mechanisms designed to not only provide Federal resources but also attract and coordinate State, local, and private co-investment. The Administration has reserved these funds to ensure adequate resources are available to capitalize the Bank and enable multi-year commitments.

A legislative proposal fleshing out the details of the bank is supposed to be forthcoming, but there is no

OUTLAYS FROM THE U.S. TREASURY UNDER THE THUD SUBCOMMITTEE AGENCIES - 2010 REQUEST

Dollar amounts in millions.

	FY 2010 Request
USDOT Outlays from Previously Enacted Authority	53,634
USDOT New FY 2010 Outlays from New Authority	26,424
Total, USDOT Outlays for 302(b)	80,058
Other THUD Outlays from Previously Enacted Authority	29,035
Other THUD New FY 2010 Outlays from New Authority	25,997
Total, Other THUD Outlays for 302(b)	55,032
Scorekeeping Adjustment	-87
Total THUD Outlays for 302(b)	135,003

As you can see, even if Congress were to zero out and abolish every program funded under the THUD bill, effective on October 1, 2009, an estimated \$82.7 billion in outlays would leave the U.S. Treasury during FY 2010 simply to pay off legal obligations incurred by the federal government under the programs in FY 2009 and prior years.

proposal yet, and the THUD staff are already starting to draft their bill.

While the Administration can put a \$5 billion placeholder in their budget request, no appropriator in their right mind would put a \$5 billion placeholder in their bill, because (a.) they have to make sure that all the legislation in their bill actually functions and (b.) if they are going to provide the money, they will want to know what they are going to get for it.. If the THUD allocation is around \$68.9 billion, that will mean that the full committee intends to fund the NIB and that the appropriators will get the first shot at writing the rules under which the NIB will function.

(Ed. Note: Once the Administration submits NIB legislation, the fight between various Congressional authorizing committees for a piece of that legislation will be fun to watch.)

Those are the three big variables relating to the THUD subcommittee's allocation of budget authority. Of course, the appropriators are also given an allocation of Treasury outlays that they must subdivide twelve ways as well. Outlays are not entirely predictable — when estimating outlays, CBO rounds off

outlays for each account to the million-dollar level, rather than the thousand-dollar level used for budget authority.

The table at the top of this page shows that because transportation capital "spend out" via outlays so slowly, the majority of the outlays expected to occur under THUD jurisdiction during FY 2010 will occur even if Congress passes no FY 2010 THUD bill at all. Legally binding commitments entered into by the federal government prior to September 30, 2009 will result in an estimated \$53.6 billion leaving the Treasury in 2010 under the Department of Transportation and \$29.0 billion leaving the Treasury under HUD and independent agencies.

So even if Congress shuts down DOT, HUD and the rest on October 1, about \$82.7 billion would still be outlaid from the Treasury to pay off prior commitments.

The new FY 2010 spending under the President's budget should result in about \$26.4 billion of outlays for DOT and \$26.0 billion in outlays for DOT and other agencies in 2010.

It may be more difficult for the full Appropriations Committee to give

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the THUD subcommittee a good outlay allocation than it will be to give THUD a good budget authority allocation.

The table below shows the CBO scoring of the President's budget request for FY 2010 for both budget authority and outlays, by Appropriations subcommittee.

The table shows that if one removes the proposed general fund appropriations for Highway Trust Fund programs, as mentioned above, the total budget ceiling is \$3.3 billion more than the President's request of \$1.079 trillion in budget authority. But the request is still \$4.1 billion above the outlay ceiling.

The numbers given out by the Appropriations Committee tomorrow may not exactly reflect the numbers below. In particular, there is the question of what outlay assumptions one makes when dis-

carding the proposed highway and transit general fund appropriations.

Normally, eliminating \$39 billion in budget authority should save you some outlays. But no one, to our knowledge, is seriously proposing that the appropriators cut actual new spending obligations for highways and transit by \$39 billion — merely that they be shifted from general fund appropriations, as proposed in the budget, to obligation limitations that do not count against the appropriators' 302(a) or 302(b) budget authority ceilings.

But switching that \$39 billion out from under the budget authority cap shouldn't save the appropriators any outlays, since under the normal scorekeeping rules, the outlays from Highway Trust Fund contract authority subject to limitation are scored against the appropriators anyway. (Highways, transit and airports are about the only places in the federal budget where the Appropriations Committee is held responsible for the outlays but not the

budget authority under the normal state of affairs.) This is why, in a normal year, the THUD subcommittee is the only one in which its annual outlays exceed its annual budget authority by significant percentages (in FY 2008, the pre-stimulus year, THUD outlays were more than twice the BA).

The total outlays for FY 2010 exceed the total budget authority by an unusually large amount, because the outlay numbers include the cash flow from 2009 stimulus money that is not proposed to be repeated in FY 2010.

If the THUD subcommittee receives an allocation of less than \$135 billion in outlays, this could pose them some difficulties, since such a high percentage of the outlays are from prior-year commitments and are unmovable.

In any case, much of this discussion about one particular subcommittee misses the big picture. The table at the top of the following page shows the budget authority for each subcommittee for 2009 (final to date, not including the pending supplemental appropriations bill, and excluding the stimulus bill and other emergencies) with the 2010 request as scored by CBO.

After correcting for the Highway Trust Fund issue, the President's proposed total of \$1.079 trillion is 6.6 percent higher than the equivalent FY 2009 total. This is a sizeable annual increase.

But that increase is not distributed evenly. The Labor-HHS-Education subcommittee, for example, would actually see a 5.4 percent decrease (but this is due to a proposed reclassification of Pell Grants from the discretionary side of the budget to the mandatory side).

Most subcommittees would see healthy increases. The Defense subcommittee, which is fully half of the discretionary budget, would see a 5 percent increase, so it and Labor-HHS (the second-biggest subcommittee) hold down the average growth rate.

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THE PRESIDENT'S 2010 BUDGET REQUEST, AS SCORED BY CBO, BY APPROPRIATIONS SUBCOMMITTEE		
	Budget Authority	Outlays
Agriculture	22,980	24,904
Commerce-Justice-Science	64,511	71,101
Defense	511,540	554,180
Energy and Water	34,393	42,617
Financial Services	24,228	25,715
Homeland Security	42,838	46,298
Interior and Environment	32,325	34,238
Labor-HHS-Education	144,057	212,514
Legislative Branch	5,154	4,912
Military Construction-VA	76,260	76,717
State-Foreign Operations	52,043	45,620
Transportation-HUD	108,320	135,003
Total Discretionary Request	1,118,649	1,273,819
Appropriations 302(a) Allocation	1,082,540	1,269,745
Request More/Less Than 302(a):	+36,109	+4,074
Eliminate the Proposed General Fund Appropriations for HTF Solvency:	-39,450	0
Revised Request:	1,079,199	1,273,819
Revised Request More/Less than 302(a):	-3,341	+4,074

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But even after removing the general fund appropriations for highways and transit, the President's budget proposes that the THUD allocation grow by over 25 percent, an astonishing amount for one year's growth. The only subcommittee with a bigger growth rate is State-Foreign Operations, but this is skewed because of a proposed one-time recapitalization of the International Monetary Fund, which may be handled in a different way. The Senate Appropriations Committee has not yet announced its timetable for considering its appropriations bills or its 302(b) allocations, though the chamber lately has been more willing to defer its markups until it receives bills passed by the House.

Non-Emergency Discretionary Budget Authority, By Appropriations Subcommittee

(As scored by CBO, in Millions of Dollars, Excludes Pending Supplementals)

	FY 2009 Enacted	FY 2010 Request	Increase
Agriculture	20,456	22,980	+12.3%
Commerce-Justice-Science	57,652	64,511	+11.9%
Defense	487,737	511,540	+4.9%
Energy and Water	33,261	34,393	+3.4%
Financial Services	22,697	24,228	+6.7%
Homeland Security	42,164	42,838	+1.6%
Interior and Environment	27,579	32,325	+17.2%
Labor-HHS-Education	152,255	144,057	-5.4%
Legislative Branch	4,402	5,154	+17.1%
Military Construction-VA	72,863	76,260	+4.7%
State-Foreign Operations	36,620	52,043	+42.1%
Transportation-HUD	55,000	108,320	+96.9%
Total Discretionary BA	1,012,686	1,118,649	+10.5%
<i>Remove GF Approps for HTF Solvency:</i>		-39,450	
Revised Transportation-HUD:	55,000	68,870	+25.2%
Revised Total Discretionary BA	1,012,686	1,079,199	+6.6%

Will House Transportation Panel Act On Cap-and-Trade Bill?

House Transportation and Infrastructure chairman James Oberstar (D-MN) faces an important choice in the next two weeks. He must decide whether or not his panel will exercise any jurisdiction over the cap-and-trade greenhouse gas bill (H.R. 2454).

The Energy and Commerce Committee approved the bill after a mammoth markup session on May 21 and filed its report in the House on June 5. At that time, the Speaker set a June 19 deadline for the other committees of jurisdiction (including T&I) to either report their own proposed changes to the Energy and Commerce bill within their jurisdiction or else let the reported bill stand.

On May 29, T&I ranking Republican John Mica (R-FL) and the ranking Republicans on all six T&I subcommittees wrote to Oberstar to ask him to exercise the panel's jurisdiction over the bill. The letter said, in part, that:

"We ask that our Committee examine H.R. 2454 for repercussions to programs authorized by this Committee. It is the Committee's responsibility to hold public hearings on the impacts this legislation will have on transportation and infrastructure programs. It is also imperative that all Members on the Committee have an opportunity to offer amendments on provisions of the bill that have been referred to the Transportation and Infrastructure Committee."

Oberstar is normally quick to assert jurisdiction over bills that cross committee lines, but he faces some new constraints this time.

First, this legislation is a top priority of the Speaker, who has clearly thrown her considerable clout behind the Energy and Commerce bill. Even though T&I's direct jurisdictional claim is minor (centering on amendments to the transportation planning process in sec. 221 of H.R. 2454), there is no guarantee that Oberstar would win a fight with

Commerce chairman Waxman on anything relating to this bill, and there is a school of thought that says it is better not to pick a fight than to lose one.

Second, the entire thesis behind the cap-and-trade bill flies squarely against what Oberstar and the rest of the T&I members have stood for in the past — namely, the principle that all federal taxes on fossil fuels used in transportation should be dedicated to transportation.

Logically, cap-and-trade is a backdoor method of taxation on all fossil fuels (how is charging a fee for the use of something philosophically different than levying a tax on the sale of the item?), including those fuels used in transportation, yet the funds raised under the Waxman-Markey bill would not go towards transportation.

Were Oberstar to hold a T&I markup on H.R. 2454, this underlying issue might come up, and not in a way that the Speaker or the Obama Administration would like.

HTF Bailout

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we will soon have a plan to address the potential Trust Fund shortfall this summer. We believe very strongly that any Trust Fund fix must be paid for.”

When pressed by subcommittee members as to when the plan would be forthcoming, LaHood could only say “...we're trying to figure this out. We've made some recommendations to the administration. OMB gets involved in this, there are people in the White House that get involved with it, the leadership has to be involved with it.

“And we're going to come back to you with what we think is a way -- we have to pay for this. I mean, we...the administration is committed to paying for the \$5 billion to \$7 billion that's needed to plus up the trust fund in '09, and it's about \$8 billion to \$10 billion for '10. And we're committed to paying for it, and I hope sooner rather than later we'll be coming back to all of you and saying, here's how we think we should do it.”

When pressed again, LaHood would not give a time frame but indicated that the issue was high on the White House priority list: “Sooner rather than later. I mean, this...look, this discussion is going about every day at the White House. I was just on the phone with

some folks down there talking about this, just to see if I could give you any more intelligent answers, and I'm sorry I can't be more specific. But I want you all to know that this is on people's agendas.”

As for timing, LaHood said that the next cash shortfall in the Highway Account of the Trust Fund would occur “probably by mid-August” which would give Congress a working deadline of Friday, July 31 (the last legislative day before the five-week August recess starts) to send some kind of bailout legislation to the President.

Finding up to \$17 billion in spending cuts and/or revenue increases in the next six weeks will not be easy, especially since LaHood has repeatedly and categorically ruled out any increase in the federal excise tax on gasoline, and since he responded negatively during questioning to the prospect of canceling some stimulus funding to offset the bailout.

(Only the \$5 to \$7 billion needed to get the Highway Account safely through September 30, 2009 must be enacted by mid-August, but LaHood expressed the Administration's preference for dealing with that money and with the \$8-10 billion to get through September 30, 2010 at the same time. And one House aide noted that with “bailout fatigue” already prevalent in Congress, it will get progressively harder to round up the votes each time this is done.)

The table at the bottom of this page shows the actual cash flow of the Highway Trust Fund for fiscal year 2010 to date. Looking at the October numbers is important. The receipt numbers were one-third of the normal monthly level. This is because in October of each year, the Trust Fund issues a retroactive credit to the just-ended prior fiscal year. This year it was about \$2 billion. So a projection of a year-end Highway Account balance of \$940 million, as contained in the budget two months ago, really means a deficit of over \$1 billion because the projection incorporates the retroactive \$2+ billion payment. And the numbers below are worse than projected in the budget, so the end-of-FY09 deficit should be even higher.

This issue is inextricably bound up with the pending multi-year reauthorization of federal surface transportation programs. House Transportation and Infrastructure chairman James Oberstar (D-MN) has thus far refused to acknowledge publicly that the Trust Fund will need another bailout (not because he denies reality so much as that he doesn't want to off-message on the larger bill).

But LaHood said that the Obama Administration wants to tie the two issues together: “We also believe that any solution must be tied to reform of the current highway pro-

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Actual Highway Trust Fund Cash Flow, Fiscal Year 2009 To Date

	Oct. 2008	Nov. 2008	Dec. 2008	Jan. 2009	Feb. 2009	Mar. 2009	April 2009	May 2009	% Change From FY08
Highway Account									
Opening Balance	10,032	6,525	6,023	5,341	5,733	5,533	5,494	To be	
Net Tax Receipts	797	2,741	2,611	2,456	2,088	2,365	2,640	re-	-9.7%
Transfers & Outlays	4,304	3,244	3,292	2,065	2,289	2,403	2,290	leased	+4.9%
Ending Balance	6,525	6,023	5,341	5,733	5,533	5,494	5,844	later	
Mass Transit Account									
Opening Balance	6,787	6,396	6,361	6,229	6,187	6,226	6,005	To be	
Net Tax Receipts & Transfers	226	430	467	401	504	420	398	re-	-8.7%
Outlays	616	464	600	443	464	641	525	leased	+35.2%
Ending Balance	6,396	6,361	6,229	6,187	6,226	6,005	5,878	later	
								today	

HTF Bailout

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gram. It needs to be more performance-based and accountable to our priorities, including making our communities more livable and sustainable.”

The timing of Congressional action on a multi-year surface transportation bill, and the need for a short-term extension to be in place by October 1, is a subject of some dispute, with Oberstar refusing to countenance any extensions.

THUD subcommittee ranking Republican Tom Latham (R-IA) said that “I think everyone in the room knows full well that there will not be a surface transportation reauthorization bill for signature this year. Probably not even in 2010. And that puts us in a real difficult situation with the shortfalls, obviously, in the trust fund today.”

Steve LaTourette (R-OH) later replied that “When Mr. Latham was talking, I heard this giant thud around the corner, and I think that was Jim Oberstar falling over when he said that we’re not going to have a reauthorization this year or next year.” (Oberstar’s personal office is just around the corner from the THUD subcommittee on the third floor of Rayburn.)

(*Ed. Note:* Oberstar said last week that he will not accept any short-term extensions of federal transportation programs past September 30 and is willing to let the programs die if a full reauthorization bill cannot be enacted by then. If he is serious about refusing to participate in an extension (and we doubt that he is), then all Oberstar is doing is kicking the problem over to the Appropriations Committee, which would then be under great pressure to find a way to extend the programs in the annual continuing resolution. This is a burden that the appropriators don’t seem to want to bear.)

Indeed, a senior House Democratic aide said that the Obama Administration’s recent approach towards the pending Trust Fund default (informing Congress of the need for a bailout months before one is necessary, testifying before Congress on the need and the desire to offset the cost of the bailout) should be interpreted as the White House trying to keep a promise made earlier to the Appropriations Committee that they would not be stuck with funding highway and transit programs through general fund appropriations. (See the lead article on page one about the 302(b) process for the reasons why GF support for the programs wouldn’t work well.)

Look at the options — if this White House had done what the last one did in 2008 (ignore the problem until the week before you run out of money), there would be terrible pressure on the appropriators to take steps to fix the Trust Fund or support the programs in the appropriations bill. But by coming out so publicly in favor of a separate Trust Fund bailout this early, the White House and DOT have made it much easier for Appropriations to ignore the budget’s proposed shift of funding support for highways and transit from the Trust Fund to the general fund (as they are expected to do tomorrow when they approve the 302(b) allocations).

Essentially, there are two options for fixing this problem: bail out the Trust Fund, or fund highway and transit programs from somewhere else. If you bail out the Trust Fund, you only have to provide enough money to cover cash flow, not new spending commitments. But if you fund the programs from elsewhere, you have to provide the full budget authority for the new multi-year spending commitment up front.

So if you bail out the Trust Fund for 2010, you only need \$10-11 billion to cover the outlays. But if you provide general fund support for the programs themselves, you need \$39.5 billion up front — for the same amount of new spending commitments.

(You would still need the \$5-7 bailout to get you through September 30, 2009 in either instance.)

The big unanswered question, of course, is: where will the \$17 billion offset come from?

The primary responsibility would seem to lie with the Ways and Means Committee (last year’s bailout of the Trust Fund was a Ways and Means bill), and if the offset comes entirely from changes in the tax code, the bailout could stay theirs. But if the offset comes through spending cuts, the Transportation and Infrastructure and Appropriations panels would be involved as well.

THE WISDOM OF MARION BERRY

During last week’s House Appropriations subcommittee hearing at which Transportation Secretary LaHood testified, Transportation-HUD subcommittee member Marion Berry (D-AR) entered the *TW* Lawmaker Hall of Fame. During his allotted five minutes to question LaHood, Berry spent about ten seconds on opening pleasantries, then managed to sum up the entire appropriations process during one simple question and answer:

BERRY: We’ve already talked about most of my issues before today, and I won’t take up anybody’s time. Do we have any problems that money won’t solve?

LaHOOD: No, sir.

BERRY: I was afraid of that.

Berry then made a brief aside about zoning and yielded back the last four minutes of his allotted five.

In addition to setting a standard of eloquence and brevity towards which all legislators should aspire, Berry’s Q&A with LaHood also had a certain “it’s funny because it’s true” quality to it, to the degree that it makes one wonder why such hearings are necessary at all...

Oberstar May Unveil Highway Bill In Two Weeks

House Transportation and Infrastructure chairman James Oberstar (D-MN) is aiming to release his draft surface transportation reauthorization bill and mark it up in subcommittee during the week of June 23, according to several sources on and off Capitol Hill.

The week-long Independence Day recess starts at the end of that week, and Congress returns to work the week of July 6.

Ideally, Oberstar would like to mark the bill up in the full Transportation and Infrastructure Committee during the week of July 6 and have the bill on the House floor by the end of July.

The schedule, as always, could slip, but the staff appear increasingly serious about the subcommittee markup date.

However, just because T&I is able to hold a subcommittee markup of a bill does not mean that they will be

able to hold a full committee markup shortly thereafter.

In the first place, in subcommittee, a bill doesn't have to have dollar amounts in it. A subcommittee can mark up a bill that is riddled with blank spaces or bracketed type that says "reserved for future use." But for the full committee to report a bill, it should be presented in a manner that could work if enacted into law, meaning that the financing issues must be worked out before full committee markup. (CQ asked Ways and Means Chairman Charles Rangel (D-NY) last week when his panel would deal with highway financing and Rangel responded "Believe me, I've got my hands full right now.")

Second, new House rules require that all earmarks in a bill, and the list attributing the earmarks to their sponsors, be included when the bill is marked up in full commit-

tee. (*Ed. Note:* It would be a really, really bad idea to release the earmark list unless you were 100 percent certain you were going to the House floor very soon. The longer the earmark list sits out in the open, the longer outside groups have to cross-reference earmarks with political fundraising donations and lobby registrations. That process rarely ends well.)

The July 4 break seems to be a pivotal decision time. By that point, we should (hopefully) have the Obama Administration's proposal for the next Highway Trust Fund bailout, which needs to pass Congress by July 31. So at that point, the attentions of T&I and Ways and Means will be divided between the long-term goal and short-term necessity.

(*Ed. Note:* After the August recess, of course, it's time to start drafting a short-term extension...)

Teamsters, Safety Groups Oppose Obama's FMCSA Nominee

On June 4, President Obama announced his intention to nominate trucking executive and former safety official Anne S. Ferro to serve as Administrator of the Federal Motor Carrier Safety Administration.

But the nomination has drawn opposition from the Teamsters union and from safety advocacy groups who support greater restrictions on the consecutive hours of service (HoS) that can be worked by truck drivers.

On June 4, the White House said Obama would nominate Ferro, the current President of the Maryland Motor Truck Association, to head FMCSA.

But it is precisely this trucking industry experience that poses the problem for the Teamsters and the safety groups — specifically, the fact that while in her current job, Ferro supported the Bush Admini-

stration's rulemaking changing the maximum hours of service (HoS) that can be worked by truck drivers.

The Teamsters and the safety groups wrote a letter to President Obama on June 5 (reprinted on the following page) opposing the nomination.

While the safety groups' objections can be taken at face value, the Teamsters have multiple agendas at work here. Trucking industry sources say that the Teamsters, from General President Hoffa on down, are profoundly disappointed that President Obama and DOT are working to acquiesce to Mexican demands to reinstate some sort of cross-border trucking program, as required by NAFTA.

The FMCSA nomination is their first opportunity to act on this disappointment, and their opposition to Ferro must be interpreted in that light.

Talks between DOT and the Teamsters are expected to take place this week in an effort to see if some sort of accommodation can be reached with the union.

And even if the Teamsters can be accommodated elsewhere, that does not mean that a Senator strongly opposed to the Bush HoS rule wouldn't attempt to hold up the nomination on his/her own.

Ferro served as Maryland's Motor Vehicle Administrator between 1997 and 2003 where she gained significant experience in the fields of highway safety and regulatory compliance.

A former Peace Corps volunteer in Cote d'Ivoire (the Ivory Coast to the rest of us), Ferro earned a Masters degree in Public Management from the University of Maryland and a Bachelor of Arts degree from St. John's College in Annapolis.

LETTER TO THE PRESIDENT OPPOSING THE NOMINEE FOR FMCSA ADMINISTRATOR

June 5, 2009

Dear President Obama:

We are writing to inform you of our opposition to the nomination of Anne S. Ferro, currently President of the Maryland Motor Truck Association, as Administrator of the Federal Motor Carrier Safety Administration (FMCSA). FMCSA is the agency within the U.S. Department of Transportation charged with the responsibility of overseeing and regulating the safety of commercial motor vehicles (trucks and buses), men and women who drive trucks and the motorists and their families who share the road with commercial vehicles.

For the past ten years, since FMCSA was created, this federal agency has failed to meet its statutory mission of making safety its highest priority. Each year about 5,000 people are killed – including nearly 800 commercial drivers – and more than 110,000 are injured in crashes involving commercial vehicles. There has been little, if any progress, in reducing truck crash deaths and injuries in the past decade due to ineffective leadership at the agency and efforts by the trucking industry to stymie and oppose programs, policies and regulations to promote the health and safety of truck drivers and the motoring public.

Unfortunately, Ms. Ferro is an apologist for the failure of FMCSA to improve the safety record of commercial vehicles. For example, one of the most important and well-documented safety problems in the motor carrier industry is driver fatigue. According to the National Transportation Safety Board (NTSB), truck driver fatigue is a factor in 30 to 40 percent of all truck crashes. However, the response of the Bush Administration to this critical safety problem was to issue a hours of service (HOS) rule that not only expanded the consecutive number of hours a truck driver can operate a fully-loaded rig from 10 to 11 straight hours, but also dramatically increased the total hours a truck driver can work to 88 hours in a calendar week – an increase of 28 percent.

The Bush Administration HOS rule permitting tired truckers to drive and work longer hours not only defies common sense and well-documented research and scientific data, but it was found to be profoundly lacking in legal legitimacy in two unanimous back-to-back decisions of the U.S. Court of Appeals for the District of Columbia which remanded the rule to the agency to be revised. In one case the court ruled that the FMCSA had ignored the impact of the longer hours on driver health as well as safety. While six (6) federal appellate judges in two cases have found the Bush Administration HOS rule arbitrary and capricious, Ms. Ferro continues to publicly support the HOS rule, in concert with the American Trucking Associations, as a safe and wise policy. As recently as January 10, 2009, Ms. Ferro co-wrote a letter defending the Bush Administration rule in response to an editorial published in the *Baltimore Sun* criticizing the safety of the rule.

In fact, she wrote, "...reversing the 2004 change in the hours-of-service regulations would be foolish, would make our highways less safe and would cost lives." Ms. Ferro's letter reflects a "stay-the-course" attitude, and the mistaken view that the Bush Administration policies are working so well that no change is necessary.

On October 31, 2008, House Speaker Nancy Pelosi included the Bush Administration HOS rule on a list entitled "*Ghoulish Midnight Regulations Planned by Outgoing Bush Administration: Last Minute Regulatory Changes Harmful to Americans*".

In the next few years, the Obama Administration will be making key decisions on life or death issues affecting truck safety including whether or not to defend the Bush Administration HOS rule in litigation that we have filed once again to protect the health and safety of truck drivers. The Obama Administration also has a pivotal role to play in stopping efforts by the trucking industry to dramatically push for dangerous heavier and longer trucks in the surface transportation reauthorization bill as well as addressing serious, unresolved safety problems in cross border trucking. We firmly believe that the individual appointed to this agency should not come from the very industry the agency is required to regulate, especially given the trucking industry's positions on these health and safety issues.

Ms. Ferro consistently supports the trucking industry party-line on motor carrier issues in opposition to positions taken by consumer, health and safety groups, truck crash victims and their families and the hard-working men and women who drive trucks. We cannot support a candidate who represents the Bush Administration "status quo" rather than embracing your call for change. FMCSA needs a candidate and the public deserves an Administrator who is an avowed safety advocate without industry conflicts and will promote progressive policies that genuinely advance the health and safety of truck drivers and the American people. For these reasons we cannot support her nomination.

James Hoffa
General President
International Brotherhood of Teamsters

John Lannen
Executive Director
Truck Safety Coalition

Daphne Izer
Founder
Parents Against Tired Truckers (P.A.T.T.)

Jennifer Tierney
Board Member and Director, North Carolina
Survivors Network
Citizens for Reliable and Safe Highways (CRASH)

House T&I Panel Marks Up Maritime Bills

The House Transportation and Infrastructure Committee held a markup session on June 4 to consider a variety of measures.

Most of these were not especially significant (courthouse naming, GSA resolutions, declaring "National Pipeline Safety Day", etc.) but there were several serious pieces of transportation legislation from the Coast Guard and Maritime Transportation Subcommittee. The first of these was H.R. 2652, the Maritime Safety Act of 2009, which was approved by a voice vote. The bill makes a variety of improvements to the maritime safety laws enforced by the U.S. Coast Guard. The committee briefing memorandum on the bill complains that since 9/11, the increased focus on the Coast Guard's security missions has come at the expense of marine safety.

The bill requires safety equipment standards for all commercial fishing, fish tender, and fish processing vessels operating beyond three nautical miles of the coast, and it establishes design and construction standards for new vessels or existing vessels that undergo major conversions.

The bill also establishes a grant program to fund the training of the captains and crew members of fishing vessels, as well as a grant program to fund research on methods of improving safety in commercial fishing, including examining the potential for the increased use of enhanced vessel monitoring systems. Other provisions in the bill protect whistleblowers and address the backlog of applications for mariners' credentials.

A Cummings (D-MD) managers' amendment was agreed to by voice vote that struck regionally directed

provisions for Alaska and Massachusetts.

T&I approved, by voice vote, H.R. 2650, the Coast Guard Modernization Act of 2009, which reorganizes the most senior officers of the Coast Guard and which builds on H.R. 2652 and formally establishes marine safety as a Coast Guard mission requirement and which requires specific marine safety staffing, training and long-term goals.

The panel also approved by voice vote H.R. 2651, the Maritime Workforce Development Act. That bill would create a program by which DOT would provide loans to would-be mariners to allow them to pay for training. Such loans would be capped at \$15,000 per year and \$60,000 total. The bill authorizes the appropriation of \$10 million per year for loans and \$1 million per year for administrative expenses.

House Passes Bipartisan TSA Reauthorization Bill

The House of Representatives passed legislation on June 4 passed legislation reauthorizing the Transportation Security Administration by a wide margin.

The House passed the bill H.R. 2200 by a vote of 397-25.

The wide bipartisan vote margin reflects the relatively bipartisan manner in which the Homeland Security Committee crafted the bill. However, a few partisan sore spots did arise during House consideration of H.R. 2200.

The first was an amendment offered by Rep. John Mica (R-FL) that would remove some of TSA's exemptions from the paperwork requirements under the Administrative Procedures Act. At present, those exemptions give TSA wide latitude to change its regulations quickly, without public input.

Mica expressed concern that TSA was abusing the "immediate threat" standard it is supposed to

use for making emergency rules changes. Rep. Peter DeFazio (D-OR) led the opposition to the Mica amendment, acknowledging that TSA has erred significantly in using its emergency regulatory authority on the general aviation sector (saying that someone at TSA "be picked up and shaken upside down to understand what GA's all about.") but opposing the Mica amendment for denying TSA flexibility in other areas.

But Mica prevailed on a close 219-211 vote. 42 Democrats joined 177 Republicans to pass the amendment (all 211 "no" votes were Democrats).

The other amendment that was contested during debate was a Chaffetz (R-UT) amendment to restrict the use of Whole Body Imaging machines. Chaffetz opposed the use of the imaging machines as the primary screening method on privacy grounds. Rep. Dan Lungren (R-CA) opposed the amendment on the

grounds that imaging is far superior to metal detectors when persons have metal surgical implants. But the House agreed to the Chaffetz amendment by a vote of 310 to 118.

At the end of debate, Homeland ranking member Peter King (R-NY) offered an amendment requiring TSA to place all Guantanamo Bay detainees on the no-fly list unless the President certifies personally that the detainee in question poses no security risk.

Homeland chairman Bennie Thompson (D-MS), having sensed the will of the House, did not bother to oppose the King motion on the floor and the King amendment passed by a vote of 412-12.

The following page lists and summarizes all amendments offered to H.R. 2200 during consideration in the House, along with the disposition of those amendments.

DISPOSITION OF AMENDMENTS ON THE HOUSE FLOOR TO H.R. 2200, TSA REAUTHORIZATION

- 1. Thompson, Bennie (MS)** managers' amendment to clarify which aviation facilities qualify for general aviation security grants, including helicopter operators and heliports, establish a plan and implements a program for screening air passengers with metal implants, improve public transportation security assistance, require a study of the creation of new transportation security positions at TSA, and requiring a GAO review of other transportation security functions at TSA – *agreed to by voice vote.*
 - 2. Mica (FL)** amendment to alter the standard for when TSA can issue an emergency regulation or security device without adhering to the rule making and public notice and comment provisions of the Administrative Procedures Act (APA). Would allow TSA to issue a regulation or security directive when needed "to respond to an imminent threat of finite duration" and would require TSA to comply with the rule making requirements of the APA when a security directive or emergency order has been in place for more than 180 days – *agreed to by recorded vote of 219 yeas, 211 nays.*
 - 3. Mica (FL)** amendment requiring TSA to establish a "known air traveler credential" that incorporates biometric identifier technology, as modified to require TSA to verify the identity of U.S. citizens who participate in the Registered Traveler program – *agreed to by voice vote.*
 - 4. Bachus (AL)** amendment to direct the (TSA) to develop and implement an expedited security screening program for members of the Armed Forces traveling on official orders while in uniform through commercial airports. Additionally, family members would be eligible to accompany the service members through the expedited screening process onto the concourse – *agreed to by voice vote.*
 - 5. Hastings, Alcee (FL)** amendment to require the TSA, within 6 months of enactment, to submit a report to Congress on complaints and claims received by the TSA for loss of property with respect to passenger baggage screened by the TSA – *agreed to by voice vote.*
 - 6. Diaz-Balart, Lincoln (FL)** amendment to reimburse airports for eligible costs incurred before August 3, 2007, that were previously reimbursed at 90% of such costs. The Secretary would reimburse such airports an amount equal to the difference for such eligible costs – *agreed to, as modified, by voice vote.*
 - 7. Castor (FL)** amendment to direct the Secretary of Homeland Security to prohibit states from requiring separate security background checks for transportation security cards, and waives application of the prohibition if a compelling homeland security reason necessitates a separate background check – *agreed to by voice vote.*
 - 8. Flake, Jeff (AZ)** amendment to prevent earmarking in a new grant program established in the bill, and would clarify that Congress presumes that grants awarded through that program will be awarded on a risk-based competitive basis, and if they are not, require the Assistant Secretary to submit a report to Congress explaining the reason – *agreed to by voice vote.*
 - 9. Lynch (MA)** amendment to provide that any TSA personnel voluntarily may wear personal protective equipment (including surgical and N95 masks, gloves, and hand sanitizer) during any public health emergency – *agreed to by voice vote.*
 - 10. Chaffetz (UT)** amendment to prohibit the TSA from using Whole Body-Imaging machines for primary screening at airports, and would require the TSA to give passengers the option of a pat-down search in place of going through a WBI machine, information on the images generated by the WBI, the privacy policies in place, and the right to request a pat-down search, and would prohibit the TSA from storing, transferring, or copying the images – *agreed to by recorded vote of 310 yeas, 118 nays.*
 - 11. Bordallo (GU)** amendment to direct the Secretary of Homeland Security to report to Congress on a review to be conducted by the Transportation Security Administration (TSA) for preferred and alternative methods of having the airports in territories comply with TSA security regulations. The report would also address the cost differences and financing opportunities for such airports to fully comply with the TSA regulations – *agreed to by voice vote.*
 - 12. Hastings, Doc (WA)** amendment to require TSA to increase the number of canine detection teams used for air cargo screening by a minimum of 100 from the date enactment – *agreed to by voice vote.*
 - 13. Butterfield (NC)** amendment to require a study on the use of the combination of facial and iris recognition to rapidly identify individuals in security checkpoint lines. The study would focus on increased accuracy of facial and iris recognition and the possibility of using this advanced technology broadly for accurate identification of individuals – *agreed to by voice vote.*
 - 14. Roskam (IL)** amendment to require the Secretary of Homeland Security to collect public comments from transit agencies to determine the extent to which current allowable uses of grant funds under the Transit Security Grant Program are sufficient to address security improvement priorities identified by transit agencies. Where security improvement priorities identified by local transit agencies are not met by the regulations implementing the grant program, the Secretary will report to Congress on how such regulations should be changed to accommodate them or why these are not appropriate priorities – *agreed to by voice vote.*
- *King (NY)** motion to recommit the bill with instructions to require that TSA place all Guantanamo Bay detainees on the no-fly list unless the President personally certifies that the detainee poses no threat – *motion to recommit agreed to by voice vote, upon which recommitment and report the amendment was agreed to by recorded vote of 412 yeas, 12 nays.*

NEW AND NOTABLE ON THE INTERNET

New Starts

The Senate Banking Committee held a hearing on transit new starts on June 3. Prepared testimony and a link to archived video of the hearing can be found here:

http://banking.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=2b8616f3-d14a-4975-b204-beb43665c31e

TSA Reauthorization

The text of H.R. 2200, the TSA reauthorization bill, as passed by the House is online here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h2200eh.txt.pdf

STATUS OF TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Ray LaHood	Secretary	Commerce, Science and Transportation	Nomination <u>confirmed</u> 1/22/09
Department of Transportation	John Porcari	Deputy Secretary	Commerce, Science and Transportation	Nomination <u>confirmed</u> 5/21/09
Department of Transportation	Roy Keinitz	Under Secretary for Policy	Commerce, Science and Transportation	Nomination <u>confirmed</u> 4/29/09
Department of Transportation	Robert Rivkin	General Counsel	Commerce, Science and Transportation	Nomination <u>confirmed</u> 4/29/09
Department of Transportation	Polly Trottenberg	Assistant Secretary for Transportation Policy	Commerce, Science and Transportation	Nomination announced 5/28/09
Department of Transportation	Dana Gresham	Assistant Secretary for Governmental Affairs	Commerce, Science and Transportation	Nomination <u>confirmed</u> 4/29/09
DOT-Federal Aviation Administration	J. Randolph Babbitt	Administrator	Commerce, Science and Transportation	Nomination <u>confirmed</u> 5/21/09
DOT-Federal Highway Administration	Victor Mendez	Administrator	Environment and Public Works	Hearing held on 6/2/09
DOT-Federal Motor Carrier Safety Admin.	Anne Ferro	Administrator	Commerce, Science and Transportation	Nomination announced 6/4/09
DOT-Federal Railroad Administration	Joseph Szabo	Administrator	Commerce, Science and Transportation	Nomination <u>confirmed</u> 4/29/09
DOT-Federal Transit Administration	Peter Rogoff	Administrator	Banking, Housing and Urban Affairs	Nomination <u>confirmed</u> 5/21/09
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 <u>confirmed</u> 4/29/09
Department of the Army	Jo-Ellen Darcy	Assistant Secretary for Civil Works	Armed Services <i>and</i> Enviro. & Public Works	EPW hearing held on 5/12/09

Transportation Weekly is a publication of:

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Transportation Weekly is published every week the Congress is in session and sporadically when Congress is not in session.

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THIS WEEK IN COMMITTEE

Monday, June 8, 2009 — House Appropriations — Subcommittee on Homeland Security — subcommittee business meeting to mark up a draft appropriations bill for the Department of Homeland Security for fiscal 2010 — *5:00 p.m., B-308 Rayburn.*

Tuesday, June 9, 2009 — House Homeland Security — Subcommittee on Emergency Communications, Preparedness and Response — subcommittee hearing on the FY 2010 FEMA budget request — *10:00 a.m., 311 Cannon.*

House Appropriations — full committee markup of 302(b) allocations and the FY 2010 Commerce-Justice-Science bill — *11:00 a.m., 2359 Rayburn.*

Wednesday, June 10, 2009 — House Judiciary — Subcommittee on Courts and Competition Policy — subcommittee business meeting to mark up H.R. 233, Railroad Antitrust Enforcement Act of 2009 — *10:00 a.m., 2141 Rayburn.*

House Transportation and Infrastructure — Subcommittee on Coast Guard and Maritime Transportation — subcommittee hearing on anti-fouling systems on ships — *2:00 p.m., 2167 Rayburn.*

Senate Commerce, Science and Transportation — Subcommittee on Aviation Operations, Safety and Security — subcommittee hearing on FAA oversight of air carrier safety — *2:30 p.m., SR-253 Russell.*

Thursday, June 11, 2009 — House Homeland Security — Subcommittee on Border, Maritime and Global Counterterrorism — subcommittee hearing on ICE, CBP and Coast Guard budgets — *10:00 a.m., 311 Cannon.*

House Transportation and Infrastructure — Subcommittee on Aviation — subcommittee hearing on regional airlines and their pilot workforce issues — *10:00 a.m., 2167 Rayburn.*

Friday, June 12, 2009 — House Appropriations — full committee markup of the Homeland Security and Legislative Branch appropriations bills for fiscal 2010 — *9:00 a.m., 2359 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	Subcommittee markup scheduled for 6/8/09		
Federal Aviation Admin. Reauthorization Bill	H.R. 915 passed House 5/22/09 by a vote of 277-136		
Surface Transportation Reauthorization Bill			
Water Resources Development Act			
FY 2010 Coast Guard Authorization			
Transportation Security Admin. Reauthorization	H.R. 2200 passed House 6/4/09 by a vote of 397-25		