

THE LEGISLATIVE SERVICES GROUP'S

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Tuesday, July 28, 2009

Legislative Schedules *Week of July 27, 2009*

House

Tuesday — meets at noon for legislative business — 11 measures under suspension of the rules including H.R. 1665, Coast Guard acquisition reform.

Wednesday — meets at 10 a.m. — H.R. 3326, Defense appropriations (subject to a rule).

Thursday and the balance of the week — meets at 10 a.m. (9 a.m. Friday) — H.R. 3269, Wall Street compensation reform; H.R. ____, unemployment insurance/mortgage insurance/Highway Trust Fund solvency; and possible consideration of health care reform.

Senate

The Senate convened at 10 a.m. today and is considering H.R. 3183, Energy and Water appropriations. The Senate will recess from 12:30-2:15 p.m. for the weekly party policy luncheons.

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House Passes 2010 Transportation Appropriations

The House of Representatives last week passed the appropriations bill funding the U.S. Department of Transportation for fiscal year 2010 by a mostly party-line vote of 256 to 168.

The Senate Appropriations Committee is scheduled to meet this week to approve its version of the bill (which should keep the House-passed bill number of H.R. 3288).

The House-passed bill contains \$21.52 billion in new discretionary appropriations for the U.S. Department of Transportation and also contains \$54.25 billion in obligation limitations on contract authority from transportation trust funds which will presumably be provided in separate legislation.

This totals \$75.77 billion in total discretionary budgetary resources for DOT, an increase of \$5.03 billion (or 7.1 percent) over last year's total once the \$48.12 billion in stimulus spending is subtracted from the 2009 number.

During debate, the House only made minor changes in the version of the bill that was reported earlier in the week from the House Appropriations Committee (House Report 111-218).

The process under which the House considered H.R. 3288 severely restricted the amendments that could be offered. Under new procedures instituted by the Democratic leadership this year, all general appropriations bills are being considered

under "structured rules" under which only a fixed series of amendments specified by the leadership-run Rules Committee are allowed to be offered to a bill. This ends the tradition in place from 1789 through last year under which most, if not all, appropriations bills were considered under open rules (meaning that any member can offer any amendment to the bill if the amendment does not violate House rules or the Budget Act).

The change was first made in the name of expediency, but Democratic leadership aides privately admit that at this point, the decision is at least as much about preventing Republicans from offering amendments that might

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Small HTF Bailout May Be Combined With Other Bills

The House of Representatives is poised to take action this week on legislation that will address three time-sensitive concerns that Congress must address before the month-long August recess.

Earlier today, Federal Highway Administrator Victor Mendez told state DOTs in a conference call that "Unless we

shore up the trust fund, we will have no other choice than to pay the states less frequently for road and bridge repairs." Mendez suggested that the payments could slip from daily to as little as twice a month.

A provision appropriating a relatively small amount of money from the general fund of the Treasury to the Highway

Account of the Highway Trust Fund (amount uncertain, but likely to be far less than the \$28.6 billion proposed by the Senate) is likely to be combined with legislation allowing state unemployment insurance trust funds to borrow more money from the federal UITF to allow continued benefit payments, and a

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pose uncomfortable votes for Democratic members as it is about time limits.

(*Ed. Note:* The last time the House considered the Transportation-HUD bill on the House floor, under an open rule (in 2007), 46 amendments were offered and the bill took about fourteen-and-a-half hours (two-and-a-half hours one evening and twelve hours the next day) from start to finish. Last week, 23 amendments were offered under the structured rule and the bill took seven hours. But several amendments that Appropriations Committee Republicans really wanted to offer were not allowed this year, while there were no such restrictions last time around.)

(*Further Ed. Note:* Democratic leaders appear to have forgotten that if they want to avoid votes on limitation amendments (the “no funds in

this Act can be used for x” ones) which pose most of the political problems, they can avoid all such amendments under an open rule simply by using the nondebatable motion to rise at the end of the reading of the bill (clause 2(d) of rule XXI) which the House added in 1981 to make it easier for the Democratic majority to avoid votes on such amendments. But that would require the leadership to work and whip something that is not a traditional knee-jerk party-line vote (unlike adoption of a restrictive rule from the Rules Committee, which *is* a traditional knee-jerk party-line vote.))

During debate on the structured rule, Rules Committee member Lincoln Diaz-Balart (R-FL) sounded a warning:

I once again remind my colleagues that majorities are never eternal. The precedent being set now may be used by majorities in the future. And this is not the appropriate way to run the House. It is unne-

cessary. It is inappropriate. It is unfair. I think it's time, Madam Speaker, that we overturn that doctrine, the Pelosi-Obey doctrine, and restore the tradition of openness in the appropriations process.

(*Ed. Translation:* “If the Republicans ever retake the House, no amendment favored by current Appropriations chairman David Obey (D-WI) to an appropriations bill will ever be made in order. Ever. Ever. Seriously.”)

However, since the adoption of a rule from the Rules Committee is almost always a knee-jerk party-line vote, as mentioned above, the structured rule passed the House by a mostly party-line vote of 235 to 183 (though thirteen Democrats broke ranks and voted “no”).

Once debate on the bill itself began, the House chamber emptied. The Democratic half of the one hour of general debate was eaten up by colloquies between concerned Democratic members and Transporta-

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TRANSPORTATION-RELATED AMENDMENTS OFFERED IN THE HOUSE TO H.R. 3288 ON JULY 23

Program-specific amendments

- **Olver** (D-MA) managers' amendment incorporating several amendments that Democratic members had filed with the Rules Committee. The amendment cuts the Secretary of Transportation's salaries and expenses account by \$250 thousand and increases NHTSA's operations and research by the same amount in order to fund NHTSA research into alternative fuels; cuts DOT Financial Management Capital by \$3 million and increases FRA's railroad research and development by the same amount in order to fund FRA research into biofuels for trains; transfers \$1 million from FAA computer support to FAA commercial space transportation; and adds general provisions requiring federal agencies to use energy-efficient light bulbs and to prevent DOT and HUD employees from using federal funding to fly first class (as well as cutting the HUD title by \$2 million by eliminating a Murtha (D-PA) earmark in order to keep the re-scored bill under its 302(b) allocation — *agreed to by voice vote*.)
- **Latham** (R-IA) amendment to reduce the bill's appropriation for FRA high-speed and intercity passenger rail from \$4 billion to \$1 billion and to strike the language from the bill allowing up to \$2 billion of that \$4 billion to be transferred to a National Infrastructure Bank if one is authorized in law by October 1, 2010. (Rep. Latham had a separate amendment to transfer that \$3 billion to the Highway Trust Fund, but the Rules Committee did not allow Latham to offer that amendment.) — *failed by a roll call vote of 136 yeas, 284 nays*.
- **McHenry** (R-NC) amendment to transfer \$1 million from Amtrak operating grants to the Amtrak Inspector General — *offered and withdrawn*.
- **Frelinghuysen** (R-NJ) amendment to prohibit the FAA from implementing the New York/New Jersey/Philadelphia airspace redesign project during FY 2010 — *failed by a roll call vote of 116 yeas, 313 nays*.
- **Burton** (R-IN) amendment to prohibit Amtrak from using its federal appropriation to provide free alcohol — *agreed to by voice vote*.
- **Latham** (R-IA) motion to recommit the bill with amendatory instructions to cut every discretionary account in the bill funded above the President's request down to the level of the President's request (except for WMATA and aid to homeless veterans), lowering the cost of the bill by \$5.4 billion — *motion failed by a roll call vote of 192 yeas, 226 nays*.

Amendments making across-the-board cuts in the entire bill

- **Blackburn** (R-TN) amendment cutting all accounts by 5 percent — *failed by roll call vote of 181 yeas, 252 nays*.
- **Jordan** (R-OH) amendment cutting the bill across-the-board by \$20.05 billion — *failed by roll call vote of 145 yeas, 287 nays*.
- **Neugebauer** (R-TX) amendment cutting the bill across-the-board by \$13.533 billion — *failed by roll call vote of 166 yeas, 267 nays*.
- **Stearns** (R-FL) amendment cutting all accounts in the bill by 25 percent if not required to be made available by law — *failed by a roll call vote of 152 yeas, 279 nays*.

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tion-HUD Subcommittee chairman John Olver (D-MA) over their particular items of interest, while the Republican half of the debate got largely consumed by members of the Transportation and Infrastructure Committee.

However, the interplay between Olver and the Transportation-HUD ranking Republican, Tom Latham (R-IA), can be summed up like so:

Olver: This is a great and largely bipartisan bill.

Latham: That is mostly true, but the full committee gave us an allocation that was several billion dollars larger than necessary, and the Rules Committee wouldn't let me offer my preferred amendment to reduce the total.

(Latham and full committee ranking member Jerry Lewis (R-CA) had filed minority views in the committee report the day before debate that indicated that they would vote "no" on the bill because the allocation was simply too large.)

The first amendment offered after general debate was an Olver managers amendment containing the text of several Democratic amendments submitted to the Rules Committee (see summary in the list on the previous page) and a \$2 million reduction in HUD community development grants to offset a small CBO scorekeeping change made after the bill was ordered reported from the Appropriations Committee in order to keep the bill under its budget allocation.

The Olver amendment was agreed to by voice vote, and it wound up being the only amendment agreed to during the House consideration of H.R. 3288 that changed any dollar amounts in the DOT title of the bill (shifting \$250 thousand from OST salaries to NHTSA research; shifting \$3 million from OST financial capital to FRA research, and shifting \$1 million within FAA operations from IT to commercial space programs)

Next, Latham got to offer his less-preferred amendment lowering spending in the bill. The amendment he offered would have lowered the appropriation in the bill for high-speed and intercity passenger rail from \$4 billion to \$1 billion (the level requested by President Obama) and eliminated the provision in the bill allowing up to \$2 billion of that money to be transferred to a National Infrastructure Bank on October 1, 2010 if such a Bank is authorized in law by that time.

Latham would have preferred to offer an amendment cutting the \$3 billion and transferring the money to the Highway Trust Fund, which faces imminent bankruptcy. As Democratic appropriators pointed out during the Appropriations Committee markup of the bill, the Latham amendment would do nothing to affect the cash shortage facing the HTF in August and early September because the Transportation-HUD bill will not be signed into law until late September at the absolute earliest (and possibly weeks or months thereafter). But the desire of House members to do something (anything, really) to reassure their state DOTs and road contractors, and possible confusion (House T&I Committee chairman James Oberstar (D-MN) had just announced that he was going to support a separate bailout of the Trust Fund which coincidentally also totaled \$3 billion) meant that this Latham amendment would have had a chance of passing, so the Rules Committee did not allow that amendment to be offered under the structured rule.

Latham pointed out that the true offender, in his mind, was the \$2 billion for the Bank:

The bill before us gives authority to transfer \$2 billion to the bank on October 1, 2010, should the bank ever be authorized by that date. Now, October 1, 2010, is actually in the 2011 fiscal year, and this committee will have the opportunity to consider funding that bank within the budget priorities for fiscal year 2011 under that

2011 allocation. There is absolutely no reason to do that now.

Olver responded in defense of the rail funding:

I want to say that this high-speed rail, the program for combined high-speed and intercity passenger rail, that is the most important transportation initiative since the Eisenhower Interstate Highway System, the National Defense Highway System of 50 years ago, which took a generation, basically, to build. It's not going to happen quickly. It's going to take a period of time, there is no question, but it is the most important initiative. There is pent-up demand. There is a huge demand.

But later Olver yielded to Rep. Rosa DeLauro (D-CT), who defended not the high-speed rail money but the possible NIB money. (*Ed. Note:* DeLauro has a bill (H.R. 2521) which would create a NIB. But DeLauro's Bank would focus not on transportation infrastructure but electrical grid infrastructure. The proposal recently sent to Capitol Hill by the White House would focus the Bank on transportation infrastructure, not the grid.) Latham noticed this inconsistency, saying that "we're talking about spending the same money two or three times."

But without the linkage to bailing out the Highway Trust Fund, Latham's amendment was doomed, and it failed by a 136-284 vote.

The next transportation-related amendment offered was a McHenry (R-NC) amendment transferring \$1 million from Amtrak operating grants to the newly separate appropriation for the Amtrak Inspector General. McHenry used his amendment time to criticize what he said was the Obama Administration's politicization and intimidation of inspectors general in other agencies, then withdrew the amendment without a vote.

Rep. Dan Burton (R-IN) offered an amendment declaring that "None of the funds made available in this Act may be used by Amtrak to provide free alcohol." Burton explained that Amtrak in 2007 part-

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nered with a high-end luxury passenger rail service provider and offered \$100 off liquor coupons as an incentive. Even though the private service provider has since gone out of business, Burton wanted the precedent of no more free booze set in law, and Olver and Latham accepted the amendment.

Rep. Rodney Frelinghuysen (R-NJ) and several Democratic colleagues offered an amendment to prohibit the FAA from using funds under the Act to implement its redesign of the New York/New Jersey/Philadelphia airspace during fiscal year 2010. Frelinghuysen and his colleagues complained that the FAA had refused to listen to local stakeholders' noise concerns during the redesign process and accused

the FAA of "acting in bad faith". But Olver said that the extra capacity to be added by the redesign was desperately needed, and the Frelinghuysen amendment was defeated by a 116-313 vote. (Though this was almost twice as many votes as the 65 that an identical Frelinghuysen amendment got in 2007.)

At the end of debate, House rules allow the minority party to offer one final germane amendment in the form of a motion to recommit the bill with amendatory instructions. At 6:30 p.m., Latham offered a 54-page motion to recommit to replace huge swaths of the bill with almost identical language, and objected to a unanimous consent request to waive the required oral reading of the motion. (The talk amongst Democrats was that this was done at the behest of the Republican leader-

ship to give Minority Leader John Boehner (R-OH) time to attend a fundraiser between votes.) After 40 minutes, with the reading clerk barely half through, Latham withdrew the amendment and replaced it with a two-page one which accomplished the same substantive purpose (to reduce every account in the bill that was funded above the President's request, save WMATA funding and housing for homeless veterans, to the President's requested level) in much less space.

That motion was rejected by a mostly party-line vote of 192-226 (22 Democrats voted yes, one Republican voted no) and then 16 Republicans joined 240 Democrats in voting to pass the bill (10 Democrats and 158 Republicans voted no).

The tables below and on the following three pages show account and PPA data for the bill as passed.

FEDERAL AVIATION ADMINISTRATION APPROPRIATIONS COMPARISON - PASSED BY HOUSE

	FY 2009		FY 2010		House vs. FY 2009		House vs. Request	
	Omnibus	Request	House	House	Dollars	Percent	Dollars	Percent
Operations								
Air Traffic Organization	\$ 7,099,019,000	\$ 7,302,739,000	\$ 7,300,739,000	\$ 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	\$ 1,231,765,000	\$ 67,168,000	5.8%	\$ 15,370,000	1.3%
Commercial Space Transportation	\$ 14,094,000	\$ 14,737,000	\$ 15,737,000	\$ 15,737,000	\$ 1,643,000	11.7%	\$ 1,000,000	6.8%
Financial Services	\$ 111,004,000	\$ 113,681,000	\$ 113,681,000	\$ 113,681,000	\$ 2,677,000	2.4%	\$ -	0.0%
Human Resources	\$ 96,091,000	\$ 100,428,000	\$ 100,428,000	\$ 100,428,000	\$ 4,337,000	4.5%	\$ -	0.0%
Region and Center Operations	\$ 331,000,000	\$ 341,977,000	\$ 341,977,000	\$ 341,977,000	\$ 10,977,000	3.3%	\$ -	0.0%
Staff Offices	\$ 180,859,000	\$ 196,063,000	\$ 196,063,000	\$ 196,063,000	\$ 15,204,000	8.4%	\$ -	0.0%
Information Services	\$ 46,500,000	\$ 49,778,000	\$ 48,778,000	\$ 48,778,000	\$ 2,278,000	4.9%	\$ (1,000,000)	-2.0%
Adjustments	\$ (697,000)	\$ -	\$ -	\$ -	\$ 697,000	-100.0%	\$ -	n/a
Total, Operations	\$ 9,042,467,000	\$ 9,335,798,000	\$ 9,347,168,000	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 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	\$ 2,925,202,000	\$ 183,107,000	6.7%	\$ -	0.0%
Research, Engineering & Develop.	\$ 171,000,000	\$ 180,000,000	\$ 195,000,000	\$ 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	\$ 3,384,106,000	\$ (592,000)	0.0%	\$ -	0.0%
Office of Airports	\$ 87,454,000	\$ 93,422,000	\$ 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	\$ 22,472,000	\$ 3,124,000	16.1%	\$ -	0.0%
Airport Cooperative Research	\$ 15,000,000	\$ 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	\$ 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	\$ 15,982,370,000	\$ 512,308,000	3.3%	\$ 26,370,000	0.2%
<i>General Fund</i>	\$ 3,804,462,000	\$ 3,128,000,000	\$ 4,156,370,000	\$ 4,156,370,000	\$ 351,908,000	9.2%	\$ 1,028,370,000	32.9%
<i>Airport and Airway Trust Fund</i>	\$ 11,665,600,000	\$ 12,828,000,000	\$ 11,826,000,000	\$ 11,826,000,000	\$ 160,400,000	1.4%	\$ (1,002,000,000)	-7.8%
<i>General Fund (% of Total FAA)</i>	24.6%	19.6%	26.0%	26.0%				
<i>Trust Fund (% of Total FAA)</i>	75.4%	80.4%	74.0%	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	\$ 15,982,370,000	\$ 592,308,000	3.8%	\$ 26,370,000	0.2%

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (AS PASSED BY HOUSE)

(Dollar amounts in thousands—page 1 of 3)

<i>As Passed By the House on July 23, 2009</i>	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	102,306	4,058	4.1%	(878)	-0.9%	
Financial Management Capital	5,000	5,000	2,000	(3,000)	-60.0%	(3,000)	-60.0%	
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	307,692	(1,450,221)	-82.5%	622	0.2%	
Total, OST (Gross NBR without stimulus funds)	257,913	307,070	307,692	49,779	19.3%	622	0.2%	
Total, OST (Net after rescissions & offsets)	1,757,065	307,070	307,692	(1,449,373)	-82.5%	622	0.2%	
Federal Aviation Administration								
<i>Operations (General Fund)</i>	<i>3,804,462</i>	<i>3,128,000</i>	<i>4,156,370</i>	<i>351,908</i>	<i>9.2%</i>	<i>1,028,370</i>	<i>32.9%</i>	
<i>Operations (Airport & Airway Trust Fund)</i>	<i>5,238,005</i>	<i>6,207,798</i>	<i>5,190,798</i>	<i>(47,207)</i>	<i>-0.9%</i>	<i>(1,017,000)</i>	<i>-16.4%</i>	
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								
<i>Sub-limitation on administrative expenses (non-add)</i>	<i>390,000</i>	<i>415,396</i>	<i>413,533</i>	<i>23,533</i>	<i>6.0%</i>	<i>(1,863)</i>	<i>-0.4%</i>	
<i>Sub-limitation on research (non-add)</i>	<i>429,800</i>	<i>429,800</i>	<i>429,800</i>	<i>-</i>	<i>0.0%</i>	<i>-</i>	<i>0.0%</i>	
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%	
<i>Subtotal, Federal-aid Highways (discretionary)</i>	<i>68,200,000</i>	<i>41,107,000</i>	<i>41,107,000</i>	<i>(27,093,000)</i>	<i>-39.7%</i>	<i>-</i>	<i>0.0%</i>	
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								
<i>Operations and Research (general fund)</i>	<i>127,000</i>	<i>129,774</i>	<i>131,986</i>	<i>4,986</i>	<i>3.9%</i>	<i>2,212</i>	<i>1.7%</i>	
<i>Operations and Research (HTF) (Ob Limit)</i>	<i>105,500</i>	<i>107,329</i>	<i>108,642</i>	<i>3,142</i>	<i>3.0%</i>	<i>1,313</i>	<i>1.2%</i>	
Operations and Research - Total	232,500	237,103	240,628	8,128	3.5%	3,525	1.5%	
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	867,478	11,478	1.3%	250	0.0%	
Total, NHTSA (Net after rescissions & offsets)	784,356	867,228	867,478	83,122	10.6%	250	0.0%	

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (AS PASSED BY HOUSE)

(Dollar amounts in thousands—page 2 of 3)

<u>As Passed By the House on July 23, 2009</u>	FY 2009	FY 2010	FY 2010	House vs. 2009		House vs. Request	
	Enacted	Request	House	,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	37,145	3,195	9.4%	3,000	8.8%
Rail Line Relocation and Improvement	25,000	-	40,000	15,000	60.0%	40,000	n/a
<i>Amtrak Operating Subsidy Grants</i>	550,000	572,348	553,348	3,348	0.6%	(19,000)	-3.3%
<i>Amtrak Capital Grants</i>	940,000	929,625	929,625	(10,375)	-1.1%	-	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	5,732,651	(5,365,744)	-48.3%	3,027,763	111.9%
Total, FRA (Gross NBR without stimulus funds)	1,798,395	2,704,888	5,732,651	3,934,256	218.8%	3,027,763	111.9%
Total, FRA (Net after rescissions & offsets)	11,061,561	2,704,888	5,751,651	(5,309,910)	-48.0%	3,046,763	112.6%
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>	18,491	18,329	19,329	838	4.5%	1,000	5.5%
<i>Administrative Expenses (Pipeline Safety Fund)</i>	639	639	639	-	0.0%	-	0.0%
Administrative Expenses - Total	19,130	18,968	19,968	838	4.4%	1,000	5.3%
<i>Pipeline Safety (Pipeline Safety Fund)</i>	74,481	86,334	86,334	11,853	15.9%	-	0.0%
<i>Pipeline Safety (Oil Spill Liability Trust Fund)</i>	18,810	18,905	18,905	95	0.5%	-	0.0%
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 (AS PASSED BY HOUSE)

(Dollar amounts in thousands—page 3 of 3)

<i>As Passed By the House on July 23, 2009</i>	FY 2009 Enacted	FY 2010 Request	FY 2010 House	House vs. 2009		House vs. Request	
				,000 Dollars	Percent	,000 Dollars	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
Offsetting Receipts: Pipeline Safety Fees	-75,120	-86,973	-86,973	-	-	-	-
Subtotal: Rescissions and Offsets	-3,594,132	-86,973	-86,973	3,507,159	-97.6%	-	n/a
TOTAL NET BUDGETARY RESOURCES, USDOT	116,086,893	73,159,452	76,499,580	(39,587,313)	-34.1%	3,340,128	4.6%
Total Subject to 302(b) Ceiling (Disc. BA less Offsets)	13,404,698	57,539,970	21,435,239	8,030,541	59.9%	(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%
Gross Discr. BR Minus Emergencies, USDOT:	70,743,895	72,429,295	75,769,423	5,025,528	7.1%	3,340,128	4.6%
Net Discr. BR Minus Emergencies, USDOT:	67,149,763	72,342,322	75,682,450	8,532,687	12.7%	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%
OTHER SUMMARY ANALYSIS, BILL-WIDE:							
302(b) Calculation:							
New Title I Gross Discretionary Budget Authority	65,118,830	57,626,943	21,522,212	(43,596,618)	-66.9%	(36,104,731)	-62.7%
Minus: DOT Off-Budget Emergency Appropriations	(48,120,000)	-	-	48,120,000	-100.0%	-	n/a
Minus: Title I Rescissions and Offsets	(3,594,132)	(86,973)	(86,973)	3,507,159	-97.6%	-	0.0%
Equals: USDOT Budget Authority Subject to 302(b)	13,404,698	57,539,970	21,435,239	8,030,541	59.9%	(36,104,731)	-62.7%
Plus: Title II (HUD) Spending Subject to 302(b)	41,535,290	45,482,659	47,047,751	5,512,461	13.3%	1,565,092	3.4%
Plus: Title III (Indep.) Spending Subject to 302(b)	303,012	5,296,438	329,312	26,300	8.7%	(4,967,126)	-93.8%
Minus: Bill-wide scoring differences	(243,000)	-	8,328	251,328	-103.4%	8,328	n/a
Total THUD Budget Authority Subject to 302(b)	55,000,000	108,319,067	68,820,630	13,820,630	25.1%	(39,498,437)	-36.5%
Plus Transportation Obligation Limitations:	53,745,065	14,802,352	54,247,211	502,146	0.9%	39,444,859	266.5%
Equals: Total THUD Net Discr. Resources (Non-Em.)	108,745,065	123,121,419	123,067,841	14,322,776	13.2%	(53,578)	0.0%
Plus: Emergency THUD Appropriations	61,825,200	-	-	(61,825,200)	-100.0%	-	n/a
Equals: Total THUD Net Discr. Resources (Incl. Em.)	170,570,265	123,121,419	123,067,841	(47,502,424)	-27.8%	(53,578)	0.0%

Ed. Note: This table differs slightly from the one published last week, for two reasons. (A.) This table reflects the changes made by the House during consideration of H.R. 3288 in the Olver (D-MA) managers amendment. (B.) While CBO scores the pipeline safety fee offset as a bill-wide scorekeeping adjustment, we decided after reflection that we should show it scored against the DOT title, so the net DOT numbers for the budget request and the House bill are now \$87 million lower but the bill-wide total stays the same.

HTF Bailout

CONTINUED FROM PAGE ONE

provision raising the ceiling on the aggregate amount of home mortgages that can be insured by the Federal Housing Administration so that FHA does not have to stop insuring new mortgages over the August recess.

All three items are considered to be “must-pass” before the recess, and since the House is scheduled to leave town on Friday (that may slip until Monday or Tuesday if a health care bill can be brought up for a vote by then, but this looks less likely by the hour), action on the package is likely in the next three days.

House leaders are reportedly leaning towards packaging all three items into one bill to make it less likely that problems in the Senate can delay any one item.

The combined measure would be considered by the House under the suspension of the rules procedure, which precludes amendments and allows for a quick up-or-down vote but which also requires a two-thirds margin for passage.

House rules provide that suspension business is only in order on

Mondays, Tuesdays and Wednesdays, so if the House takes this route, the bill would have to be on the House floor tomorrow. (Unless the Rules Committee issues a rule waiving this requirement and allowing the bill to go under suspension later in the week.)

And the fact that the Senate is scheduled to stay in session a week longer than the House puts the House squarely in charge of the process, making Speaker Pelosi able to essentially force the Senate to accept the House legislation on a take-it-or-leave-it basis.

As of press time, the amount of the GF-to-HTF transfer had not been decided. House Transportation and Infrastructure chairman James Oberstar (D-MN) favors a \$3 billion cash infusion. But while \$3 billion would most likely (but not absolutely certainly) be able to get the Trust Fund through the August recess without reaching a zero cash balance (see projections below), it is not at all certain that \$3 billion would be enough to get the Trust Fund through the end of the fiscal year on September 30.

The reason is that even though the end-of-week projections below show the Highway Account only \$1.9 bil-

lion in the red at the end of the fiscal year, (a.) those numbers are only projections and each period’s deposits and receipts can vary widely, as shown in the table on the following page, and (b.) just because the Highway Account never ends a week over \$3 billion in the red does not mean that it never goes over \$3 billion in the red on a daily basis.

FHWA makes outlays to states every business day, and in August, those outlays average just under \$250 million per day. Deposits are made into the Trust Fund just twice a month. So the end-of-week balances can be somewhat misleading, particularly in combination with the need to maintain a reserve for safety in case outlays pick up and receipts drop off slightly from the projections.

But whatever the amount of the GF-to-HTF transfer contained in the bill the House will consider later this week, it will almost certainly be much closer to Oberstar’s \$3 billion than to the \$26.8 billion in Senate Finance Committee chairman Max Baucus’s (D-MT) proposal (S. 1474).

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Highway Trust Fund - Highway Account - Projected Cash Flow

(Actual numbers for week ending July 17 - FHWA projections thereafter.)

<u>Week ending:</u>	<u>Beginning-of-Week</u>	<u>Estimated</u>	<u>Estimated</u>	<u>End-of-Week</u>
	<u>Balance</u>	<u>Deposits</u>	<u>Outlays</u>	<u>Balance</u>
July 17, 2009	\$ 4,600,809,681	\$ -	\$ (603,713,108)	\$ 3,998,096,578
July 24, 2009	\$ 3,998,096,578	\$ 1,435,861,383	\$ (973,373,896)	\$ 4,460,584,066
July 31, 2009	\$ 4,460,584,066	\$ -	\$ (973,373,896)	\$ 3,487,210,170
August 7, 2009	\$ 3,487,210,170	\$ -	\$ (1,239,485,007)	\$ 2,247,725,162
August 14, 2009	\$ 2,247,725,162	\$ 904,672,383	\$ (1,315,485,007)	\$ 1,836,912,539
August 21, 2009	\$ 1,836,912,539	\$ -	\$ (1,239,485,007)	\$ 597,427,532
August 28, 2009	\$ 597,427,532	\$ 1,430,861,383	\$ (1,235,485,007)	\$ 792,803,908
September 4, 2009	\$ 792,803,908	\$ -	\$ (1,227,985,007)	\$ (435,181,099)
September 11, 2009	\$ (435,181,099)	\$ 1,585,361,383	\$ (1,303,985,007)	\$ (153,804,772)
September 18, 2009	\$ (153,804,772)	\$ -	\$ (1,227,985,007)	\$ (1,381,789,729)
September 25, 2009	\$ (1,381,789,729)	\$ 1,551,414,467	\$ (1,226,985,007)	\$ (1,054,360,270)
October 2, 2009	\$ (1,054,360,270)	\$ -	\$ (829,640,000)	\$ (1,884,000,270)

HTF Bailout

CONTINUED FROM PAGE EIGHT

Baucus introduced his proposal to be part of an eighteen-month extension of spending authority for programs funded out of the Highway Trust Fund. The Environment and Public Works Committee has reported its portion (S. 1498), as has the Commerce, Science and Transportation Committee (S. 1496). The Banking, Housing and Urban Affairs Committee has approved (but not reported) its portion of the bill.

The plan was for the Majority Leader to attempt to bring up the EPW bill with a substitute amendment combining all committee's portions of the bill).

However, at least one Senator (George Voinovich (R-OH)) and possibly more would object to the unanimous consent necessary to take such action quickly. The only other way for the Majority Leader to use the cloture process, which takes several days of floor time even if one has the 60 votes necessary to invoke cloture on the bill.

The legislation might also be subject to a point of order under the Budget Act also requiring 60 Senate votes to waive. The Congressional Budget Office, using score-keeping rules set down in law, has

Week Ending	Projected Receipts	Actual Receipts	Diff.	Projected Outlays	Actual Outlays	Diff.
June 12	1,390,141	1,390,141	0.0%	921,556	983,780	6.8%
June 19	-	-		917,556	749,821	-18.3%
June 26	1,292,077	1,515,581	17.3%	921,556	1,037,270	12.6%
July 3	-	-		917,556	576,182	-37.2%
July 10	1,452,077	1,402,844	-3.4%	921,556	867,924	-5.8%
July 17	-	-		917,556	602,713	-34.3%

scored the EPW portion of the bill as increasing mandatory budget authority by \$11.9 billion per year, every year (so that's \$59.5 billion over five years and \$119 billion over ten years), which may cause a violation. (The large rescissions of highway contract authority enacted or scheduled to take place in FY 2009 depress the baseline for 2010 and all future years.)

If the eighteen-month extension is thrown open for amendment on the Senate floor, there will be a concerted attempt by Sen. Kit Bond (R-MO) to add a provision repealing the \$8.708 billion rescission of highway contract authority set to take place of September 30 of this year by sec. 10212 of SAFETEA-LU.

Though the Congressional Budget Office would score the amendment as violating the Budget Act, if the underlying bill violates the Budget Act anyway, one 60-vote motion to

waive could possibly handle both situations.

But Oberstar does not want an extension anywhere near eighteen months in length, and as long as the bill the House passes this week does not contain any extension of program spending (only a limited cash infusion for the Trust Fund), it will be practically impossible for the Senate to bring up the extension before the August recess.

Once Congress returns in September, the need for an additional cash infusion into the Trust Fund by some point in September (the exact point depends on how much money is added this week and how much is spent over August) and the need for some program extension by September 30 will feature prominently on the agenda.

Oberstar's top priority is to do anything he can to advance his multi-year surface transportation reauthorization bill, even though the Ways and Means Committee shows no signs of coming to a consensus on how to raise the \$100+ billion in higher revenues needed to pay for Oberstar's \$450 billion bill. Oberstar fears that an eighteen-month extension, lasting past the 2010 elections into the first months of the next Congress, would leave leaders with no reason at all to bring up his bill this year or next year.

So, with the apparent support of Speaker Pelosi, Oberstar will try to move his bill and will attempt to keep extensions as short as possible.

Senate Confirms Additional Transportation Nominees

The U.S. Senate on July 24 confirmed an additional three transportation-related nominations made by President Obama.

As part of a large package of nominations confirmed by unanimous consent, the Senate confirmed Polly Trottenberg to be Assistant Secretary of Transportation for Transportation Policy, Debbie Hersman to be chairman of the National Transportation Safety Board, and Richard Lidinsky to be a member of the Federal Maritime Commission.

Four more confirmations are possible before the Senate leaves for the recess on August 7. Tomorrow, the Commerce, Science and Transportation Committee will hold a hearing on four more nominees: Chris Bertram (Assistant SecDOT for Budget and Programs), Susan Kurland (Assistant SecDOT for Aviation and International Affairs), Daniel Elliott (STB chairman) and Christopher Hart (STB member).

Under the usual timetable, if nominees submit answers to written questions in a timely manner, the Commerce Committee would hold a markup and approve the nominees in the middle of next week, allowing them to be confirmed as part of the large unanimous consent grouping of nominees that always gets confirmed on the day the Senate leaves for a long recess. (Unless a Senator places a "hold" on any nominees, of course.)

Senate Commerce Committee Approves Two-Year FAA Bill

The Senate Commerce, Science and Transportation Committee gave unanimous approval to a two-year, \$34.6 billion aviation reauthorization bill on July 21.

Commerce chairman Jay Rockefeller (D-WV) said that “The FAA operates the world’s most complex airspace system. The nation’s economy depends on the FAA and the aviation industry efficiently moving millions of people and tons of cargo every day. I cannot over emphasize the importance of a vibrant and strong aviation industry. A healthy and modern aviation system is vital to the economic future of countless small communities that depend on being linked to the rest of the nation and world only through aviation.”

Aviation subcommittee chairman Byron Dorgan (D-ND) said that he and his colleagues had made every effort to make sure that the bill was both bipartisan and “clean” of controversial issues to try and ensure that the bill can make it through the Senate floor. (In the last Congress, FAA legislation died in the Senate over a controversial user fee provision and some unrelated revenue issues attached by the Finance Committee. However, the Finance Committee has yet to release its version of how to fund a new account in the Airport and Airway Trust Fund for NextGen air traffic

control modernization, so some controversy could still be on the way.)

Members of the Commerce Committee filed dozens of amendments prior to the markup, but the staff were able to negotiate these down to 24 amendments that were all accepted en bloc by unanimous consent (some with modifications made by the staff). The list on the following page shows all amendments agreed to (even though the Commerce Committee has now dispensed with the practice of actually giving copies of amendments to the press or public, making analysis of the amendments difficult, especially the “modified” ones when no one outside the committee staff has ever seen the modifications).

Since the revenue and possible user fee issues for financing NextGen are kicked to the Finance Committee (see above), the only contentious issue that arose during the markup was the old standby of the Ronald Reagan Washington National Airport slot restrictions and “perimeter rule”.

Federal law allows the FAA to regulate the number of scheduled daily takeoffs and landings at National Airport and also caps the length of a scheduled nonstop flight to or from National at 1,250 nautical miles (with the exception of 24 takeoffs or landings per day outside the perimeter).

1,250 miles gets you to Chicago, St. Louis, and Dallas-Fort Worth but not much farther. West Coast and Rocky Mountain legislators constantly agitate for more nonstop flights for themselves and their constituents to National.

Maria Cantwell (D-WA) offered an amendment to add six round-trip flights per day outside the perimeter and by four round-trip flights per day inside the perimeter. She said that the rule discriminates against airlines that lack a major hub inside the perimeter (like Alaska Airlines, whose big hub in the lower 48 is Cantwell’s Sea-Tac).

Sen. Mark Warner (D-VA), on behalf of the neighborhoods surrounding National who constantly complain about aircraft noise, offered a second-degree amendment to replace the Cantwell language with a compromise both could live with — something more in line with sec. 403 of the House companion bill (H.R. 915) which increases slots outside the perimeter by five round-trips per day but reduces the overall number of slots by the same amount.

After great confusion caused by Rockefeller (who put the form of the question to the committee wrongly), the Warner-Cantwell compromise fell one vote short (12 to 13) and Cantwell allowed her underlying amendment to fail by voice vote.

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>

AMENDMENTS OFFERED TO S. 1541, FAA REAUTHORIZATION, DURING THE JULY 21 MARKUP

- **Boxer (D-CA) #1** directing FAA, within one year of enactment, to implement the Inspector General's staffing recommendations for certain California ATC facilities, require that FAA only consider certified professional controllers be considered to be controllers for staffing models, and to include the Northern California TRACON in the list of TRACONs that cannot be consolidated – *agreed to by unanimous consent.*
- **Cantwell (D-WA) #1** to increase daily takeoff and landing slots at Ronald Reagan Washington National Airport by six round-trip flights per day outside the 1,250-mile perimeter and by four round-trip flights per day inside the perimeter (and increasing the one-hour slot limit by 3 operations) and giving scheduling priority to new entrants – *amendment failed by voice vote after a Warner (D-VA) second-degree amendment making the language consistent with the House companion bill failed by a vote of 12 yeas, 13 nays.*
- **Cantwell (D-WA) #3, as modified**, to add a representative of aircraft manufacturers to the new Air Traffic Control Modernization Oversight Board – *agreed to by unanimous consent.*
- **Cantwell (D-WA) #5** to amend 49 U.S.C. 47124(b)(3)(D) to cap the local cost share in the contract tower program at 20 percent for airports with 40,000 annual enplanements or fewer – *agreed to by unanimous consent.*
- **Cantwell (D-WA) #6, as modified**, to require an FAA study of aeronautical mobile telemetry to be submitted to Congress within 180 days of enactment – *agreed to by unanimous consent.*
- **Cantwell (D-WA) #7, as modified**, to replace the word "aerial" with "aircraft" in all references to UAVs – *agreed to by unanimous consent.*
- **DeMint (R-SC) #2** to require the NextGen system architecture to be designed to allow for the incorporation of novel and currently unknown technologies – *agreed to by unanimous consent.*
- **DeMint (R-SC) #3, as modified**, to strike the reference to a 5-year window in the pilot record review section – *agreed to by unanimous consent.*
- **Dorgan (D-ND) #1** to require airlines to review pilot records for the life of the pilot, not the preceding ten years, when hiring – *agreed to by unanimous consent.*
- **Kerry (D-MA) #1** to amend 49 U.S.C. 47114 to create a special AIP apportionment rule for FYs 2008-2011 for airports with under 10,000 enplanements per year on average in 2004-2006 – *agreed to by unanimous consent.*
- **Kerry (D-MA) #2**, as modified, to amend section 715 of the bill to express the findings of Congress on the DBE program – *agreed to by unanimous consent.*
- **Klobuchar (D-MN) #1** to prevent persons from serving on the National Review Team and reviewing or auditing any air carrier if that person previously had any responsibility for inspecting or overseeing that carrier – *agreed to by unanimous consent.*
- **Klobuchar (D-MN) #2**, as modified, to add a representative of ATC maintenance employees to the new Air Traffic Control Modernization Board – *agreed to by unanimous consent.*
- **Lautenberg (D-NJ) #1**, as modified, to add a new sec. 613 to the bill to require a new FAA research program for air cleaning technology and sensor technology for engine and APU bleed air – *agreed to by unanimous consent.*
- **Lautenberg (D-NJ) #2** to require contracts under AIP to give preference to small businesses owned by disabled veterans – *agreed to by unanimous consent.*
- **McCaskill (D-MO) #1**, as modified, to amend sec. 522 of the bill relating to contract maintenance workers at part 145 repair stations or part 121 air carriers – *agreed to by unanimous consent.*
- **McCaskill (D-MO) #2** requiring a GAO study of the helicopter and fixed-wing air ambulance industry – *agreed to by unanimous consent.*
- **McCaskill (D-MO) #5** requiring air ambulance services to report once per year to FAA on the number of flight requests accepted or declined and the type of each such flight request – *agreed to by unanimous consent.*
- **Nelson (D-FL) #1, as modified**, to allow bird-detecting radar systems to be an eligible part of AIP project costs if FAA determines that such systems have no negative impact on existing navigational aids and that the expenditure is appropriate and will not impact safety – *agreed to by unanimous consent.*
- **Nelson (D-FL) #2** adding the Miami TRACON to the list of facilities not to be consolidated – *agreed to by unanimous consent.*
- **Rockefeller (D-WV) #1, as modified**, to amend section 522 of the bill to ensure that all new programs implemented under that section contain adequate whistleblower protections – *agreed to by unanimous consent.*
- **Udall (D-NM) #1** adding a new 49 U.S.C. 44730 requiring airlines to provide training for flight attendants and gate agents regarding serving alcohol to passengers and recognizing and dealing with intoxicated or disruptive passengers – *agreed to by unanimous consent.*
- **Warner (D-VA) #1** repealing 49 U.S.C. 49108 (which prevents the Metropolitan Washington Airports Authority from applying for AIP grants or PFCs after October 1, 2008) – *agreed to by unanimous consent.*
- **Warner (D-VA) #2, as modified**, to replace the text of sec. 602 of the bill establish a new aircraft noise research program – *agreed to by unanimous consent.*
- **Wicker (R-MS) #1** requiring FAA to include geographical and climate diversity in selecting test sites for the UAV pilot project – *agreed to by unanimous consent.*

NEW AND NOTABLE ON THE INTERNET

House Transportation-HUD Appropriations

The full text of H.R. 3288, the Transportation-HUD appropriations bill, as passed by the House is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3288eh.txt.pdf

And the GPO-printed version of the committee report (a searchable PDF) is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_reports&docid=f:hr218.111.pdf

U.S. Government Accountability Office

A new GAO report entitled *Federal-aid Highways: FHWA Has Improved Its Risk Management Approach, but Needs to Improve Its Oversight of Project Costs* is available here:

<http://www.gao.gov/new.items/d09751.pdf>

A new GAO report entitled *National Transportation System: Options and Analytical Tools to Strengthen DOT's Approach to Supporting Communities' Access to the System* is available here:

<http://www.gao.gov/new.items/d09753.pdf>

A new GAO report entitled *Transportation Security: Key Actions Have Been Taken to Enhance Mass Transit and Passenger Rail Security, but Opportunities Exist to Strengthen Federal Strategy and Programs* is available here:

<http://www.gao.gov/new.items/d09678.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 confirmed 7/24/09
Department of Transportation	Chris Bertram	Assistant Secretary for Budget and Programs	Commerce, Science and Transportation	Hearing scheduled for 7/29/09
Department of Transportation	Susan Kurland	Assistant Secretary for Aviation and Int'l Affairs	Commerce, Science and Transportation	Hearing scheduled for 7/29/09
DOT-Federal Motor Carrier Safety Admin.	Anne Ferro	Administrator	Commerce, Science and Transportation	Nomination transmitted 7/16/09
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 confirmed 7/24/09
National Transport. Safety Board	Deborah Hersman	Chairman (for a term of two years)	Commerce, Science and Transportation	Nomination confirmed 7/24/09
National Transport. Safety Board	Christopher Hart	Member for a term expiring 12/31/2012	Commerce, Science and Transportation	Hearing scheduled for 7/29/09
Surface Transportation Board	Daniel Elliott	Chairman	Commerce, Science and Transportation	Hearing scheduled for 7/29/09
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

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THIS WEEK IN COMMITTEE

Tuesday, July 28, 2009 — House Transportation and Infrastructure — Subcommittee on Water Resources and Environment — subcommittee hearing on the TVA Kingston ash slide — *10:00 a.m., 2167 Rayburn.*

Wednesday, July 29, 2009 — House Transportation and Infrastructure — Subcommittee on Aviation — subcommittee hearing on NextGen area navigation (RNAV) and required navigation performance (RNP) — *10:00 a.m., 2167 Rayburn.*

Senate Appropriations — Subcommittee on Transportation, HUD, and Related Agencies — subcommittee markup of draft FY 2010 appropriations legislation — *2:30 p.m., SD-138 Dirksen.*

Senate Commerce, Science and Transportation — full committee hearing on pending nominations including Chris Bertram to be Assistant SecDOT for Budget and Programs; Susan Kurland to be Assistant SecDOT for Aviation and International Affairs; Daniel Elliott to be chairman of the STB; and Christopher Hart to be a member of the NTSB — *2:30 p.m., SR-253 Russell.*

Thursday, July 30, 2009 — House Transportation and Infrastructure — full committee markup of pending calendar business — *11:00 a.m., 2167 Rayburn.*

Senate Appropriations — full committee markup of Transportation-HUD and Labor-HHS-Education appropriations bills for FY 2010 — *3:00 p.m., SD-106 Dirksen.*

Friday, July 31, 2009 — House Transportation and Infrastructure — full committee hearing on a 160-day progress report on Recovery Act funding — *10:00 a.m., 2167 Rayburn.*

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	H.R. 3288 passed House 7/23/09 by a vote of 256-168	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 ordered reported 7/21/09 by Senate Commerce Committee	
Surface Transportation Reauthorization Bill	Subcommittee marked up draft bill on 6/24/09		
Short-Term Extension of Surface Transportation Laws		S. 1498 reported 7/22/09 S. Rept. 111-59	
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		