

THE LEGISLATIVE SERVICES GROUP'S

Transportation Weekly

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 10, Issue 32

Tuesday, July 21, 2009

Legislative Schedules *Week of July 20, 2009*

House

Tuesday — meets at noon for legislative business — 20 measures under suspension of the rules.

Wednesday — meets at 10 a.m. — H.R.2920, statutory PAYGO (subject to a rule).

Thursday — meets at 10 a.m. — H.R. ____, THUD appropriations (subject to a rule).

Friday — meets at 9 a.m. — possible completion of THUD and consideration of H.R. ____, Labor-HHS appropriations (subject to a rule).

Senate

The Senate will convene at 10 a.m. today and will resume consideration of S. 1390, the national defense authorization act of FY 2010.

Inside This Issue

<i>House THUD FAA Funding...</i>	4
<i>House THUD General Prov.'s...</i>	7-8
<i>House THUD Table by Account</i>	9-11
<i>House THUD New Starts.....</i>	12
<i>Section-by-Section Summary of Senate FAA Bill.....</i>	14-19
<i>Senate Will Do \$26.8 Billion GF -HTF Transfer, 18-Mo. Ext.....</i>	20-22
<i>House Passes Corps of Engineers Water Projects Funding...</i>	22
<i>House Subcommittee Approves Surf. Transport. Research Bill</i>	23
<i>States File \$102.5 Billion in High-Speed Rail \$\$ Requests</i>	23
<i>New/Notable on the Internet....</i>	24
<i>Nominations Calendar.....</i>	24
<i>This Week In Committee.....</i>	25
<i>Status of Major Transportation Bills.....</i>	25

House Panel Approves \$76.6 Billion For USDOT

Overall Spending Increase of 7.1 Percent Over Last Year Quadruples Funding For High-Speed Rail Over Request; Highway/Transit Programs Get 1.0 Percent Boost

Last Friday, the House Appropriations Committee approved a draft bill providing or allowing a total of \$76.6 billion in new spending at the U.S. Department of Transportation for fiscal year 2010.

The House Rules Committee will meet later this week to consider what amendments will be allowed to be offered to the bill, and the House leadership hopes to have the bill on the House floor on Thursday. The Rules Committee has set a deadline of 4 p.m. today by which members have to submit potential amendments to Rules.

For transportation programs, the draft bill sets

two types of funding levels. Discretionary appropriations (which are what you normally think of when you think about appropriations bills) for DOT rise an astounding 26.6 percent over last year, from \$16.999 billion (once the off-budget stimulus money is subtracted from the FY 2009 total) to \$21.522 billion, with almost \$4 billion of that \$4.5 billion increase going to the new high-speed rail program and most of the rest going to FAA operations and procurement.

The other type of spending authority — obligation limitations on contract authority programs for surface transportation and airport grants — only

gets an 0.9 percent increase over last year (from \$53.745 billion to \$54.247 billion) as a kind of placeholder as those programs await the enactment of authorizing legislation (as there has not yet been any contract authority enacted for those programs for FY 2010).

The issue of the expiring programs funded out of the Highway Trust Fund, and the pending insolvency of that fund, formed the basis for three of the six amendments offered during the Appropriations Committee markup to the DOT portions of the draft bill. Subcommittee ranking

CONTINUED ON PAGE 2

Senate Panel Marking Up \$34.6 Billion FAA Bill Today

The Senate Commerce, Science and Transportation Committee is scheduled to mark up its Federal Aviation Administration reauthorization bill (S. 1451) today at 2:30 p.m.

The bipartisan legislation was introduced on July 21 by the chairmen and ranking Republicans of the Commerce panel

and of its Aviation subcommittee.

The Senate bill would authorize \$34.6 billion in appropriations for federal aviation programs over two fiscal years, 2010 and 2011. The House's counterpart legislation (H.R. 915) would last for three fiscal years, 2010-2012.

By the close of business last Friday, members of

the Commerce Committee had filed a total of 43 first-degree amendments to the bill. The committee staff have spent most of the intervening time trying to winnow that number down, either through accepting them (as offered or as modified) in some kind of manager's amendment in committee or promising to work with

CONTINUED ON PAGE 13

DOT Appropriations

CONTINUED FROM FRONT PAGE

minority member Tom Latham (R-IA) offered an amendment to lower the bill's appropriation for high-speed and intercity passenger rail from \$4 billion back down to the \$1 billion requested by the President, transfer that \$3 billion to the Highway Trust Fund, and strike the section of the bill allowing up to \$2 billion of that money to be transferred to a hypothetical National Infrastructure Bank if one is authorized in a separate law by September 30, 2010.

Latham said that no funding should be provided for the "mythical" infrastructure bank until the committee had seen the final implementing language. Transportation-HUD Subcommittee chairman John Olver (D-MA) noted that high-speed rail is President Obama's top transportation priority and that states have already filed a total of \$70 billion in HSR project requests. Olver also pointed out that a \$3 billion transfer to the Trust Fund taking effect whenever this bill is enacted (October?) will do nothing to avert the Trust Fund's cash crisis expected to happen next month.

Full Appropriations chairman David Obey (D-WI) said that the authorizing committees would have to deal with the Trust Fund issue before Congress adjourns on July 31 and that to deal with the issue separately in the THUD bill would be "spectacularly nonproductive."

The Latham amendment failed by a roll call vote of 22 yeas to 37 nays.

Rep. Steve LaTourette (R-OH) then offered an amendment that seemed to transfer \$2 billion from high-speed rail to the Trust Fund if the money was not obligated for rail by September 30, 2010, but then withdrew the amendment (of which there were no paper copies) after realizing that the underlying bill allowed for all of the HSR money to possibly be obligated in FY 2010.

TRANSPORTATION FUNDING HIGHLIGHTS

	<u>Last Year</u>	<u>Request</u>	<u>House Bill</u>
FAA Operations	\$9.042 billion	\$9.336 billion	\$9.347 billion
FAA Facilities & Equip.	\$2.742 billion	\$2.925 billion	\$2.925 billion
FAA R & D	\$171 million	\$180 million	\$195 million
FAA Airport Grants	\$3.515 billion	\$3.515 billion	\$3.515 billion
Federal-aid Highways	\$40.700 billion	\$41.107 billion	\$41.107 billion
FMCSA (agency total)	\$541 million	\$550 million	\$550 million
NHTSA (agency total)	\$856 million	\$867 million	\$867 million
Amtrak Grants (total)	\$1.490 billion	\$1.502 billion	\$1.502 billion
FRA Rail Line Relocation	\$25 million	zero	\$40 million
High-Speed/Intercity Rail	\$90 million	\$1.000 billion	\$4.000 billion*
FTA Formula/Bus Grants	\$8.261 billion	\$8.343 billion	\$8.343 billion
FTA New Starts	\$1.809 billion	\$1.827 billion	\$1.827 billion
Grants to WMATA	zero	zero	\$150 million
MARAD (total)	\$333 million	\$346 million	\$334 million
Nat'l Infra. Bank	zero	\$5.000 billion	zero*

**If separate legislation authorizing a National Infrastructure Bank is enacted into law by September 30, 2010, the bill allows (but does not require) the Secretary to transfer up to \$2.000 billion of the high-speed/intercity passenger rail money to such a Bank if there is money from the appropriation left unobligated by that point.*

Full Appropriations ranking member Jerry Lewis (R-CA) also cleverly cut to the heart of the matter by pointing out that the committee report, on pages 7-10, did an "eloquent" job of explaining that the highway funding "guarantees" in House rules and in the SAFETEA-LU law were the cause of the overspending and the current Trust Fund crisis, then offered an amendment to strike clause 3 of House rule XXI (which forces the Appropriations Committee to provide funding out of the Trust Fund at the SAFETEA-LU levels).

Olver responded that such a proposal would have to be negotiated at the leadership level and said that including it in their legislation would "kill the bill." (*Ed. Note:* Olver was incorrect. It would have taken the House Rules Committee about ten seconds to report a self-executing rule striking that provision from the THUD bill on jurisdictional grounds, on general principle, even though Rules has never been happy with clause 3 of rule XXI

since that clause did not originate with the Rules Committee but was included in the TEA21 conference report.) Lewis allowed his amendment to be defeated by voice vote without asking for a roll call.

The amendment that was debated for the longest time was the amendment with the narrowest scope — a Wolf (R-VA) amendment to allow Virginia to privatize its highway rest areas, half of which are scheduled for closure today due to state budget cuts. The debate on the Wolf amendment must have set a record number of references to, and euphemisms for, human excretory functions in a single markup session (with the possible exception of when the Energy and Commerce Committee forced low-flush toilets on the American public in the 1992 energy bill). However, Olver pointed out that the authorizing committee objected to the inclusion of the provision and that the Virginia Congressional delegation was divided on the issue, and Obey said

CONTINUED ON NEXT PAGE

DOT Appropriations

CONTINUED FROM PAGE TWO

that there might be a separate legislative vehicle heading to the President this month that would be a better target for Wolf. The Wolf amendment lost on a 26-32 vote.

An Olver amendment making technical changes to the bill and report was agreed to by voice vote, and a Crenshaw (R-FL) amendment making the bill's \$4 billion in high-speed rail funding subject to the same open bidding rules as the \$8 billion in high-speed rail funding in the stimulus law was also agreed to by voice vote.

Now, a summary of the bill by transportation mode:

Highways. Since the present balances and projected revenues of the Highway Account of the Highway Trust Fund will not support anywhere close to the current level of spending, the budget originally proposed to lower the obligation limitation on the federal-aid highways account (drawn on the HTF) from

2009's \$40.700 billion to \$5.000 billion in 2010 and instead provide a general fund appropriation of \$36.107 billion. The draft bill ignores that proposal and provides the total amount requested, \$41.107 billion, but does it all in the form of an obligation limitation on contract authority (much of which has not yet been provided for 2010).

The draft committee report says that the committee "fully expects the relevant committees in Congress to enact a multi-year surface transportation reauthorization legislation and to identify an appropriate financing mechanism for the long-term solvency of the highway trust fund."

The total of \$41.107 billion is the exact total requested by the Administration in its "placeholder" budget for surface transportation, and represents a one percent increase (\$407 million) over last year.

With the addition of the annual \$739 million per year in mandatory contract authority that can be obligated outside the limitation, the

total for the federal-aid highways account for FY 2010 will be \$41.846 billion.

The committee report includes some assumptions about how this program will be administered that are not yet in evidence. For example, the committee report assumes the continued existence of discretionary programs for Interstate maintenance, federal lands highways, ferry boats and terminals, federal lands, etc. in 2010, and earmarks portions of this funding, even though no law yet exists to establish or fund these programs and though the Transportation and Infrastructure Committee's draft surface transportation bill would abolish many of these programs.

If something happens to prevent these existing discretionary programs from being carried forward, then the only earmarks in the highway portion of the bill that could be carried out are the 218 projects totaling \$125.7 million funded by a general fund appropriation headed "surface transportation priorities."

The draft bill accedes to the budget request and eliminates stand-alone general fund appropriations for Appalachian highways and the Denali program in Alaska.

As shown in the table at left, the draft bill dispenses with the practice of the last several appropriations bills to use large rescissions of highway contract authority to make the discretionary portion of the DOT budget look smaller (in 2009, nearly \$3.5 billion in such rescissions made the \$17.0 billion DOT discretionary total look like \$13.5 billion for the purpose of the "302(b)" cap on discretionary budget authority in the bill.

This year, DOT's discretionary BA jumped \$4.5 billion in real terms but the absence of the rescission offset means that it looks like an \$8.0 billion increase.

The draft bill cuts the Federal Highway Administration's administrative budget by \$1.9 million below the budget request (\$1.5 million by

The 302(b): FY 2010 House Transportation-HUD Appropriations Bill

(Dollar amounts in thousands - discretionary budget authority only - excludes FY09 stimulus)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House
Title I: Department of Transportation			
USDOT Non-Emergency Appropriations (Regular)	16,998,830	18,176,772	21,522,212
New General Fund Appropriation for Highways	0	36,107,000	0
New General Fund Appropriation for Transit Formulas	0	3,343,171	0
USDOT Rescissions of Appropriations	-39,065	0	0
USDOT Rescissions of Contract Authority	-3,479,947	0	0
Equals: USDOT Net Total for 302(b)	13,479,818	57,626,943	21,522,212
Title II: Housing and Urban Development			
HUD Non-Emergency Appropriations	38,662,490	41,977,259	43,550,679
HUD Rescissions of Appropriations	-792,600	-27,600	-27,600
HUD Advance Appropriations	4,400,000	4,400,000	4,393,672
HUD Offsetting Receipts and Collections	-734,600	-867,000	-867,000
Equals: HUD Net Total for 302(b)	41,535,290	45,482,659	47,049,751
Title III: Other Independent Agencies			
Other Agencies Non-Emergency Appropriations	303,683	5,296,438	329,312
Other Agencies Rescissions of Appropriations	-671	0	0
Equals: Other Agencies Net Total for 302(b)	303,012	5,296,438	329,312
Scorekeeping Adjustments			
Adjustment for Pipeline Safety User Fees	-75,120	-86,973	-86,973
Less HUD Advance Appropriations	-4,400,000	-4,400,000	-4,393,672
Plus Prior Year HUD Advance Appropriations	4,158,000	4,400,000	4,400,000
Other Scorekeeping Adjustments	-1,000	0	0
Total Scorekeeping Adjustments	-318,120	-86,973	-80,645
Total THUD Subject to 302(b) Ceiling	55,000,000	108,319,067	68,820,630
Minus: General Fund Appropriation for Highways	0	-36,107,000	0
Minus: General Fund Appropriation for Transit Formulas	0	-3,343,171	0
Total General Fund Proposals for HTF Solvency	0	-39,450,171	0
Total THUD Subject to 302(b) Ceiling if General Fund Proposals for HTF Solvency Are Ignored	55,000,000	68,868,896	68,820,630
FY 2010 House THUD 302(b) BA Ceiling			68,821,000

CONTINUED ON NEXT PAGE

DOT Appropriations

CONTINUED FROM PAGE THREE

reducing the number of new FTEs from 65 to 53 and \$400 thousand from cutting the proposed increase in the travel budget).

Aviation. As the table at the bottom of this page indicates, the draft bill provides the Federal Aviation Administration with a total of \$15.982 billion in total budgetary resources for fiscal 2010, an increase of \$512 million (3.3 percent) over the 2009 level (subtracting out stimulus funding) and an ever-so-slight \$26 million (0.2 percent) above the budget request.

The extra \$26 million comes in two of the four accounts. The draft bill adds \$15.4 million to FAA Operations, most of which will go to hire an additional 136 flight standards inspectors and an additional 50

aircraft certification inspectors. This is offset somewhat by a cut of \$2 million from proposed new NextGen staffing allowances.

The other deviation from the budget request is the Research, Engineering and Development account, which got \$171 million in 2009 and which receives \$195 million in the draft bill as opposed to the \$180 million requested by the White House.

The report clarifies that \$13 million of the extra \$15 million is to go towards clean fuels research and the other \$2 million is to go towards materials research and training.

Funding for the capital accounts — the Facilities and Equipment (procurement) account and the Airport Improvement Program capital grants account — meets the budget request. Within F&E, there are few slight modifications to the budget

request in the \$2-3 million range, but the total account is exactly the \$2.925 billion requested, an increase of \$183 million (6.7 percent) over 2009.

The AIP program gets the same \$3.515 billion obligation limitation that the program has received for at least the last four fiscal years. The pending House and Senate FAA reauthorization bills would provide a total of \$4.000 billion in contract authority for the AIP program in 2010, setting up a potential dispute between the appropriators and the authorizers down the road if an FAA bill ever becomes law.

Though the overall FAA funding levels are similar to the budget request, the appropriators shifted about \$1 billion of the support for FAA Operations from the Airport and Airway Trust Fund to the gen-

CONTINUED ON NEXT PAGE

FEDERAL AVIATION ADMINISTRATION APPROPRIATIONS COMPARISON

	FY 2009		FY 2010		House vs. FY 2009		House vs. Request	
	Omnibus	Request	House	Dollars	Percent	Dollars	Percent	
Operations								
Air Traffic Organization	\$ 7,099,019,000	\$ 7,302,739,000	\$ 7,300,739,000	\$ 201,720,000	2.8%	\$ (2,000,000)	0.0%	
Aviation Safety	\$ 1,164,597,000	\$ 1,216,395,000	\$ 1,231,765,000	\$ 67,168,000	5.8%	\$ 15,370,000	1.3%	
Commercial Space Transportation	\$ 14,094,000	\$ 14,737,000	\$ 14,737,000	\$ 643,000	4.6%	\$ -	0.0%	
Financial Services	\$ 111,004,000	\$ 113,681,000	\$ 113,681,000	\$ 2,677,000	2.4%	\$ -	0.0%	
Human Resources	\$ 96,091,000	\$ 100,428,000	\$ 100,428,000	\$ 4,337,000	4.5%	\$ -	0.0%	
Region and Center Operations	\$ 331,000,000	\$ 341,977,000	\$ 341,977,000	\$ 10,977,000	3.3%	\$ -	0.0%	
Staff Offices	\$ 180,859,000	\$ 196,063,000	\$ 196,063,000	\$ 15,204,000	8.4%	\$ -	0.0%	
Information Services	\$ 46,500,000	\$ 49,778,000	\$ 49,778,000	\$ 3,278,000	7.0%	\$ -	0.0%	
Adjustments	\$ (697,000)	\$ -	\$ -	\$ 697,000	-100.0%	\$ -	n/a	
Total, Operations	\$ 9,042,467,000	\$ 9,335,798,000	\$ 9,347,168,000	\$ 304,701,000	3.4%	\$ 11,370,000	0.1%	
Facilities and Equipment								
Engineering, Development, Testing	\$ 345,100,000	\$ 523,914,500	\$ 520,914,500	\$ 175,814,500	50.9%	\$ (3,000,000)	-0.6%	
Air Traffic Control F&E	\$ 1,568,290,000	\$ 1,570,871,000	\$ 1,568,571,000	\$ 281,000	0.0%	\$ (2,300,000)	-0.1%	
Non-Air Traffic Control F&E	\$ 141,800,000	\$ 130,416,500	\$ 133,416,500	\$ (8,383,500)	-5.9%	\$ 3,000,000	2.3%	
F&E Mission Support	\$ 226,405,000	\$ 230,000,000	\$ 232,300,000	\$ 5,895,000	2.6%	\$ 2,300,000	1.0%	
Personnel and Related Expenses	\$ 460,500,000	\$ 470,000,000	\$ 470,000,000	\$ 9,500,000	2.1%	\$ -	0.0%	
Total, Facilities & Equipment	\$ 2,742,095,000	\$ 2,925,202,000	\$ 2,925,202,000	\$ 183,107,000	6.7%	\$ -	0.0%	
Research, Engineering & Develop.	\$ 171,000,000	\$ 180,000,000	\$ 195,000,000	\$ 24,000,000	14.0%	\$ 15,000,000	8.3%	
Airport Improvement Program								
Grants-in-aid to Airports	\$ 3,384,698,000	\$ 3,384,106,000	\$ 3,384,106,000	\$ (592,000)	0.0%	\$ -	0.0%	
Office of Airports	\$ 87,454,000	\$ 93,422,000	\$ 93,422,000	\$ 5,968,000	6.8%	\$ -	0.0%	
Airport Technology Research	\$ 19,348,000	\$ 22,472,000	\$ 22,472,000	\$ 3,124,000	16.1%	\$ -	0.0%	
Airport Cooperative Research	\$ 15,000,000	\$ 15,000,000	\$ 15,000,000	\$ -	0.0%	\$ -	0.0%	
Small Community Air Service (to OST)	\$ 8,000,000	\$ -	\$ -	\$ (8,000,000)	-100.0%	\$ -	n/a	
Total, AIP	\$ 3,514,500,000	\$ 3,515,000,000	\$ 3,515,000,000	\$ 500,000	0.0%	\$ -	0.0%	
GRAND TOTAL, FAA (Gross)	\$ 15,470,062,000	\$ 15,956,000,000	\$ 15,982,370,000	\$ 512,308,000	3.3%	\$ 26,370,000	0.2%	
General Fund	\$ 3,804,462,000	\$ 3,128,000,000	\$ 4,156,370,000	\$ 351,908,000	9.2%	\$ 1,028,370,000	32.9%	
Airport and Airway Trust Fund	\$ 11,665,600,000	\$ 12,828,000,000	\$ 11,826,000,000	\$ 160,400,000	1.4%	\$ (1,002,000,000)	-7.8%	
General Fund (% of Total FAA)	24.6%	19.6%	26.0%					
Trust Fund (% of Total FAA)	75.4%	80.4%	74.0%					
Rescission, Offsets and "Other"								
Rescission of excess AIP CA	\$ (80,000,000)	\$ -	\$ -	\$ 80,000,000	-100.0%	\$ -	n/a	
Total, Rescissions/Offsets/Other	\$ (80,000,000)	\$ -	\$ -	\$ 80,000,000	-100.0%	\$ -	n/a	
GRAND TOTAL, FAA (Net)	\$ 15,390,062,000	\$ 15,956,000,000	\$ 15,982,370,000	\$ 592,308,000	3.8%	\$ 26,370,000	0.2%	

DOT Appropriations

CONTINUED FROM PAGE FOUR

eral fund in order to protect the dwindling unobligated balances in the Trust Fund.

Outside the FAA, the draft bill provides a \$125 million appropriation from the Trust Fund for Essential Air Service subsidies to airlines serving remote communities, a 71 percent increase over last year and the exact amount of the request. When combined with the annual \$50 million in mandatory funding for the program taking place outside the regular appropriations process, \$175 million will be available for EAS in 2010 under the draft bill.

Transit. The draft bill provides a total of \$10.484 billion in total budgetary resources for the Federal Transit Administration in the draft bill, an increase of \$252 million (2.5 percent) over 2009 (once stimulus money is subtracted) and a net increase of \$148 million above the budget request.

The big account within FTA is Formula and Bus Grants, which normally takes the form of an obligation limitation. The White House requested to do the same thing to F&BG that it did with highways, i.e. shifting some of the burden to the general fund. The draft bill rejects this proposal and provides an obligation limitation of \$8.343 billion, an increase of one percent over 2009 and the same total amount requested by the President.

Since no contract authority has yet been provided for this account, the appropriators take some liberties with their spending assumptions. The table at the bottom of this page shows that the biggest assumption is a \$300 million in bus funding (made possible because all of the SAFETEA-LU bus earmarks expire on September 30), with that money reprogrammed to formula grants, fixed guideway modernization, and clean fuels.

However, the appropriators' spending assumptions for this account are only report language, and if a short-term extension law simply extends transit programs at the FY 2009 enacted levels, it is hard to see how simple report language can override statute in distributing mandatory budget authority within the account.

The rest of the accounts within FTA come from the general fund, over which the appropriators have the final say. The draft bill appropriates \$1.827 billion for Capital Investment Grants (a.k.a. new starts and small starts), the amount of the budget request and a one percent increase over last year.

The table on page 12 of this issue provides a complete breakdown of the CIG funding. In general, the appropriators adhered almost completely to the budget request, fully funding every project requested by the Administration. The committee did take \$47 million of the amount proposed to be left to FTA discretion and earmarked that money for Congressional priorities.

As a sign of how this Congress trusts this Administration more than it did the last one, the new start project amounts are not listed in the text of the draft bill itself, as has become customary, but are listed in the committee report instead. If they were listed in the text of the law, FTA would not be able to shift money around without a change in law, but if they are only listed in extralegal report language, FTA can shift money after a few friendly phone calls with the Appropriations Committees.

The draft bill cuts funding for Research and University Research Centers \$2 million below the request (\$1.3 million below last year) and the report directs FTA to take the reduction out of research projects earmarked by SAFETEA-LU that expire on September 30.

The draft bill has one significant departure from the budget request — a \$150 million general fund appropriation for the Washington Metropolitan Area Transit Authority (WMATA) in the wake of the recent fatal Red Line crash, which was not requested by the President. The report directs WMATA to use the money “to first address the immediate safety shortfalls identified by the NTSB, including, but not limited to, the improved crashworthiness of the agency’s rail car fleet and maintenance and modernization of WMATA’s overall signal and automatic train control system.”

Rail. The draft bill appropriates a total of \$5.730 billion for the Federal Railroad Administration in FY 2010, a whopping \$3.931 billion more than the non-stimulus 2009 total (a 219 percent increase) and \$3.025 billion above the budget request.

The big ticket, of course, is an appropriation of \$4.000 billion for the new high-speed and intercity passenger rail program under 49 U.S.C. 26106 and 24406 (but *not* for the congestion grants under 49 U.S.C. 24105). The Obama Administration only requested \$1 billion for this program (though it got

CONTINUED ON NEXT PAGE

FTA Formula and Bus Grant Account

	Last Year	House Bill	Change
Urbanized Area Formula Grants	\$ 4,552,280,553	\$ 4,757,130,062	+204,849,509
Fixed Guideway Modernization	\$ 1,666,500,000	\$ 1,756,134,569	+89,634,569
Bus and Bus Facility Grants	\$ 884,000,000	\$ 584,000,000	-300,000,000
Over-the-Road Bus Accessibility	\$ 8,800,000	\$ 10,800,000	+2,000,000
Clean Fuels Grant Program	\$ 51,500,000	\$ 61,500,000	+10,000,000
Planning Programs	\$ 113,500,000	\$ 113,500,000	
Elderly/Special Needs Grants	\$ 133,500,000	\$ 140,680,447	+7,180,447
Non-Urbanized Area Grants	\$ 538,084,447	\$ 607,025,922	+68,941,475
Job Access and Reverse Commute	\$ 164,500,000	\$ 164,500,000	
New Freedom Program	\$ 92,500,000	\$ 92,500,000	
National Transit Database	\$ 3,500,000	\$ 3,500,000	
Alternatives Analysis Program	\$ 25,000,000	\$ 25,000,000	
Transit in Parks and Public Lands	\$ 26,900,000	\$ 26,900,000	
Total, Formula and Bus Grants	\$ 8,260,565,000	\$ 8,343,171,000	+82,606,000

DOT Appropriations

CONTINUED FROM PAGE FIVE

\$8 billion in startup money in the stimulus bill).

This financial bonanza was made possible by the White House requesting \$5 billion for a National Infrastructure Bank before the details of the Bank were anywhere close to being ready. Instead, the draft bill provides \$4 billion for the new rail program and then includes the following proviso:

Provided further, That if legislation authorizing a national infrastructure bank is enacted prior to September 30, 2010, beginning on October 1, 2010, the Secretary of Transportation may use up to \$2,000,000,000 of the amount appropriated in this paragraph to carry out such legislation including by transferring funds to the appropriate Federal agency to carry out the national infrastructure bank...

(Normally, appropriations have to be obligated by September 30 of the fiscal year in which they become available, but the draft bill specifies that the \$4 billion in question shall be available for obligation until September 30, 2015.)

The legislation gives a great deal of authority to DOT, as it gives the Secretary the option (not the requirement) of transferring the funds and, since the Secretary controls the pace of obligation of this discretionary rail funding, the Secretary also controls how much of the \$4 billion would be left over on September 30, 2010 for possible transfer to a NIB.

The draft bill meets the total budget request within FRA for grants to Amtrak of \$1.502 billion (\$12 million more than 2009 when one takes out the \$1.3 billion in stimulus money also given to Amtrak).

The draft bill fully funds the Amtrak grant for capital and debt service at the requested level of \$930 million (\$264 million of which is for debt service), but divides the requested \$572 million operating assistance into two separate appro-

priations: \$553 million for operating subsidies and \$19 million for the Amtrak Inspector General to ensure the IG's independence.

The draft bill provides an appropriation of \$40 million for the Rail Line Relocation and Improvement program which the White House proposed to eliminate. The program received \$25 million last year. The report earmarks \$15 million of the \$40 million for 22 projects requested by House members.

The draft bill increases the appropriation for FRA Safety and Operations by almost \$4 million over the budget request (2.2 percent). \$3 million of the increase is for an additional 17.5 FTEs to meet new rail safety law requirements and \$763 thousand is to accelerate the hiring of the staff to oversee the new high-speed rail grant program.

Elsewhere, the draft bill appropriates \$29.8 million for the Surface Transportation Board, \$2.8 million above the budget request.

Safety. The draft bill provides a total of \$867 million for the National Highway Traffic Safety Administration in FY 2010, the exact amount of the budget request, which is a 1.3 percent increase over last year. However, the draft bill

shifts some priorities within NHTSA.

The biggest account is the obligation limitation on Highway Traffic Safety Grants, which the draft bill freezes at the FY 2009 level of \$619.5 million rather than increasing it by one percent as requested by the President. The bill also freezes the ob limit on the National Driver Register rather than giving it a one percent increase. Together, those decisions shave \$6.6 million from the request. Half of that money is then given back as a \$3.4 million general fund appropriation for the National Driver Register, making total funding for the NDR \$7.4 million. The other \$3.3 million is added to the Operations and Research account.

The draft bill provides total obligation limitations of \$550 million for the Federal Motor Carrier Safety Administration, the exact amount of the budget request and a 1.6 percent increase over FY 2009. \$310 million goes for Motor Carrier Safety Grants and \$240 million goes for Operations and Programs. The draft bill continues the ongoing general provision (sec. 135) relating to Mexican trucks that has been in

CONTINUED ON NEXT PAGE

Transportation Earmarks in the House Bill

<u>Mode</u>	<u>Account or Program</u>	<u>#</u>	<u>Total Amount</u>
OST	Transportation Planning, R & D	8	\$ 4,500,000
FAA	Airport Improvement Program	59	\$ 37,000,000
FAA	Facilities & Equipment	7	\$ 3,500,000
FAA	Research, Engineering & Development	2	\$ 2,000,000
FHWA	Delta Regional Transportation	10	\$ 4,325,000
FHWA	Ferry Boats and Facilities	8	\$ 4,350,000
FHWA	Federal Lands Highways	48	\$ 50,525,000
FHWA	Interstate Maintenance Discretionary	59	\$ 50,000,000
FHWA	Surface Transportation Priorities	218	\$ 125,700,000
FHWA	Transp. & Community Systems Preservation	69	\$ 31,375,000
FRA	Grade Separation in HSR Corridors	7	\$ 4,500,000
FRA	Rail Line Relocation and Improvement	22	\$ 15,000,000
FTA	Alternatives Analysis	19	\$ 7,000,000
FTA	Buses and Bus Facilities	182	\$ 109,500,000
FTA	Capital Investment Grants*	17	\$ 47,000,000
FTA	Research and University Research Centers	3	\$ 1,500,000
Total USDOT Earmarks In The House Bill		738	\$ 497,775,000

**There are many more projects listed in the table in the committee report for this account, but all of those were requested by the Administration and received the exact dollar amount requested by the Administration. They are not, therefore, Congressional earmarks.*

DOT Appropriations

CONTINUED FROM PAGE SIX

the bill since 2002 but does not continue the specific provision from the FY 2009 bill that shut down the cross-border trucking pilot program.

The draft bill provides a total of \$190 million for the Pipeline and Hazardous Materials Safety Administration, an increase of \$2 million over the budget request and \$17 million (10 percent) over 2009. The increase is split in two: an extra \$1 million for hazardous materials safety administrative expenses for the Multimodal Hazardous Materials Intelligence Portal and \$1 million for administrative expenses to fund pipeline safety information grants to communities.

Outside DOT, the draft bill appropriates \$99.2 million for the National Transportation Safety Board, \$3.8 million above the request and \$8.2 million more than 2009.

Maritime. The draft bill provides a total of \$190 million for the Maritime Administration, \$12 million below the request and just \$139 thousand above 2009.

Within the various accounts at MARAD, the only difference is a net cut of \$12 million from the request in the Operations and Training account. The report clarifies that the committee eliminates the proposed \$15 million Safe and Secure Ports Initiative and plusses up environmental compliance by \$3 million.

The draft bill appropriates the full \$32.3 million requested for the St. Lawrence Seaway Development Corporation and decreases the requested amount for the Federal Maritime Commission by 3.4 percent from the budget request, to \$23.7 million (which is still a four percent increase over FY 2009).

Other. As mentioned above, the draft bill does not provide any money directly for the proposed \$5 billion National Infrastructure Bank but does allow for the possible transfer of up to \$2 billion from high-speed rail to the NIB if one is authorized in separate law by September 30, 2010 and if there is any money from the high-speed rail appropriation and if the Secretary of Transportation decides he wants to.

Aside from Essential Air Service, already mentioned above, the draft bill meets every budget request

level within the Office of the Secretary except for shaving \$628 thousand from the request in the OST Salaries and expenses account and adding \$4.5 million to the Transportation Planning, Research and Development account (by an amazing coincidence, the report also earmarks exactly \$4.5 million from that account).

The draft bill does not provide, nor did the President request, any funding for the surface transportation discretionary grants within the Office of the Secretary, which program was given \$1.5 billion in the stimulus act.

The draft bill provides \$74.8 million, the requested amount, for the USDOT Inspector General and provides \$12.8 million (\$345 thousand below the request) for the Research and Innovative Technology Administration.

A summary of all transportation general provisions in the draft bill follows. A table showing all DOT appropriations accounts is on pp. 9-11 and the table of FTA new starts and small starts is on p. 12.

GENERAL PROVISIONS IN THE FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT (AS REPORTED FROM COMMITTEE IN THE HOUSE)

Office of the Secretary

Sec. 101 restricts reimbursable agreements between DOT modal administrations, as did last year's law.

Sec. 102 prohibits funding to establish or implement the Essential Air Service local participation program, as did last year's law.

Sec. 104 allows the Secretary or her designee to "engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities" as did last year's law.

Federal Aviation Administration

Sec. 110 limits the AASD R&D contract to 600 staff-years in 2010, the same level as FY 2009.

Sec. 111 prohibits FAA from requiring airports to give rent-free office space or free construction or maintenance, as did last year's law.

Sec. 112 allows the FAA to loan the Office of the Secretary money for the Essential Air Service program and waives 49 U.S.C. 41742(b), as did last year's law.

Sec. 113 allows fees under 49 U.S.C. 40113(e) to be credited to the appropriation, as did last year's law.

Sec. 114 amends 49 U.S.C. 44302 and 44303 to provide a one-year extension of war risk insurance authority. This is a new provision.

Sec. 115 prevents any funds in the Act from being used to change weight restrictions at Teterboro Airport, New Jersey, as did last year's law.

Sec. 116 requires AIP grant recipients to agree to DOT requests for cost-free space in a non-revenue producing public use area of the airport for the purpose of carrying out a public service air passenger rights and consumer outreach campaign, as did last year's law.

Sec. 117 prevents any funds from being used for premium pay for FAA employees unless the employee actually performed work during the corresponding time period, as did last year's law

Sec. 118 prevents funds from being used for government-issued credit cards to be used to purchase store gift cards or gift certificates, as did last year's law.

CONTINUED ON NEXT PAGE

GENERAL PROVISIONS IN THE HOUSE FY 2010 USDOT APPROPRIATIONS BILL, CONTINUED**Federal Highway Administration**

Sec. 120 sets forth procedures for distribution of the obligation limitation on federal-aid highways, pre-empting the (very similar) procedures in sec. 1102 of SAFETEA-LU, as did last year's law.

Sec. 121 allows BTS to credit sales of data products to appropriation accounts, as did last year's law.

Sec. 122 restricts the ability of the State of Texas to place tolls on federal-aid highway facilities, as did last year's law.

Federal Motor Carrier Safety Administration

Sec. 135 requires that funding in the Act comply with the requirements of past laws relating to the safety and security of U.S.-Mexico border truck traffic, as did last year's law.

National Highway Traffic Safety Administration

Sec. 140 allows the transfer of \$130 thousand within NHTSA to pay for travel expenses for state management reviews and for core competency training, as did last year's bill.

Sec. 141 provides that the FY 2010 obligation limitations for NHTSA do not apply to obligations for which ob limit was provided in previous years. This is a new provision.

Federal Railroad Administration

Sec. 151 allows the purchase of promotional items of nominal value, as did last year's law.

Sec. 152 provides for an automatic shutoff of all federal funding for Amtrak if Amtrak ever contracts to have services provided from any location outside the United States, as did last year's law.

Sec. 153 allows DOT to use non-federal resources to repair track inspection cars damaged by third parties, as did last year's law.

Sec. 154 requires quarterly reports by FRA to Congress on Amtrak's on-time performance, as did last year's law.

Secs. 155-156 amend previously appropriated earmarked project designations. These are new provisions.

Federal Transit Administration

Sec. 160 provides that the obligation limitation on FTA funding does not apply to prior-year funding, as did last year's law.

Sec. 161 allows the transfer of unused FTA earmark money provided in the bill if not used within three fiscal years, as did last year's law.

Sec. 162 allows the transfer of unused funds from two and more prior fiscal years, as did last year's law.

Sec. 163 allows the continued use of unused new start appropriations for the same project, as did last year's law.

Sec. 164 states that during FY 2010, each FTA grant "for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system" as did last year's law.

Sec. 165 requires that, notwithstanding any other provision of law, unobligated funds or recoveries available to the Secretary for reallocation have to stay with the project they were originally provided for, as did last year's law.

Sec. 166 amends two previously appropriated project designations. This is a new provision.

Maritime Administration

Sec. 175 allows MARAD to furnish, service and repair leased government property, as did last year's law.

Sec. 176 prohibits new obligations from the construction fund outside limits contained in the act, as did last year's law.

Department-Wide

Sec. 180 allows the use of funds for aircraft, automobiles and insurance, as did last year's law.

Sec. 181 allows payments for outside consultants subject to a per diem cap, as did last year's law.

Sec. 182 caps the number of political employees at DOT at 110, as did last year's law.

Sec. 183 prohibits implementation of 23 U.S.C. 404, as did last year's law.

Sec. 184 prevents states from disseminating personal information from DMV records except as provided by law, as did last year's law.

Sec. 185 allows reimbursement to certain accounts for training expenses, as did last year's law.

Sec. 186 declares that projects earmarked in the explanatory statement are legally eligible for funding under the discretionary programs from which they are earmarked, similar to a provision in last year's law.

Sec. 187 authorizes Amtrak to redeem stock sold to DOT, as in last year's law.

Sec. 188 requires DOT to notify the Appropriations Committees 3 days before announcing grants of more than \$500 thousand for highway, AIP, or transit projects, as did last year's law.

Sec. 189 allows the proper crediting of rebates, refunds, and other payments, as did last year's law.

Sec. 190 allows DOT to recover improper payments to contractors, as did last year's law.

Sec. 191 limits the authority to approve reprogramming requests to the Appropriations Committees, as did last year's law.

Sec. 192 limits STB filing fees to the maximum amount charged by federal district courts for filing a civil lawsuit, as did last year's law.

Sec. 193 allows the use of the Working Capital Fund to pay vendors to carry out federal transportation pass fringe benefits. This is a new provision.

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (REPORTED IN HOUSE)

(Dollar amounts in thousands—page 1 of 3)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	House vs. 2009		House vs. Request	
				,000 Dollars	Percent	,000 Dollars	Percent
Office of the Secretary							
Salaries and Expenses	98,248	103,184	102,556	4,308	4.4%	(628)	-0.6%
Financial Management Capital	5,000	5,000	5,000	-	0.0%	-	0.0%
Office of Civil Rights	9,384	9,667	9,667	283	3.0%	-	0.0%
Rescission of 9/11 airline bailout cash	(848)	-	-	848	-100.0%	-	n/a
Transportation Planning, Research & Dev.	18,300	10,233	14,733	(3,567)	-19.5%	4,500	44.0%
Minority Business Resource Center	912	912	912	-	0.0%	-	0.0%
Minority Business Outreach	3,056	3,074	3,074	18	0.6%	-	0.0%
Essential Air Service (discretionary)	73,013	125,000	125,000	51,987	71.2%	-	0.0%
Essential Air Service (mandatory/from overflight fees)	50,000	50,000	50,000	-	0.0%	-	0.0%
Discretionary Intermodal Projects (GF stimulus)	1,500,000	-	-	(1,500,000)	-100.0%	-	n/a
Total, OST (Gross new budgetary resources)	1,757,913	307,070	310,942	(1,446,971)	-82.3%	3,872	1.3%
Total, OST (Gross NBR without stimulus funds)	257,913	307,070	310,942	53,029	20.6%	3,872	1.3%
Total, OST (Net after rescissions & offsets)	1,757,065	307,070	310,942	(1,446,123)	-82.3%	3,872	1.3%
Federal Aviation Administration							
Operations (General Fund)	3,804,462	3,128,000	4,156,370	351,908	9.2%	1,028,370	32.9%
Operations (Airport & Airway Trust Fund)	5,238,005	6,207,798	5,190,798	(47,207)	-0.9%	(1,017,000)	-16.4%
Operations - Total	9,042,467	9,335,798	9,347,168	304,701	3.4%	11,370	0.1%
Facilities & Equipment (Trust Fund)	2,742,095	2,925,202	2,925,202	183,107	6.7%	-	0.0%
Facilities & Equipment (GF Stimulus)	200,000	-	-	(200,000)	-	-	n/a
Research, Engineering & Development (Trust Fund)	171,000	180,000	195,000	24,000	14.0%	15,000	8.3%
Airport Improvement Program (Ob Limit)	3,514,500	3,515,000	3,515,000	500	0.0%	-	0.0%
Airport Improvement Program (GF Stimulus)	1,100,000	-	-	(1,100,000)	-100.0%	-	n/a
Rescission of AIP C.A.	(80,000)	-	-	80,000	-100.0%	-	n/a
Total, FAA (Gross new budgetary resources)	16,770,062	15,956,000	15,982,370	(787,692)	-4.7%	26,370	0.2%
Total, FAA (Gross NBR without stimulus funds)	15,470,062	15,956,000	15,982,370	512,308	3.3%	26,370	0.2%
Total, FAA (Net after rescissions and offsets)	16,690,062	15,956,000	15,982,370	(707,692)	-4.2%	26,370	0.2%
Federal Highway Administration							
Sub-limitation on administrative expenses (non-add)	390,000	415,396	413,533	23,533	6.0%	(1,863)	-0.4%
Sub-limitation on research (non-add)	429,800	429,800	429,800	-	0.0%	-	0.0%
Federal-aid Highways (Ob Limit)	40,700,000	5,000,000	41,107,000	407,000	1.0%	36,107,000	722.1%
Federal-aid Highways (GF Stimulus)	27,500,000	-	-	(27,500,000)	-100.0%	-	n/a
Federal-aid Highways (GF share if no new HTF \$)	-	36,107,000	-	-	-	(36,107,000)	-100.0%
Exempt Obligations (mandatory)	739,000	739,000	739,000	-	0.0%	-	0.0%
Appalachian Highways	9,500	-	-	(9,500)	-100.0%	-	n/a
Denali Access System Program	5,700	-	-	(5,700)	-100.0%	-	n/a
Surface Transportation Priorities	161,327	-	125,700	(35,627)	-22.1%	125,700	n/a
Additional Funding for TCSP	143,031	-	-	(143,031)	-100.0%	-	n/a
Rescission of Contract Authority (THUD bill)	(3,150,000)	-	-	3,150,000	-100.0%	-	n/a
Rescission of Misc. Allocated Contract Authority	(45,158)	-	-	45,158	-100.0%	-	n/a
Total, FHWA (Gross new budgetary resources)	69,258,558	41,846,000	41,971,700	(27,286,858)	-39.4%	125,700	0.3%
Total, FHWA (Gross NBR without stimulus funds)	41,758,558	41,846,000	41,971,700	213,142	0.5%	125,700	0.3%
Total, FHWA (Net after rescissions & offsets)	66,063,400	41,846,000	41,971,700	(24,091,700)	-36.5%	125,700	0.3%
Federal Motor Carrier Safety Administration							
Operations and Programs (Ob Limit)	234,000	239,828	239,828	5,828	2.5%	-	0.0%
Motor Carrier Safety Grants (Ob Limit)	307,000	310,070	310,070	3,070	1.0%	-	0.0%
Rescissions of Contract Authority	(33,145)	-	-	33,145	-100.0%	-	n/a
Total, FMCSA (Gross new budgetary resources)	541,000	549,898	549,898	8,898	1.6%	-	0.0%
Total, FMCSA (Net after rescissions & offsets)	507,855	549,898	549,898	42,043	8.3%	-	0.0%
National Highway Traffic Safety Administration							
Operations and Research (general fund)	127,000	129,774	131,736	4,736	3.7%	1,962	1.5%
Operations and Research (HTF) (Ob Limit)	105,500	107,329	108,642	3,142	3.0%	1,313	1.2%
Operations and Research - Total	232,500	237,103	240,378	7,878	3.4%	3,275	1.4%
National Driver Register (Ob Limit)	4,000	4,078	4,000	-	0.0%	(78)	-1.9%
National Driver Register (general fund)	-	-	3,350	3,350	n/a	3,350	n/a
Highway Traffic Safety Grants (Ob Limit)	619,500	626,047	619,500	-	0.0%	(6,547)	-1.0%
Rescissions of Contract Authority	(71,644)	-	-	71,644	-100.0%	-	n/a
Total, NHTSA (Gross new budgetary resources)	856,000	867,228	867,228	11,228	1.3%	-	0.0%
Total, NHTSA (Net after rescissions & offsets)	784,356	867,228	867,228	82,872	10.6%	-	0.0%

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (REPORTED IN HOUSE)

(Dollar amounts in thousands—page 2 of 3)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	House vs. 2009		House vs. Request	
				,000 Dollars	Percent	,000 Dollars	Percent
Federal Railroad Administration							
Safety and Operations	159,445	168,770	172,533	13,088	8.2%	3,763	2.2%
Railroad Research & Development	33,950	34,145	34,145	195	0.6%	-	0.0%
Rail Line Relocation and Improvement	25,000	-	40,000	15,000	60.0%	40,000	n/a
<i>Amtrak Operating Subsidy Grants</i>	<i>550,000</i>	<i>572,348</i>	<i>553,348</i>	<i>3,348</i>	<i>0.6%</i>	<i>(19,000)</i>	<i>-3.3%</i>
<i>Amtrak Capital Grants</i>	<i>940,000</i>	<i>929,625</i>	<i>929,625</i>	<i>(10,375)</i>	<i>-1.1%</i>	-	0.0%
<i>Amtrak Inspector General</i>	-	-	19,000	19,000		19,000	n/a
Grants to Amtrak - Total	1,490,000	1,501,973	1,501,973	11,973	0.8%	-	0.0%
Grants to Amtrak (GF Stimulus)	1,300,000	-	-	(1,300,000)	-100.0%	-	n/a
Intercity Passenger Rail Grant Program	90,000	-	-	(90,000)	-100.0%	-	n/a
High-Speed and Intercity Passenger Rail	-	1,000,000	4,000,000	4,000,000	n/a	3,000,000	300.0%
High-Speed and Intercity Passenger Rail (GF Stimulus)	8,000,000	-	-	(8,000,000)	-100.0%	-	n/a
Rescission of Prior-Year Amtrak Efficiency Grants	(36,834)	-	-	36,834	-100.0%	-	n/a
Total, FRA (Gross new budgetary resources)	11,098,395	2,704,888	5,729,651	(5,368,744)	-48.4%	3,024,763	111.8%
Total, FRA (Gross NBR without stimulus funds)	1,798,395	2,704,888	5,729,651	3,931,256	218.6%	3,024,763	111.8%
Total, FRA (Net after rescissions & offsets)	11,061,561	2,704,888	5,748,651	(5,312,910)	-48.0%	3,043,763	112.5%
Federal Transit Administration							
Administrative Expenses	94,413	97,478	97,478	3,065	3.2%	-	0.0%
Formula and Bus Grants (Ob Limit)	8,260,565	5,000,000	8,343,171	82,606	1.0%	3,343,171	66.9%
Formula and Bus Grants (GF Share if no new HTF \$)	-	3,343,171	-	-		(3,343,171)	-100.0%
Formula Grants (GF Stimulus)	6,900,000	-	-	(6,900,000)	-100.0%	-	n/a
Fixed Guideway Modernization Grants (GF Stimulus)	750,000	-	-	(750,000)	-100.0%	-	n/a
Research and University Research Centers	67,000	67,670	65,670	(1,330)	-2.0%	(2,000)	-3.0%
Capital Investment Grants	1,809,250	1,827,343	1,827,343	18,093	1.0%	-	0.0%
Capital Investment Grants (GF Stimulus)	750,000	-	-	(750,000)	-100.0%	-	n/a
WMATA	-	-	150,000	150,000	n/a	150,000	n/a
Rescission of unused contract authority	(100,000)	-	-	100,000	-100.0%	-	n/a
Total, FTA (Gross new budgetary resources)	18,631,228	10,335,662	10,483,662	(8,147,566)	-43.7%	148,000	1.4%
Total, FTA (Gross NBR without stimulus funds)	10,231,228	10,335,662	10,483,662	252,434	2.5%	148,000	1.4%
Total, FTA (Net after rescissions & offsets)	18,531,228	10,335,662	10,483,662	(8,047,566)	-43.4%	148,000	1.4%
St. Lawrence Seaway Development Corporation							
Operations and Maintenance	31,842	32,324	32,324	482	1.5%	-	0.0%
Total, StLSDC	31,842	32,324	32,324	482	1.5%	-	0.0%
Maritime Administration							
Maritime Security Program	174,000	174,000	174,000	-	0.0%	-	0.0%
Operations and Training	123,360	152,900	140,900	17,540	14.2%	(12,000)	-7.8%
Ship Disposal	15,000	15,000	15,000	-	0.0%	-	0.0%
Assistance for Small Shipyards	17,500	-	-	(17,500)	-100.0%	-	n/a
Assistance for Small Shipyards (GF Stimulus)	100,000	-	-	(100,000)	-100.0%	-	n/a
Title XI Shipbuilding Loan Program	3,531	3,630	3,630	99	2.8%	-	0.0%
Rescission of Ship Construction funds	(1,383)	-	-	1,383	-100.0%	-	n/a
Total, MARAD (Gross new budgetary resources)	433,391	345,530	333,530	(99,861)	-23.0%	(12,000)	-3.5%
Total, MARAD (Gross NBR without stimulus funds)	333,391	345,530	333,530	139	0.0%	(12,000)	-3.5%
Total, MARAD (Net after rescissions & offsets)	432,008	345,530	333,530	(98,478)	-22.8%	(12,000)	-3.5%
Pipeline and Hazardous Materials Administration							
Hazardous Materials Safety	32,000	35,500	36,500	4,500	14.1%	1,000	2.8%
<i>Administrative Expenses (General Fund)</i>	<i>18,491</i>	<i>18,329</i>	<i>19,329</i>	<i>838</i>	<i>4.5%</i>	<i>1,000</i>	<i>5.5%</i>
<i>Administrative Expenses (Pipeline Safety Fund)</i>	<i>639</i>	<i>639</i>	<i>639</i>	-	<i>0.0%</i>	-	<i>0.0%</i>
Administrative Expenses - Total	19,130	18,968	19,968	838	4.4%	1,000	5.3%
<i>Pipeline Safety (Pipeline Safety Fund)</i>	<i>74,481</i>	<i>86,334</i>	<i>86,334</i>	<i>11,853</i>	<i>15.9%</i>	-	<i>0.0%</i>
<i>Pipeline Safety (Oil Spill Liability Trust Fund)</i>	<i>18,810</i>	<i>18,905</i>	<i>18,905</i>	<i>95</i>	<i>0.5%</i>	-	<i>0.0%</i>
Pipeline Safety - Total	93,291	105,239	105,239	11,948	12.8%	-	0.0%
Emergency Preparedness Fund (discr. appropriation)	188	188	188	-	0.0%	-	0.0%
Emergency Preparedness Fund (mandatory BA)	28,130	28,130	28,130	-	0.0%	-	0.0%
Total, PHMSA	172,739	188,025	190,025	17,286	10.0%	2,000	1.1%
Research and Innovative Technology Administration							
Research and Development	12,900	13,179	12,834	(66)	-0.5%	(345)	-2.6%
Total, RITA	12,900	13,179	12,834	(66)	-0.5%	(345)	-2.6%
Office of Inspector General							
Salaries and Expenses	71,400	74,839	74,839	3,439	4.8%	-	0.0%
Salaries and Expenses (GF Stimulus)	20,000	-	-	(20,000)	-100.0%	-	n/a
Total, OIG	91,400	74,839	74,839	(16,561)	-18.1%	-	0.0%
Total, OIG without stimulus funds	71,400	74,839	74,839	3,439	4.8%	-	0.0%
Surface Transportation Board							
Salaries and Expenses	26,847	27,032	29,800	2,953	11.0%	2,768	10.2%
Offsetting collections	(1,250)	(1,250)	(1,250)	-	0.0%	-	0.0%
Total, STB	25,597	25,782	28,550	2,953	11.5%	2,768	10.7%

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (REPORTED IN HOUSE)

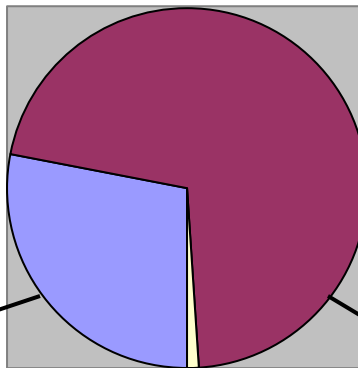
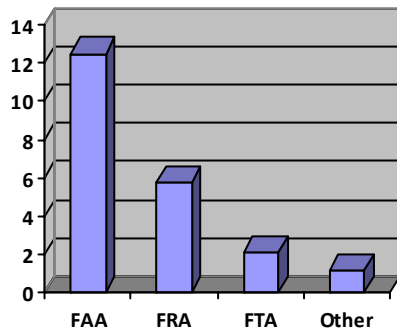
(Dollar amounts in thousands—page 3 of 3)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	House vs. 2009 ,000 Dollars	House vs. 2009 Percent	House vs. Request ,000 Dollars	House vs. Request Percent
TOTALS FOR TITLE I (USDOT):							
<i>Discretionary Budgetary Resources</i>							
New Discretionary Budget Authority - Non-Emergency	16,998,830	57,626,943	21,522,212	4,523,382	26.6%	(36,104,731)	-62.7%
New Discretionary Budget Authority - Emergency	48,120,000	-	-	(48,120,000)	-100.0%	-	n/a
New Transportation Obligation Limitations	53,745,065	14,802,352	54,247,211	502,146	0.9%	39,444,859	266.5%
GROSS DISCRETIONARY BUDGETARY RESOURCES	118,863,895	72,429,295	75,769,423	(43,094,472)	-36.3%	3,340,128	4.6%
<i>Mandatory Budgetary Resources</i>							
Contract Authority Exempt From Obligation Limit	739,000	739,000	739,000	-	0.0%	-	0.0%
Mandatory Budget Authority for Essential Air Service	50,000	50,000	50,000	-	0.0%	-	0.0%
Mandatory Budget Authority for PHMSA EPF	28,130	28,130	28,130	-	0.0%	-	0.0%
GROSS MANDATORY BUDGETARY RESOURCES	817,130	817,130	817,130	-	0.0%	-	0.0%
TOTAL GROSS BUDGETARY RESOURCES, USDOT	119,681,025	73,246,425	76,586,553	(43,094,472)	-36.0%	3,340,128	4.6%
<i>Rescissions and Budgetary Offsets:</i>							
Rescissions of Appropriated Budget Authority	-39,065	-	-	39,065	-100.0%	-	n/a
Rescissions of Contract Authority	-3,479,947	-	-	3,479,947	-100.0%	-	n/a
Subtotal: Rescissions and Offsets	-3,519,012	-	-	3,519,012	-100.0%	-	n/a
TOTAL NET BUDGETARY RESOURCES, USDOT	116,162,013	73,246,425	76,586,553	(39,575,460)	-34.1%	3,340,128	4.6%
Total Subject to 302(b) Ceiling (Disc. BA less Offsets)	13,479,818	57,626,943	21,522,212	8,042,394	59.7%	(36,104,731)	-62.7%
Gross Discretionary Resources By Type and Source:							
New Appropriations (Airport & Airway Trust Fund)	8,224,113	9,438,000	8,436,000	211,887	2.6%	(1,002,000)	-10.6%
New Appropriations (General/Other Funds)-Non-Emerg.	8,774,717	48,188,943	13,086,212	4,311,495	49.1%	(35,102,731)	-72.8%
New Appropriations (General/Other Funds)-Emergency	48,120,000	-	-	(48,120,000)	-100.0%	-	n/a
Obligation Limitations (Highway Account - HTF)	41,970,000	6,287,352	42,389,040	419,040	1.0%	36,101,688	574.2%
Obligation Limitations (Mass Transit Account - HTF)	8,260,565	5,000,000	8,343,171	82,606	1.0%	3,343,171	66.9%
Obligation Limitation (Airport & Airway Trust Fund)	3,514,500	3,515,000	3,515,000	500	0.0%	-	0.0%
Gross Discretionary Budget Resources, USDOT	118,863,895	72,429,295	75,769,423	(43,094,472)	-36.3%	3,340,128	4.6%
Independent Agencies (excerpt)							
National Transportation Safety Board							
Salaries and Expenses	91,000	95,400	99,200	8,200	9.0%	3,800	4.0%
Rescission of unobligated balances	(671)	-	-	671	-100.0%	-	n/a
Net Total, NTSB	90,329	95,400	99,200	8,871	9.8%	3,800	4.0%
Federal Maritime Commission							
Salaries and Expenses	22,800	24,558	23,712	912	4.0%	(846)	-3.4%
Total, FMC	22,800	24,558	23,712	912	4.0%	(846)	-3.4%
National Infrastructure Bank	-	5,000,000	-	-	n/a	(5,000,000)	-100.0%

BREAKING DOWN THE TOTAL USDOT BUDGETARY RESOURCES

**NEW DISCRETIONARY APPROPRIATIONS
\$21.52 BILLION (21.1%)**

Only about one-fifth of the total DOT budget takes the form of "normal" appropriations of budget authority from the general fund or federal trust funds.

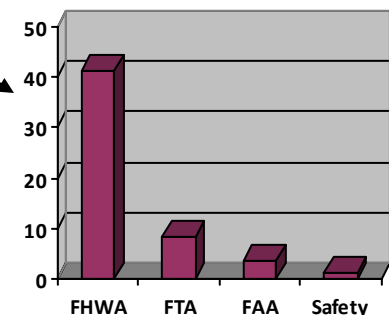


**MANDATORY SPENDING
\$817 MILLION (1.1%)**

\$739 million in highway spending, \$50 million for Essential Air Service and \$28 million for emergency preparedness is mandatory and not scored to the bill.

**OBLIGATION LIMITATIONS ON CONTRACT AUTHORITY
\$54.25 BILLION (70.8%)**

Most DOT budgetary resources in the bill take the form of limitations on how much existing contract authority from transportation trust funds can be obligated in a given fiscal year.



FUNDING FOR FTA CAPITAL INVESTMENT GRANTS (NEW STARTS/SMALL STARTS)

Project	Overall Project Rating	FY 2008 and Previous Funding	FY 2009 Omnibus Appropriations Act	FY 2009 Stimulus Act	FY 2010 President's Budget	FY 2010 House Mark
Totals by Phase						
Existing New Starts Full Funding Grant Agreements		\$5,247,730,047	\$1,273,243,053	\$739,560,000	\$1,123,028,374	\$1,123,028,374
Recommended Full Funding Grant Agreements and Early System Work Agreements		70,628,756	82,170,000	0	430,000,000	430,000,000
Project Construction Grant Agreements		0	293,040	2,940,000	0	0
Pending Project Construction Grant Agreements		30,450,000	44,550,000	0	0	0
Small Starts Project Development		67,331,890	139,411,768	0	174,251,117	179,251,117
Other New Starts/Small Starts Projects		0	0	0	81,790,079	81,790,079
Oversight Activities		46,230,000	18,092,500	7,500,000	18,273,430	18,273,430
Ferry Capital Projects (AK or HI)		54,910,000	14,850,000	0	0	0
Denali Commission		14,900,000	4,950,000	0	0	0
GRAND TOTAL		\$5,532,180,693	\$1,577,560,361	\$750,000,000	\$1,827,343,000	\$1,827,343,000
Existing New Starts with Full Funding Grant Agreements						
AZ Phoenix, Central Phoenix/East Valley Light Rail	FFGA	\$399,068,097	\$90,882,000	\$36,000,000	\$61,249,903	\$61,249,903
CA Los Angeles, Metro Gold Line Eastside Extension	FFGA	333,593,449	80,784,000	66,740,000	9,582,551	9,582,551
CO Denver, Southeast Corridor LRT	FFGA	523,968,790	1,020,898		10,312	10,312
CO Denver, West Corridor LRT	FFGA	79,101,000	59,400,000	40,000,000	100,000,000	100,000,000
DC Washington DC Metropolitan Area, Largo Metrorail Extension	FFGA	329,300,000	34,353,000		347,000	347,000
IL Chicago, Ravenswood Line Extension	FFGA	215,045,596	30,169,660		304,744	304,744
MN Minneapolis-Big Lake, Northstar Corridor Rail	FFGA	85,643,940	70,454,399		711,661	711,661
NJ Northern New Jersey, Hudson-Bergen MOS-2	FFGA	498,896,140	1,092,821		11,039	11,039
NY New York, Long Island Rail Road East Side Access	FFGA	1,098,466,826	207,527,659	195,410,000	215,000,000	215,000,000
NY New York, Second Avenue Subway Phase I	FFGA	201,228,349	274,920,030	78,870,000	197,182,000	197,182,000
OR Portland, South Corridor I-205/Portland Mall LRT	FFGA	158,400,000	80,784,000	32,000,000	74,229,000	74,229,000
PA Pittsburgh, North Shore LRT Connector	FFGA	235,029,671	664,176		6,153	6,153
TX Dallas, Northwest/Southeast LRT MOS	FFGA	185,716,000	87,094,969	78,390,000	86,249,717	86,249,717
UT Salt Lake City, Mid Jordan LRT	FFGA	20,090,050	19,800,000	90,890,000	100,000,000	100,000,000
UT Salt Lake City to Weber County Commuter Rail	FFGA	180,014,510	80,784,000		80,000,000	80,000,000
VA Northern Virginia, Dulles Corridor Extension to Wiehle Ave.	FFGA	213,414,364	28,809,000	77,260,000	85,000,000	85,000,000
WA Seattle, Central Link Initial Segment	FFGA	471,153,265	25,702,441		3,144,294	3,144,294
WA Seattle, University Link LRT Extension	FFGA	19,600,000	99,000,000	44,000,000	110,000,000	110,000,000
Total Existing New Starts Full Funding Grant Agreements		\$5,247,730,047	\$1,273,243,053	\$739,560,000	\$1,123,028,374	\$1,123,028,374
Recommended FFGAs and Early System Work Agreements						
CA Sacramento, South Corridor Phase 2 (FFGA)	Medium	\$4,410,000	\$6,930,000		\$40,000,000	\$40,000,000
FL Orlando Commuter Rail Transit -- Init. Oper. Seg. (FFGA)	Medium	13,753,030	12,870,000		40,000,000	40,000,000
NJ Northern New Jersey, Access to the Region's Core (ESWA)	Medium-High	32,865,726	47,520,000		200,000,000	200,000,000
TX Houston, North Corridor LRT (FFGA)	Medium	\$9,800,000	7,425,000		75,000,000	75,000,000
TX Houston, Southeast Corridor LRT (FFGA)	Medium	\$9,800,000	7,425,000		75,000,000	75,000,000
Total Recommended FFGAs and Early System Work Agreements		\$70,628,756	\$82,170,000	\$0	\$430,000,000	\$430,000,000
Project Construction Grant Agreements						
OR Springfield, Pioneer Parkway EmX BRT	PCGA		\$293,040	\$2,940,000	\$0	\$0
Total Project Construction Grant Agreements		\$0	\$293,040	\$2,940,000	\$0	\$0
Pending Project Construction Grant Agreements						
OR Portland, Streetcar Loop	Medium	\$30,450,000	\$44,550,000		\$0	\$0
Total Project Construction Grant Agreements		\$30,450,000	\$44,550,000	\$0	\$0	\$0
Small Starts Projects						
AZ Flagstaff, Mountain Links BRT	Medium		\$5,558,058		\$681,942	\$681,942
CA Livermore, Livermore-Amador Route 10 BRT	Medium	2,940,000	7,910,100		79,900	79,900
CA Los Angeles, Metro Rapid Bus System Gap Closure	Medium-High	16,347,380	329,294		23,326	23,326
CA Los Angeles, Wilshire Boulevard Bus-Only Lane	Medium		9,758,526		13,558,474	13,558,474
CA Monterey, Monterey Bay Rapid Transit	Medium		0		2,830,042	2,830,042
CA Riverside, Perris Valley Line	Medium-High	1,960,000	44,550,000		0	5,000,000
CA San Bernardino, E Street Corridor sbX BRT	Medium		0		32,370,000	32,370,000
CA San Diego, Mid-City Rapid	Medium-High		19,290,150		2,359,850	2,359,850
CA San Joaquin, Metro Express - Airport Way Corridor BRT	Medium-High		0		2,808,825	2,808,825
CO Fort Collins, Mason Corridor BRT	Medium		11,070,180		54,505,728	54,505,728
CO Roaring Fork Valley, BRT Project	Medium-High		0		810,000	810,000
MA Fitchburg, Commuter Rail Improvements	Medium-High	7,840,000	29,700,000		37,452,000	37,452,000
MO Kansas City, Troost Corridor BRT	Medium	24,450,030	123,948		6,022	6,022
TX Austin, MetroRapid BRT	Medium		0		17,390,000	17,390,000
WA King County, Bellevue - Redmond BRT	Medium		10,842,807		9,368,193	9,368,193
WA King County, Pacific Highway South BRT	Medium	13,794,480	278,705		6,815	6,815
Total Small Starts Projects		\$67,331,890	\$139,411,768	\$0	\$174,251,117	\$179,251,117
Other New Starts/Small Starts Projects						
Left to FTA Discretion					\$81,790,079	\$35,790,079
AZ I-10 West Corridor Light Rail Extension					0	1,000,000
AZ Modern Streetcar/Light Rail Transit System					0	3,000,000
CA Berkeley-Oakland-San Leandro BRT Corridor					0	1,000,000
CA Third Street Light Rail-Central Valley Subway					0	4,000,000
CT Stamford Urban Transitway					0	2,000,000
DE Wilmington-Newark Commuter Rail Improvements					0	2,000,000
FL Miami-Dade Metrorail Orange Line Expansion					0	4,000,000
HI Honolulu High Capacity Transit Corridor					0	4,000,000
IL Chicago Transit Hub (Circle Line-Ogden Streetcar)					0	1,500,000
IL Metra Commuter Rail					0	12,000,000
IN South Shore Commuter Rail					0	2,000,000
MA Assembly Square Orange Line Station					0	1,000,000
MD Baltimore Red Line					0	3,000,000
NC Charlotte Streetcar Project					0	500,000
TX Fort Worth Southwest-to-Northeast Rail Corridor					0	4,000,000
VA Potomac Yard High Capacity Transit					0	1,000,000
Total Other New Starts/Small Starts Projects		\$0	\$0	\$0	\$81,790,079	\$81,790,079

Senate FAA Bill

CONTINUED FROM PAGE ONE

the sponsor to address the issue between committee and the Senate floor.

It appears that more votes could be held on various amendments to the Washington Reagan National Airport “perimeter rule” than anything else. (Background: when Congress decided to build Dulles Airport, they put into federal law a rule saying that once Dulles was running, flights in and out of National (which is right near downtown DC) were limited to a maximum of 1,250 nautical miles. Longer flights had to go to Dulles (which is way, way, way outside of downtown DC). In recent years, determined legislators have been able to eke out more and more statutory exemptions to the perimeter rule during the course of FAA reauthorization debate, and this cycle should be no exception.)

The heart of the Senate bill is still missing — S. 1451 says that \$500 million per year for FAA procurement will come from an “Air Traffic Control Modernization Account” in the Airport and Airway Trust Fund, but S. 1451 does not establish that Account or levy new revenues to pay for it — the Finance Committee will have to do that.

In the last Congress, a \$25 per flight fee proposed by the current Commerce chairman Jay Rockefeller

(D-WV) to pay for such an Account drew the bill to a halt. Hence the interest in this year’s Finance title.

The following is a list of all first-degree amendments to S. 1451 filed as of close of business Friday. Remember, most of these will be negotiated away somehow, but some will be offered and voted on.

- **Begich #1** To prevent the Federal Aviation Administration from consolidating or severing any approach control facilities or regional offices until the Air Traffic Control Modernization Oversight Board completes recommendations with respect to the realignment of aviation services and facilities.
- **Boxer #1** To implement DOT Inspector General recommendations for staffing certain TRACONs, and for other purposes.
- **Cantwell #1** To increase the number of extraperimeter slots at Ronald Reagan National Airport, and for other purposes.
- **Cantwell #2** To provide for the establishment of a research program for the development of aviation biofuels.
- **Cantwell #3** To add an aircraft manufacturer’s representative to the Air Traffic Control Modernization Oversight Board.
- **Cantwell #4** To provide a substitute for section 510 (relating to acceleration of development and implementation of required navigation performance approach procedures).
- **Cantwell #5** To limit the amount payable under the contract tower program where costs exceed benefits at certain airports.
- **Cantwell #6** To provide for a study of aeronautical mobile telemetry.
- **Cantwell #7** To provide for incorporation of unmanned aircraft systems into

FAA plans and procedures.

- **Cantwell #8** To provide a substitute language relating to unmanned aircraft systems for section 319 (relating to unmanned aerial systems).
- **DeMint #1** To prohibit the Federal Aviation Administration from making appropriated funds available to the John Murtha Johnstown-Cambria County Airport.
- **DeMint #2** To required the NextGen system is designed to be able to accommodate innovative technologies that may be developed in the future.
- **DeMint #3** To expand the time period of pilot records to be reviewed by air carriers before hiring new pilots.
- **DeMint #4** To repeal section 49109 of title 49, United States Code, which prohibits nonstop flights between Ronald Reagan Washington National Airport and any airport that is more than 1,250 miles away from such airport.
- **Dorgan #1** To modify the period for required review of pilot records.
- **Ensign #1** To allow for additional flights beyond the perimeter restrictions applicable to Ronald Reagan Washington National Airport.
- **Ensign #2** To allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport, and for other purposes.
- **Kerry #1** To provide a special apportionment rule under section 47114 of title 49, United States Code.
- **Kerry #2** To provide a statement of purpose and findings for section 715 (relating to the Disadvantaged Business Enterprise Program).
- **Klobuchar #1** To make modifications to the National Review Team
- **Klobuchar #2** To modify membership of the Air Traffic Control Moderniza-

CONTINUED ON NEXT PAGE

FUNDING AUTHORIZED BY S. 1451, FAA AUTHORIZATION ACT

<u>Bill Sec.</u>	<u>Program or Activity</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>2-Year Total</u>
101	Operations	\$ 9,336,000,000	\$ 9,620,000,000	\$ 18,956,000,000
102	Facilities & Equipment	\$ 3,500,000,000	\$ 3,600,000,000	\$ 7,100,000,000
103	Research and Development	\$ 200,000,000	\$ 206,000,000	\$ 406,000,000
104	Airport Improvement Program	\$ 4,000,000,000	\$ 4,100,000,000	\$ 8,100,000,000
107	<i>AIP set-aside: Admin. Expenses</i>	\$ 94,000,000	\$ 98,000,000	\$ 192,000,000
601	<i>AIP set-aside: Airport Cooperative Research</i>	\$ 15,000,000	\$ 15,000,000	\$ 30,000,000
323	State ADS-B Equippage	\$ 25,000,000	\$ 25,000,000	\$ 50,000,000
709	Air Tour Management Plans	\$ 10,000,000	\$ -	\$ 10,000,000
	Total Authorizations, S. 1451	\$ 17,071,000,000	\$ 17,551,000,000	\$ 34,622,000,000
	<i>Mandatory Budget Authority:</i>	<i>\$ 4,000,000,000</i>	<i>\$ 4,100,000,000</i>	<i>\$ 8,100,000,000</i>
	<i>Subject to Later Appropriation:</i>	<i>\$ 13,071,000,000</i>	<i>\$ 13,451,000,000</i>	<i>\$ 26,522,000,000</i>

Senate FAA Bill

CONTINUED FROM PAGE 13

- tion Oversight Board.
- **Klobuchar #3** To limit the number of years a principal supervisory inspector can oversee the same air carrier.
 - **Klobuchar #4** To express the Sense of the Congress with respect to aviation negotiations with Japan.
 - **Lautenberg #1** To ensure the quality of air supplied on pressurized aircraft.
 - **Lautenberg #2** To provide a preference for small business concerns owned and controlled by disabled veterans.
 - **Lautenberg #3** To add a labor organization representative to the Air Traffic Control Modernization Oversight Board.
 - **Lautenberg #4** To prohibit the Administrator of the Federal Aviation Administration from realigning or consolidating any aviation services or facilities until the Air Traffic Control Modernization Oversight Board completes its recommendations.
 - **Martinez #1** To strike section 521 of the bill, which requires the Administrator to establish a safety assessment system for foreign repair stations.
 - **Martinez #2** To authorize the use of grant funding from the Airport Im-

provement Program for the purchase of avian radar detector systems approved and in use by NASA or the United States Military.

- **Martinez #3** To authorize the limited transfer of off-peak slots at Ronald Reagan Washington National Airport to peak slots.
- **McCaskill #1** To tighten the criteria for contract maintenance workers.
- **McCaskill #2** To require a GAO study of the helicopter and fixed-wing air ambulance industry.
- **McCaskill #3** To recognize and clarify the authority of the States to regulate intrastate helicopter medical services, and for other purposes.
- **McCaskill #4** To require an FAA rule-making on certain protocols for air medical operations.
- **McCaskill #5** To require additional data reporting for air medical operations.
- **Nelson #1** To amend section 47110 of title 49, United States Code, to authorize the use of amounts from the Airport and Airway Trust Fund to purchase bird-detecting radar systems.
- **Nelson #2** To prohibit the Administrator of the Federal Aviation Administration from consolidating any additional approach control facilities into the Mi-

ami TRACON until the Air Traffic Control Modernization Oversight Board completes its recommendations for realignment of aviation services or facilities.

- **Pryor #1** To require a report on the effectiveness of the Registered Travel Program.
- **Rockefeller #1** To ensure that air carriers and employees submitting reports and data under air carrier safety management system programs are protected from retaliatory disciplinary or enforcement actions.
- **Udall #1** To require air carriers to provide training for flight attendants and gate agents regarding serving alcohol, recognizing intoxicated passengers, and dealing with disruptive passengers, and for other purposes.
- **Warner #1** To repeal the limitations on the Metropolitan Washington Airports Authority with respect to receiving airport development project grants and imposing passenger facility fees.
- **Warner #2** To establish research programs for the reduction of noise, emissions, and energy consumption from civilian aircraft and for developing jet fuel from natural gas, biomass, and other renewable sources.

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZTATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

TITLE I—AUTHORIZATIONS

Sec. 101. Operations. Authorizes the appropriation of \$9.336 billion in FY 2010 and \$9.620 billion in FY 2011 for FAA operations.

Sec. 102. Air navigation facilities and equipment. Authorizes the appropriation of \$3.5 billion in FY 2010 and \$3.6 billion in FY 2011 for FAA facilities and equipment. \$500 million in each year shall be derived from the Air Traffic Control System Modernization Account.

Sec. 103. Research and development. Authorizes the appropriation of \$200 million in FY 2010 and \$206 million in FY 2011 for FAA research and development activities. Directs FAA to establish a program to use undergraduate universities and technical colleges for research projects.

Sec. 104. Airport planning and development and noise compatibility planning and programs. Provides \$4.000 billion of contract authority in FY 2010 and \$4.100 billion of contract authority in FY 2011 for the Airport Improvement Program.

Sec. 105. Other aviation programs. Extends the budgetary treatment of aviation programs under 49 U.S.C. 48114 through the end of FY 2011.

Sec. 106. Delineation of Next Generation Air Transportation System projects. Amends 49 U.S.C. 44501(b) to add a list of NextGen projects to the Airway Capital Investment Plan.

Sec. 107. Funding for administrative expenses for airport programs. Amends 49 U.S.C. 48105 to authorize \$94 million in FY 2010 and \$98 million in FY 2011 to be deducted from the Airport Improvement Program to pay for administrative overhead.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority. Amends 49 U.S.C. 40117(c) to provide for more comprehensive financial reporting by airports to airlines and DOT regarding PFC collections and allows airports to begin charging the allowable PFC once they file their report if they also consult with airlines on all new projects, provide for public notice and comment, allow for DOT to review public comments, and get a sign-off from DOT on all PFC increases and all intermodal ground access projects. Amends 49 U.S.C. 40117(d), (e), and (f) to make conforming changes. Amends 49 U.S.C. 40117(h) to allow DOT to conduct its own investigations into airport PFC revenue usage. Amends the PFC at nonhub airports pilot program in 49 U.S.C. 40117(l) to sunset the program once the FAA issues regulations implementing the revised 49 U.S.C. 40117(c). Amends 49 U.S.C. 47111(e) to clarify that airport sponsors shall not propose new PFC-funded projects until they correct revenue diversion violations.

Sec. 202. Passenger facility charge pilot program. Adds a new 49 U.S.C. 40117(n) to establish a pilot program at up to six airports whereby the airport can charge any amount of PFC it wishes, without regard to the existing federal limit, as long as the airport collects the PFC directly from the passengers instead of having airlines charge the PFC themselves. Requires a GAO study of alternate means of collection.

Sec. 203. Amendments to grant assurances. Amends 49 U.S.C. 47107 to allow AIP funding to be used for changes in airport design beyond the control of the airport authority; to be used to acquire land

CONTINUED ON NEXT PAGE

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

to serve as a noise buffer; and to be used from the sale of lands to be transferred to another airport or another project at the same airport (and sets priorities for the selection of such projects)

Sec. 204. Government share of project costs. Adds a new 49 U.S.C. 47109(e) to specify that if an airport moves from small hub to medium status, the federal share of AIP costs can be up to 95 percent for two fiscal years following the change in status.

Sec. 205. Amendments to allowable costs. Replaces 49 U.S.C. 47110(d) "Terminal development costs" with a new (d) called "Relocation of airport-owned facilities" setting rules on whether or not airport-owned facilities can be relocated or replaced with AIP funds.

Sec. 206. Sale of private airport to public sponsor. Amends 49 U.S.C. 47133(b) to allow privately owned airports to use local taxes on aviation fuel for non-airport purposes under a few specified circumstances.

Sec. 207. Government share of certain air project costs. Declares that notwithstanding any other provision of law, the federal share of AIP project costs is 95 percent for grants made in FYs 2008, 2009, 2010, and 2011 for state block grants nonprimary airports under 49 U.S.C. 47109(a)(2) and (3).

Sec. 208. Miscellaneous amendments. Makes a wide variety of changes in law including: technical changes to the NPIAS under 49 U.S.C. 47103; adding Iraq-Afghanistan veterans to the veterans preference designations under 49 U.S.C. 47112(c); amending the date and format of the annual AIP report; repealing the airport security program in 49 U.S.C. 47137; correcting emissions credit language in 49 U.S.C. 47139 and surplus property authority in 49 U.S.C. 47151(e); changes the definition of joint-use airport in 49 U.S.C. 47175; changing the AIP discretionary set-aside for noise compatibility from 35 percent of the total discretionary amount to \$300 million; adds a new category of airport to the previous year's apportionment rule in 49 U.S.C. 47114(c)(1)(E); adds construction of mobile refueler parking within a fuel farm at a nonprimary airport to AIP-eligible projects in 49 U.S.C. 47102(3); and changing the minimum amount credited to the discretionary fund under 49 U.S.C. 47115(g)(1) to \$520 million.

Sec. 209. State block grant program. Amends 49 U.S.C. 47128 by requiring federal agencies to consult on environmental reviews with state agencies and establishes a pilot program for up to three states not currently participating in the block grant program that is consistent with the block grant program.

Sec. 210. Airport funding of special studies or reviews. Amends 49 U.S.C. 47173(a) to allow airport-funded FAA staff to be used to conduct environmental reviews, noise compatibility studies or environmental mitigation work.

Sec. 211. Grant eligibility for assessment of flight procedures. Amends 49 U.S.C. 47504 to make environmental reviews and assessments for flight procedure changes to be eligible under AIP noise compatibility programs.

Sec. 212. Safety-critical airports. Amends 49 U.S.C. 47118(c) to include safety as a potential reason to approve the conversion of a military airport.

Sec. 213. Environmental mitigation demonstration pilot program. Adds a new 49 U.S.C. 47143 to establish an environmental mitigation demonstration pilot program at up to six airports where DOT will allow airports to use AIP apportionments for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport at a 50 percent federal share with a \$2.5 million maximum project size.

Sec. 214. Allowable project costs for airport development program. Adds projects "necessarily incurred because of severe weather" to the prior allowable costs exemption in 49 U.S.C. 47110(c).

Sec. 215. Glycol recovery vehicles. Amends 49 U.S.C. 47102((3)(G) to add facilities for glycol recovery vehicles to eligible costs.

Sec. 216. Research improvement for aircraft. Amends 49 U.S.C. 44504(b) to direct FAA to conduct research to support programs designed to reduce gas and particulate emissions.

Sec. 217. United States Territory minimum guarantee. Amends 49 U.S.C. 47114(e) to add a requirement for an AIP minimum apportionment in U.S. territories.

Sec. 218. Merrill Field Airport, Anchorage, Alaska. Releases all federal claims on the Merrill Field Airport, Anchorage, Alaska.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board. Amends 49 U.S.C. 106(p) to abolish the existing Federal Aviation Management Advisory Council and replace it with a new Air Traffic Control Modernization Oversight Board, to consist of seven voting members (the FAA Administrator, a Defense Department representative; a representative of the public's fiduciary interest, an airport CEO, an airline CEO, a labor union representative, and a general aviation representative) to be nominated by the President and confirmed by the Senate without regard to political affiliation and to serve staggered terms of up to four years. Defines the duties of the Board, which shall include approving all ATC procurements of more than \$100 million and approval of the annual F&E budget request; and approval of certain key personnel appointments.

Sec. 302. NextGen management. Requires the FAA Administrator to appoint a Chief NextGen Officer to implement all FAA programs associated with NextGen.

Sec. 303. Facilitation of next generation air traffic services. Amends 49 U.S.C. 106(l) to require the FAA to consider safety, efficiency, competition, and the unique role of general aviation into account whenever approving a contract for non-governmental provision of navigation, communications or surveillance services.

Sec. 304. Clarification of authority to enter into reimbursable agreements. Amends 49 U.S.C. 106(m) to allow other federal agencies to accept FAA services with or without reimbursement.

Sec. 305. Clarification to acquisition reform authority. Strikes 49 U.S.C. 40110(c)(4).

Sec. 306. Assistance to other aviation authorities. Amends 49 U.S.C. 40113(e) to allow the FAA to enter into competitions to provide assistance to foreign aviation authorities for pay.

Sec. 307. Presidential rank award program. Amends 49 U.S.C. 40122(g)(2) to incorporate Presidential rank awards into the FAA personnel system.

Sec. 308. Next generation facilities needs assessment. Directs the FAA to publish final criteria for realignment of services and facilities within 9 months of enactment. Directs the FAA to publish a list of recommendations for the ser-

CONTINUED ON NEXT PAGE

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

vices and facilities to be realigned within 9 months of the publication of the criteria. Requires the ATCMOB to review the Administrator's list, make any additional recommendations, and submit a report to Congress.

Sec. 309. Next generation air transportation system implementation office. Amends sec. 709 of VISION 100 to clarify where the NextGen Implementation Office fits into the new chain of command.

Sec. 310. Definition of air navigation facility. Amends, expands and clarifies the definition of air navigation facility in 49 U.S.C. 40102 (a)(4) to include all kinds of navigation aids and meteorological assistance facilities and a general savings clause declaring any buildings, equipment and systems dedicated to the National Airspace System to be facilities.

Sec. 311. Improved management of property inventory. Amends 49 U.S.C. 40110(a)(2) to clarify which appropriations account to which certain reimbursements are credited.

Sec. 312. Educational requirements. Requires the FAA to make payments to the Defense Department for the education of dependent children in Puerto Rico and Guam who attend DoD schools.

Sec. 313. FAA personnel management system. Amends 49 U.S.C. 40122(a)(2) to force labor disputes between the FAA and its unions into binding arbitration if mediation is fruitless.

Sec. 314. Acceleration of NextGen technologies. Requires the FAA, within six months of enactment, to publish a report on a variety of NextGen technology implementation procedures and schedules. Gives navigation performance and area navigation procedures developed under this procedure a categorical exclusion from NEPA unless the FAA determines that extraordinary circumstances exist.

Sec. 315. ADS-B development and implementation. Requires the FAA to report to Congress within 90 days of enactment on the schedule for integrating ADS-B into the National Airspace System. Requires the FAA to complete a variety of ADS-B rulemakings within 45 days of enactment.

Sec. 316. Equipment incentives. Requires FAA to issue a report identifying incentive options to get carriers to equip aircraft with NextGen equipment, particularly ADS-B, at the earlier of six months after enactment or the date by which new aircraft are required to be included with ADS-B.

Sec. 317. Performance metrics. Requires FAA to establish and track National Airspace System performance metrics by June 1, 2010, and sets minimum standards for those metrics.

Sec. 318. Certification standards and resources. Requires the FAA to develop a plan to accelerate and streamline the NextGen certification process, within six months of enactment.

Sec. 319. Unmanned aerial systems. Requires the FAA to develop a plan, within one year of enactment, to accelerate the integration of unmanned aerial systems into the National Airspace System.

Sec. 320. Surface Systems Program Office. Directs the Air Traffic Organization to evaluate surface detection equipment and airport surveillance technologies and consider expedited certification options for certain surface technologies.

Sec. 321. Stakeholder coordination. Requires FAA to establish a process for including qualified stakeholder representatives in the planning, development and deployment of ATC modernization projects that affect them.

Sec. 322. FAA task force on air traffic control facility conditions. Requires the FAA to establish a FAA Task Force on Air Traffic Control Facility Conditions to consist of 11 members (7 chosen by the Administrator and 4 chosen by labor unions). The Task Force shall study ATC facility conditions, reports of respiratory and other ailments relating to the facilities, and FAA procedures relating thereto.

Sec. 323. State ADS-B equipage bank pilot program. Allows FAA to enter into cooperative agreements with up to 5 states to establish ADS-B equipage banks to make loans and give other assistance for other ADS-B assistance. Authorizes the appropriation of up to \$25 million per year over FY 2010-2014 to capitalize the banks.

Sec. 324. Definitions. Defines terms used in this title.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment. Adds a new subchapter IV to chapter 417 of title 49 U.S.C. Section 41781 requires airlines and airports to develop plans within 60 days of enactment to deal with long on-board tarmac delays, to address the provision of adequate food, water, restroom facilities, and ventilation, and a clear right to deplane after a certain elapsed time. Passengers shall have the right to deplane three hours after the doors close and the plane does not depart, or three hours after landing if the passengers have not yet deplaned. DOT shall review all such plans. Section 41782 requires DOT to establish a consumer complaints hotline for air passenger use.

Sec. 402. Publication of customer service data and flight delay history. Amends 49 U.S.C. 41722 to require each airline to publish a monthly list of its chronically delayed flights on its website and share that list with all reservation agencies.

Sec. 403. Expansion of DOT airline consumer complaint investigations. Authorizes DOT, subject to the availability of appropriations, to investigate consumer complaints relating to flight cancellations, overbooking, lost/damaged/delayed baggage, refund issues, and other complaints.

Sec. 404. Establishment of advisory committee for aviation consumer protection. Directs DOT to establish an advisory committee for aviation consumer protection, with one member each representing airlines, airports, state or local consumer protection agencies, and a nonprofit consumer interest group.

Sec. 405. Disclosure of passenger fees. Requires DOT to complete a rulemaking within 180 days of enactment requiring each airline to make available to the public and to DOT a list of all fees and charges, including excess baggage fees, meal and beverage fees, preferential seating fees, ticket agency fees, or any other disclosures required by DOT.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program. Amends section 406(a) of VISION 100 requiring eligible airlines to participate in the EAS code-sharing program.

Sec. 412. Extension of final order establishing mileage adjustment eligibility. Amends sec. 409(d) of VISION 100 to extend the termination date for the mileage adjustment eligibility final order until September 30, 2011.

CONTINUED ON NEXT PAGE

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

Sec. 413. EAS contract guidelines. Amends 49 U.S.C. 41737(a)(1) to require EAS compensation guidelines to encourage carriers to improve service to small and rural communities by incorporating financial incentives in EAS contracts based on specified performance goals and allow long-term EAS contracts.

Sec. 414. Conversion of former EAS airports. Amends 49 U.S.C. 41745 to establish a program to provide general aviation conversion funding for airports that no longer qualify for EAS funding. A conversion grant shall not exceed twice the airport's last EAS subsidy payment. Grants must be used for projects otherwise eligible for AIP funding.

Sec. 415. EAS reform. Amends 49 U.S.C. 41741(a) to increase the discretionary EAS authorization from \$77 million per year to \$125 million per year and allows overflight fees in excess of \$50 million to be obligated for programs under sec. 406 of VISION 100.

Sec. 416. Small community air service. Amends 49 U.S.C. 41743(c)(5) to extend the Small Community Air Service program through the end of FY 2011 and to make cooperative agreements of multiple communities eligible for funding.

Sec. 417. EAS marketing. Requires DOT to require all EAS applications to include a marketing plan.

Sec. 418. Rural aviation improvement. Adds a new 49 U.S.C. 41749 allowing states and localities to request EAS subsidies even if the per-capita subsidy would exceed the statutory maximum. DOT may approve the proposal at the Secretary's discretion if the state or locality is willing to pay the difference between the statutory maximum per-capita subsidy and the estimated per-capita subsidy. Adds a new 49 U.S.C. 41750 to allow states and localities to submit EAS proposals for preferred air carriers. ("Preferred" means a carrier that did not submit the lowest bid but which the community prefers to the low bidder.) DOT may approve the proposal at the Secretary's discretion if the state or locality pays the difference between the low bid and the preferred carrier's bid. Allows states and localities to petition for EAS reinstatement in communities that lost their EAS eligibility. Establishes an Office of Rural Aviation within the Office of the Secretary to establish a uniform 4-year EAS contract and find ways to standardize and compare EAS applications. Extends the statutory authority to make EAS agreements through the end of FY 2011.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes. Amends 49 U.S.C. 47129 to allow that section's dispute resolution procedures to apply to foreign air carriers as well as domestic air carriers.

Sec. 432. Contract tower program. Extends funding authorization for the contract tower program through the end of FY 2011 at \$10 million per year and clarifies that if DOT determines that an existing tower in the program has a benefit to cost ratio of less than 1.0, the airport/state/locality shall not have to pay the portion of the costs exceeding the benefit for 18 months after the determination.

Sec. 433. Airfares for members of the Armed Forces. Expresses the sense of Congress that each U.S. airline should establish reduced fares for active duty military personnel.

TITLE V—SAFETY**SUBTITLE A—AVIATION SAFETY**

Sec. 501. Runway safety equipment plan. Requires the FAA to issue a plan by December 31, 2009 to develop an installation and deployment schedule for runway incursion detection systems.

Sec. 502. Judicial review of denial of airman certificates. Amends 49 U.S.C. 44703(d) to allow persons "substantially affected" by NTSB orders or the FAA Administrator to obtain judicial review of NTSB orders.

Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates. Amends 49 U.S.C. 44704(a) to release old engineering data on certificates that have been inactive for longer than 3 years to the public.

Sec. 504. Design organization certificates. Amends 49 U.S.C. 44704(e) to move its effective date to January 1, 2013.

Sec. 505. FAA access to criminal history records or database systems. Adds a new 49 U.S.C. 40130 allowing the FAA to access Justice Department databases to perform background checks as part of its safety and security duties. Only FAA employees specifically designated by the Administrator shall have such access.

Sec. 506. Flight crew fatigue. Requires FAA to contract with a National Academy of Sciences within 3 months of enactment for a study of pilot fatigue, to be completed within 18 months of initiation.

Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients. Requires helicopter and fixed wing air ambulance services to comply with regulations under part 135 of title 14 CFR within 18 months of enactment if there is a medical crew on board, whether or not there are patients on board, except that if they are operating under IFR or carrying out trainings, weather minimums and rest time duties apply. Requires the FAA to initiate a rulemaking within 60 days of enactment to create a standardized checklist of risk evaluation factors and another rulemaking regulating consistent flight dispatch procedures.

Sec. 508. Cabin crew communication. Amends 49 U.S.C. 44728 to require minimum levels of English language proficiency for flight attendants.

Sec. 509. Clarification of memorandum of understanding with OSHA. Requires the FAA to negotiate an agreement with OSHA on a joint policy statement determining which OSHA rules can be applied to crewmember while working in the aircraft.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures. Directs the Administrator to set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year. Requires a DOT Inspector General of operational and approach procedures by third parties.

Sec. 511. Improved safety information. Requires FAA to issue a final rule in the Re-registration and Renewal of Aircraft Registration docket by December 31, 2009 and sets standards for the final rule.

Sec. 512. Voluntary disclosure reporting process improvements. Directs FAA, within 180 days of enactment, to ensure that the Voluntary Disclosure Reporting Process requires inspectors to evaluate proposed corrective action comprehensively and verify that the corrective action is taken and adequately corrects the problem. Requires a GAO study of the VDRP.

Sec. 513. Procedural improvements for inspections. Amends 49 U.S.C. 44711 to add a new (d) prohibiting holders of operating certificates from employing, directly or via contract, anyone who formerly worked in FAA safety oversight of that certificate holder during the preceding three years.

CONTINUED ON NEXT PAGE

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

Sec. 514. Independent review of safety issues. Requires GAO to initiate a review within 30 days of enactment of air safety issues identified by FAA employees and reported to the Administrator. GAO shall update the study on an annual basis.

Sec. 515. National review team. Requires the FAA, within 180 days of enactment, to establish a national review team to conduct periodic, random reviews of FAA oversight of air carriers. Requires the DOT IG to report periodically to Congress on the effectiveness of the review teams. Allows the FAA to hire a net increase of up to 200 additional safety inspectors (subject to appropriation).

Sec. 516. FAA Academy improvements. Requires the FAA Administrator to conduct a comprehensive review of the FAA Academy and its training facility efforts.

Sec. 517. Reduction of runway incursions and operational errors. Requires the FAA to develop a plan for reducing runway incursions and, within one year of enactment, develop a process for tracking and investigating operational errors and runway incursions.

Sec. 518. Aviation safety whistleblower investigation office. Add a new 49 U.S.C. 106(s) establishing within the FAA an Aviation Safety Whistleblower Investigation Office to be headed by a Director appointed by the Secretary to serve a 5-year term. He shall have the power to investigate whistleblower complaints and report violations of criminal law to the IG and shall report to Congress annually.

Sec. 519. Modification of customer service initiative. Directs FAA, within 90 days of enactment, to modify its customer service initiative to remove references to airlines as customers and retain safety as its top priority.

Sec. 520. Headquarters review of air transportation oversight system database. Requires FAA to review its oversight system database monthly to look for trends in compliance and make sure corrective actions that have been ordered have been taken.

Sec. 521. Inspection of foreign repair stations. Adds a new 49 U.S.C. 44730 to require that, within one year of enactment, the FAA shall establish and implement a safety assessment system for all part 145 repair stations to ensure that foreign repair stations are subject to appropriate inspections, consider inspection results and findings of foreign aviation authorities, and require all safety agreements to provide an opportunity for the FAA to conduct independent inspections of foreign repair stations. Periodic notice and reports to Congress are required. DOT and the State Department shall request foreign governments that are members of ICAO to establish international standards for drug and alcohol testing of repair station workers. All part 145 repair stations must be inspected by the FAA at least every other year, no matter where they are located.

Sec. 522. Non-certificated maintenance providers. Requires the FAA, within 3 years of enactment, to issue regulations requiring that all covered maintenance work on commercial aircraft be performed by certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. Pilot applicant employment records. Amends 49 U.S.C. 44703(h) to require the FAA to establish and maintain a pilot employment, training and testing database to include all current FAA airman certificate records and ratings, individual test results, summaries of legal enforcement actions, air carrier records relating to pilots required to be kept by federal regulation, and National Driver Register records. All airlines shall submit such information to the FAA within 180 days of the database becoming active and shall submit any new records within 30 days of creation. Pilots shall have the right to review and dispute information in their records. Allows pilots of helicopters, planes under 7,500 pounds, and nonscheduled flights to be hired and put to work before their record checks are complete.

Sec. 552. Air carrier safety management systems. Requires the FAA, within 60 days of enactment, to initiate and complete a rulemaking requiring part 121 airlines to implement a variety of safety programs as part of their safety management systems.

Sec. 553. Implementation of NTSB recommendations. Requires the FAA to report to Congress once per year as to whether or not FAA will implement any new NTSB safety recommendations issued during the previous year and either describe the plan for implementation or else explain why FAA will not implement the recommendation.

Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs. Provides that parties in judicial proceedings cannot use discovery to obtain Aviation Safety Action Program reports, Flight Operational Quality Assurance Program data, or Line Operations Safety Audit Program reports, nor shall such information be accessible by FOIA, unless a judge decides after an *in camera* review that there is a particularized need for the information to be released. Requires courts to issue protective orders relating to such data released.

Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements. Directs FAA to develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment, such as classroom instruction requirements, crew leadership training, and check ride conditions. Requires FAA to initiate a rulemaking to reevaluate FAA regulations concerning minimum requirements to be a pilot, a captain, and to transition to a new type of aircraft.

Sec. 556. Safety inspections of regional air carriers. Requires FAA to perform random, unannounced on-site inspections of regional air carriers at least once per year.

Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots. Requires FAA to issue a final rule within 180 days of enactment relating to training programs for flight crew members and aircraft dispatchers.

Sec. 558. Oversight of pilot training schools. Requires FAA to submit to Congress a plan for overseeing pilot training schools.

Sec. 559. Definitions. Defines terms used in this title.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program. Amends 49 U.S.C. 44511(f) to make the airport cooperative research program permanent and authorizes the appropriation of up to \$15 million per year for the program in FY 2010 and FY 2011.

Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft. Directs FAA to establish a research program related to reducing civilian aircraft source noise and emissions. Directs FAA to designate a Consortium for Airport Noise, Emissions, and Energy Technology Research. Sets multi-year goals for the research program.

Sec. 603. Production of clean coal fuel technology for civilian aircraft. Directs FAA to establish a research program related to developing jet fuel from clean coal and to designate an appropriate research institution as a Center of Excellence for Coal-to-Jet-Fuel Research.

Sec. 604. Advisory committee on future of aeronautics. Establishes an Advisory Committee on the Future of Aeronautics to determine the best structure for federal aeronautics research.

CONTINUED ON NEXT PAGE

SECTION-BY-SECTION SUMMARY OF S. 1451, FAA REAUTHORIZATION, AS INTRODUCED

(Note: this is not an official publication of the Senate Commerce Committee. When in doubt, read the bill and the underlying law.)

Sec. 605. Research program to improve airfield pavements. Directs FAA to continue its program to consider awards to nonprofit foundations for concrete and asphalt airfield pavement research.

Sec. 606. Wake turbulence, volcanic ash, and weather research. Directs FAA to conduct research into wake vortices, volcanic ash avoidance, and a variety of weather-related safety issues.

Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies. Amends 49 U.S.C. 44504 to add unmanned aerial vehicles into its research work and directing FAA to develop risk assessment and prevention techniques for UAVs. Requires a National Academy of Sciences assessment of UAV system safety. Authorizes three 2-year cost-shared pilot projects for UAV data collection. . Tasks FAA with several items related to integrating UAVs into the NAS.

Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft. Amends sec. 708(b) of VISION-100 to reauthorize the Centers for Excellence through FY 2012 and increase the funding authorization from \$500 thousand per year to \$1 million per year.

Sec. 609. Pilot program for zero emission airport vehicles. Adds a new 49 U.S.C. 47136A to establish a pilot program where an airport may use AIP funding to acquire and operate zero emission vehicles and build infrastructure for ZEVs to facilitate the delivery of fuel and services at a 50 percent federal cost share. The airport must be located in a Clean Air Act nonattainment area.

Sec. 610. Reduction of emissions from airport power sources. Adds a new 49 U.S.C. 47140A establishing a program under which airports are encouraged to assess airport energy requirements in order to identify opportunities for energy efficiency. Allows the FAA to make grants under 49 U.S.C. 48103 to assist airports that complete their assessments to take steps to increase energy efficiency.

Sec. 611. Siting of windfarms near FAA navigational aides and other assets. Directs FAA to complete an assessment within 60 days of enactment of leases for critical FAA facility sites and their relationship to wind farms. Requires a GAO analysis of the FAA assessment.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority. Provides extensions of third party liability protection in 49 U.S.C. 44303(b), of the insurance and reinsurance authority in 49 U.S.C. 44310, and of war risk insurance authority in 49 U.S.C. 44302-44303.

Sec. 702. Human intervention management study. Requires FAA to develop a Human Intervention Management Study program for cabin crews.

Sec. 703. Airport program modifications. Requires FAA to establish a formal certification training program for the airport concessions DBE program.

Sec. 704. Miscellaneous program extensions. Extend MWA authority under 49 U.S.C. 48108, Pacific Islands authority under 49 U.S.C. 47115(j), and Midway Island authority under sec. 186(d) of VISION 100 through the end of FY 2011.

Sec. 705. Extension of competitive access reports. Extends the competitive disclosure requirements under 49 U.S.C. 47107(s) indefinitely.

Sec. 706. Update on overflights. Amends 49 U.S.C. 45301(b) to require FAA to adjust overflight fees by expedited rulemaking and begin collecting the fees on October 1, 2010.

Sec. 707. Technical corrections. Makes a series of technical corrections to 49 U.S.C. 40122(g).

Sec. 708. FAA technical training and staffing. Directs GAO to study the training of airway transportation systems specialists. Requires a National Academy of Sciences study of FAA's staffing needs model. Requires the FAA to develop a staffing model for aviation safety inspectors.

Sec. 709. Commercial air tour operators in national parks. Amends 49 U.S.C. 40128 to put the Secretary of the Interior instead of the Director of the National Park Service in charge of the air tour program. Allows air tours in accordance with voluntary agreements between air tour operators and park or tribal land representatives. Allows Interior to assess a fee on commercial air tour operators operating over a national park. Authorizes the appropriation to the Department of the Interior of up to \$10 million for air tour management plans.

Sec. 710. Phaseout of Stage 1 and 2 aircraft. Adds a new 49 U.S.C. 47534 prohibiting the operation of aircraft weighting 75,000 pounds or less if not Stage 3 noise compliant within the lower 48 states unless airport operators notify DOT that they wish to permit the aircraft or unless the aircraft is coming in to be sold, scrapped, modified to meet State 3 requirements, or stored.

Sec. 711. Weight restrictions at Teterboro Airport. Prohibits FAA from taking actions to challenge or influence weight restrictions at Teterboro Airport.

Sec. 712. Pilot program for redevelopment of airport properties. Directs FAA to establish a pilot program at up to four airports under which airports can use AIP funds or PFC collections to support joint planning, engineering design and environmental permitting for redevelopment of property bought for noise mitigation to encourage airport-compatible land use.

Sec. 713. Transporting musical instruments. Adds a new 49 U.S.C. 41724 to require airlines to allow passengers to carry on violins, guitars, and other musical instruments without charge if they can be stowed safely in a baggage compartment or under a seat and if there is space when the passenger boards and to allow passenger to carry on larger musical instruments of less than 165 pounds (including case) if they have a proper case, can be secured by a seat belt, do not obstruct exit rows, and if the passenger purchases an adjacent seat for the instrument. Requires airlines to carry musical instruments not exceeding 165 pounds and not exceeding 150 inches in total linear dimensions.

Sec. 714. Recycling plans for airports. Amends 49 U.S.C. 47102(5) to include recycling plans under the definition of "airport planning".

Sec. 715. Disadvantaged Business Enterprise Program adjustments. Amends 49 U.S.C. 47107(e) to establish a mandatory training program for DBE concessions. Amends the DBE net worth cap for inflation.

Sec. 716. Front line manager staffing. Directs FAA to initiate a study on front line manager staffing requirements.

Senate Committees Assembling 18-Month Extension of Highway Bill Finance Bill Transfers \$26.8 Billion From GF To HTF —With No Offsetting Tax Increase

One Senate panel marked up the lion's share of an eighteen-month extension of federal surface transportation programs last week, and one (possibly two) more are scheduled to do so this week.

Meanwhile, the chairman of the Senate Finance Committee introduced that panel's part of the legislation yesterday (S. 1474), which would transfer \$26.8 billion in additional funds from the general fund of the Treasury to the Highway Trust Fund to stave off an imminent cash crunch that will otherwise render the Highway Account of the Trust Fund insolvent over the August recess.

This is a larger GF-to-HTF transfer than the Obama Administration has requested. The Administration requested a total of \$20 billion — \$18 billion for the Highway Account of the HTF and \$2 billion for the Mass Transit Account. According to the Department of Transportation, those totals represent their best guesses of how much extra money those accounts will need to get through March 31, 2011 (the ending point of the eighteen-month extension requested by the White House).

But Finance went with \$26.8 billion, with significantly more of that amount to go to transit.

The money comes in two parts. An even \$7.3 billion is credited to the HTF (which means that it does not go to the Mass Transit Account) under the heading "Replenishment of emergency spending" from the HTF. As the table below at right shows, that figure was apparently reached erroneously. (*Ed. Note:* And even if the figure were accurate, it would be pretending that legal, authorized decisions made by past Congresses just never happened, which is an interesting way to run a government budget.)

The other part, of the \$26.5 billion, \$19.5 billion, comes under the heading "Restoration of certain foregone interest" to the HTF. This section transfers \$14.7 billion (75 percent of \$19.8 billion) to the Highway Account and \$4.8 billion (25 percent) to the Mass Transit Account.

For the total bill, this gives the MTA 17.9 percent of the total transfers, as opposed to 10.0 percent as opposed by the Obama Administration. (A good job of advocacy/stubbornness by the Senate Banking Committee.)

If someone were to try to discern exactly how much hypothetical interest the Trust Fund is "owed" on its balances going back to October 1999 (the date when the TEA21 law canceled further interest payments

on HTF balances), they would need a large amount of information — the amount of existing balances in each account of the Trust Fund at the end of each month, the interest rate on the appropriate federal securities at the same time, the compound interest that would have accrued, and the possible effect of retroactively crediting an additional \$8.017 billion to the Highway Account back to October 1, 1999

CONTINUED ON NEXT PAGE

When Is "\$7.3 Billion" Really \$6.756 Billion?

The notion that the Highway Trust Fund is "owed" \$7.3 billion from the general fund due to past appropriations from the HTF for emergency relief highway funding is based on an old table from FHWA listing ER appropriations from the HTF totaling \$7.264 billion (rounded up to \$7.3 billion). However, that table has several large errors in it. A more accurate table is below.

Public Law	Amount	Note
P.L. 101-130	\$ 1,000,000,000	
P.L. 102-368	\$ 30,000,000	
P.L. 103-75	\$ 175,000,000	
P.L. 103-211	\$ 1,265,000,000	A
P.L. 104-134	\$ 300,000,000	
P.L. 104-19	\$ (100,000,000)	B
P.L. 104-208	\$ 82,000,000	
P.L. 105-18	\$ 650,000,000	
P.L. 105-174	\$ 259,000,000	
P.L. 106-346	\$ 718,416,000	C
P.L. 107-117	\$ 175,000,000	
P.L. 107-206	\$ 265,000,000	
P.L. 108-324	\$ 1,202,000,000	
P.L. 108-447	\$ 735,072,000	D
Total	\$ 6,756,488,000	

A/ Amount originally appropriated was \$1.665 billion but \$400 million was contingent on a further Presidential budget request that was apparently never made.

B/ The original FHWA table omits this rescission of ER money from the HTF.

C/ The original \$720 million was subject to an across-the-board 0.22% rescission.

D/ The original \$741 was subject to an across-the-board 0.8% rescission.

TRANSFERS FROM THE GENERAL FUND TO THE HIGHWAY TRUST FUND UNDER S. 1474

	<u>Hwy. Account</u>	<u>Mass Transit Acct.</u>
Restoration of Foregone Interest	\$14.700 billion	\$4.800 billion
Repayment of ER Appropriations	\$7.300 billion	
Total Transfers	\$22.000 billion	\$4.800 billion
GRAND TOTAL	\$26.800 billion	

Highway Extension

CONTINUED FROM PAGE 20

(and the effects on compound interest that would have). No one, to our knowledge, has done anything nearly that scientific. Probably, only the Treasury Department could do it.

So we're not exactly sure where the \$19.5 billion or the 75/25 split came from. And we would dearly love to know this information. (*Ed. Note.* And it seems almost impossible that any actuarial exploration of the actual back interest "owed" to the HA and MTA since the start of FY 1999 would magically add up to a \$19.500 billion total and a scientifically precise 75/25 split between the two accounts.)

With regards to the rest of the Senate extension:

Last week, the Senate Environment and Public Works Committee approved a "clean" eighteen-month extension of current funding levels of highway and highway research spending, as requested by the Obama Administration. The bill met significant opposition from a high number of the panel's members, led by Sen. George Voinovich (R-OH), who has appeared several times in recent weeks with House Transportation and Infrastructure

chairman James Oberstar (D-MN) to advocate moving ahead immediately with a six-year, \$450 billion bill instead of an eighteen-month extension.

Voinovich offered an amendment in committee to shorten the length of the extension from eighteen months to twelve months. The amendment, cosponsored by Sen. Max Baucus (D-MT) (and EPW chairman Barbara Boxer (D-CA) looked noticeably surprised that Baucus was cosponsoring the Voinovich amendment) would keep the next deadline for action on surface transportation legislation in the current 111th Congress, while an eighteen-month extension would take current programs to March 31, 2011, almost three months into the start of the next Congress (the 112th).

Boxer said that while a "transformational" bill was needed, members supporting the Oberstar bill needed to "get real" since the tax increases necessary to finance that bill through the Trust Fund are not politically viable at this time.

EPW ranking member James Inhofe (R-OK) said that he would vote for the Voinovich amendment except that he had already promised Transportation Secretary Ray LaHood that he would support the eighteen-month plan.

The Voinovich amendment failed by an 8 to 11 vote.

One other contentious amendment was offered, by Inhofe on behalf of the absent Sen. Kit Bond (R-MO), would have repealed the \$8.708 billion rescission of highway contract authority scheduled to take place on September 30, 2009 by the SAFETEA-LU law.

All Senators present who spoke on the amendment favored its substance, as getting rid of the rescission is a top priority for state DOTs. However, Boxer and Inhofe complained that if the rescission amendment were to be agreed to, the extension would no longer be "clean" from a policy point of view or a budget point of view and would run into much more intense opposition on the Senate floor.

The Bond amendment failed by a vote of 5 to 14.

(*Ed. Note:* Ironically, from a purely budgetary point of view, a "clean" extension of highway programs is nothing of the kind. SAFETEA-LU provided a gross \$42.447 billion in contract authority subject to limit, but since SAFETEA-LU itself contained the \$8.708 billion rescission, the actual net SAFETEA-LU total CA for FY 2009 is \$33.739 billion. Yet the EPW bill extends the pro-

CONTINUED ON NEXT PAGE

AMENDMENTS OFFERED IN THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE TO THE SURFACE TRANSPORTATION EXTENSION ACT ON 7-15-09

- **Boxer-Inhofe amendment #2** to increase the amount of contract authority provided for FHWA administrative experiences from \$415.4 million in FY 2010 to \$422.4 million and from \$213.4 million in the first six months of FY 2011 to \$217.0 million — *agreed to by voice vote.*
- **Boxer amendment #1** providing that funds saved under the Secretary's authority to decline to fund projects sufficiently funded before or during FY 2009 be redistributed to other research projects — *agreed to by voice vote.*
- **Voinovich amendment #1** (as amended by Voinovich second-degree amendment) to shorten the duration of the extension from eighteen months to twelve months — *amendment not agreed to by roll call vote of 8 yeas, 11 nays.*
- **Inhofe (for Bond) amendment #1** to repeal sec. 10212 of SAFETEA-LU (which will, if left in place, rescind \$8.708 billion in highway contract authority on September 30, 2009) — *amendment not agreed to by roll call vote of 5 yeas, 14 nays.*

Roll Call Vote on Voinovich Amendment

Yeas (8)		
Alexander	Baucus	Bond
Crapo	Klobuchar	Specter
Vitter	Voinovich	

Nays (11)		
Barrasso	Boxer	Cardin
Carper	Gillibrand	Inhofe
Lautenberg	Merkley	Sanders
Udall		
Whitehouse		

Roll Call Vote on Bond Amendment

Yeas (5)		
Alexander	Bond	Sanders
Specter	Voinovich	
Nays (14)		
Barrasso	Baucus	Boxer
Cardin	Carper	Crapo
Gillibrand	Inhofe	Klobuchar
Lautenberg	Merkley	Udall
Vitter	Whitehouse	

Highway Extension

CONTINUED FROM PAGE 21

grams at the \$42.447 billion level.) The Commerce, Science and Transportation Committee is scheduled to mark up its draft "clean" extension of highway safety programs at 2:30 p.m. today. The Banking, Housing and Urban Affairs Committee is scheduled to meet Thursday morning to mark up its portion for public transportation programs. However, even if all four Senate committees are able to join their efforts as early as next week into one bill and take it to the Senate floor, the path forward is uncertain. The EPW Committee's bill was reported by an 18-1 margin with one determined "no" vote, George Voinovich. In the Senate, it only takes one "no" vote to block unanimous consent to bring a bill up on the Senate floor, so Voinovich's de-

termined opposition would make it impossible to bring up the combination EPW-Banking-Commerce-Finance bill under UC.

In the Senate, if UC is not available, the Majority Leader has no choice but so spend two or three days doing a variety of cloture motions on the legislation. If at least 60 votes are present in favor of the bill (as is doubtless the case here), this is not a problem, but it takes time, and it is a very very open question whether or not Majority Leader Reid has or intends to spend two or three days between now and August 7 dealing with this issue on the floor.

In the absence of the Senate Majority Leader's determination to spend floor time on this, the House is put into the leadership position simply because the House is scheduled to leave for the August recess on July 31 and the Senate is not scheduled

to leave until August 7. Even if the Senate can get its various acts together and pass a \$26.8 billion bailout as part of an eighteen-month program extension by July 30, the House (if the Speaker is on board with this approach) can simply ignore the Senate bill, pass its own stand-alone bill that only provides a transfer from the GF to the HTF (perhaps in the \$7-8 billion range, perhaps more) and then leave Washington for five weeks.

At that point, the Senate would be stuck with the options of either passing the House-passed GF to HTF transfer without change or disagreeing. If the Senate disagrees, then either the Highway Account will run out of cash in mid-August and states will cease to be reimbursed immediately for claims for federal-aid highway expenses, or else all 435 House members would have to come back from vacation (which *never* happens).

House Passes FY 2010 Corps of Engineers Water Appropriations

Last week, the House of Representatives passed, by a wide vote margin, the bill providing the funding for the water resources program of the U.S. Army Corps of Engineers for fiscal year 2010.

The House passed the fiscal 2010 Energy and Water Development Appropriations Act (H.R. 3183) by a vote of 320-97 on July 17.

During the consideration of the bill, the House considered a variety of amendments (most of which were about striking individual earmarks, which were voted down). However, some amendments offered by committee leaders and others switched funds between accounts of the bill, taking money from the Corps of Engineers general expenses account to pay for other priorities. The table at right is updated to show House action. The USACE-relevant amendments are listed below.

- **Pastor (D-AZ) manager's amendment** to reduce USACE Expenses by \$10.8 million, add \$1.8 million to USACE Regula-

tory, and make changes to other parts of the bill – *agreed to by recorded vote of 261 yeas, 172 nays.*

- **Connolly (?-VA) amendment** to increase funding for Chesapeake Bay Oyster Restoration, offset by a \$7 million cut in USACE Expenses – *agreed to by recorded*

vote of 362 yeas, 69 nays.

- **Wamp (R-TN) amendment** to transfer \$14 million from USACE Expenses to USACE Construction for the Chickamauga Lock – *agreed to by voice vote.*

U.S. Army Corps of Engineers (Civil Works) Appropriations As Passed by the House; As Reported From Committee in the Senate (Millions of Dollars)

	FY 2009 <u>Enacted</u>	FY 2010 <u>Request</u>	FY 2010 <u>House</u>	FY 2010 <u>Senate</u>
Investigations	168	100	142	170
Construction	2,142	1,718	2,144	1,924
Mississippi River & Tributaries	384	248	251	340
Operations & Maintenance	2,202	2,504	2,511	2,450
Regulatory Program	183	190	192	190
FUSRAP	140	134	134	140
Flood Control & Coastal Emergencies	-	41	-	-
Expenses	179	184	152	186
Assistant Sec. of the Army	5	6	6	5
Total, USACE (Civil Works) regular	5,402	5,125	5,532	5,405
Plus FY 2009 Emergency Approps.:	10,361	-	-	-
Total, USACE With Emergencies	15,763	5,125	5,532	5,405

House Science Committee Marks Up Highway Research Provisions

The House Technology and Innovation Subcommittee on July 15 approved, by voice vote, a bill to authorize certain surface transportation research activities as part of the forthcoming multi-year surface transportation reauthorization bill.

The research bill (H.R. 2569) now goes to the full House Science and Technology Committee for consideration at an unspecified later date. The bill as approved by the subcommittee does not include the dollar amounts of authorized funding, and even if it did, the primary jurisdiction for spending money out of the Highway Trust Fund (which currently funds surface transportation research) does not lie with the Science Committee and must be negotiated with the Transportation and Infrastructure Committee.

Like the T&I Committee, the Science Committee may not move its portion of the bill until it becomes

more clear how much money will be given to the committees to spend.

The following amendments were offered during the subcommittee's markup session:

- Biggert (R-IL) amendment to ensure that green transportation research does not go to regional research centers and that funding does not go to University Transportation Centers – *withdrawn*.
- Broun (R-GA) amendment requiring the strategic research plan to describe the degree to which current R&D activities are competitive and merit-reviewed – *agreed to by voice vote*.
- Lipinski (D-IL) amendment adding a new section to the bill to require the RITA Administrator to appoint a technology transfer coordinator to be the principal advisor to the Administrator on all matters relating to technology transfer, commercialization, and deployment. Establishes a technology transfer working group to work with the coordinator. Requires the establishment of a transportation technology commercialization fund using 0.5 percent of the total annual surface trans-

portation R&D budget available to RITA, which shall be used to provide matching funds with UTCs, RGTRCs, and state DOTs to promote deployment and utilization of promising technologies – *withdrawn*.

- Smith (R-NE) amendment replacing section 4 of the bill (Innovative Pavement Research) with a new Pavement Research, Technology Transfer and Education program – *withdrawn*.
- Smith (R-NE) amendment to cap funding for the Office of Climate Change and Environment at \$2 million per year, taken from appropriate departmental entities as determined by the Secretary – *withdrawn*.
- Smith (R-NE) amendment to ensure that the research conducted by the Office of Climate Change and Environment also takes into account economic and other costs and burdens on consumers and requires impact-reduction research – *amendment failed by roll call vote of 3 yeas, 6 nays*.
- Wu (D-OR) amendment to create within RITA an Intelligent Transportation Systems Program Office – *agreed to by voice vote*.

States File \$102.5 Billion In Initial Requests For Federal High-Speed Rail Funding

Last week, the U.S. Department of Transportation announced that 40 states and the District of Columbia had filed pre-applications for a share of the \$8 billion in high-speed and intercity passenger rail funding provided in the economic stimulus act. The total value of all of the projects in the state pre-applications: \$102.5 billion according to DOT.

Transportation Secretary Ray LaHood said that “The response has been tremendous and shows that the country is ready for high-speed rail,” Secretary LaHood said. “It’s time to look beyond our highways and invest in public transportation services like rail, which will enhance regional mobility and reduce our carbon footprint.”

The table at right shows the approximate dollar amounts of the projects within each state according to the state’s pre-application.

The Federal Railroad Administration’s rules for applying for funding were not published in the Federal Register until June 23, and the deadline for pre-applications was July 10, which did not leave states much time to get them ready. Accordingly, for most states, the dollar amounts should be considered very, very, approximate.

Nonetheless, the requested funding does dwarf the \$8 billion provided in the stimulus act and will give political ammunition to legislators supporting the House Appropriations Committee’s efforts to quadruple funding for the program in FY 2010 from the White House’s \$1 billion to the House bill’s \$4 billion.

HSR/IPR Pre-Application Totals (Millions of Dollars)

Alabama	787.0	Montana	TBD
Alaska	DNF	Nebraska	DNF
Arizona	237.0	Nevada	10,064.0
Arkansas	1.0	New Hampshire	258.0
California	24,199.0	New Jersey	852.0
Colorado	1.0	New Mexico	21.0
Connecticut	3,185.0	New York	9,697.0
Delaware	258.0	North Carolina	5,140.0
Dist. Of Columbia	26.0	North Dakota	DNF
Florida	2,014.0	Ohio	5,845.0
Georgia	296.0	Oklahoma	1,992.0
Hawaii	DNF	Oregon	2,130.0
Idaho	5.0	Pennsylvania	6,820.0
Illinois	3,562.0	Rhode Island	TBD
Indiana	166.0	South Carolina	115.0
Iowa	228.0	South Dakota	DNF
Kansas	17.2	Tennessee	DNF
Kentucky	DNF	Texas	3,159.0
Louisiana	202.0	Utah	DNF
Maine	106.0	Vermont	121.0
Maryland	11,205.0	Virginia	2,484.0
Massachusetts	2,072.0	Washington	1,817.0
Michigan	563.0	West Virginia	0.4
Minnesota	933.0	Wisconsin	1,842.0
Mississippi	DNF	Wyoming	DNF
Missouri	124.0	U.S. Total	102,541.0

"TBD" means that the state filed a pre-application without a dollar amount. "DNF" means the state did not file a pre-application by the deadline.

NEW AND NOTABLE ON THE INTERNET

FY 2010 Transportation-HUD Appropriations

The text of the FY 2010 "THUD" appropriations bill, as ordered reported from committee, is here:

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

Once all amendments are filed, a list of all amendments filed will be linked here:

http://rules.house.gov/bills_details.aspx?NewsID=4391

FY 2010 Energy and Water Appropriations

The text of the House-passed Energy and Water bill (H.R. 3183) is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3183eh.txt.pdf

High-Speed and Intercity Passenger Rail Application Data

The FRA interim data document on HSR/IPR pre-applications is here:

<http://www.fra.dot.gov/downloads/Press%20Release%20Raw%20Data%20HSR.pdf>

STATUS OF PENDING TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Polly Trottenberg	Assistant Secretary for Transportation Policy	Commerce, Science and Transportation	Nomination transmitted 6/8/09
Department of Transportation	Chris Bertram	Assistant Secretary for Budget and Programs	Commerce, Science and Transportation	Nomination transmitted 7/9/09
Department of Transportation	Susan Kurland	Assistant Secretary for Aviation and Int'l Affairs	Commerce, Science and Transportation	Nomination transmitted 7/7/09
DOT-Federal Motor Carrier Safety Admin.	Anne Ferro	Administrator	Commerce, Science and Transportation	Nomination announced 6/4/09
DOT-National Highway Traffic Safety Admin.	Charles Hurley	Administrator	Commerce, Science and Transportation	Nomination reportedly will be withdrawn
Federal Maritime Commission	Richard Lidinsky, Jr.	Commissioner for a term expiring 6/30/2012	Commerce, Science and Transportation	Nomination transmitted 6/18/09
National Transport. Safety Board	Deborah Hersman	Chairman (for a term of two years)	Commerce, Science and Transportation	Nomination transmitted 6/18/09
National Transport. Safety Board	Christopher Hart	Member for a term expiring 12/31/2012	Commerce, Science and Transportation	Nomination transmitted 6/25/09
Surface Transportation Board	Daniel Elliott	Chairman	Commerce, Science and Transportation	Nomination announced 7/6/09
Department of the Army	Jo-Ellen Darcy	Assistant Secretary for Civil Works	Armed Services <i>and</i> Enviro. & Public Works	Nomination placed on the calendar 6/16/09

Transportation Weekly is a publication of:

THE LEGISLATIVE SERVICES GROUP

P. O. Box 661
Front Royal, VA 22630

Email: mail@transportationweekly.com



THE LEGISLATIVE SERVICES GROUP

*All original content © 2009,
The Legislative Services Group.
All rights reserved.*

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

*Please send comments or corrections to:
Mail@transportationweekly.com*

THIS WEEK IN COMMITTEE

Tuesday, July 21, 2009 — Senate Commerce, Science and Transportation — full committee business meeting to consider S. 1451, FAA reauthorization; the Trottenberg, Hersman and Lidinsky nominations; and the Commerce portion of a SAFETEA-LU extension — 2:30 p.m., *SR-253 Russell*.

Wednesday, July 22, 2009 — House Judiciary — Subcommittee on Courts and Competition Policy — subcommittee hearing on competition concerns with international airline alliances — 2:00 p.m., *2141 Rayburn*.

House Transportation and Infrastructure — Subcommittee on Economic Development, Public Buildings, and Emergency Management — subcommittee hearing on the future of Union Station — 2:00 p.m., *2167 Rayburn*.

House Rules — full committee hearing to consider a rule for House consideration of H.R. ____, Transportation-HUD appropriations, *FY 2010* — 3:00 p.m., *H-313, The Capitol*. (Note: this could slip if filing of the Appropriations Committee report is delayed until late Wednesday night.)

Thursday, July 23, 2009 — Senate Banking, Housing and Urban Affairs — full committee markup of the Banking portion of a SAFETEA-LU extension — 9:30 a.m., *SD-38 Dirksen*.

House Budget — full committee hearing on implementation of the Recovery Act (Secs. LaHood and Vilsack to testify) — 10:00 a.m., *210 Cannon*.

House Homeland Security — Subcommittee on Management, Investigations, and Oversight — subcommittee hearing on personnel challenges in the Federal Air Marshal Service — 10:00 a.m., *311 Cannon*.

House Ways and Means — Subcommittee on Select Revenue Measures — subcommittee hearing on long-term financing options for the Highway Trust Fund — 10:00 a.m., *1100 Longworth*.

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
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	Draft bill ordered reported by committee on 7/17/09	Subcommittee markup scheduled for 7/29/09	
FY 2010 Energy and Water Appropriations	H.R. 3183 passed House 7/17/09 by a vote of 320-97	S. 1436 reported 7/9/09 S. Rept. 111-45	
FY 2010 Homeland Security Appropriations	H.R. 2892 passed House 6/24/09 by a vote of 389-37	H.R. 2892 passed Senate amended 7/9/09 by a vote of 84-6	
Federal Aviation Admin. Reauthorization Bill	H.R. 915 passed House 5/22/09 by a vote of 277-136	S. 1451 introduced in Senate on 7/14/09	
Surface Transportation Reauthorization Bill	Subcommittee marked up draft bill on 6/24/09		
Short-Term Extension of Surface Transportation Laws		Senate Public Works approved draft bill on 7/15/09	
Water Resources Development Act			
FY 2010 Coast Guard Authorization		S. 1194 ordered reported 7/8/09 by Senate Commerce Committee	
Transportation Security Admin. Reauthorization	H.R. 2200 passed House 6/4/09 by a vote of 397-25		