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Legislative Schedules *Week of August 3, 2009*

House

The House is in recess this week and will return after Labor Day.

Senate

The Senate will convene at 2 p.m. today for morning business. At 3 p.m. the Senate will resume consideration of H.R. 2997, FY 2010 agriculture appropriations, with a vote on invoking cloture on the amendment in the nature of a substitute to take place at 5:30 p.m.

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Senate Panel OKs \$76.2 Billion For USDOT In 2010 \$1.2 Billion For High-Speed Rail; An Extra \$1.4 Billion For Highways; \$1.1 Billion For Discretionary Surface Grants; An Extra \$480 Million For New Starts; No NIB

The Senate Appropriations Committee last week gave speedy approval to its version of the annual Transportation-HUD appropriations bill (H.R. 3288), which would provide \$76.2 billion in gross discretionary spending at the U.S. Department of Transportation in fiscal year 2010, \$453 million more than the House-passed bill and \$5.48 billion more than last year (once off-budget emergency spending is subtracted from the FY 2009 total).

The Committee hopes to file its report on the bill tomorrow, which would make the report and bill text available on the Government Printing Office website on Wednesday.

Within USDOT, the Senate bill has different priorities than the House bill, particularly on the issues of the proposed National Infrastructure Bank and high-speed and intercity passenger rail.

Although it quickly became clear that the Obama Administration's proposed \$5 billion in the 2010 budget for a National Infrastructure Bank was not quite ready for prime time (at least not this budget year), the House appropriators were unwilling to give up on the idea entirely. The House bill provided a huge \$4 billion appropriation for the high-speed rail program (the White House only requested \$1 billion), but also included

a proviso stating that if a Bank was authorized in law by October 1, 2010, up to \$2 billion of that \$4 billion in HSR money could be transferred to the new Bank.

The Senate bill contains zero funding for the Bank and no transfer authority. And the Senate only provides \$1.2 billion for high-speed rail in 2010.

Instead, the Senate bill appropriates an additional \$1.1 billion for discretionary surface transportation grants within the Office of the Secretary (following up on the \$1.5 billion in the stimulus bill), an extra \$900 million for highway formulas, an extra \$500 million

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\$7 Billion HTF Bailout Bill Cleared For White House

Last week, the House and Senate cleared legislation transferring another \$7 billion from the general fund of the Treasury to the Highway Trust Fund to prevent the Trust Fund from running out of cash over the August Congressional recess.

The legislation (H.R. 3357) passed the House on July 29 by a vote of

363 to 68 and passed the Senate the following day by a vote of 79 to 17.

(The legislation does several other very significant things regarding to pending catastrophes with unemployment insurance and federally insured mortgages and mortgage instruments that will occur over the August recess without legislative action, but

most of the attention in Congress was paid to the Highway Trust Fund portion of the bill, and as befits a publication called *Transportation Weekly*, this article will focus on that part of the bill.)

The intention by House Transportation and Infrastructure chairman James Oberstar (D-MN) was originally to provide

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for the Federal Highway Administration's TIFIA loan program, and an extra \$480 million for transit new starts.

This — \$4 billion for HSR in the House bill versus a total of \$4.18 billion for the aforementioned priorities in the Senate bill — is the principal difference between the two versions of H.R. 3288.

As the table at right shows, the gross budget authority provided in the Senate bill for USDOT is \$457 million above the House bill. This was made possible by the use of rescissions of contract authority in the Senate bill (totaling \$414.6 million, almost all of which comes from the Airport Improvement Program) to offset new budget authority. The House did not include any such rescissions, which the appropriators relied on heavily in past years to make their books balance.

The Senate bill's total discretionary budget authority ceiling was \$1.1 billion lower than the House bill's, and the difference was made up by gross budget authority for the HUD title of the bill being \$1.2 billion lower in the Senate bill.

The Transportation-HUD Subcommittee markup on July 29 was a *pro forma* event at which no amendments were offered and only brief opening statements given.

And the full committee markup on July 30 was one of the briefest on record — by the time the panel finished the Labor-HHS-Education bill and turned to the "THUD" bill, a vote had started on the Senate floor, meaning that if the panel did not finish the THUD markup in under ten minutes, the panel would have to recess and then resume sitting after an hour of clustered floor votes. So the only amendment offered in full committee was a Murray (D-WA) managers amendment making noncontroversial changes, which was agreed to by voice vote. The full committee approved the bill by a 30-0 vote.

THE TRANSPORTATION-HUD BILL (MILLIONS OF DOLLARS)

	<u>2009</u>	<u>House</u>	<u>Senate</u>
DOT Gross Budget Authority	16,999	21,522	21,979
HUD Gross Budget Authority	43,062	47,942	46,721
Other Gross Budget Authority	304	329	394
Gross Budget Authority Total	60,365	69,794	69,094
Plus: Obligation Limitations	53,745	54,247	54,243
Equals: Total Gross Resources	114,110	124,041	123,337
Offsets	(5,365)	(973)	(1,394)
Net Total Resources	108,745	123,068	121,942
Net Budget Authority Total	55,000	68,821	67,700

Major U.S. Department of Transportation Accounts

	<u>2009</u>	<u>Request</u>	<u>House</u>	<u>Senate</u>
Federal-Aid Highways (Total)	40,700	41,107	41,107	42,507
FAA Operations	9,042	9,336	9,347	9,359
FAA Facilities & Equipment	2,742	2,925	2,925	2,942
FAA Research & Development	171	180	195	175
FAA Airport Improvement Grants	3,515	3,515	3,515	3,515
FTA Formula and Bus Grants	8,261	8,343	8,343	8,343
FTA New Starts/Small Starts	1,809	1,827	1,827	2,307
FTA Grants to DC Metro	-	-	150	150
FTA Energy/Greenhouse Grants	-	-	-	100
FRA Amtrak Operating Subsidies	550	572	553	553
FRA Amtrak Capital Grants	940	930	930	1,002
FRA High-Speed/Intercity Rail	90	1,000	4,000	1,200
NHTSA (Total)	856	867	867	868
FMCSA (Total)	541	550	550	550

Following is an overview, by mode, of the Senate version of H.R. 3288 as ordered reported.

Highways. The Senate bill provides the same obligation limitation on the federal-aid highways program as does the House bill — \$41.107 billion (a one percent increase over FY 2009), which is the level proposed by the Administration if one ignores their general fund support proposal, which the appropriators do.

But unlike the House bill, the Senate bill supplements the obligation limitation with an additional \$1.4 billion appropriation for the account from the general fund. \$900 million of that is to be apportioned to states in the ratio that the formula obligation limitation is distributed to states, to be available through the end of FY 2012 and to be used for any purpose eligible under the sur-

face transportation program in 23 U.S.C. 133(b).

The other \$500 million of the \$1.4 billion is to go towards subsidy and administrative costs of the TIFIA credit program, which should leverage at least \$5 billion in new projects paid for by such loans and loan guarantees.

The Senate bill also appropriates \$165 million from the general fund for earmarked highway projects, \$39 million more than the House. And, of course, \$739 million in annual highway spending is mandatory and takes place outside the appropriations process.

The Senate bill accedes to the Obama Administration's request to zero out the separate accounts for Appalachian highways and the Denali Access System.

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Multi-modal grants. The Senate bill appropriates \$1.1 billion to the Secretary of Transportation for a "National Infrastructure Investments" grant program to be awarded at the Secretary's discretion.

The program is structured very similarly, but not identically, to the \$1.5 billion in discretionary grants provided in the stimulus act, which an acronym-happy DOT has dubbed TIGER grants. (*Ed. Note:* we hope the NII acronym sticks for the new money, if only for the *Monty Python and the Holy Grail* references it would create-see here: <http://tinyurl.com/3bbmuk>)

The eligibility for the NII grants is the same as for the TIGER grants (title 23-eligible highway and bridge projects, title 49-eligible transit projects, passenger and freight rail transportation projects, and port infrastructure investments. Although the TIGER grants specifically make "projects that con-

nect ports to other modes of transportation and improve the efficiency of freight movement" eligible for funding while the new Senate bill does not.

The other differences between TIGER and NII grants are laid out here:

	TIGER	NII
Total	\$1.5 billion	\$1.1 billion
Credit Assistance:	\$200m of \$1.5b	zero
Minimum Grant	\$20 million	\$10 million
Maximum Grant	\$300 million	\$300 million
No State exceeds	20% of \$1.5b	25% of \$1.1b
Fed. Share	No limit	80 percent
Rural set-aside	None	\$250 million
Rural min. grant	n/a	\$1 million
Rural Fed. Share	n/a	Over 80%

Because the Senate appropriators faced a very tight FY 2010 outlay ceiling, the bill specifies that the Secretary cannot announce any grants from the \$1.1 billion before September 15, 2010, ensuring that very little of the money will be able to spend out of the Treasury before FY 2010 comes to an end on September 30, 2010.

Aviation. The Senate bill provides a total of \$15.991 billion in new spending resources for the Federal

Aviation Administration, an increase of \$521 million (3.4 percent) over the regular 2009 level and \$35 million more than the budget request. (It is \$9 million more than the House bill provides.)

The big account, Operations, gets \$9.359 billion, 3.5 percent above last year and \$23 million above the request. As the table on the following page shows, the Senate bill meets the budget request in most areas. The differences are:

- The Senate bill provides an extra \$2.5 million for ATO to hire an extra 50 air traffic controllers.
- The Senate bill provides an extra \$2.83 million for RNAV within ATO but cuts \$2.167 million from ATO financial services.
- Within the aviation safety program, the Senate bill adds \$18.5 million for an additional 200 aviation safety inspectors, adds \$1.37 million for the Human Intervention and Motivation Study, and adds \$300 thousand for three additional lawyers to carry out FAA safety rulemakings (total increase over the request for safety: \$20.17 million).

The Senate bill provides an appropriation of \$2.942 billion for the big procurement account (Facilities and Equipment), a 7.3 percent increase over the regular 2009 budget and \$17 million above the request.

As the table on the following page shows, the Senate bill makes some changes to the request for the Air Traffic Control F&E budget (there are several, but the big ones are a \$20 million increase in the terminal automation program and a \$8 million increase in ASDE-X, offset by a \$6 million cut in WAAS for GPS funding and a \$13.25 million cut in electrical power systems sustain/support).

The Research, Engineering and Development account receives a \$175 million appropriation in the Senate bill, \$4 million more than last year, \$5 million less than the request and \$20 million less than the House bill.

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

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

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	FY 2010 Senate
Title I: Department of Transportation				
USDOT Non-Emergency Appropriations (Regular)	16,998,830	18,176,772	21,522,212	21,979,484
New General Fund Appropriation for Highways	0	36,107,000	0	0
New General Fund Appropriation for Transit Formulas	0	3,343,171	0	0
USDOT Rescissions of Appropriations	-39,065	0	0	0
USDOT Rescissions of Contract Authority	-3,479,947	0	0	-414,593
Equals: USDOT Net Total for 302(b)	13,479,818	57,626,943	21,522,212	21,564,891
Title II: Housing and Urban Development				
HUD Non-Emergency Appropriations	38,662,490	41,977,259	43,548,679	42,320,744
HUD Rescissions of Appropriations	-792,600	-27,600	-27,600	-27,600
HUD Advance Appropriations	4,400,000	4,400,000	4,393,672	4,400,000
HUD Offsetting Receipts and Collections	-734,600	-867,000	-867,000	-865,000
Equals: HUD Net Total for 302(b)	41,535,290	45,482,659	47,047,751	45,828,144
Title III: Other Independent Agencies				
Other Agencies Non-Emergency Appropriations	303,683	5,296,438	329,312	393,538
Other Agencies Rescissions of Appropriations	-671	0	0	0
Equals: Other Agencies Net Total for 302(b)	303,012	5,296,438	329,312	393,538
Scorekeeping Adjustments				
Adjustment for Pipeline Safety User Fees	-75,120	-86,973	-86,973	-86,973
Less HUD Advance Appropriations	-4,400,000	-4,400,000	-4,393,672	-4,400,000
Plus Prior Year HUD Advance Appropriations	4,158,000	4,400,000	4,400,000	4,400,000
Other Scorekeeping Adjustments	-1,000	0	2,000	0
Total Scorekeeping Adjustments	-318,120	-86,973	-78,645	-86,973
Total THUD Subject to 302(b) Ceiling	55,000,000	108,319,067	68,820,630	67,699,600
Minus: General Fund Appropriation for Highways	0	-36,107,000	0	0
Minus: General Fund Appropriation for Transit Formulas	0	-3,343,171	0	0
Total General Fund Proposals for HTF Solvency	0	-39,450,171	0	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	67,699,600
FY 2010 THUD 302(b) BA Ceiling			68,821,000	67,700,000
TOTAL NET DISCRETIONARY BUDGETARY RESOURCES (EXCLUDING EMERGENCIES)				
Total THUD Discretionary Budget Authority (Net)	55,000,000	108,319,067	68,820,630	67,699,600
Plus: Transportation Obligation Limitations	53,745,065	14,802,325	54,247,211	54,242,741
Equals: Total THUD Discr. Budgetary Resources	108,745,065	123,121,392	123,067,841	121,942,341

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The Airport Improvement Program receives an obligation limitation of \$3.515 billion for about the fifth consecutive year, the same as the request and the House bill. Within AIP, the Senate bill would actually give out \$8 million less in grants to airports than would the House bill because the Senate bill takes \$8 million off the top of AIP and transfers it to the Small Community Air Service program.

One USDOT aviation program lies outside the FAA. Essential Air Service subsidies are funded through the Office of the Secretary. The Senate bill provides an appropriation of \$125 million from the Airport and Airway Trust Fund for this program, the same as the budget request and the House bill and \$52 million more than last year. When combined with \$50 million in mandatory spending

from foreign overflight fees that becomes available for the program each year, the EAS total for 2010 will be \$175 million.

Mass transit. The Senate bill provides a total of \$11.066 billion for the programs of the Federal Transit Administration, an 8.2 percent increase over the (non-stimulus) 2009 level and \$730 million, or 7.1 percent, over the budget request. (The total is \$582 million more than the House bill.)

The biggest account at FTA is Formula and Bus Grants, which is drawn on the Highway Trust Fund in the form of an obligation limitation on contract authority. That account receives \$8.343 billion, the exact amount of the request and the House bill, which is a one percent increase over 2009. Within the account, the Senate bill makes the exact same programmatic assumptions as does the House bill — that spending for buses will drop by \$300 million due to the expiration of

the SAFETEA-LU bus earmarks, and that that \$300 million will be redistributed to transit agencies via formula. (See table at the top of the following page.) Whether the extension of the contract authority for these programs will go along with that plan, if such extension ever gets agreed to, is unclear.

But the big difference is in the Capital Investment Grants account — the new start and small start fixed guideway transit projects that are so beloved by legislators. The budget proposed a \$1.827 billion appropriation from the general fund for this account, a one percent increase over 2009, and the House bill met the request exactly. The Senate bill adds another \$480 million, for a total appropriation of \$2.307 billion, which would be a 27.5 percent increase over 2009.

Much of the account is tied up in full funding grant agreements — projects where FTA and the local

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FEDERAL AVIATION ADMINISTRATION APPROPRIATIONS COMPARISON

	FY 2009	FY 2010	FY 2010	FY 2010	Senate vs. FY 2009		Senate vs. Request		
	Omnibus	Request	House	Senate	Dollars	Percent	Dollars	Percent	
Operations									
Air Traffic Organization	\$ 7,099,019,000	\$ 7,302,739,000	\$ 7,300,739,000	\$ 7,305,902,000	\$ 206,883,000	2.9%	\$ 3,163,000	0.0%	
Aviation Safety	\$ 1,164,597,000	\$ 1,216,395,000	\$ 1,231,765,000	\$ 1,236,565,000	\$ 71,968,000	6.2%	\$ 20,170,000	1.7%	
Commercial Space Transportation	\$ 14,094,000	\$ 14,737,000	\$ 15,737,000	\$ 14,737,000	\$ 643,000	4.6%	\$ -	0.0%	
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	\$ 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	\$ 9,359,131,000	\$ 316,664,000	3.5%	\$ 23,333,000	0.2%	
Facilities and Equipment									
Engineering, Development, Testing	\$ 345,100,000	\$ 523,914,500	\$ 520,914,500	\$ 524,564,500	\$ 179,464,500	52.0%	\$ 650,000	0.1%	
Air Traffic Control F&E	\$ 1,568,290,000	\$ 1,570,871,000	\$ 1,568,571,000	\$ 1,587,171,000	\$ 18,881,000	1.2%	\$ 16,300,000	1.0%	
Non-Air Traffic Control F&E	\$ 141,800,000	\$ 130,416,500	\$ 133,416,500	\$ 130,416,000	\$ (11,384,000)	-8.0%	\$ (500)	0.0%	
F&E Mission Support	\$ 226,405,000	\$ 230,000,000	\$ 232,300,000	\$ 230,000,000	\$ 3,595,000	1.6%	\$ -	0.0%	
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	\$ 2,942,352,000	\$ 200,257,000	7.3%	\$ 17,150,000	0.6%	
Research, Engineering & Develop.	\$ 171,000,000	\$ 180,000,000	\$ 195,000,000	\$ 175,000,000	\$ 4,000,000	2.3%	\$ (5,000,000)	-2.8%	
Airport Improvement Program									
Grants-in-aid to Airports	\$ 3,384,698,000	\$ 3,384,106,000	\$ 3,384,106,000	\$ 3,376,106,000	\$ (8,592,000)	-0.3%	\$ (8,000,000)	-0.2%	
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	\$ -	0.0%	\$ 8,000,000	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	\$ 15,991,483,000	\$ 521,421,000	3.4%	\$ 35,483,000	0.2%	
General Fund	\$ 3,804,462,000	\$ 3,128,000,000	\$ 4,156,370,000	\$ 4,081,483,000	\$ 277,021,000	7.3%	\$ 953,483,000	30.5%	
Airport and Airway Trust Fund	\$ 11,665,600,000	\$ 12,828,000,000	\$ 11,826,000,000	\$ 11,910,000,000	\$ 244,400,000	2.1%	\$ (918,000,000)	-7.2%	
General Fund (% of Total FAA)	24.6%	19.6%	26.0%	25.5%					
Trust Fund (% of Total FAA)	75.4%	80.4%	74.0%	74.5%					
Rescission, Offsets and "Other"									
Rescission of excess AIP CA	\$ (80,000,000)	\$ -	\$ -	\$ (392,960,000)	\$ (312,960,000)	391.2%	\$ (392,960,000)	n/a	
Total, Rescissions/Offsets/Other	\$ (80,000,000)	\$ -	\$ -	\$ (392,960,000)	\$ (312,960,000)	391.2%	\$ (392,960,000)	n/a	
GRAND TOTAL, FAA (Net)	\$ 15,390,062,000	\$ 15,956,000,000	\$ 15,982,370,000	\$ 15,598,523,000	\$ 208,461,000	1.4%	\$ (357,477,000)	-2.2%	

DOT Appropriations

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agency have signed a contract for annual funding levels that, while not legally binding on FTA, carries a great deal of moral weight.

But we added up the projects listed in the Senate committee report by category (see table on page 13 of this issue) and it became clear that the huge difference in funding levels is connected to the level of discretion given to FTA. The Senate bill earmarks all but \$36 million of that bill's \$1.827 billion. The Senate bill leaves about \$488 million up to the discretion of the Federal Transit Administration for project selection. (*Ed. Note:* This is where we point out that the new Federal Transit Administrator was, until recently, the clerk of the Senate Transportation-HUD Subcommittee. There might be a connection there.)

FTA Formula and Bus Grant Account

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

The funding levels for the other authorized accounts at FTA (Administrative Expenses and Research and University Research Centers) are roughly at the requested level.

The Senate bill includes \$150 million for the Washington Metropolitan Area Transit Authority in the wake of the fatal Red Line crash, as did the House bill (it was not in the formal budget request but the

White House supports the appropriation) and the Senate bill also contains an appropriation for \$100 million for grants to transit agencies for "capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems".

This was not in the House bill or the request but it is identical to a

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THE OUTLAY GAME: PUTTING OFF TODAY'S SPENDING UNTIL TOMORROW

Like their House counterparts, the Senate Transportation-HUD staff were burdened by the fact that the "302(b)" ceiling on the actual cash outlays from the Treasury for their programs scheduled to occur in fiscal 2010 was lower than would have been justified by the size of the ceiling on their new spending commitments (budget authority). In this case, Senate THUD's 2010 outlays could not exceed \$134.46 billion, but that includes the outlays from legally binding spending obligations entered into in FY 2009 and prior years, which totaled \$82.67 billion, meaning that all of the new discretionary spending commitments in the Senate THUD bill could not cause more than \$51.79 billion in outlays from the Treasury during 2010 as estimated by the Congressional Budget Office. (Outlay estimation is not an exact science—CBO rounds off outlays for each account to the nearest million dollars.)

OUTLAYS IN THE SENATE TRANSPORTATION-HUD BILL	
(In Millions of Dollars)	
Estimated FY 2010 Outlays From Prior Obligations:	82,669
FY 2010 Senate THUD 302(b) Outlay Ceiling:	134,460
Difference (Senate THUD Bill's Room For New Outlays):	51,791
New 2010 Outlays From Title II (HUD) of Senate Bill	25,174
New 2010 Outlays From Title III of Senate Bill	378
Offsetting Pipeline Safety User Fee Receipts	(87)
New Total New 2010 Outlays From Non-USDOT	25,465
Remaining New 2010 Outlay Space for USDOT:	26,326
Est. 2010 Outlays From New Obligations, By Mode	
Office of the Secretary	224
Federal Aviation Administration	10,715
Federal Highway Administration	11,256
Federal Motor Carrier Safety Administration	254
National Highway Traffic Safety Administration	376
Federal Railroad Administration	1,230
Federal Transit Administration	1,741
St. Lawrence Seaway Development Corporation	32
Maritime Administration	308
Pipeline and Hazardous Materials Safety Administration	89
Research and Innovative Technology Administration	8
Office of the Inspector General	68
Surface Transportation Board	24
Total Est. FY 2010 Outlays From New Obligations	26,326
Other Items Of Interest	
New Outlays Saved By Amtrak Accounting Change:	551
Est. 2010 Outlays From \$1.1 Billion in OST Discr. Grants	23
Est. 2010 Outlays From \$1.2 Billion for High-Speed Rail	57
Est. 2010 Outlays From \$1.4 Billion Extra for Highways	112
Total 2010 Outlays From \$54.24 Billion In Ob Limits	13,655
Total 2010 Outlays From \$21.98 Billion In New Discr. BA	12,671

The House THUD bill met its outlay ceiling on the transportation side primarily by parking \$4 billion in the slow-spending high-speed and intercity passenger rail account — CBO said that only \$20 million of that \$4 billion, or one-half of one percent, would "spend out" as outlays in 2010.

The Senate bill cut the HSR appropriation to \$1.2 billion (but CBO says that \$57 million of that money will spend out in 2010, more than in the House bill, because of how the Senate funding is programmed).

The Senate instead spent \$1.1 billion on the Secretary's discretionary surface transportation grants but made sure that only \$23 million would spend out in 2010 by specifying that the Secretary can announce grants "no sooner than September 15, 2010" — just two weeks before the end of the fiscal year. (*Ed. Note:* This is a variant of the Most Obvious Trick In The Book—remember when the defense appropriators moved the Pentagon employee payday from September 30, 1988 to October 1, 1988, pushing billions in outlays from FY 1988 to FY 1989?)

The extra \$1.4 billion for Federal-aid highways only spends out at \$112 million in the first year because of how those funds are structured (the money is available through the end of FY 2012 and is not "use it or lose it" by the end of FY 2010, as is most of the new highway obligations under the obligation limitation).

But the big trick was a change in how FRA gives Amtrak its \$1.002 billion in capital grants. Under prior year (and House bill) practice, FRA writes Amtrak four quarterly checks, meaning that the money for these slow-spending capital programs outlays at 100 percent in year one and sits on Amtrak's books, not Treasury's, until it is actually spent. The Senate bill changes the account to be reimbursable, so no money leaves the Treasury until Amtrak actually has to spend it. This lowers the FY 2010 outlays from the account by \$551 million.

DOT Appropriations

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\$100 million set-aside from the transit formula grants provided in the 2009 stimulus act. (*Ed. Note:* The FTA people have given this program the atrocious acronym of TIGGER grants.)

The Senate bill contains several big legislative provisions relating to transit that have aroused the ire of the authorizing committee (according to Sen. Richard Shelby (R-AL), the ranking Republican on the Banking Committee).

The biggest of these is a general provision (sec. 169 of the Senate bill) which says that notwithstanding any other provision of law, the aggregate amount of the federal share of all new start and small start full funding grant agreements shall not exceed the last five years worth of funding made available for the program. Current law caps that total at the last three years worth (see 49 U.S.C. 5309(g)(4)).

The current size of the cap (called “contingent commitment authority”) is holding back federal commitments to the ongoing New York City—New Jersey megaprojects.

Another general provision (sec. 167 of the Senate bill) orders DOT to submit legislative recommendations to Congress on how to strengthen DOT’s “role in regulating the safety of transit agencies operating heavy rail on fixed guideway”.

This would require, at a minimum, the repeal of 49 U.S.C. 5334(b)(1) which says that FTA “may not regulate the operation” of transit agencies receiving grants. And it has long been the official position of FTA that, since FTA is the only DOT modal administration chartered under the general welfare clause of the Constitution (as opposed to the commerce clause), that FTA lacks inherent and implied regulatory powers. And FTA’s lack of regulatory authority over transit safety was upheld by the U.S. Court of Appeals for the District of

Columbia Circuit in *Amalgamated Transit Union v. Skinner* in 1990 (894 F.2d. 1362).

Sec. 171 changes the local share calculation for new start projects that are part of larger multi-modal projects located along Interstate highway corridors.

And sec. 170 of the Senate bill prohibits FTA from enforcing its charter bus regulations in Washington State. (*Ed. Note:* This appears to be Sen. Murray taking up for the Seattle Mariners in a dispute over who gets to provide bus service to baseball games — see this court case:

<http://tinyurl.com/lemr3u>).

Rail. The Senate bill provides \$3.036 billion for the Federal Railroad Administration in fiscal 2010, \$331 million (12 percent) more than the budget request but \$2.716 billion less than the House bill.

If you don’t count the stimulus funding, this is a 69 percent increase over the 2009 FRA budget. But the \$8 billion for high-speed and intercity passenger rail in the stimulus law was so huge relative to the regular FRA budget that the Senate bill represents a 73 percent cut from the FY 2009 total.

As mentioned above, the Senate bill provides an appropriation of \$1.2 billion for the high-speed and intercity passenger rail program, \$200 million more than the request but \$2.8 billion less than the House. A quick comparison of the \$8 billion stimulus funding and the \$1.2 billion in the Senate bill follows.

	FY 2009	Senate Bill
Appropriation	\$8.0 billion	\$1.2 billion
Available Until:	9/30/2012	Until expended
Available For:	49 USC 24401	49 USC 26106
	49 USC 24105	49 USC 24406
		49 USC 24105
Fed Cost Share	100 percent	80 percent
Set-asides	\$20m oversight	75% for Co-op Agreements, \$50m for R&D, \$30m oversight

The Senate bill specifies that 75 percent of the \$1.2 billion shall be reserved for “cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors”. The Senate bill specifies that

projects do not need to be on state rail plans in order to receive federal funding (as does the House bill). And the Senate bill directs FRA to give priority to projects that would involve commitments by freight railroads to improving on-time performance of passenger trains on their tracks.

The Senate bill provides a total of \$1.555 billion in grants to Amtrak, which is a 4.4 percent increase over the (non-stimulus) 2009 level and 3.5 percent over the request (and \$53 million more than the House bill).

The White House requested a total of \$572 million in operating subsidies to Amtrak. The House bill kept that total amount but shifted \$19 million of it into a separate appropriations account for the Inspector General to ensure independent oversight (so that the IG gets his money directly without it going through anyone else at Amtrak). This left \$553 million for other Amtrak operating subsidies. The Senate bill appropriates the lower \$553 million number but does not provide a separate appropriation for the Amtrak IG.

But the Senate bill makes up for the shortfall on the capital and debt service side, with an appropriation of \$1.002 billion, more than the \$930 million requested by the Administration and passed by the House.

Also, the Senate bill changes how the capital funding is given to Amtrak. Under the present practice and the House bill, DOT writes Amtrak four quarterly checks totaling the entire annual appropriation, so the “outlay rate” is 100 percent in the first year (the money sits on Amtrak’s books while it awaits expenditure instead of on the Treasury’s books). The Senate bill switches this to a reimbursable account, so that the money sits on the books of the Treasury until needed to pay an Amtrak expense. As a result, the Congressional Budget Office has lowered the first year outlay rate for the capital ac-

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DOT Appropriations

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count from 100 percent to 45 percent, saving \$551 million in outlays (which were then used to offset other spending in the bill).

FRA Safety and Operations gets \$172 million in the bill, 1.8 percent over the request and slightly below the House, while Railroad R&D gets the requested amount. The Senate bill gives the Rail Line Relocation Program \$25 million, the same as last year (the House gave it \$40 million while the President wanted to kill the program).

The Senate bill starts a new program — \$50 million for a railroad safety technology research program under 49 U.S.C. 20158, but the language specifies that an entity need not have developed the plans required under 49 U.S.C. 20157 and 20156(e)(2) in order to receive funds.

Elsewhere in the bill, the Surface Transportation Board receives an appropriation of \$28.3 million, \$1.5 million less than the House bill but still \$1.5 million above 2009 and \$1.3 million above the request.

Highway Safety. The National Highway Traffic Safety Administration (NHTSA) receives \$868 million in total funding under the Senate bill, \$1 million more than the request and the House bill and \$12 million (1.4 percent) more than the 2009 total once the special \$1 billion emergency appropriation for the cash-for-clunkers program is subtracted.

The general fund appropriation for Operations and Research is \$136 million, \$6 million above the request, while the obligation limitation for that account stays at the 2009 level of \$105.5 million.

The obligation limitation for Highway Traffic Safety Grants stays at the 2009 level of \$619.5 million, as in the House bill.

The Senate bill goes along with the House approach on the National Driver Register — the full \$4 million in obligation limitation plus a

general fund appropriation for \$3.35 million.

Motor Carrier Safety. The Senate bill provides a gross total of \$550 million for the Federal Motor Carrier Safety Administration, a 1.6 percent increase over 2009 and the exact amount of the budget request and the House bill.

Although the Senate bill provides the same \$239.828 million for Operations and Programs as does the House bill and the budget request, the Senate bill does not do it all in the form of an obligation limitation, as the House does. Rather, the bill provides an obligation limitation of \$238.5 million and a general fund appropriation for \$1.328 million.

The Senate bill provides the requested obligation limitation on Motor Carrier Safety Grants of \$310 million.

Maritime. The Senate bill appropriates a total of 375 million for the Maritime Administration in 2010, \$42 million more than the stimulus-adjusted 2009 level and \$30 million above the budget request. (The total is \$42 million above the House bill).

The Senate bill has three main departures from the House bill:

- Under Operations and Training, the Senate bill does not kill the proposed \$15 million Homeland

Security Port Initiative, as the House bill does.

- The Senate bill makes another \$17.5 million appropriation for Aid to Small Shipyards, whereas the House bill does not.
- In addition to appropriating \$4 million for the administrative costs of the Title XI shipbuilding loan program (slightly more than the House), the Senate bill adds \$10 million for more loan subsidies, which the committee says will allow a total loan volume of \$170 million.

The bill provides \$24.6 million for the Federal Maritime Commission and \$32.3 million for the St. Lawrence Seaway Development Corporation.

Pipelines and Hazmat. The Senate bill provides a total of \$189 million for the Pipeline and Hazardous Materials Safety Administration in 2010, \$1 million less than the request and \$1 million more than the House.

Other. The Office of the Secretary's Salaries and Expenses account gets \$101 million, \$2.2 million less than requested. The Research and Innovative Technology Administration gets \$13.2 million, the DOT Inspector General gets 75.4 million, and the NTSB receives \$96.9 million.

Transportation Earmarks in the USDOT Appropriations Bill

Mode	Account or Program	House Bill		Senate Bill	
		#	Total Amount	#	Total Amount
OST	Transportation Planning, R & D	8	\$ 4,500,000	4	\$ 2,500,000
OST	Missouri water project study (sec. 195)	0	\$ -	1	\$ 2,000,000
FAA	Airport Improvement Program	59	\$ 37,000,000	19	\$ 28,695,000
FAA	Facilities & Equipment	7	\$ 3,500,000	5	\$ 5,350,000
FAA	Operations	0	\$ -	2	\$ 2,900,000
FAA	Research, Engineering & Development	2	\$ 2,000,000	4	\$ 32,502,000
FHWA	Delta Regional Transportation	10	\$ 4,325,000	7	\$ 8,650,000
FHWA	Ferry Boats and Facilities	8	\$ 4,350,000	1	\$ 3,000,000
FHWA	Federal Lands Highways	48	\$ 50,525,000	25	\$ 41,570,000
FHWA	Interstate Maintenance Discretionary	59	\$ 50,000,000	29	\$ 43,150,000
FHWA	Surface Transportation Priorities	218	\$ 125,700,000	141	\$ 163,511,076
FHWA	Transp. & Community Systems Preservation	69	\$ 31,375,000	39	\$ 29,692,000
FRA	Grade Separation in HSR Corridors	7	\$ 4,500,000	4	\$ 6,500,000
FRA	Rail Line Relocation and Improvement	22	\$ 15,000,000	6	\$ 8,800,000
FRA	Railroad Research and Development	0	\$ -	4	\$ 1,750,000
FTA	Alternatives Analysis	19	\$ 7,000,000	5	\$ 9,250,000
FTA	Buses and Bus Facilities	182	\$ 109,500,000	64	\$ 94,174,429
FTA	Capital Investment Grants*	17	\$ 47,000,000	26	\$ 159,500,000
FTA	Research and University Research Centers	3	\$ 1,500,000	0	\$ -
Total USDOT Earmarks in The Approps. Bill		738	\$ 497,775,000	386	\$ 643,494,505

*There are many more projects listed in the table in the committee reports 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.

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (AS REPORTED IN SENATE)

(Dollar amounts in thousands—page 1 of 3)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	FY 2010 Senate	Senate vs. 2009		Senate vs. Request		
					,000 Dollars	Percent	,000 Dollars	Percent	
Office of the Secretary									
Salaries and Expenses	98,248	103,184	102,306	100,975	2,727	2.8%	(2,209)	-2.1%	
Financial Management Capital	5,000	5,000	2,000	5,000	-	0.0%	-	0.0%	
Office of Civil Rights	9,384	9,667	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	8,233	(10,067)	-55.0%	(2,000)	-19.5%	
Minority Business Resource Center	912	912	912	923	11	1.2%	11	1.2%	
Minority Business Outreach	3,056	3,074	3,074	3,074	18	0.6%	-	0.0%	
Essential Air Service (discretionary)	73,013	125,000	125,000	125,000	51,987	71.2%	-	0.0%	
Essential Air Service (mandatory/from overflight fees)	50,000	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	
National Infrastructure Investments	-	-	-	1,100,000	1,100,000	n/a	1,100,000	n/a	
Sec. 195 General Provision - Missouri water project study	-	-	-	2,000	2,000	n/a	2,000	n/a	
Total, OST (Gross new budgetary resources)	1,757,913	307,070	307,692	1,404,872	(353,041)	-20.1%	1,097,802	357.5%	
Total, OST (Gross NBR without stimulus funds)	257,913	307,070	307,692	1,404,872	1,146,959	444.7%	1,097,802	357.5%	
Total, OST (Net after rescissions & offsets)	1,757,065	307,070	307,692	1,404,872	(352,193)	-20.0%	1,097,802	357.5%	
Federal Aviation Administration									
Operations (General Fund)	3,804,462	3,128,000	4,156,370	4,081,483	277,021	7.3%	953,483	30.5%	
Operations (Airport & Airway Trust Fund)	5,238,005	6,207,798	5,190,798	5,277,648	39,643	0.8%	(930,150)	-15.0%	
Operations - Total	9,042,467	9,335,798	9,347,168	9,359,131	316,664	3.5%	23,333	0.2%	
Facilities & Equipment (Trust Fund)	2,742,095	2,925,202	2,925,202	2,942,352	200,257	7.3%	17,150	0.6%	
Facilities & Equipment (GF Stimulus)	200,000	-	-	-	(200,000)	-	-	n/a	
Research, Engineering & Development (Trust Fund)	171,000	180,000	195,000	175,000	4,000	2.3%	(5,000)	-2.8%	
Airport Improvement Program (Ob Limit)	3,514,500	3,515,000	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)	-	-	(392,960)	(312,960)	391.2%	(392,960)	n/a	
Total, FAA (Gross new budgetary resources)	16,770,062	15,956,000	15,982,370	15,991,483	(778,579)	-4.6%	35,483	0.2%	
Total, FAA (Gross NBR without stimulus funds)	15,470,062	15,956,000	15,982,370	15,991,483	521,421	3.4%	35,483	0.2%	
Total, FAA (Net after rescissions & offsets)	16,690,062	15,956,000	15,982,370	15,598,523	(1,091,539)	-6.5%	(357,477)	-2.2%	
Federal Highway Administration									
Sub-limitation on administrative expenses (non-add)	390,000	415,396	413,533	415,396	25,396	6.5%	-	0.0%	
Sub-limitation on research (non-add)	429,800	429,800	429,800	429,800	-	0.0%	-	0.0%	
Federal-aid Highways (Ob Limit)	40,700,000	5,000,000	41,107,000	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%	
Federal-aid Highways (additional GF appropriation)	-	-	-	1,400,000	1,400,000	-	1,400,000	-	
Subtotal, Federal-aid Highways (discretionary)	68,200,000	41,107,000	41,107,000	42,507,000	(25,693,000)	-37.7%	1,400,000	3.4%	
Exempt Obligations (mandatory)	739,000	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	165,000	3,673	2.3%	165,000	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	43,411,000	(25,847,558)	-37.3%	1,565,000	3.7%	
Total, FHWA (Gross NBR without stimulus funds)	41,758,558	41,846,000	41,971,700	43,411,000	1,652,442	4.0%	1,565,000	3.7%	
Total, FHWA (Net after rescissions & offsets)	66,063,400	41,846,000	41,971,700	43,411,000	(22,652,400)	-34.3%	1,565,000	3.7%	
Federal Motor Carrier Safety Administration									
Operations and Programs (Ob Limit)	234,000	239,828	239,828	238,500	4,500	1.9%	(1,328)	-0.6%	
Operations and Programs (GF Appropriation)	-	-	-	1,328	1,328	n/a	1,328	n/a	
Motor Carrier Safety Grants (Ob Limit)	307,000	310,070	310,070	310,070	3,070	1.0%	-	0.0%	
Rescissions of Contract Authority	(33,145)	-	-	(5,330)	27,815	-83.9%	(5,330)	n/a	
Total, FMCSA (Gross new budgetary resources)	541,000	549,898	549,898	549,898	8,898	1.6%	-	0.0%	
Total, FMCSA (Net after rescissions & offsets)	507,855	549,898	549,898	544,568	36,713	7.2%	(5,330)	-1.0%	
National Highway Traffic Safety Administration									
Operations and Research (general fund)	127,000	129,774	131,986	135,803	8,803	6.9%	6,029	4.6%	
Operations and Research (HTF) (Ob Limit)	105,500	107,329	108,642	105,500	-	0.0%	(1,829)	-1.7%	
Operations and Research - Total	232,500	237,103	240,628	241,303	8,803	3.8%	4,200	1.8%	
National Driver Register (Ob Limit)	4,000	4,078	4,000	4,000	-	0.0%	(78)	-1.9%	
National Driver Register (general fund)	-	-	3,350	3,350	3,350	n/a	3,350	n/a	
Highway Traffic Safety Grants (Ob Limit)	619,500	626,047	619,500	619,500	-	0.0%	(6,547)	-1.0%	
Rescissions of Contract Authority	(71,644)	-	-	(16,303)	55,341	-77.2%	(16,303)	n/a	
CARS Program ("cash for clunkers") (emergency)	1,000,000	-	-	-	(1,000,000)	-100.0%	-	n/a	
Total, NHTSA (Gross new budgetary resources)	1,856,000	867,228	867,478	868,153	(987,847)	-53.2%	925	0.1%	
Total, NHTSA (Gross NBR excluding CARS)	856,000	867,228	867,478	868,153	12,153	1.4%	925	0.1%	
Total, NHTSA (Net after rescissions & offsets)	1,784,356	867,228	867,478	851,850	(932,506)	-52.3%	(15,378)	-1.8%	

Ed. Note: During the debate on the bill (H.R. 3435) adding extra money to the "cash for clunkers" program last Friday, we realized that our previous versions of this table did not include the \$1 billion appropriated to NHTSA for that program for fiscal 2009 in June of this year under Public Law 111-32. Then we realized that the tables generated by the House and Senate Appropriations Committees to accompany the FY 2010 Transportation-HUD spending bill (H.R. 3288) don't show that money under their FY 2009 totals, either. But the money was indeed appropriated to NHTSA, so we are showing it in our tables from now on.

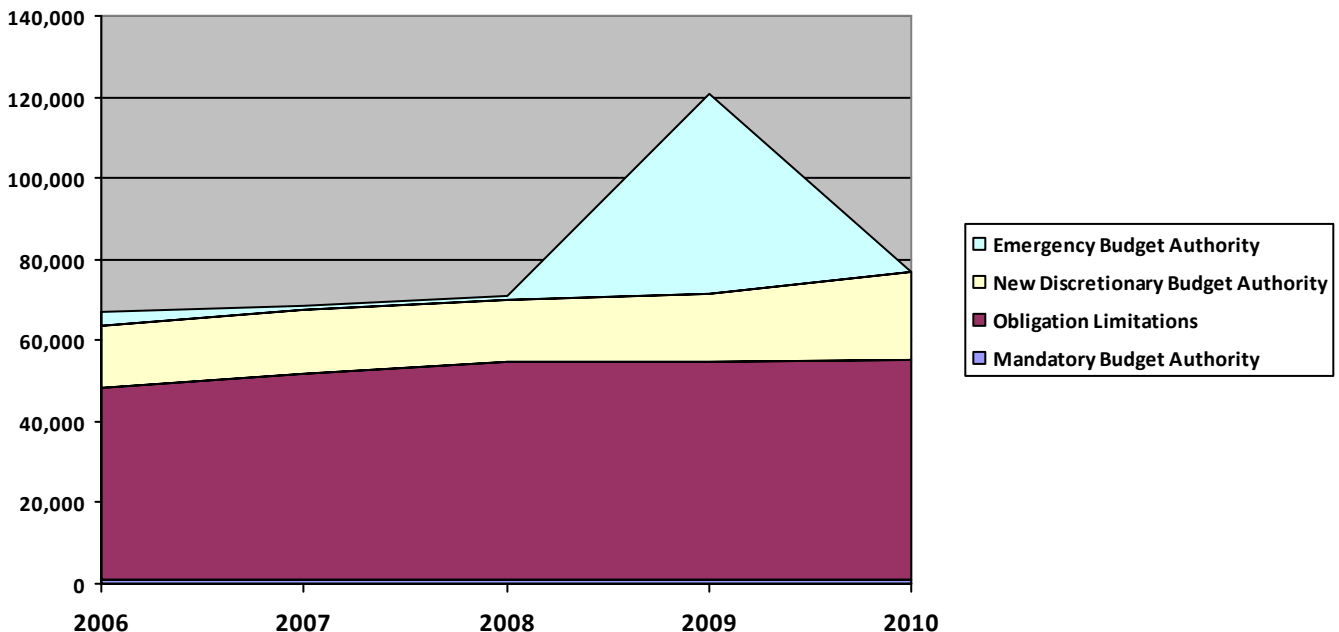
FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (AS REPORTED IN SENATE)

(Dollar amounts in thousands—page 2 of 3)

	FY 2009	FY 2010	FY 2010	FY 2010	Senate vs. 2009		Senate vs. Request	
	Enacted	Request	House	Senate	,000 Dollars	Percent	,000 Dollars	Percent
Federal Railroad Administration								
Safety and Operations	159,445	168,770	172,533	171,770	12,325	7.7%	3,000	1.8%
Railroad Research & Development	33,950	34,145	37,145	34,145	195	0.6%	-	0.0%
Rail Line Relocation and Improvement	25,000	-	40,000	25,000	-	0.0%	25,000	n/a
Railroad Safety Technology Program	-	-	-	50,000	50,000	n/a	50,000	-
<i>Amtrak Operating Subsidy Grants</i>	550,000	572,348	553,348	553,348	3,348	0.6%	(19,000)	-3.3%
<i>Amtrak Capital Grants</i>	940,000	929,625	929,625	1,001,625	61,625	6.6%	72,000	7.7%
<i>Amtrak Inspector General</i>	-	-	19,000	-	-	n/a	-	n/a
Grants to Amtrak - Total	1,490,000	1,501,973	1,501,973	1,554,973	64,973	4.4%	53,000	3.5%
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	1,200,000	1,200,000	n/a	200,000	20.0%
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	5,751,651	3,035,888	(8,062,507)	-72.6%	331,000	12.2%
Total, FRA (Gross NBR without stimulus funds)	1,798,395	2,704,888	5,751,651	3,035,888	1,237,493	68.8%	331,000	12.2%
Total, FRA (Net after rescissions & offsets)	11,061,561	2,704,888	5,751,651	3,035,888	(8,025,673)	-72.6%	331,000	12.2%
Federal Transit Administration								
Administrative Expenses	94,413	97,478	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	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	67,670	670	1.0%	-	0.0%
Capital Investment Grants	1,809,250	1,827,343	1,827,343	2,307,343	498,093	27.5%	480,000	26.3%
Capital Investment Grants (GF Stimulus)	750,000	-	-	-	(750,000)	-100.0%	-	n/a
WMATA	-	-	150,000	150,000	150,000	n/a	150,000	n/a
Energy Efficiency/Greenhouse Gas Reduction Grants	-	-	-	100,000	100,000	-	100,000	-
Rescission of Contract Authority	(100,000)	-	-	-	100,000	-100.0%	-	n/a
Total, FTA (Gross new budgetary resources)	18,631,228	10,335,662	10,483,755	11,065,662	(7,565,566)	-40.6%	730,000	7.1%
Total, FTA (Gross NBR without stimulus funds)	10,231,228	10,335,662	10,483,755	11,065,662	834,434	8.2%	730,000	7.1%
Total, FTA (Net after rescissions & offsets)	18,531,228	10,335,662	10,483,662	11,065,662	(7,465,566)	-40.3%	730,000	7.1%
St. Lawrence Seaway Development Corporation								
Operations and Maintenance	31,842	32,324	32,324	32,324	482	1.5%	-	0.0%
Total, StLSDC	31,842	32,324	32,324	32,324	482	1.5%	-	0.0%
Maritime Administration								
Maritime Security Program	174,000	174,000	174,000	174,000	-	0.0%	-	0.0%
Operations and Training	123,360	152,900	140,900	154,900	31,540	25.6%	2,000	1.3%
Ship Disposal	15,000	15,000	15,000	15,000	-	0.0%	-	0.0%
Assistance for Small Shipyards	17,500	-	-	17,500	-	0.0%	17,500	n/a
Assistance for Small Shipyards (GF Stimulus)	100,000	-	-	-	(100,000)	-100.0%	-	n/a
Title XI Shipbuilding Loan Program (admin expenses)	3,531	3,630	3,630	4,000	469	13.3%	370	10.2%
Title XI Shipbuilding Loan Program	-	-	-	10,000	10,000	n/a	10,000	-
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	375,400	(57,991)	-13.4%	29,870	8.6%
Total, MARAD (Gross NBR without stimulus funds)	333,391	345,530	333,530	375,400	42,009	12.6%	29,870	8.6%
Total, MARAD (Net after rescissions & offsets)	432,008	345,530	333,530	375,400	(56,608)	-13.1%	29,870	8.6%
Pipeline and Hazardous Materials Administration								
Hazardous Materials Safety	32,000	35,500	36,500	35,500	3,500	10.9%	-	0.0%
<i>Administrative Expenses (General Fund)</i>	18,491	18,329	19,329	19,329	838	4.5%	1,000	5.5%
<i>Administrative Expenses (Pipeline Safety Fund)</i>	639	639	639	639	-	0.0%	-	0.0%
Administrative Expenses - Total	19,130	18,968	19,968	19,968	838	4.4%	1,000	5.3%
<i>Pipeline Safety (Pipeline Safety Fund)</i>	74,481	86,334	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	18,905	95	0.5%	-	0.0%
Pipeline Safety - Total	93,291	105,239	105,239	105,239	11,948	12.8%	-	0.0%
Emergency Preparedness Fund (discr. appropriation)	188	188	188	188	-	0.0%	-	0.0%
Emergency Preparedness Fund (mandatory BA)	28,318	28,318	28,318	28,318	-	0.0%	-	0.0%
Total, PHMSA	172,927	188,213	190,213	189,213	16,286	9.4%	1,000	0.5%
Research and Innovative Technology Administration								
Research and Development	12,900	13,179	12,834	13,179	279	2.2%	-	0.0%
Total, RITA	12,900	13,179	12,834	13,179	279	2.2%	-	0.0%
Office of Inspector General								
Salaries and Expenses	71,400	74,839	74,839	75,389	3,989	5.6%	550	0.7%
Salaries and Expenses (GF Stimulus)	20,000	-	-	-	(20,000)	-100.0%	-	n/a
Total, OIG	91,400	74,839	74,839	75,389	(16,011)	-17.5%	550	0.7%
Total, OIG without stimulus funds	71,400	74,839	74,839	75,389	3,989	5.6%	550	0.7%
Surface Transportation Board								
Salaries and Expenses	26,847	27,032	29,800	28,332	1,485	5.5%	1,300	4.8%
Offsetting collections	(1,250)	(1,250)	(1,250)	(1,250)	-	0.0%	-	0.0%
Total, STB	25,597	25,782	28,550	27,082	1,485	5.8%	1,300	5.0%

FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS BILL (AS REPORTED IN SENATE)
 (Dollar amounts in thousands—page 3 of 3)

	FY 2009 Enacted	FY 2010 Request	FY 2010 House	FY 2010 Senate	Senate vs. 2009 ,000 Dollars	Senate vs. 2009 Percent	Senate vs. Request ,000 Dollars	Senate 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	21,979,484	4,980,654	29.3%	(35,647,459)	-61.9%
New Discretionary Budget Authority - Emergency	49,120,000	-	-	-	(49,120,000)	-100.0%	-	n/a
New Transportation Obligation Limitations	53,745,065	14,802,352	54,247,211	54,242,741	497,676	0.9%	39,440,389	266.4%
GROSS DISCRETIONARY BUDGETARY RESOURCES	119,863,895	72,429,295	75,769,423	76,222,225	(43,641,670)	-36.4%	3,792,930	5.2%
<i>Mandatory Budgetary Resources</i>								
Contract Authority Exempt From Obligation Limit	739,000	739,000	739,000	739,000	-	0.0%	-	0.0%
Mandatory Budget Authority for Essential Air Service	50,000	50,000	50,000	50,000	-	0.0%	-	0.0%
Mandatory Budget Authority for PHMSA EPF	28,318	28,318	28,318	28,318	-	0.0%	-	0.0%
GROSS MANDATORY BUDGETARY RESOURCES	817,318	817,318	817,318	817,318	-	0.0%	-	0.0%
TOTAL GROSS BUDGETARY RESOURCES, USDOT	120,681,213	73,246,613	76,586,741	77,039,543	(43,641,670)	-36.2%	3,792,930	5.2%
<i>Rescissions and Budgetary Offsets:</i>								
Rescissions of Appropriated Budget Authority	-39,065	0	0	0	39,065	-100.0%	-	n/a
Rescissions of Contract Authority	-3,479,947	0	0	-414,593	3,065,354	-88.1%	(414,593)	n/a
Offsetting Receipts from Pipeline Safety User Fees	-75,120	-86,973	-86,973	-86,973	(11,853)	15.8%	-	0.0%
Subtotal: Rescissions and Offsets	-3,594,132	-86,973	-86,973	-501,566	3,092,566	-86.0%	(414,593)	n/a
TOTAL NET BUDGETARY RESOURCES, USDOT	117,087,081	73,159,640	76,499,768	76,537,977	(40,549,104)	-34.6%	3,378,337	4.6%
Total Subject to 302(b) Ceiling (Disc. BA less Offsets)	13,404,698	57,539,970	21,435,239	21,477,918	8,073,220	60.2%	(36,062,052)	-62.7%
Gross Discretionary Resources By Type and Source:								
New Appropriations (Airport & Airway Trust Fund)	8,224,113	9,438,000	8,436,000	8,520,000	295,887	3.6%	(918,000)	-9.7%
New Appropriations (General/Other Funds)-Non-Emerg.	8,774,717	48,188,943	13,086,212	13,459,484	4,684,767	53.4%	(34,729,459)	-72.1%
New Appropriations (General/Other Funds)-Emergency	49,120,000	-	-	-	(49,120,000)	-100.0%	-	n/a
Obligation Limitations (Highway Account - HTF)	41,970,000	6,287,352	42,389,040	42,384,570	414,570	1.0%	36,097,218	574.1%
Obligation Limitations (Mass Transit Account - HTF)	8,260,565	5,000,000	8,343,171	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	3,515,000	500	0.0%	-	0.0%
Gross Discretionary Budget Resources, USDOT	119,863,895	72,429,295	75,769,423	76,222,225	(43,641,670)	-36.4%	3,792,930	5.2%
Independent Agencies (excerpt)								
National Transportation Safety Board								
Salaries and Expenses	91,000	95,400	99,200	96,900	5,900	6.5%	1,500	1.6%
Rescission of unobligated balances	(671)	-	-	-	671	-100.0%	-	n/a
Net Total, NTSB	90,329	95,400	99,200	96,900	6,571	7.3%	1,500	1.6%
Federal Maritime Commission								
Salaries and Expenses	22,800	24,558	23,712	24,558	1,758	7.7%	-	0.0%
Total, FMC	22,800	24,558	23,712	24,558	1,758	7.7%	-	0.0%
National Infrastructure Bank	-	5,000,000	-	-	-	n/a	(5,000,000)	-100.0%



DISTRIBUTION OF OBLIGATION LIMITATION ON THE FEDERAL-AID HIGHWAYS PROGRAM							
	FY 2009	FY 2010	Percent		FY 2009	FY 2010	Percent
	Actual	House/Senate	Change		Actual	House/Senate	Change
Alabama	664,181,764	687,313,588	+3.48%	Nebraska	244,575,447	253,657,642	+3.71%
Alaska	290,717,063	306,492,208	+5.43%	Nevada	256,097,971	266,309,073	+3.99%
Arizona	672,374,585	694,554,043	+3.30%	New Hampshire	146,151,389	151,802,205	+3.87%
Arkansas	410,847,021	426,183,825	+3.73%	New Jersey	859,742,154	889,849,589	+3.50%
California	3,002,777,749	3,106,055,097	+3.44%	New Mexico	310,184,441	321,314,740	+3.59%
Colorado	451,065,359	467,363,776	+3.61%	New York	1,450,156,103	1,506,611,094	+3.89%
Connecticut	422,828,746	439,265,057	+3.89%	North Carolina	930,622,868	962,552,246	+3.43%
Delaware	129,898,054	135,165,109	+4.05%	North Dakota	207,347,401	214,979,405	+3.68%
Dist. of Col.	126,772,019	131,310,650	+3.58%	Ohio	1,147,361,001	1,187,464,703	+3.50%
Florida	1,690,108,775	1,748,776,951	+3.47%	Oklahoma	504,786,983	522,428,172	+3.49%
Georgia	1,143,842,745	1,183,320,551	+3.45%	Oregon	372,563,076	387,051,148	+3.89%
Hawaii	136,011,037	141,936,283	+4.36%	Pennsylvania	1,443,922,086	1,498,371,512	+3.77%
Idaho	244,839,686	253,924,652	+3.71%	Rhode Island	163,809,919	158,723,923	-3.10%
Illinois	1,121,712,771	1,162,573,951	+3.64%	South Carolina	548,969,028	568,254,257	+3.51%
Indiana	852,499,523	881,834,801	+3.44%	South Dakota	217,374,734	225,943,186	+3.94%
Iowa	384,432,661	398,755,189	+3.73%	Tennessee	704,208,483	729,516,981	+3.59%
Kansas	327,579,516	340,408,612	+3.92%	Texas	2,868,608,137	2,965,284,870	+3.37%
Kentucky	568,095,523	588,546,800	+3.60%	Utah	259,427,213	269,691,219	+3.96%
Louisiana	555,575,744	575,403,159	+3.57%	Vermont	134,115,890	139,559,125	+4.06%
Maine	141,822,084	141,076,962	-0.53%	Virginia	859,531,139	888,826,389	+3.41%
Maryland	518,543,985	537,202,618	+3.60%	Washington	556,453,022	576,047,950	+3.52%
Massachusetts	531,894,794	552,271,464	+3.83%	West Virginia	350,067,330	363,159,189	+3.74%
Michigan	926,977,662	961,766,642	+3.75%	Wisconsin	642,654,090	665,698,229	+3.59%
Minnesota	523,448,534	542,902,295	+3.72%	Wyoming	215,495,030	223,076,582	+3.52%
Mississippi	389,213,117	403,718,563	+3.73%	Total, Formula	32,700,127,377	33,860,984,785	+3.55%
Missouri	762,024,021	789,274,386	+3.58%	Non-Formula Programs	7,999,872,623	7,246,015,215	-9.42%
Montana	315,817,904	327,444,124	+3.68%	TOTAL OB LIMIT	40,700,000,000	41,107,000,000	+1.00%

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

Office of the Secretary

Sec. 101 allows the transfer of unexpended bonding assistance program balances between OST Salaries and Expenses and Minority Business Outreach. This is a new provision.

Sec. 102 restricts reimbursable agreements between DOT modal administrations, as did last year's law.

Sec. 103 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 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. 115 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. 116 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.

Sec. 117 ensures a minimum AIP apportionment to an airport that had at least 10,000 boardings in the previous calendar year.

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 appropriates \$165 million from the general fund for surface transportation priorities earmarked in the committee report, similar to a provision in last year's law.

Sec. 123 appropriates \$1.4 billion from the general fund, to remain available until September 30, 2012, with the first \$500 million going towards TIFIA subsidy and administrative costs and the remainder to be apportioned to states via the FY 2010 obligation limitation ratio formula to be available for any STP-eligible purpose under 23 U.S.C. 133(b) at an 80 percent federal cost share, provided that section 1101 (b) of SAFETEA-LU shall apply to the funds. This is a new provision.

Sec. 124 requires the Secretary to give 15 days advance public notice of any Buy America waivers for federal-aid highway projects, as did last year's law.

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GENERAL PROVISIONS IN THE SENATE USDOT APPROPRIATIONS BILL, CONTINUED

Sec. 125 restricts the ability of the State of Texas to place tolls on federal-aid highway facilities, as did last year's law.

Secs. 126, 127 and 129-131 make corrections to SAFETEA-LU highway earmarks. These are new provisions.

Sec. 128 makes a correction to a previously appropriated highway earmark. This is a new provision.

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.

Sec. 142 rescinds \$2.299 million in Operations and Research contract authority. This is a new provision.

Sec. 143 rescinds \$14.004 million in Highway Traffic Safety Grants contract authority. 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.

Sec. 155 amends a previously appropriated earmarked project designation. This is a new provision.

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 prevents FTA from finalizing its new start criteria rulemaking during FY 2010, as did last year's law.

Sec. 165 expands the eligible uses of Alaska and Hawaii ferry boat funding. This is a new provision.

Sec. 166 adjusts the local cost share of the Woodward Avenue Corridor new start project. This is a new provision.

Sec. 167 directs DOT to provide recommendations to Congress on how to strengthen DOT's role in transit safety regulation and the steps FTA is taking to implement NTSB recommendations. This is a new provision.

Sec. 168 prevents FTA from reallocating funds from three specific SAFETEA-LU bus earmarks. This is a new provision.

Sec. 169 expands the contingent commitment authority ceiling for full funding grant agreements to an amount equivalent to the last five years of funding allocated for such projects. This is a new provision.

Sec. 170 prevents funds from being used to enforce charter bus service regulations in the State of Washington. This is a new provision.

Sec. 171 directs DOT to use the rating for the non-new start portion of an interstate multi-modal project on an Interstate highway corridor on the percentage of non-new start funds in the unified finance plan for the multi-modal project. 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 amends 46 U.S.C. 51314 to allow the crediting of Merchant Marine Academy user fees to the MARAD Operations and Training appropriation. This is a new provision.

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 \$1 million 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.

Sec. 194 exempts all Interstate highways in Maine from federal restrictions on truck sizes and weights for 365 days from the date of enactment. This is a new provision.

Sec. 195 appropriates \$2 million for a DOT study of the Mississippi and Missouri River basins. This is a new provision.

Sec. 196 allows several different Las Vegas area transit earmarks and grants from prior years to be transferred to the Regional Transportation Commission of Southern Nevada for buses and bus facilities. This is a new provision.

HTF Bailout

CONTINUED FROM PAGE ONE

the Trust Fund with just \$3 billion, which would probably (but not certainly) be enough to see the Trust Fund through the return of Congress on September 8 but might conceivably not get through September 30.

Due to pressure from the Obama Administration, a decision was reached when the bill was introduced on July 28 to increase the amount of the GF to HTF transfer from \$3 billion to \$5 billion, which was almost 100 percent certain to get through the end of the August recess and which was very likely to get through the end of the federal fiscal year on September 30.

Then, according to several sources, after H.R. 3357 was introduced on the 28th, Senate Majority Leader Harry Reid (D-NV) refused to accept the bill unless the amount of the GF to HTF transfer was increased to \$7 billion. This amount will certainly get the Highway Account of the HTF into October and, according to staff, has a decent chance of keeping things together through December 31.

So when Rep. John Lewis (D-GA) of the House Ways and Means Committee asked the House to take up H.R. 3357 on July 29, he moved that the House suspend the rules and pass the bill "as amended" with the original \$5 billion GF to HTF transfer changed to \$7 billion.

Lewis said that:

In 1998, Congress passed a highway bill that took more than \$8 billion out of the trust fund and put it in the Treasury. In addition, Congress stopped the Highway Trust Fund from earning interest on its investment. If these steps had not been taken, the balance in the Highway Trust Fund would be nearly \$20 billion more than it is now.

Last year we transferred \$8 billion back, and the legislation we are considering today would transfer \$7 billion more.

During the House debate, it tended to be the case that Democrats (and

SUMMARY OF H.R. 3357, AS CLEARED FOR THE WHITE HOUSE

Sec. 1. Funding of the Highway Trust Fund. Appropriates \$7 billion from the general fund of the Treasury to the Highway Trust Fund's Highway Account by striking sec. 9503(f)(2) of the Internal Revenue Code and replacing it with a new \$7 billion appropriation.

Sec. 2. Advances to the Unemployment Trust Fund and Other Funds. Amends the FY 2009 Labor-HHS-Education Appropriations Act to strike that bill's \$422 million repayable advance to the Unemployment Trust Fund and replacing it with a "such sums as necessary" advance.

Sec. 3. FHWA Mortgage Insurance Commitment Authority. Amends the FY 2009 Transportation-HUD Appropriations Act to increase the Federal Housing Administration-Mutual Mortgage Insurance Program aggregate loan limit from \$315 billion to \$400 billion.

Sec. 4. GNMA Mortgage-Backed Securities Guarantee Commitment Authority. Amends the FY 2009 Transportation-HUD Appropriations Act to increase the Government National Mortgage Association-Guarantees of Mortgage-Backed Securities Loan Guarantee Program aggregate loan limit from \$300 billion to \$400 billion.

some Republican supporters of the bill) spoke about the necessity of the legislation, while Republican opponents of the bill spoke mostly about how they felt that the stimulus law was a failure. (The truth or inaccuracy of that statement having nothing much to do with the legislation at hand.)

Oberstar spoke of the fact that starting in 2007, the number of vehicle-miles traveled dropped in successive months for the first time in generations, which had a noticeable effect on the number of taxable of gallons of gasoline and diesel fuel purchased, and hence depressed revenues into the Trust Fund.

(*Ed. Note:* Oberstar did not talk about the fact that the SAFETEA-LU law intentionally set the highway program on a glide path to default by setting new spending commitments in excess of projected HTF Highway Account receipts totaling \$6.4 billion in FY 2006, \$6.5 billion in FY 2007, \$6.9 billion in FY 2008, and \$7.9 billion in FY 2009. Such discrepancies are what demographers refer to as the "ticking time bomb.")

Oberstar's ranking minority member, John Mica (R-FL), said that "Unfortunately, we need this gap of money through September 30 or we will really see economic difficulty across this land. So this is a Band-

Aid approach. I'm sorry that we have to do it."

Rep. Jeff Flake (R-AZ) brought up the fact that he was one of the handful of House members truly entitled to be an "I-told-you-so" on this issue:

You know, some of us did stand up and vote against the initial authorization back in 2005, I believe it was, because we were told by our Appropriations Committee chairman, we don't have the money to pay for this. We knew it. Everybody knew it. But the reason that passed, we all know, is because there were 6,300 earmarks in it. You spread enough of that around and people are going to vote for it. There were only eight votes against it here in the House, three in the Senate. And we will likely do the same again.

At the end of the brief debate, the House voted by a wide margin to suspend the rules and pass the bill without amendment. The suspension of the rules procedure has the effect of waiving all points of order against the bill (including points of order for violating the Budget Act) and prevents any amendments from being offered.

In the Senate, though they have a similar procedure to suspend the rules by a two-thirds vote, such a motion is infinitely debatable, rendering it practically useless. So when the House bill arrived last

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HTF Bailout

CONTINUED FROM PAGE 14

Wednesday evening, Majority Leader Reid had a variety of parliamentary options for bringing up the bill.

However, Senate Republicans forced Reid's hands. According to multiple sources, when the House bill arrived that evening, the Republican leadership refused to allow a final vote on the Energy and Water appropriations bill and refused to allow the Senate to bring up the Agriculture Appropriations bill unless Reid would allow H.R. 3357 to be debated openly in the light of day, with a select few GOP amendments offered.

After a brief negotiation, an agreement was reached to have the bill debated in the Senate on Thursday July 30, with four amendments by Republicans considered (with time limitations) and with no restriction on points of order under the Budget Act.

Three of the amendments offered on July 30 dealt with the most popular Republican talking point *du jour* — the not-yet-evident success of the \$787 billion economic stimulus act, and therefore, the need (according to the GOP) to take back much of that stimulus money to pay for something else.

The fourth GOP amendment, however, dealt with a very specific and urgent transportation issue. Due to the Bush Administration's inexplicable insistence that the surface transportation bill's net total budget authority equal its net total new obligational authority, the 2005 SAFETEA-LU law included a rescission of contract authority that takes effect September 30, 2009 that now will total \$8,708 billion.

However, because the Appropriations Committees made a habit in recent years of balancing their books with annual rescissions of excess highway contract authority (which state DOTs tended to take out of programs they didn't like, such as transportation enhance-

ments and CMAQ), Oberstar pushed a change through in the 2007 energy bill that forces states to apply future rescissions (including the big SAFETEA-LU rescission) proportionately across all formula programs (within some slight flexibility).

However, this creates a major problem for some states — the Oberstar language may cause them to lose real money (not just the usual flexible "play money" that is formula contract authority) if the SAFETEA-LU rescission is allowed to take effect — Senate Public Works ranking member Jim Inhofe (R-OK) said that the amount of "real money" that will be lost if the rescission takes effect is around \$400 million.

So, Sen. Kit Bond (R-MO), with the support of the organization of state DOTs, offered an amendment to repeal the SAFETEA-LU rescission, saying that "At the end of September, millions will be cut in ongoing, shovel ready highway projects. That does not have to happen."

Because it now appears that the SAFETEA-LU rescission will cut real money, the Congressional Budget Office now scores a repeal of the rescission as a violation of the House and Senate PAYGO budget rule, so the Bond amendment was in violation of the Budget Act. A motion to waive the Budget Act would have required no less than 60 affirmative votes, but motion only got 34 votes. (Although nine Democrats voted in favor of the motion, 15 budget-conscious Republicans voted against the motion to waive the Budget Act.)

The failure of the motion to waive automatically killed the Bond amendment, but Senate Public Works chairman Barbara Boxer (D-CA) promised to take care of the problem after August: "I personally will work with the Senator from Missouri and my colleague, Senator Inhofe, to make sure the Bond amendment is part of the reauthorization which we will have to do in September."

HOUSE VOTE ON PASSAGE OF H.R. 3357 (7-29-09)

- Motion to suspend the rules and pass H.R. 3357 — agreed to by a vote of 363 yeas, 68 nays (two-thirds in the affirmative required). (Democrats: 254 yeas, zero nays. Republicans: 109 yeas, 68 nays.)

SENATE VOTES RELATING TO H.R. 3357 (7-30-09)

- Vitter amendment #1907, as modified, to require that sums transferred to the Highway Trust Fund be offset by reductions in spending enacted previously under the stimulus act — rejected by a vote of 42 yeas, 55 nays. (Democrats: 2 yeas, 55 yeas. Republicans: 40 yeas, zero nays.)
- Ensign amendment #1905, as modified, to require that sums transferred to the Unemployment Insurance Trust Fund be offset by reductions in spending enacted previously under the stimulus act — rejected by a vote of 41 yeas, 56 nays. (Democrats: 1 yeas, 56 nays. Republicans: 40 yeas, zero nays.)
- Motion to waive the Budget Act with regard to Bond amendment #1904, to repeal the \$8.7 billion rescission of highway contract authority scheduled to take place on September 30, 2009 pursuant to sec. 10212 of SAFETEA-LU — motion to waive failed by a vote of 34 yeas, 63 nays (60 yeas votes being necessary). (Democrats: 9 yeas, 48 nays. Republicans: 25 yeas, 15 nays.)
- Sessions amendment #2223 to offset all sums appropriated under the bill by reductions in spending enacted previously under the stimulus act — rejected by a vote of 40 yeas, 57 nays. (Democrats: 2 yeas, 55 nays. Republicans: 38 yeas, 2 nays.)
- Motion to waive the Budget Act with relation to consideration of H.R. 3357 — motion agreed to by a vote of 71 yeas, 26 nays (60 yeas being necessary in the affirmative). (Democrats: 57 yeas, zero nays. Republicans: 14 yeas, 26 nays.)
- Final passage of H.R. 3357 — agreed to by a vote of 79 yeas, 17 nays. (Democrats: 57 yeas, zero nays. Republicans: 22 yeas, 17 nays.)

NOTE: these totals count Sen. Bernie Sanders (I-VT) as a Democrat.

House T&I Committee Approves New Aviation Safety Legislation

At a full committee markup session on July 30, the House Transportation and Infrastructure Committee approved, by voice vote, a new aviation safety bill (H.R. 3371). The bill is summarized below.

Sec. 1. Short title; table of contents. Cites the Act as the "Airline Safety and Pilot Training Act of 2009.)

Sec. 2. Definitions. Defines terms used in the act.

Sec. 3. FAA Task Force on Air Carrier Safety and Pilot Training. Directs the FAA to establish a task force of airline and union representatives and safety experts to evaluate best practices in the airline industry.

Sec. 4. Implementation of NTSB flight crewmember training recommendations. Directs FAA to conduct a rulemaking to provide flight crewmembers with training to avoid aircraft stalling and recover from aircraft upsets and to conduct a rulemaking to provide remedial training for flight members. NPRMs must be issued within 180 days of enactment and final rules must be issued within 24 months of enactment. Requires FAA to convene a study to improve response to stick pusher systems, icing conditions,

microburst and windshear.

Sec. 5. Secretary of Transportation responses to safety recommendations. Requires DOT to submit annual reports to Congress and the NTSB on open NTSB recommendations on air carrier safety.

Sec. 6. FAA pilot records database. Amends 49 U.S.C. 44703 to require airlines to access and evaluate FAA pilot records from a new FAA database containing all FAA records on individual pilots, all airline records, and National Driver Register records before hiring a pilot. Requires the FAA to maintain these records until the death of the pilot.

Sec. 7. FAA rulemaking on training programs. Requires the FAA to issue a final rule on aircraft training programs for flight crewmembers and aircraft dispatchers within 14 months of enactment. Requires FAA to convene a multidisciplinary expert panel to make recommendations concerning the time taken by and between crew training events.

Sec. 8. Aviation safety inspectors and operational research analysts. Requires the DOT Inspector General to review, within 9 months of enactment, the performance of FAA aviation safety inspectors and operational research analysts

Sec. 9. Flight crewmember mentoring,

professional development, and leadership. Requires FAA to conduct a rulemaking to require all airlines to establish flight crew mentoring programs, professional development committees, and take other steps for proper flight crewmember development. The NPRM shall be issued within 180 days of enactment and the final rule within 24 months of enactment.

Sec. 10. Flight crewmember training and qualifications. Requires the FAA to conduct a rulemaking to ensure airlines develop and implement ways to ensure that flight crewmembers have proper qualifications and experience. The NPRM shall be issued within 180 days of enactment and the final rule within 24 months of enactment.

Sec. 11. Flight schools, flight education, and pilot academic training. Requires GAO to conduct a study of flight schools, flight education, and academic training for pilot certification.

Sec. 12. Voluntary safety programs. Requires FAA to submit to Congress a report on the four voluntary safety programs within 180 days of enactment.

Sec. 13. ASAP and FOQA implementation plan. Directs FAA to implement a plan to facilitate the establishment of an aviation safety action program and a flight operational quality assurance program for airlines. The plan shall be implemented by one year after enactment.

Sec. 14. Safety management systems. Directs FAA to conduct a rulemaking to require all airlines to implement a safety management system. The NPRM shall be issued within 90 days of enactment and the final rule within 24 months of enactment.

Sec. 15. Disclosure of air carriers operating flights for tickets sold for air transportation. Amends 49 U.S.C. 41712 to make it illegal for ticket agents or airlines to offer sell tickets unless they disclose the actual name of the air carrier providing the transportation for each leg.

Sec. 16. Pilot fatigue. Requires the FAA to issue regulations to specify limitations on the hours of flight and duty time served by pilots and to require part 121 air carriers to develop and implement fatigue risk management systems. The NPRM shall be issued within 30 days of enactment and the final rule within one year of enactment. Specifies the contents of the fatigue management plans to be submitted by airlines. Requires a National Academy of Sciences study of pilot fatigue.

Sec. 17. Flight crewmember pairing and crew resource management techniques. Requires FAA to report to Congress within one year of enactment on industry best practices with regard to flight crewmember pairing and crew resource management techniques.

Senate Passes FY 2010 Energy and Water Development Appropriations Bill

The U.S. Senate on July 29 passed an amended version of H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010, which provides \$5.405 billion for the water resources program of the U.S. Army Corps of Engineers, after the following Corps-related amendments were considered:

- McCain (R-AZ) amendment #1814 to prohibit any funds in the bill from being used for earmarked projects listed in the committee report unless

those projects are specifically authorized by law — failed by a vote of 25 yeas, 72 nays.

- Dorgan (D-ND) amendment #1844 to make a technical change to a Corps project in West Virginia — agreed to by unanimous consent.
- Dorgan (D-ND) amendment #1845 to provide a transfer for Corps and BoR administrative expenses for stimulus funding — agreed to by unanimous consent.
- Coburn (D-OK) amendment #1884 to require competitive bidding of all contracts and grants funded under the Act — failed by a vote of 26 yeas, 71 nays.

U.S. ARMY CORPS OF ENGINEERS (CIVIL WORKS) FUNDING (Millions of Dollars)

	FY 2009		FY 2010		Senate vs FY 2009		Senate vs Request	
	Enacted	Request	House	Senate	Mil. \$	Pct.	Mil. \$	Pct.
Investigations	168	100	142	170	2	1.2%	70	70.0%
Construction	2,142	1,718	2,144	1,924	(218)	-10.2%	206	12.0%
Mississippi River & Tributaries	384	248	251	340	(44)	-11.5%	92	37.1%
Operations & Maintenance	2,202	2,504	2,511	2,450	248	11.3%	(54)	-2.2%
Regulatory Program	183	190	192	190	7	3.8%	-	0.0%
FUSRAP	140	134	134	140	-	0.0%	6	4.5%
Flood Control & Coastal Emergencies	-	41	-	-	-	n/a	(41)	-100.0%
Expenses	179	184	152	186	7	3.9%	2	1.1%
Assistant Sec. of the Army	5	6	6	5	-	0.0%	(1)	-16.7%
Total, USACE (Civil Works) regular	5,402	5,125	5,532	5,405	3	0.1%	280	5.5%
Plus FY 2009 Emergency Approps.:	10,361	-	-	-	(10,361)	-100.0%	-	n/a
Total, USACE With Emergencies	15,763	5,125	5,532	5,405	(10,358)	-65.7%	280	5.5%

House Votes To Add \$2 Billion To NHTSA "Cash For Clunkers" Program

The House of Representatives hurriedly passed legislation on Friday July 31 to add an extra \$2 billion to the "cash for clunkers" program being administered by the National Highway Traffic Safety Administration

The new program, given a \$1 billion appropriation in the Iraq/Afghanistan supplemental appropriations bill (Public Law 111-32) on June 24, gives individuals financial incentives from \$3,500 to \$4,500 for trading in an older car for a new car that gets slightly better mileage.

\$1 billion (less \$50 million for administrative costs) would cover between 211,111 and 271,428 trade-ins, and during the first week of the program (which only got started on July 24), the number of claims that were being processed by auto dealers was rapidly approaching that number (the number of claims paid

by NHTSA was far lower because dealers have had immense problems submitting their reimbursement claims on the NHTSA website).

On the late afternoon of Thursday, July 30, DOT officials began contacting Capitol Hill to tell key legislators that the program would have to be suspended very shortly to avoid potentially overdrawing the \$1 billion appropriation.

After much confusion with the White House, which at first denied that the program would have to be shut down, the House passed an impromptu bill to add additional funding to the program (H.R. 3435) on Friday by a 316 to 109 vote, with two members voting "present."

H.R. 3435 transfers \$2 billion to NHTSA for the program from a Department of Energy innovative technology loan guarantee program funded in the economic stimulus bill (a program which is spending out so

slowly that Congress will have a year or two to replace that \$2 billion before it is missed).

H.R. 3435 also contains a provision added at the insistence of House Minority Leader John Boehner (R-OH) requiring the GAO to audit the administration of the program.

Quick Senate passage of the program is necessary to keep the program operating beyond this week, Secretary Ray LaHood said yesterday. But Sen. John McCain (R-AZ) has vowed to filibuster the extra \$2 billion, and several Democratic Senators have serious concerns about how the program, which started out as an attempt to encourage people to buy cars that got significantly better mileage, was watered down by allies of Detroit so that now the new vehicle in some cases only has to get two miles per gallon better mileage than the clunker.

House Ways and Means Examines Future Highway Trust Fund Revenue Options

A subcommittee of the House Ways and Means Committee held a hearing on July 23 to address the long-term financing needs of the Highway Trust Fund.

House Transportation and Infrastructure Committee chairman James Oberstar (D-MN) led off the testimony before the Select Revenue Subcommittee, telling the panel that they need to add \$65.5 billion in additional revenues to the Trust Fund just to pay for the current baseline spending level (\$326 billion in new spending over six years), while they would need to add at least \$75 billion (and possibly more, depending on how front-loaded the bill is) to pay for Oberstar's six-year, \$450 billion bill.

In his verbal statement, Oberstar was very vague on specific revenue options. But his written statement was notable in that he confessed that "I do not believe that the user fee should be increased during the

current recession. Any user fee increase should not take effect before the economy is fully recovering (e.g. two consecutive quarters of economic growth)."

(*Ed. Note:* We have heard rumors before that Oberstar was pushing an approach whereby Congress would vote to increase the gas tax as part of the highway bill but include a proviso making the increase contingent on two consecutive quarters of growth. The problem with this approach is that its nuances may be lost on voters — Congressmen would be telling their constituents "Yes, I voted to increase your taxes during a recession, but the tax increase won't take effect until times are better." Such nuances are lost on conservative talk radio.)

Oberstar's written statement then listed several specific "financing options" that could be used to add money to the Trust Fund to help pay for the next authorization bill:

1. **A giant transfer from the general fund.** Oberstar proposed \$27.4 billion, consisting of the correct amount appropriated from the HTF for emergency relief throughout the 1990s (\$6.8 billion), the interest on the HTF balances foregone as part of the TEA21 RABA-and-firewalls-for-writedown-and-no-more-interest deal (\$20.0 billion), and \$635 million to compensate the Trust Fund for the times when the Appropriations Committees took money for NHTSA vehicle safety from the HTF instead of the general fund. (*Ed. Note:* Oberstar actually has a valid point with the NHTSA money, but the other two ideas are simply attempts to rewrite history.)
2. **Borrow the money now, pay it back with tax increases someday.** Oberstar proposed a one-time issuance of \$60 billion of ten-year Treasury bonds, with

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Ways and Means...

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the proceeds to be deposited into the Trust Fund now. The bonds would begin to be repaid with Trust Fund revenues starting in FY 2012, when the economy will presumably be recovered and a gas tax increase can take place. (*Ed. Note:* This is a blast from the past. A *TW* over the August recess will give a detailed history of the Trust Fund and will deal with Congress's decision in 1955 to reject Eisenhower's proposal to finance the Interstate system through bond issuance—instead, Congress increased the gas tax and created the Trust Fund the following year.)

3. **Make the general fund pay for gas tax exemptions for state and local governments and schools.** At present, state and local governments and non-profit educational institutions don't have to pay the gas and diesel taxes. This costs the Trust Fund about \$1 billion per year. Forcing the general fund to bear the burden of the exemptions (similar to what happened with the ethanol exemption a few years ago) would increase HTF balances by \$6 billion over the life of Oberstar's bill.
4. **Tax imports of crude oil and gasoline.** Oberstar says that an increase in the tax on imported crude oil and refined gasoline and diesel would raise \$24 billion for the Trust Fund over six years. (The problem with this approach is that, on the crude oil side, a goodly percentage of each barrel becomes kerosene, aviation fuel, home heating oil, and plastics, none of which are consumed by "highway users," so the advocates of higher spending would no longer be able to claim that the system was "wholly user-financed" (with a straight face, at least).)
5. **Tax speculative trading of crude oil futures.** Peter DeFazio (D-OR), really wants to

impose an 0.2 percent tax on speculative trading of oil futures (as opposed to legitimate hedging), which he says would raise \$190 billion over six years. (This gets into very complicated Wall Street territory on the practicality side, but also has the same problem as #4 — no connection whatsoever to highway users.)

6. **Increase or implement other user fees.** Oberstar quoted from the recent Financing Commission report regarding other possible user fees such as increasing the Heavy Vehicle Use Tax for the first time since 1983, imposing national vehicle registration fees, establishing a fee on intermodal cargo containers, adopting a freight waybill tax, and eventually transitioning to a vehicle miles traveled (VMT) fee system.

Politically (and substantively), the problem with #s 1, 2 and 3 is that they are essentially deficit spending which simply adds to the national debt, and the political cost of voting to increase the deficit and the debt is increasing every day. Option #s 4 and 5 are not user fees and would forever de-link the surface transportation programs from user fees and deny legitimacy to the Trust Fund. And there is a limited amount of money you can get from the various proposals in option #6.

Oberstar's ranking Republican colleague on the T&I Committee, Rep. John Mica (R-FL), advocated replacing the existing cent-per-gallon fuel tax structure (currently set at 18.4 cents per gallon) with an *ad valorem* tax of 7.5 percent on the value of the fuel sold.

After various Members of Congress testified at the hearing, an impressive array of interest groups testified in favor of increasing gasoline and diesel taxes, including the American Automobile Association ("I doubt if you have very many opportunities to have some of your taxpayers appearing before you and advocating that their burden be increased, but that is the essence of my testimony"); the American Trucking Association ("ATA mem-

bers are willing to pay for a value received"); the association of state DOTs ("we think user fees are the primary source that we should look for"); the U.S. Chamber of Commerce ("the simplest, most straightforward and effective way to generate enough user fee revenue for federal transportation programs is through increasing federal gasoline and diesel taxes"); the AFL-CIO ("the gas user fee is really what we need to be looking at"); and the Associated General Contractors ("we recommend raising the federal gas tax by 18 cents to address the effects of construction cost inflation").

However, Undersecretary of Transportation for Policy Roy Keinitz threw cold water on the calls for tax increases, saying that not only is the Obama Administration opposed to raising gasoline and diesel taxes at this time, but that with regards to the other revenue options, "we are not supporting any new revenue for the Trust Fund from a new tax source right now."

Everyone interested in this topic should read the "Insider's Poll" on page 6 of this week's hard copy of *National Journal* (the issue dated August 1) or check out the following link and scroll down until you get to the right question:

<http://tinyurl.com/lrn2jh>

The magazine asked 38 Democratic and 42 Republican Members of Congress, anonymously, "Should the 111th Congress increase the gasoline tax to fund a six-year highway bill?" 56 percent of Democrats said yes, while only 5 percent of Republicans said yes. But the key is two of the blind quotes from Democrats who responded "yes," Congress should raise the gas tax:

- "But you'll never get me to say that."
- "Unfortunately, while this may be a smart policy move from a fiscal and environmental perspective, it's a political nonstarter given the current economic conditions and severe voter fatigue regarding more spending and taxes."

NEW AND NOTABLE ON THE INTERNET

Cash for Clunkers Bailout

The text of H.R. 3435, the bill bailing out the "Cash for Clunkers" program, as passed by the House, is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3435eh.txt.pdf

Energy and Water Development Appropriations

The text of H.R. 3183, as passed by the House and then amended by the Senate, is available here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3183pp.txt.pdf

Highway Trust Fund Bailout

The text of H.R. 3357 (the bill bailing out the Highway Trust Fund) as cleared for the President is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3357enr.txt.pdf

Stimulus Highway Spending

New GAO testimony on the status of stimulus bill highway spending is here:

<http://www.gao.gov/new.items/d09926t.pdf>

Surface Transportation Program Funding Extension

The Congressional Budget Office cost estimates for the four committee-reported components of the Senate's 18-month extension are here:

EPW: <http://www.cbo.gov/ftpdocs/104xx/doc10470/SurfaceTranspExt.pdf>

Commerce: <http://www.cbo.gov/ftpdocs/104xx/doc10483/s1496.pdf>

Banking: <http://www.cbo.gov/ftpdocs/104xx/doc10481/PublicTransportExtensionAct.pdf>

Finance: <http://www.cbo.gov/ftpdocs/104xx/doc10482/s1474.pdf>

STATUS OF PENDING TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
Department of Transportation	Chris Bertram	Assistant Secretary for Budget and Programs	Commerce, Science and Transportation	Hearing held 7/29/09
Department of Transportation	Susan Kurland	Assistant Secretary for Aviation and Int'l Affairs	Commerce, Science and Transportation	Hearing held 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
National Transport. Safety Board	Christopher Hart	Member for a term expiring 12/31/2012	Commerce, Science and Transportation	Hearing held 7/29/09
Surface Transportation Board	Daniel Elliott	Chairman	Commerce, Science and Transportation	Hearing held 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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Please send comments or corrections to:
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THIS WEEK IN COMMITTEE

Tuesday, August 4, 2009 — Senate Banking, Housing and Urban Affairs — Subcommittee on Housing, Transportation and Community Development — subcommittee hearing on rail modernization, focusing on transit funding — 2:30 p.m., *SD-538 Dirksen*.

Wednesday, August 5, 2009 — Senate Commerce, Science and Transportation — full committee markup of pending calendar business, including the Bertram, Kurland, Hart and Elliott nominations — 2:00 p.m., *SR-253 Russell*.

Thursday, August 6, 2009 — Senate Commerce, Science and Transportation — Subcommittee on Aviation Operations, Safety and Security — subcommittee hearing on aviation safety, focusing on the relationship between network airlines and regional carriers — 10:00 a.m., *SR-253 Russell*.

Announcement: *At the end of this week's business the Senate is scheduled to join the House in the annual August recess, not to return until after Labor Day, which is on September 7 this year. Over the August recess, Transportation Weekly will become Transportation Bi-Weekly, as very little of newsworthiness ever happens in Washington over the recess.*

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	H.R. 3288 ordered reported 7/30/09 by Senate Appropriations	
FY 2010 Energy and Water Appropriations	H.R. 3183 passed House 7/17/09 by a vote of 320-97	H.R. 3183 passed Senate 7/29/09 by a vote of 85-9	
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		