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Wednesday, September 23, 2009

Legislative Schedules

Week of September 21, 2009

House

Wednesday — meets at 10 a.m. — 14 measures under suspension of the rules, including H.R. 3607, FAA extension, and H.R. 3617, surface transportation extension, plus H.R. 324, Santa Cruz Valley National Heritage

Thursday— H.J. Res. ___, continuing appropriations for fiscal year 2010.

Motions to go to conference on appropriations bills are possible on Wednesday and Thursday.

Senate

The Senate will convene at 9:30 a.m. for morning business. At 11 a.m. the Senate will resume consideration of H.R. 2996, Interior-Environment appropriations for FY 2010.

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Surface and Aviation Extension Bills Entwined With Appropriations' Continuing Resolution

Oberstar's Three-Month Surface Extension Does, and CR Might, Extend Funding For Some SAFETEA-LU Earmarks For VIPs, But Not Most For Rank-and-File

Yesterday, House Transportation and Infrastructure Committee chairman James Oberstar (D-MN) and other Democratic leaders introduced a bill (H.R. 3617) to extend funding for federal surface transportation programs for three months (from October 1 to December 31, 2009). This follows Oberstar's September 21 introduction of a separate bill (H.R. 3607) to extend federal aviation programs.

Meanwhile, at some point today, House Appropriations chairman David Obey (D-WI) is expected to introduce the text of a

stopgap continuing appropriations resolution for fiscal year 2010. This resolution will last for one month (through October 31) and is also expected to provide for one month's worth of new funding for surface transportation and aviation program in the event that H.R. 3607 and 3617 or some other free-standing variants thereof do not become law in time — but at a significantly lower spending level than H.R. 3617.

The House is currently scheduled to consider both H.R. 3607 and H.R. 3617 today under the "suspension of the rules"

procedure which would give each measure 40 minutes of debate and an up-or-down vote which requires a two-thirds margin to prevail. The "CR", meanwhile, is scheduled to be introduced today and be considered on the House floor tomorrow.

Meanwhile, Senate staff worked yesterday in an attempt to work out an agreement between all 99 Senate offices to limit debate time and amendments on the surface transportation extension, if the House passes the bill and sends it on to the Senate, so that the Senate could substitute its own

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Senate Passes Transportation-HUD Appropriations

Last week, the Senate passed the fiscal year 2010 Transportation-HUD appropriations bill by a vote of 73 to 25.

The next step for the bill (H.R. 3288) is for the House to agree to the Senate's request to set up a joint House-Senate conference committee to iron out differences on the measure. But in order to do this, a representative of the House Appropria-

tions Committee (authorized by the chairman) must go to the House floor and formally make the motion to go to conference. And despite the fact that the Senate has passed five bills that are ready to go to conference, the House has yet to agree to formally get things started on any of them.

A House Appropriations aide told *CQ* yesterday

that one reason for the holdup is new House proposals to require competitive bidding on earmarks going to for-profit entities, which is being resisted by the Senate. But even if this problem can be solved, another looms.

Although there are presently five bills ready to go to House-Senate conference, House Majority Leader Steny Hoyer (D-

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Extensions...

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eighteen-month version for Oberstar's three-month version and then send the legislation back to the House.

The key differences between the Oberstar bill and the Senate bill are not just the duration but whether or not to repeal the cancellation of \$8.708 billion in highway contract authority previously apportioned to states. That money is scheduled to be rescinded on September 30, 2009 by sec. 10212 of SAFETEA-LU.

The Senate version of the extension repeals the rescission (even though this causes problems under the Budget Act). H.R. 3617 does not repeal the rescission, and when the CR is unveiled today, it is unlikely to repeal the rescission, either.

Senators led by Kit Bond (R-MO), and state DOTs, are desperate to repeal the rescission by September 30. The Association of State Highway and Transportation Officials sent a letter to all 535 members of Congress earlier this week saying, in part, that "The SAFETEA-LU \$8.7 billion rescission will result in real program cuts for all the States and their MPOs and essentially nullify the benefits from economic recovery efforts."

However, the repeal of the rescission has been scored by the Congressional Budget Office as increasing the federal deficit by \$490 million (the "real cuts" mentioned in the letter), and in the absence of someone coming forward and volunteering \$490 million in cuts in other mandatory spending somewhere else in the federal budget, or a painless \$490 million tax increase, House Democratic leaders have determined to allow the rescission to take place.

The pending \$8.708 billion rescission, along with several other rescissions of contract authority imposed by the Appropriations Committees in fiscal 2009, will have a

HIGHLIGHTS OF H.R. 3617

- Provides a total of \$10.735 billion in contract authority for the Federal Highway Administration, \$182.25 million in contract authority for the National Highway Traffic Safety Administration, \$135.25 million in contract authority for the Federal Motor Carrier Safety Administration, and \$2.090 billion in contract authority for the Federal Transit Administration for the three-month period from 10/1/2009—12/31/2009. Total provided: \$13.144 billion.
- Does **not** repeal or otherwise fix the scheduled \$8.708 billion rescission of highway contract authority scheduled under sec. 10212 of SAFETEA-LU.
- Provides that all highway formula programs continue to be apportioned via formula and that money earmarked in SAFETEA-LU under secs. 1702 (high priority projects), 1934 (transportation improvements), and 1962 (multimodal facilities) of SAFETEA-LU and bridge earmarks under 23 USC 144(f) now be apportioned to states as STP formula money in the shares in which the states had earmarks.
- Provides that the \$89 million in projects of national and regional significance and the \$97 million in national corridor infrastructure funds provided by the extension be allocated by DOT competitively (unless Congress passes subsequent legislation earmarking the money before the grants can be competitively awarded, of course).
- Provides new contract authority to almost all miscellaneous allocated programs and earmarks funded by title I of SAFETEA-LU at the rate of one-fourth of their enacted FY 2009 amount, such as the America's Byways Resource Center in Duluth, MN; the Going-to-the-Sun Road in Glacier Park, MT; the magnetic levitation train project between Las Vegas and Primm, NV; the nonmotorized transportation pilot projects in Columbia, MO, Sheboygan, WI, Marin County, CA, and Minneapolis, MN; and Alaska's Denali Access System.
- Extends expenditure authority from the Highway Trust Fund for three months.

profound impact on short-term transportation funding levels depending on whose legislation winds up providing the funding for the program — the authorizers' version or the version that is expected to be in the CR.

Under the laws and rules governing budget scorekeeping, the Congressional Budget Office has to project a "current law baseline" for mandatory spending every spring. These rules specify that expiring contract authority programs are assumed to be extended indefinitely at the final funding level provided in the last year.

When CBO put together its baseline this spring, the various contract authority rescissions for surface transportation programs had already been enacted in the omnibus appropriations bill, and the \$8.7 billion rescission was already enacted in law (albeit postdated to 9-30-09) and was, by rule, also incorporated into the "current law" baseline.

The rescissions in FY 2009 total \$11.9 billion for highways and \$205 million from FTA, FMCSA and NHTSA combined. So while the total gross contract authority provided by SAFETEA-LU for all Highway Trust Fund programs in fiscal 2009 was \$52.6 billion, the total net contract authority is only \$40.5 billion. And the budget rules required CBO to use the net totals in its spending baseline for FY 2010 and subsequent years.

Even before the spring CBO baseline came out, the transportation committees in Congress knew this would be a problem. So the Congressional budget resolution for fiscal year 2010 (S. Con. Res. 13) provided the House Transportation and Infrastructure Committee and the various Senate committees with jurisdiction over surface transportation authorization with enough extra budget authority for FY 2010 and the next five years to restore the rescissions.

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Extensions...

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But the budget resolution gave that extra money to the authorization committees — not to the Appropriations Committees.

So earlier this week CBO ruled that the surface transportation extension language to be contained in the CR could only provide contract authority at the net (post-rescission) FY 2009 levels in 2010, or else under the rules Appropriations would be charged with the entire \$12.1 billion overage.

As a result, while the Oberstar three-month extension would fund the Federal Highway Administration at a rate of \$3.58 billion per month in contract authority (for three months), it appears that the CR will only be able to provide about \$2.59 billion in contract authority for the month of October if the language in the CR winds up funding the programs as a result of the authorizing committees not

| | |
|---|----------------------------|
| A. Total FY 2009 SAFETEA-LU CA (Gross) | \$ 52,574,010,059 |
| <i>Minus Contract Authority Rescissions:</i> | |
| FHWA Rescissions of Contract Authority | \$ (11,903,158,000) |
| NHTSA Rescissions of Contract Auth. | \$ (71,644,000) |
| FMCSA Rescissions of Contract Auth. | \$ (33,145,000) |
| FTA Rescissions of Contract Authority | \$ (100,000,000) |
| B. Total FY 2009 CA Rescissions | \$ (12,107,947,000) |
| C. Total FY 2009 SAFETEA-LU CA (Net) | \$ 40,466,063,059 |
| <i>Monthly FHWA CA Total (H.R. 3617)</i> | <i>\$ 3,578,620,422</i> |
| <i>Monthly FHWA CA Total (House CR)</i> | <i>\$ 2,586,690,588</i> |
| <i>Monthly difference:</i> | <i>\$ (991,929,833)</i> |

reaching agreement on a separate extension bill.

(The difference in funding levels is not nearly so great for transit — the \$100 million rescission is only 1.2 percent of the total Formula and Bus Grants account.)

Another issue with the Oberstar language is its specific extension of various earmarked projects and programs from SAFTEA-LU. Section 4 of H.R. 3617 adds new funding for several specific earmarks

scattered throughout title I of SAFETEA-LU, mostly for the key legislators who played a large role in writing that law in 2003-2005. (See full article on the following page.)

In addition, Oberstar is attempting something new with some of the SAFETEA-LU earmarked money. Like the Senate bill, Oberstar takes the aggregate level of 2009 earmarks in secs. 1702 and 1934 of SAFETEA-LU and doles it out to states as formula money in the shares in which those states had the earmarks. But secs. 4(c)(2) and (6) of H.R. 3617 give \$97.4 million to the National Corridor Infrastructure Program under sec. 1301 of SAFETEA-LU and \$88.95 million to the Projects of National and Regional Significance program under sec. 1301 of SAFETEA-LU and direct the Secretary of Transportation to give this money out as discretionary grants “on the basis of a competitive selection process.”

(Secs. 1301 and 1302 each have nice selection criteria for discretionary grants laid out in the law, but SAFETEA-LU then earmarked 100 percent of the money in each account, rendering the selection criteria and processes useless.)

However, if Oberstar prevails, and DOT cannot process the grants in a timely manner, any subsequent appropriations conference report passing Congress in the next few weeks could then earmark that money at no cost to Appropriations.

AASHTO LETTER TO STATES ON \$8.7 BILLION HIGHWAY RESCISSION

September 21, 2009

Dear Representative:

As we have communicated to you over the past year, the American Association of State Highway and Transportation Officials (AASHTO) urges you to support the repeal of section 10212 (as amended) of SAFETEA-LU, which provides for an \$8.7 billion rescission of highway contract authority.

Since 2002, Congress has rescinded almost \$16.5 billion in highway contract authority through the annual appropriations process. These repeals of contract authority, including the most recent FY 2009 \$3.1 billion rescission, have resulted in major impacts at both the state and Metropolitan Planning Organization (MPO) levels. Transportation programs in all the states have been impacted, but those states receiving equity bonus funds have been further affected by the loss of a portion of obligation authority that is directly tied to the equity bonus funds. Similarly, MPOs across the country have lost planning funds, forcing most to cut staff and programs.

With only days remaining in the current five-year surface transportation authorization measure, most states have very few unobligated dollars. This simply means an additional \$8.7 billion rescission will result in substantial, real program cuts, not merely a reduction of unused dollars on the books. Provisions in section 1132 of the Energy Independence and Security Act of 2007, which require that the states apply the rescission proportionately across all programs, will exacerbate the problem by further reducing state discretion to make reductions across all priorities.

The SAFETEA-LU \$8.7 billion rescission will result in real program cuts for all the States and their MPOs and essentially nullify the benefits from economic recovery efforts. Attached is a table prepared by FHWA that shows the state by state reductions in highway contract authority.

On behalf of AASHTO, I urge you to act immediately to repeal SAFETEA-LU's \$8.7 billion rescission of contract authority.

Sincerely,
John Horsley, Executive Director, AASHTO

Highway Extensions Would Extend Highway Earmarks For VIPs

When is an earmark not an earmark?

The question sounds philosophical but is relevant to today's scheduled debate on the three-month surface transportation extension (H.R. 3617).

First, look to the official definition. The House earmark rule (clause 9 of rule XXI) says this:

...the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

This definition seems pretty straightforward. So let's examine section 4 of H.R. 3617. This section provides new contract authority (a form of spending authority) for a variety of allocated Federal Highway Administration programs from title I of SAFETEA-LU, including several which are "targeted to a specific state, locality or Congressional district". For example, sec. 4(c)(3)(b) of H.R. 3617 provides \$750,000 for the America's Byways Resource Center in Duluth, Minnesota (hometown of T&I chairman James Oberstar (D-MN), author of H.R. 3617). Sec. 4(c)(7) provides \$11.25 million for a magnetic levitation train program, half of which is set aside by sec. 1307 of SAFETEA-LU for a project between Las Vegas and Primm, Nevada originally requested by Senate Majority Leader Harry Reid (D-NV). Sec. 4(c)(24) of H.R. 3617 provides \$4.17 million for the Going-to-the-Sun Road in Glacier Park, Montana originally requested by Sen. Transportation and Infrastructure Subcommittee Chairman Max Baucus

(D-MT). Sec. 4(c)(27) provides \$3.75 million for Alaska's Denali Access System, originally requested by former T&I Chairman Don Young (R-AK). And there are several other examples.

Are these earmarks? A T&I spokesman said the projects in the bill are not earmarks — instead, they are "continuations of policy decisions in SAFETEA-LU." But any of the aforementioned projects/programs would certainly be considered earmarks if requested anew today and placed in new legislation for the first time. So if a committee can simply re-fund old projects to avoid any new disclosures of sponsorship or financial conflicts of interest by sponsoring Members of Congress, then the T&I panel has found a significant loophole in the new earmark disclosure rules trumpeted by the Democratic majority when they took over Congress in 2007.

Moreover, a great many members got their "policy decisions" into the 2005 law. Section 1702 of SAFETEA-LU contained 5,173 projects, sec. 1934 had 496, and secs. 1301 and 1302 contained 58 huge projects. Yet H.R. 3617 does not continue funding for any of these earmarked projects/policy decisions.

So why does H.R. 3617 cut off funding for the vast majority of SAFETEA-LU's earmarks but continue to fund others? Perhaps it is due to who originally requested the projects in SAFETEA-LU.

There was a notable tendency, starting in the 1991 ISTEA law and continuing in the 1998 TEA21 law, for the projects and priorities of rank-and-file legislators to be grouped together into long lists while the projects and priorities of the chairmen and ranking minority members of the committees and subcommittees that wrote the bill were scattered throughout the legislation. In part this was because of state equity considerations (in TEA21 and SAFETEA-LU, the long lists of "high priority projects" were

subject to provisions such that states that got excessive shares of the earmarks lost some of their formula money to balance it out — getting projects written elsewhere in the bill avoided that penalty).

So, the miscellaneous SAFETEA-LU title I earmarks funded by section 4 of H.R. 3617 benefit a Who's Who of Highways from 2005: the chairman and ranking member on T&I (Young and Oberstar), the ranking member on the House Highways subcommittee (Tom Petri (R-WI), the ranking Democrats on the Senate T&I subcommittee in 2004 (Reid) and 2005 (Baucus), and even the historic covered bridges that were such a priority of Senate Public Works ranking member Jim Jeffords (I-VT).

In fairness, the continuing appropriations resolution scheduled to be introduced in the House today will probably do something very similar to H.R. 3617's earmark extension, only less directly. The "CR" is likely to include a few paragraphs of generic language saying something to the effect of "everything that got funded in 2009 by SAFETEA-LU gets funded at a prorated level in 2010 except for this list of things: A, B, C, etc..."

The CR will certainly single out the big lists of earmarks (sections 1301, 1302, 1702, and 1934) in a separate paragraph for cancellation and will provide that that money be redistributed to states as if by formula, as H.R. 3617 does for secs. 1702 and 1934. But unless the CR singles out all of the miscellaneous SAFETEA-LU earmarks in such a fashion, it likely will automatically give them new money.

So when the CR is released, interested persons should read it to see if it lumps in the following sections of SAFETEA-LU for specific cancellation: 1307, 1308, 1802, 1807, 1940, 1943, and 1962. If it does not, then the CR likely gives those earmarks new funding by reference.

CONTRACT AUTHORITY FROM THE HIGHWAY TRUST FUND
PROVIDED BY H.R. 3617 AS INTRODUCED BY CHAIRMAN OBERSTAR ON SEPTEMBER 22, 2009

| H.R. 3617 | | Provided | x4: Assumed |
|------------------|---|------------------|--------------------|
| Section | Program/Activity/Project | 3-Month | 12-Month |
| | | CA Amount | CA Amount |
| 2(d) | Federal-Aid Highway Formula Programs | \$ 9,848,113,116 | \$ 39,392,452,464 |
| 3(a) | FHWA Administrative Expenses | \$ 105,929,410 | \$ 423,717,640 |
| | Federal Lands Highways: | | \$ - |
| 4(c)(1)(A) | Indian Reservation Roads | \$ 112,500,000 | \$ 450,000,000 |
| 4(c)(1)(B) | Park Roads and Roadways | \$ 60,000,000 | \$ 240,000,000 |
| 4(c)(1)(C) | Refuge Roads | \$ 7,250,000 | \$ 29,000,000 |
| 4(c)(1)(D) | Public Lands Highways | \$ 75,000,000 | \$ 300,000,000 |
| 4(c)(2) | National Corridor Infrastructure Improvement | \$ 97,400,000 | \$ 389,600,000 |
| 4(c)(3)(A) | National Scenic Byways Program | \$ 10,875,000 | \$ 43,500,000 |
| 4(c)(3)(B) | America's Byways Resource Center, Duluth, MN | \$ 750,000 | \$ 3,000,000 |
| 4(c)(4) | Ferry Boats and Terminals | \$ 16,750,000 | \$ 67,000,000 |
| | <i>Ferry Set-Aside for Alaska</i> | \$ 2,500,000 | \$ 10,000,000 |
| | <i>Ferry Set-Aside for New Jersey</i> | \$ 1,250,000 | \$ 5,000,000 |
| | <i>Ferry Set-Aside for Washington State</i> | \$ 1,250,000 | \$ 5,000,000 |
| 4(c)(5) | Puerto Rico Highway Program | \$ 37,500,000 | \$ 150,000,000 |
| 4(c)(6) | Projects of National and Regional Significance | \$ 88,950,000 | \$ 355,800,000 |
| 4(c)(7) | Magnetic Levitation Project Las Vegas-Primm, NV | \$ 5,625,000 | \$ 22,500,000 |
| 4(c)(7) | Magnetic Levitation Project East of Miss. River | \$ 5,625,000 | \$ 22,500,000 |
| 4(c)(8) | Highways for LIFE | \$ 5,000,000 | \$ 20,000,000 |
| 4(c)(9) | Highway Use Tax Evasion | \$ 3,000,000 | \$ 12,000,000 |
| 4(c)(10) | Transportation, Community, & Systems Preserv. | \$ 15,312,500 | \$ 61,250,000 |
| 4(c)(11) | Truck Parking Facilities | \$ 1,562,500 | \$ 6,250,000 |
| 4(c)(12) | Delta Region Transportation Development | \$ 2,500,000 | \$ 10,000,000 |
| 4(c)(14) | Work Zone Safety Grants | \$ 1,250,000 | \$ 5,000,000 |
| 4(c)(15) | National Work Zone Safety Clearinghouse, TX | \$ 250,000 | \$ 1,000,000 |
| 4(c)(16) | Roadway Safety | \$ 250,000 | \$ 1,000,000 |
| 4(c)(17) | Value Pricing Pilot Program | \$ 750,000 | \$ 3,000,000 |
| 4(c)(19) | National Historic Covered Bridge Preservation | \$ 2,500,000 | \$ 10,000,000 |
| 4(c)(20) | Additional CA for States With Indian Reservations | \$ 450,000 | \$ 1,800,000 |
| 4(c)(21) | Nonmotorized Transportation Pilot Program | \$ 6,250,000 | \$ 25,000,000 |
| | <i>NTPP Set-Aside: Columbia, MO</i> | \$ 1,562,500 | \$ 6,250,000 |
| | <i>NTPP Set-Aside: Marin County, CA</i> | \$ 1,562,500 | \$ 6,250,000 |
| | <i>NTPP Set-Aside: Minneapolis, MN</i> | \$ 1,562,500 | \$ 6,250,000 |
| | <i>NTPP Set-Aside: Sheboygan County, WI</i> | \$ 1,562,500 | \$ 6,250,000 |
| 4(c)(23) | Racial Profiling Prevention Grants | \$ 1,875,000 | \$ 7,500,000 |
| 4(c)(24) | Going-to-the-Sun Road, Glacier Park, MT | \$ 4,166,667 | \$ 16,666,668 |
| 4(c)(25) | Great Lakes ITS (Milwaukee-Chicago-Gary) | \$ 750,000 | \$ 3,000,000 |

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CONTRACT AUTHORITY FROM THE HIGHWAY TRUST FUND

PROVIDED BY H.R. 3617 AS INTRODUCED BY CHAIRMAN OBERSTAR ON SEPTEMBER 22, 2009

| H.R. 3617 | | Provided | x4: Assumed |
|----------------|--|--------------------------|--------------------------|
| <u>Section</u> | <u>Program/Activity/Project</u> | <u>3-Month</u> | <u>12-Month</u> |
| | | <u>CA Amount</u> | <u>CA Amount</u> |
| 4(c)(27) | Denali Access System | \$ 3,750,000 | \$ 15,000,000 |
| 4(c)(28) | Safe Routes To Schools Administrative Expenses | \$ 750,000 | \$ 3,000,000 |
| 4(d)(1)(A) | Surface Transportation R&D and Deployment | \$ 49,100,000 | \$ 196,400,000 |
| 4(d)(1)(B) | Training and Education | \$ 6,675,000 | \$ 26,700,000 |
| 4(d)(1)(C) | Bureau of Transportation Statistics | \$ 6,750,000 | \$ 27,000,000 |
| 4(d)(1)(C) | University Transportation Research | \$ 19,725,000 | \$ 78,900,000 |
| 4(d)(1)(E) | Intelligent Transportation Systems Research | \$ 27,500,000 | \$ 110,000,000 |
| 4(e)(1) | Additional STP Discretionary | \$ 250,000 | \$ 1,000,000 |
| 4(e)(2) | Future Strategic Highway Research | \$ 13,127,073 | \$ 52,508,292 |
| 4(k) | TIFIA Program | \$ 30,500,000 | \$ 122,000,000 |
| | Total, Federal Highway Administration | \$ 10,735,861,265 | \$ 42,943,445,060 |
| 5(a) | NHTSA Chapter 4 Highway Safety Program | \$ 58,750,000 | \$ 235,000,000 |
| 5(b) | NHTSA Highway Safety R&D | \$ 26,375,000 | \$ 105,500,000 |
| 5(c) | NHTSA Occupant Protection Incentive Grants | \$ 6,250,000 | \$ 25,000,000 |
| 5(d) | NHTSA Safety Belt Performance Grants | \$ 31,125,000 | \$ 124,500,000 |
| 5(e) | NHTSA State Traffic Safety Information Systems | \$ 8,625,000 | \$ 34,500,000 |
| 5(f) | NHTSA Drunk Driving Countermeasures Program | \$ 34,750,000 | \$ 139,000,000 |
| 5(g) | NHTSA National Driver Register | \$ 1,000,000 | \$ 4,000,000 |
| 5(h) | NHTSA High Visibility Enforcement | \$ 7,250,000 | \$ 29,000,000 |
| 5(i) | NHTSA Motorcyclist Safety | \$ 1,750,000 | \$ 7,000,000 |
| 5(j) | NHTSA Child Safety and Booster Seat Grants | \$ 1,750,000 | \$ 7,000,000 |
| 5(k) | NHTSA Administrative Expenses | \$ 4,625,000 | \$ 18,500,000 |
| | Total, NHTSA | \$ 182,250,000 | \$ 729,000,000 |
| 6(a) | FMCSA Motor Carrier Safety Grants | \$ 52,250,000 | \$ 209,000,000 |
| 6(b) | FMCSA Administrative Expenses | \$ 58,500,000 | \$ 234,000,000 |
| 6(d)(1) | FMCSA CDL Improvement Program | \$ 6,250,000 | \$ 25,000,000 |
| 6(d)(2) | FMCSA Border Enforcement Grants | \$ 8,000,000 | \$ 32,000,000 |
| 6(d)(3) | FMCSA PRISM Program | \$ 1,250,000 | \$ 5,000,000 |
| 6(d)(4) | FMCSA CV Info Systems and Networks | \$ 6,250,000 | \$ 25,000,000 |
| 6(d)(5) | FMCSA Safety Data Improvement Grants | \$ 750,000 | \$ 3,000,000 |
| 6(g) | FMCSA CDL Info. System Modernization | \$ 2,000,000 | \$ 8,000,000 |
| | Total, FMCSA | \$ 135,250,000 | \$ 541,000,000 |
| 7(f) | FTA Formula and Bus Grants | \$ 2,090,141,250 | \$ 8,360,565,000 |
| | Total, Federal Transit Administration | \$ 2,090,141,250 | \$ 8,360,565,000 |
| | TOTAL CONTRACT AUTHORITY, H.R. 3617 | \$ 13,143,502,515 | \$ 52,574,010,060 |

NOTE: The language in the forthcoming continuing appropriations resolution is likely to provide one month's worth of contract authority for most if not all of these programs, but by inference (in a few blanket "extend it all" paragraphs) instead of by providing specific dollars.

3-Month Aviation Extension To Be Considered By House Today

On Monday, House Transportation and Infrastructure Chairman James Oberstar (D-MN) and other legislators introduced legislation to provide yet another short-term extension for federal aviation funding programs.

The new bill (H.R. 3607) is scheduled to be considered by the House this afternoon under the expedited "suspension of the rules" procedure that limits debate to a maximum of forty minutes and requires a two-thirds vote for passage.

The continuing appropriations resolution to be introduced today is also expected to contain very similar or identical extension language, though the language in the "CR" will probably only last as long as the CR does (one month) and could be designed to be superseded when the Senate eventually clears the House bill and sends it to the White

| SHORT-TERM EXTENSIONS OF AVIATION FUNDING PROGRAMS | | | | | | | | |
|--|--------|----------|------------------------|----------|-----------|-----------|------------|---------|
| | Bill | | | | Passed | Passed | Signed | Public |
| | Congr. | Number | Time Period Covered | Duration | House | Senate | Into Law | Law # |
| 1 | 110th | HJRes 52 | 10/1/2007 - 12/25/2007 | 3 months | 9/26/2007 | 9/27/2007 | 9/29/2007 | 110-92 |
| 2 | 110th | HR 2764 | 12/25/2007 - 2/29/2008 | 2 months | 6/22/2007 | 9/6/2007 | 12/26/2007 | 110-161 |
| 3 | 110th | HR 5270 | 3/1/2008 - 6/30/2008 | 4 months | 2/12/2008 | 2/13/2008 | 2/28/2008 | 110-190 |
| 4 | 110th | HR 6327 | 7/1/2008 - 9/30/2008 | 3 months | 6/24/2008 | 6/26/2008 | 6/30/2008 | 110-253 |
| 5 | 110th | HR 6984 | 10/1/2008 - 3/31/2009 | 6 months | 9/22/2008 | 9/23/2008 | 9/30/2008 | 110-330 |
| 6 | 111th | HR 1512 | 4/1/2009 - 9/30/2009 | 6 months | 3/18/2009 | 3/18/2009 | 3/30/2009 | 111-12 |

House. (The aviation extension must bear a H.R. bill number because it extends excise taxes on aviation users.)

Unlike the six extensions before (see table above), under which the FAA has been operating for the past two years, this extension may give the Senate the time that chamber needs to pass a multi-year aviation reauthorization bill.

The chairmen of the Senate Commerce, Science and Transportation Committee and of its Aviation subcommittee sent a letter to Majority

Leader Harry Reid on September 21 asking for Reid to schedule the Senate FAA bill (S. 1451) on the Senate floor soon. A Reid aide told *CQ* that Reid wants it on the agenda before Congress adjourns for the year. That said, health care and cap-and-trade would probably take priority over the FAA bill.

The House passed its aviation reauthorization bill (H.R. 915) on May 22.

A summary of the new House extension bill is below.

SECTION-BY-SECTION SUMMARY OF H.R. 3607, FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, AS INTRODUCED IN THE HOUSE ON SEPTEMBER 21, 2009

Sec. 1. Short title. Cites the bill as the "Fiscal Year 2010 Federal Aviation Administration Extension Act."

Sec. 2. Extension of taxes funding Airport and Airway Trust Fund. Extends existing aviation fuel and ticket taxes and fees from their current expiration date of September 30, 2009 to December 31, 2009.

Sec. 3. Extension of Airport and Airway Trust Fund expenditure authority. Extends the authority for funds to be released from the Airport and Airway Trust Fund from its current expiration date of October 1, 2009 to January 1, 2010.

Sec. 4. Extension of Airport Improvement Program. Authorizes and makes available \$1.000 billion of contract authority for the Airport and Airway Trust Fund for the three-month period from October 1, 2009 through December 31, 2009. (This is one-fourth of the \$4.000 billion twelve-month total for the program included in the FY 2010 budget resolution.)

Sec. 5. Extension of expiring authorities. Extends the following expiring provisions of law for three months each: 49 USC 40117(l)(7) (non-hub PFC pilot program); 49 USC 41743(e)(2) (Small Community Air Service Development Program); 49 USC 44302(f)(1) and 44303(b) (war risk insurance); 49 USC 47107(s)(3) (competition disclosure); 49 USC 47115(j) (Pacific island AIP eligibility); 49 USC 47141(f) (AIP eligibility for land use planning projects); 49 USC 49108 (MWAA AIP and PFC ban); VISION-100 sec. 161 (temporary increase in federal AIP share); VISION-100 sec. 186(d) (Midway Island Airport funding eligibility); and VISION-100 sec. 409(d) (EAS highway mileage determination).

Sec. 6. Federal Aviation Administration operations. Authorizes the appropriation of \$2.338 billion in discretionary budget authority for FAA operations for the three-month period beginning October 1, 2009.

Sec. 7. Air navigation facilities and equipment. Authorizes the appropriation of \$733 million in discretionary budget authority for FAA air traffic control facilities and equipment for the three-month period beginning October 1, 2009.

Sec. 8. Research, engineering and development. Authorizes the appropriation of \$46 million in discretionary budget authority for FAA research, engineering and development for the three-month period beginning October 1, 2009.

DOT Appropriations

CONTINUED FROM PAGE ONE

MD) told reporters yesterday that the House only intends to send four of the bills through the House-Senate conference process in an expeditious manner, intending to get them to the President's desk by or close to the start of the new fiscal year on October 1. (Hoyer did not specify which bills.)

It is not likely that the Senate can find time this year to pass all twelve bills separately (though the passage of a sixth may be close and a seventh, Defense, is possible next week). So one of the bills that passes the Senate and gets sent back to the House has to be held in reserve in order to be the legislative vehicle upon which a partial omnibus appropriations bill is constructed in late October or early November.

It is possible that the Transportation-HUD bill will be given that unpleasant duty (though no final decision in that regard appears to have been made). But if four of the five bills (in addition to THUD, the other four that are ready to go are Agriculture, Energy and Water, Homeland Security, and Legislative Branch) are sent to conference and one is not, then it is a safe bet that the fifth one drew the short straw.

The staffs of those five subcommittees have been meeting for weeks in an effort to "pre-conference" their bills and get as many details

Major Differences In House & Senate FY 2010 USDOT Funding

(Dollar amounts in millions)

| | <u>Request</u> | <u>House</u> | <u>Senate</u> |
|---|----------------|--------------|---------------|
| High-Speed/Intercity Passenger Rail | 1,000 | 2,000 | 1,200 |
| National Infrastructure Bank | 5,000 | - | - |
| HSIPR/Nat'l. Infra. Bank Flex Funding | - | 2,000 | - |
| Total, HSIPR/NIB | 6,000 | 4,000 | 1,200 |
| <i>New Senate Programs/Add-Ons:</i> | | | |
| General Fund Approps. for Highways | - | - | 1,400 |
| OST Discretionary Multimodal Grants | - | - | 1,100 |
| Extra Appropriations for Transit | - | - | 580 |
| Rail Safety Technology Grants | - | - | 50 |
| Title XI Shipbuilding Loans | - | - | 10 |
| Total, New Senate Programs/Add-Ons | - | - | 3,140 |
| Total, HSIPR/NIB + Senate Add-Ons | 6,000 | 4,000 | 4,340 |

worked out as possible. But the THUD bill has some very wide and interlinked differences that can only be worked out by putting pressure on the subcommittee chairmen to come to a deal — which usually requires a firm deadline.

The central problem is this: the Obama Administration requested a \$5 billion appropriation in 2010 for a National Infrastructure Bank despite being nowhere near ready to tell anybody what the bank should do or how it would be organized. But eager Appropriations Committees gave their Transportation-HUD subcommittees generous allocations of new budget authority to make room for the Bank. Then, later, when the White House privately admitted they were not ready for the Bank and downsized their re-

quest from \$5 billion to \$2 billion, the House and Senate subcommittees took very different approaches towards spending that money.

As the table above shows, the House spent its money by doubling the request for high-speed rail from \$1 billion to \$2 billion and then adding another \$2 billion in "flex funding" that could either go to the Bank (if someone passes a law actually creating one during FY 2010) or else for more high-speed rail (a top priority of House THUD chairman John Olver (D-MA).

The Senate instead gave a firm "not this year" to the Bank and only boosted high-speed rail by \$200 million. Instead, the Senate spread \$3.1 billion around DOT by giving extra money to highways and tran-

CONTINUED ON NEXT PAGE

TOTALS FOR THE ENTIRE TRANSPORTATION-HUD BILL

| | FY 2009 Enacted | FY 2010 Request | FY 2010 House | FY 2010 Senate |
|--|----------------------------|----------------------------|--------------------------|---------------------------|
| Totals Excluding Emergencies: | | | | |
| USDOT Net Discretionary Budget Authority Total | 13,479,818 | 57,626,943 | 21,522,212 | 21,564,891 |
| HUD Net Discretionary Budget Authority Total | 41,535,290 | 45,482,659 | 47,047,751 | 45,828,144 |
| Other Agencies Discretionary Budget Auth. Total | 303,012 | 5,296,438 | 329,312 | 393,538 |
| Scorekeeping Adjustments | -318,120 | -86,973 | -78,645 | -86,973 |
| Total Net Discretionary Budget Authority (302(b)) | 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 |
| Plus Emergencies: | | | | |
| Plus: USDOT Emergency Appropriations (net) | 51,120,000 | - | - | - |
| Plus: HUD Emergency Appropriations | 13,692,000 | - | - | - |
| Equals: Total THUD Discr. Budg. Res. w/ Emerg. | 173,557,065 | 123,121,392 | 123,067,841 | 121,942,341 |

DOT Appropriations

CONTINUED FROM PAGE EIGHT

sit, perpetuating the discretionary grant program created by the stimulus bill, and creating new accounts for rail safety technology deployment and shipbuilding loans.

So the big moving parts in the THUD conference — the Bank, the high-speed rail amount, and the \$3.1 billion in Senate plus-ups and add-ons — will likely only be resolved as a package as part of an exchange of “global offers.” And such offers always require both sides giving up something that they want, which comes much easier if you have a firm deadline and your back is against the wall.

If the THUD bill does become the vehicle for the omnibus appropriations bill, these decisions may not be made until late October or early November. If the bill goes to conference this week instead, the decisions could be made next week or not long thereafter.

The House and Senate staffs were able to go a long way in their pre-conferencing of the THUD bill because they assumed that the Senate would pass few, if any, amendments that actually change any dollar totals or underlying policy provisos in the bill. And, sure enough, they were correct. The box below lists every amendment that was offered on the Senate floor to the Senate committee’s version of H.R. 3288. While some passed, none of them

changed any dollar amounts. Most were about adding new statements of policy, which have to be added to the ongoing House-Senate discussion but which don’t tend to upset deals that have already been made.

The only transportation-related amendment adopted by the Senate that could prove a problem in the negotiations was Roger Wicker’s (R-MS) amendment to force Amtrak to allow passengers to include unloaded firearms or ammunition in checked baggage in the same way the airlines presently do. (*Ed. Note:* Insert “bullet train” joke here.)

SENATE FLOOR AMENDMENTS OFFERED TO H.R. 3288, TRANSPORTATION-HUD APPROPRIATIONS

- **Coburn amendment #2371** to suspend for one year the requirement in 23 U.S.C. 133(d)(2) that states spend at least ten percent of their STP apportionments on transportation enhancements - *amendment defeated by a vote of 39 yeas, 59 nays.*
- **Coburn amendment #2372** to prevent any funds provided by the bill from being used for a museum - *amendment defeated by a vote of 41 yeas, 57 nays.*
- **Coburn amendment #2374** to require HUD to make public reports on the number of homes it owns and their value - *agreed to by unanimous consent.*
- **Coburn amendment #2377** to make all reports required by the bill available to the public unless security or other sensitive issues are involved - *agreed to by unanimous consent.*
- **DeMint amendment #2410** cutting off the Cambria County, PA airport from Essential Air Service subsidies - *amendment defeated by a vote of 43 to 53.*
- **Durbin amendment #2415** to allow a railroad feasibility study in Springfield, IL – *agreed to by unanimous consent.*
- **Ensign motion** to recommit the bill to the Appropriations Committee with instructions to report the bill back with the total budget authority reduced by \$12.713 billion, thereby reducing the total budget authority in the bill to the FY 2009 enacted level (excluding stimulus funds) - *motion defeated by a vote of 33 yeas, 64 nays.*
- **Gregg amendment #2361** to prohibit the use of funding for signs saying that a project was paid for by the stimulus act - *amendment defeated by a vote of 45 yeas, 52 nays.*
- **Johanns amendment #2355** as modified to prevent any funds in the bill from going to the group ACORN or its subsidiaries - *agreed to by a vote of 83 to 7.*
- **Kyl motion** to recommit the bill with instructions to report back forthwith with amendments rescinding all unobligated DOT and HUD stimulus money except that for highways - *motion defeated by a vote of 34 to 64.*
- **Landrieu amendment #2365** relating to usage of community development grants - *agreed to by unanimous consent.*
- **McCain amendment #2375** to transfer all earmarked funds in the bill to the FAA for use for Next Generation air traffic control - *amendment defeated when a motion to lay the amendment on the table was agreed to by a vote of 68 to 26.*
- **McCain amendment #2403** as modified to prevent HUD from carrying out the Brownfields Development Initiative - *amendment defeated by a vote of 37 to 60.*
- **Murray amendment #2405**, as modified, to allow up to \$200 million of the \$4 billion for Tenant-Based Rental Assistance in Public Law 111-8 to be used to prevent evictions – *agreed to by unanimous consent.*
- **Vitter amendment #2359** as modified relating to New Orleans public housing - *amendment defeated by a vote of 34 to 62.*
- **Vitter amendment #2376** to restate current law requiring a minimum amount of community service for able-bodied residents of public housing - *agreed to by a vote of 73 yeas, 25 nays.*
- **Warner amendment #2402**, as modified, to allow funds appropriated for Transportation Planning, Research and Development to be used for data collection for national performance measures - *agreed to by unanimous consent.*
- **Wicker amendment #2366**, as modified, to require Amtrak to allow the transportation of firearms and ammunition in checked baggage under the same rules used by airlines - *agreed by a vote of 62 yeas, 30 nays.*

New, Higher CAFE Standards To Cost Highway Trust Fund \$11.3 Billion

The National Highway Traffic Safety Administration and the Environmental Protection Agency jointly announced increased corporate average fuel economy (CAFE) fuel efficiency standards for automobiles starting in model year 2012 last week.

“The increases in fuel economy and the reductions in greenhouse gases we are proposing today would bring about a new era in automotive history,” Transportation Secretary Ray LaHood said. “These proposed standards would help consumers save money at the gas pump, help the environment, and decrease our dependence on oil – all while ensuring that consumers still have a full range of vehicle choices.”

The new joint NHTSA-EPA standards are now based on the EPA targets for greenhouse gas emissions. The goal of the new regulations (announced September 15) is to require model year 2016 vehicles to meet an estimated combined average emission level of 250 grams of carbon dioxide per mile.

Automakers now have flexibility to meet that target in a variety of ways — increasing fuel economy is one, but engines that burn the same amount of fuel but emit fewer waste gases are another option. So

the actual fleet fuel economy averages in a given model year could be somewhat above or below the totals given in the table below, depending on how automakers meet the 250 grams-per-mile target.

The NHTSA announcement said that “Over the lifetimes of the passenger cars and light trucks sold in MYs 2012-2016, NHTSA projects that the proposed CAFE standards will save 61.6 billion gallons of fuel and reduce carbon dioxide (CO2) emissions by 656 million metric tons (mmt).”

At the current federal excise tax rate of 18.3 cents per gallon of gasoline going to the Highway Trust Fund, that 61.6 billion gallons would result in \$11.273 billion in lower Trust Fund revenues over the life of those vehicles. (Yes, yes, over the life of the vehicles, inflation would drag the real value of that money down, but any increase in the gas tax rates would compensate

for that — unless you’re one of those people who believes that the gas tax rate will stay at 18.3 cents per gallon forever and ever.)

Focusing on long-term dollar costs of the new standards on the cash flow of the Highway Trust Fund is, on its face, silly. But the steadily increasing fuel economy standards, and the resultant decline in the rate of increase of gasoline consumption, are extremely worrisome trends and continue to demonstrate that reliance on per-gallon gasoline and diesel excise taxes is not a sustainable model for charging highway users to pay for their usage of the system.

Yet the Obama Administration has yet to back off from its public opposition to the alternative proposed the last several expert panels to examine the issue—an eventual transition to a true user fee system based on vehicle-miles traveled and vehicle axle weight.

| | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> | <u>2016</u> |
|----------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Passenger Cars | 30.2 | 33.6 | 34.4 | 35.2 | 36.4 | 38.0 |
| Light Trucks | 24.1 | 25.0 | 25.6 | 26.2 | 27.1 | 28.3 |
| Combined Fleet | 27.3 | 29.8 | 30.6 | 31.4 | 32.6 | 34.1 |

House Judiciary Committee Approves Railroad Antitrust Bill

The House Judiciary Committee on September 16 ordered reported a bill (H.R. 233) that would remove the Surface Transportation Board from its exclusive jurisdiction over antitrust complaints related to railroads.

The legislation was introduced on January 7, 2009 by Rep. Tammy Baldwin (D-WI) and was favorably reported by subcommittee on July 30.

H.R. 233 would amend the Clayton Antitrust Act to make that law and other federal antitrust laws appli-

cable to railroads. It would also give the Federal Trade Commission new regulatory authority over complaints of unfair competition and would shift the venue of many shipper complaints about railroads from the STB to federal district courts throughout the U.S.

Railroads (and some rail labor unions) are deeply opposed to this legislation. However, the Judiciary Committee favorably reported the bill by voice vote and without much of a fight, with Republicans voicing a sentiment that they would work

with the majority to try and find some sort of compromise on the bill in the future.

Key question: when will the Judiciary Committee file its report on the bill? Once that happens, the Speaker can set a deadline for the Transportation and Infrastructure Committee to exercise its joint jurisdiction over H.R. 233, possibly amend the bill, and try to work with railroads and unions to find common ground on the legislation.

NEW AND NOTABLE ON THE INTERNET

Corporate Average Fuel Economy (CAFE) standards

Information on the new NHTSA/EPA Corporate Average Fuel Economy standards is online here:

<http://www.nhtsa.dot.gov/portal/site/nhtsa/menuitem.43ac99aefa80569eea57529cdba046a0/>

And the truly ginormous (1,227-page) *Federal Register* rulemaking notice on the standards is here:

http://www.nhtsa.dot.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/Rulemaking/Rules/Associated%20Files/MY2012-2016_CAFE_GHGN_PRM.pdf

Federal Aviation Administration reauthorization

The Congressional Budget Office has released its cost estimate of S. 1451, the FAA Reauthorization Act, as ordered reported by the Senate Commerce Committee. The estimate is online here:

<http://www.cbo.gov/ftpdocs/105xx/doc10576/s1451.pdf>

Railroad Antitrust Markup

An archived webcast of the House Judiciary Committee's September 19 markup of several bills (including the rail antitrust bill) can be found here:

<http://judiciary.edgeboss.net/real/judiciary/full/full091609.smi>

Transportation-HUD Appropriations, FY 2010

The text of H.R. 3288, the FY 2010 Transportation-HUD appropriations bill, as passed by the House and amended by the Senate last week, is online here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3288pp.txt.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 | Nomination confirmed 8/7/09 |
| Department of Transportation | Susan Kurland | Assistant Secretary for Aviation and Int'l Affairs | Commerce, Science and Transportation | Nomination confirmed 8/7/09 |
| DOT-Federal Motor Carrier Safety Admin. | Anne Ferro | Administrator | Commerce, Science and Transportation | Hearing scheduled for 9/23/09 |
| DOT-National Highway Traffic Safety Admin. | Charles Hurley | Administrator | Commerce, Science and Transportation | Nomination reportedly will be withdrawn |
| DOT—Pipeline and Hazard. Materials Adm. | Cynthia Quarterman | Administrator | Commerce, Science and Transportation | Hearing scheduled for 9/23/09 |
| National Transport. Safety Board | Christopher Hart | Member for a term expiring 12/31/2012 | Commerce, Science and Transportation | Nomination confirmed 8/7/09 |
| Surface Transportation Board | Daniel Elliott | Chairman | Commerce, Science and Transportation | Nomination confirmed 8/7/09 |
| Department of the Army | Jo-Ellen Darcy | Assistant Secretary for Civil Works | Armed Services <i>and</i> Enviro. & Public Works | Nomination confirmed 8/7/09 |

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THIS WEEK IN COMMITTEE

Wednesday, September 23, 2009 - House Transportation and Infrastructure - Subcommittee on Aviation - subcommittee hearing on the FAA's call to action on airline safety and pilot training - *10:00 a.m., 2167 Rayburn.*

House Transportation and Infrastructure - Subcommittee on Economic Development, Public Buildings, and Emergency Management - subcommittee hearing on risk-based security in federal buildings - *2:00 p.m., 2167 Rayburn.*

Senate Commerce, Science and Transportation - full committee hearing on the nominations of Anne Ferro to be Administrator of the Federal Motor Carrier Safety Administration and of Cynthia Quarterman to be Administrator of the Pipeline and Hazardous Materials Safety Administration - *2:30 p.m., SR-253 Russell.*

House Rules — full committee hearing on H. J. Res. ____, continuing appropriations for FY 2010 — *time TBA, H-313, The Capitol.*

Thursday, September 24, 2009 - House Transportation and Infrastructure - full committee markup of pending calendar business including possible legislation reauthorization the United States Coast Guard - *11:00 a.m., 2167 Rayburn.*

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

| BILL | HOUSE ACTION | SENATE ACTION | RESOLUTION |
|--|--|---|---|
| Economic Stimulus Appropriations & Tax Cuts | H.R. 1 conference report passed House 2/13/09 by 246-183-1 | H.R. 1 conference report passed Senate 2/13/09 by a vote of 60-38 | Public Law 111-5 2/17/09 |
| FY 2010 Congressional budget resolution | H. Con. Res. 85 passed House 4/2/09 by vote of 233-196 | S. Con. Res. 13 passed Senate 4/2/09 by vote of 55-43 | Conference report (H. Rept. 111-89) agreed to 4/29/09 |
| FY 2010 Transportation-HUD Appropriations | H.R. 3288 passed House 7/23/09 by a vote of 256-168 | H.R. 3288 passed Senate 9/17/09 by a vote of 73-25 | |
| 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 | H.R. 3617 introduced 9/22/09 | 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 | | |