

# THE LEGISLATIVE SERVICES GROUP'S

## *Transportation Weekly*

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 10, Issue 40

Tuesday, September 29, 2009

### *Legislative Schedules* *Week of September 28, 2009*

#### House

**Tuesday** — meets at 2 p.m. for legislative business — 13 measures under suspension of the rules — no votes before 6:30 p.m.

**Wednesday** — meets at 10 a.m. — 16 measures under suspension of the rules.

**Thursday** — meets at 10 a.m. — conference report on H.R. 3183, energy and water appropriations.

**Friday** — no votes.

*Additional motions to go to conference on FY 2010 appropriations bills are expected throughout the week.*

#### Senate

The Senate will convene at 11:30 a.m. today for morning business. At 1:30 p.m. the Senate will resume consideration of H.R. 3226, defense appropriations, before moving to a judicial nomination (Cal. No. 422) at 4:30 p.m. with a vote on the nomination at 5:30 p.m.

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## CR Likely To Fund Surface Programs As Extension Bill Appears Stalled; \$8.7B Rescission Likely To Take Effect

### CR Needs Technical Fix On Senate Floor Or Else It May Provide Zero CA For Programs

Although the House passed a bill last week extending federal surface transportation authorizations and funding into the first three months of the fiscal year that starts on Thursday, the legislation faces a series of hurdles in the Senate which make it likely that these programs will start the fiscal year funded by different language in the continuing appropriations resolution (CR).

This also means that it now appears unlikely that Congress will take action to repeal the rescission of \$8.708 billion in highway funds that is scheduled to take effect at midnight tomorrow.

And unless the Senate acts to amend the CR by tomorrow night, then even if the legislation becomes law, it might not provide any contract authority for surface transportation programs because of a drafting error in the bill.

In order of urgency:

**CR.** As originally drafted, the continuing resolution (Division B of H.R. 2918 as recommended in the conference report on that bill) was supposed to provide contract authority from the Highway Trust Fund for all surface transportation programs funded by the 2005 SAFETEA-LU law at the net levels provided

by that law in fiscal 2009 (net meaning after the effect of all past and scheduled rescissions have been factored in).

However, after the appropriations subcommittees had finalized their drafts of their parts of the CR, but before the language was put in the conference report, a section was removed from the middle of the CR that resulted in all subsequent sections being renumbered. As a result, the section of the CR that provides contract authority from the HTF (sec. 158) does so to "carry out each program, project, and activity continued under section 158" of the CR.

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## House T&I Panel Passes Coast Guard Authorization

The House Transportation and Infrastructure Committee on September 24 belatedly approved legislation authorizing the programs and activities of the United States Coast Guard for fiscal year 2010.

The word "belatedly" is used because ideally, authorization laws need to be enacted before the beginning of the fiscal year they authorize. For a

committee to consider an authorization law one week before the start of a fiscal year seems belated.

But the Congress has not actually been able to get Coast Guard authorization legislation enacted into law since 2006, so any progress is good progress.

Progress in the House on the legislation has been hampered in the last few

years by ongoing jurisdictional disputes between the T&I Committee, which has jurisdiction over the Coast Guard, and the Homeland Security Committee, which has jurisdiction over the Department of Homeland Security generally.

The awkwardness is written all over the T&I bill (H.R. 3619). The normal legislative convention on

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## Extensions...

### CONTINUED FROM PAGE ONE

Since section 158 does not actually continue any programs, projects, or activities (those are all extended in section 157 of the CR, which was numbered 158 until the last-minute renumbering), it appears that the CR as it passed the House last Friday will not provide any new contract authority at all. (See all of the pertinent text of page 6 of this issue.)

The Appropriations Committee realized the mistake after the House had adjourned last Thursday evening, but it was too late to change the CR itself since the official paperwork had been submitted to the House and sent to GPO for printing. So when the House passed the CR last Friday it also passed a concurrent resolution (H. Con. Res. 191) correcting the section references. But the correcting resolution must be passed by the Senate (a.) before the Senate passes the CR itself and sends the paperwork to the President for signature, and (b.) this will require the unanimous consent of all 100 Senators.

If that unanimous consent is not obtained (and the Senate won't even begin to figure out if there is opposition until Senators come back to town this evening), then the CR will be passed as is (there seems to be no appetite in either chamber for holding up the CR and shutting the government down, though the Democrats might need to have all 60 of its Senators present for a possible vote on stripping the CR out of the underlying (and unrelated) conference report — under new Senate rules it requires at least 60 votes to keep out-of-scope material in conference reports).

If the CR is enacted as is, the most likely interpretation based on a plain reading of section 158 is that no new contract authority will be provided starting on October 1 and no new apportionments will be made to states. While the provision in the CR extending the expendi-

## THE PROBLEMS WITH THE CONTINUING RESOLUTION

1. **It may provide no surface transportation contract authority at all.** Unless corrected, the CR may not provide any contract authority at all for surface transportation programs. Due to a last-minute rearrangement of section numbers within the CR, section 158 of the CR provides such contract authority as necessary from the Highway Trust Fund to fulfill the requirements of...section 158 of the CR. This reference was supposed to fulfill the requirements of section 157 of the CR, which extends all authorizations, programs, requirements and authorities of SAFETEA-LU at the net (post-rescission) FY 2009 funding levels. But since the reference is now circular, the logical reading is that section 158 provides no new contract authority at all. The Senate has the option of correcting this error by adopting a special concurrent resolution (H. Con. Res. 191) before the bill is transmitted to the President, or else the language will be enacted as is. There is a disagreement within the executive branch over whether or not DOT has the authority to interpret section 158 based on Congressional intent rather than the plain (if nonsensical) reading of the language. *See the complete wording on page six of this issue.*
2. **It will provide less money than other extensions would.** Even if the CR works as originally intended, it will provide only \$2.033 billion in federal-aid highway contract authority for state formula apportionments (31/365ths of the post-rescission FY 2009 total of \$23.942 billion). The House and Senate authorized extensions (H.R. 3617 et al) would provide \$3.041 billion per month for highway formula funding (H.R. 3617, for example, would provide three months apportionments at that rate, or \$9.122 billion). *See state-by-state totals on page eight of this issue.*
3. **It only lasts for one month.** States prefer extensions to be as long as possible, so they provide as much funding as possible, so states can plan for the next construction season. Six months is considered de minimis by states, with longer lengths preferable. One month of funding at a reduced rate contributes to great uncertainty at state DOTs.

ture authority for the Highway Trust Fund is correct, which would allow same-day reimbursements of states for federal-aid highway expenses to continue, without any new contract authority being available for administrative expenses, the Federal Highway Administration would have to use any existing carryover balances of administrative funding from prior years in order to pay its employees to show up for work on Thursday and process those reimbursements.

(The salary issue is also a problem at the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration, but to a lesser degree—presumably, some of the FMCSA and NHTSA employees involved in life-saving safety inspections could continue to show up for work under the Attorney General opinion that allows policemen, the military, air

traffic controllers, etc. to continue to work during a government shutdown — the “public safety exception” — and NHTSA also has a general fund salaries account that might be flexed to keep other people at work. That is in addition to any carryover balances of administrative expense contract authority that may be available.)

There *may* be room for DOT to interpret the CR as it was originally drafted (with help from DOT) prior to its being placed in the conference report — but this would require some kind of DOT General Counsel or OMB legal ruling.

**Rescission.** It now appears unlikely that Congress will be able to act legislatively to prevent an \$8.708 billion rescission of highway contract authority balances held by states from taking effect tomorrow.

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## Extensions...

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The CR does not address the rescission, which will take place on September 30 unless section 10212 of SAFETEA-LU is repealed before then. And the House-passed version of the freestanding surface transportation extension bill (H.R. 3617) does not address the rescission.

The bipartisan leadership of the Senate Environment and Public Works Committee is committed to repealing the rescission in their eighteen-month version of the extension bill, which they hope to substitute for H.R. 3617. But bringing up the House-passed bill and substituting the Senate bill would require either (a.) unanimous consent of the Senate or (b.) a solid week of the Senate's valuable floor time.

Majority Leader Reid appears unwilling to spend a week of the Senate's time on the highway extension when the CR, the Defense appropriations bill, health care, and cap-and-trade are all on the horizon, so the unanimous consent route appears the only way to go.

And getting a unanimous consent agreement to bring up H.R. 3617 appears impossible on the Republican side of the aisle, since aides from both parties say that Sen. George Voinovich (R-OH) has an unyielding filibuster commitment on the eighteen-month extension. (*Ed. Note:* This actually makes some sense for Voinovich. As the lead Republican on the highway

subcommittee, he stands to get a lot of his priorities into any highway bill enacted in this Congress. An eighteen-month extension would result in a highway bill drafted by the next (112th) Congress, in which Voinovich will no longer serve, which would *really* limit his direct input into the legislation.)

Even if Voinovich were to back off, the long length of the Senate extension necessitates \$19.8 billion in transfers from the general fund of the Treasury to the Highway Trust Fund contained in title IV of the Senate bill. It is unlikely that the Coburn/DeMint/McCain wing of the Senate GOP would easily sign off on another \$19.8 billion in "bailouts" for the Trust Fund.

And even if the Senate could pass rescission repeal today, no one has yet identified \$490 million in offsetting spending cuts or tax increases necessary to meet House PAYGO budget rules, without which the House Democratic leadership refuses to take up the issue.

The rescission also will have a substantial effect on the amount of money provided to states by the CR.

**CR funding rate.** As shown in the table on page 8 of this issue, the \$8.708 billion rescission, in combination with the earlier \$3.15 billion rescission of highway contract authority balances, reduces the net total contract authority apportioned to states via formula in FY 2009 from \$35.8 billion to \$23.9 billion — a decrease of 33 percent.

Due to Congressional budget rules, as long as a contract authority extension is carried by legislation produced by the Appropriations Com-

mittees, it must provide that contract authority at the lower (net) rate, so the amount of money to be apportioned to states under the formula programs will only be \$2.03 billion per 31-day month, not the \$3.04 billion per 31-day month that would be provided by either the House or Senate freestanding extensions. (And the CR at present will only provide one month's worth of funding.)

However, the funding apportioned under the CR (and the House or Senate freestanding extensions, if eventually enacted) for the traditional formula programs will be augmented by funding from accounts that were earmarked for specific projects by the SAFETEA-LU law in FY 2009 but which will be distributed to the states as formula money for the time being.

**Earmark treatment.** SAFETEA-LU had four major accounts that were completely earmarked by that law: high priority projects (sec. 1702), transportation improvements (sec. 1934), projects of national and regional significance (sec. 1301), and corridor infrastructure projects (sec. 1302). In addition, there was a \$100 million per year earmarked bridge set-aside in 23 U.S.C 144 and a magnetic levitation program in sec. 1707 that was 50 percent earmarked.

The CR and the Senate bill would take the total amount of funding for each of the aforementioned programs for FY 2009 and give it to states for use as STP formula money in the amounts that each state got in total earmarks out of

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### Certain State Shares of Total FY 2009 Highway Contract Authority For Selected States, By Program:

	<u>Calif.</u>	<u>Texas</u>	<u>Florida</u>	<u>Illinois</u>	<u>Louis.</u>	<u>Wash.</u>
Formula Apportionments	9.25%	8.76%	5.18%	3.41%	1.74%	1.67%
High Priority Projects (sec. 1702)	7.80%	4.58%	3.52%	4.02%	1.91%	1.87%
Transportation Improvements (sec. 1934)	4.05%	0.00%	1.71%	2.09%	0.42%	0.00%
Projects of National & Regional Significance and Corridor Improvements (secs. 1301 and 1302)	22.47%	0.17%	0.00%	12.24%	4.66%	4.45%
<i>California + Illinois + Louisiana + Washington State total share of the sec. 1301 and 1302 funding:</i>						<b>43.82%</b>

*See state-by-state totals for all states on page 5.*

# Extensions...

*CONTINUED FROM PAGE THREE*

each account. The House extension, by contrast, would take the same approach as the CR and the Senate for the HPP, TrIMP and bridge programs, and would fund the MAGLEV program as is, but would leave the pro-rated 2010 amounts of PNRS and corridor funding at the discretion of the Secretary of Transportation.

This makes a big difference for a few states. As the table at the bottom of the previous page shows, the PNRS and corridor accounts in SAFETEA-LU were largely divided up between a handful of legislators: Reps. Bill Thomas (R-CA), Dennis Hastert (R-IL), Jerry Costello (D-IL), and Jim McCrery (R-LA), and Sen. Patty Murray (D-WA). As a result, those four states combine for 44 percent of the total funding from those accounts. California alone gets 22.5 percent (thanks to the Bill Thomas Bakersfield Bonanza).

The extension of SAFETEA-LU's funding priorities for these two accounts under the CR and the Senate extension therefore, gives a huge and disproportionate benefit

to California and Illinois and a lesser benefit to two or three other states, whereas the House approach is not guaranteed to benefit those states. A full list of how funding under the earmarked programs will be distributed to each state under the CR and the Senate extension is found on page 7 of this issue.

**House extension passage.** The House's passage of H.R. 3617 was not without rancor. Transportation and Infrastructure chairman James Oberstar (D-MN) introduced H.R. 3617 late in the evening of September 22. At some point that afternoon or evening, the House Republican leadership decided that they would urge their membership to vote against the bill under the expedited suspension of the rules procedure (which requires a two-thirds vote and prevents any amendments — a near-united GOP caucus, which has about 41 percent of total House membership, could defeat such a procedure).

The leadership's thought was if they could force H.R. 3617 to go through the normal majority-rules process, they would be guaranteed one opportunity for amendment which they could use to get all House members to go on record as to

whether or not they opposed any increase in the federal gasoline tax to pay for a highway bill.

But the GOP leadership evidently did a poor job in communicating this reasoning to its members, many of whom showed up on the floor for the vote having no idea why they were being asked to vote "no" on the legislation.

During the debate, Oberstar rightly pointed out that during House consideration of the twelve short-term extensions between the TEA21 and SAFETEA-LU laws, when the GOP was in control, Democrats threw their strong support behind all of the extensions, whether considered under suspension of the rules or by unanimous consent.

A sheepish Rep. John Mica (R-FL), the ranking Republican on the T&I panel, said that "Now, I am not opposed to a 3-month extension; but on behalf of my leadership, what my leadership has requested is that this extension be brought to the floor not on a suspension, which is sort of a unanimous consent to proceed, but to have the legislation go through the Rules Committee and have the opportunity for our side of the aisle to express itself."

At the end of the debate, after several speakers tied higher highway spending to job creation, Mica said that "I think I owe it to my leadership, on behalf of the minority — and we are the minority — to try to get them the opportunity to have their word on this legislation since it does have significant impact on the future of transportation, our infrastructure, the country and our economy. I think that's the least we could do from our side of the aisle as a responsible minority. So it's not an attempt to take it down. It's an attempt to state a position."

The GOP message was further muddled by the strong advocacy of Oberstar's position by faithful *TW* reader Rep. Steve LaTourette (R-OH), who said that taking the Senate eighteen-month extension, as advocated by Minority Leader John

## HOW HOUSE REPUBLICANS VOTED ON H.R. 3617 ON 9/23/09

### VOTING "YES" - 86

Alexander	Galleghy	Paulsen
Austria	Gerlach	Petri
Barton (TX)	Gohmert	Platts
Biggert	Graves	Poe (TX)
Billbray	Guthrie	Putnam
Billirakis	Hall (TX)	Rehberg
Bonner	Hunter	Reichert
Bono Mack	Jenkins	Rogers (AL)
Boozman	Johnson (IL)	Rogers (KY)
Brown (SC)	Jones	Ros-Lehtinen
Brown-Waite	King (NY)	Schmidt
Burton (IN)	Kirk	Schock
Calvert	Lance	Shimkus
Camp	Latham	Shuster
Cao	LaTourette	Simpson
Capito	Lee (NY)	Souder
Cassidy	LoBiondo	Stearns
Castle	Luetkemeyer	Terry
Culberson	Lungren, Dan	Thompson (PA)
Dent	Manzullo	Turner
Diaz-Balart, L.	Marchant	Upton
Diaz-Balart, M.	McCaul	Walden
Ehlers	McCotter	Wamp
Emerson	McKeon	Westmoreland
Fallin	Miller (MI)	Whitfield
Fleming	Miller, Gary	Wittman
Forbes	Moran (KS)	Young (AK)
Fortenberry	Murphy, Tim	Young (FL)
Frelinghuysen	Nunes	

### VOTING "NO" - 85

Aderholt	Garrett (NJ)	Myrick
Akin	Gingrey (GA)	Neugebauer
Bachmann	Goodlatte	Olson
Bachus	Harper	Paul
Bartlett	Hastings (WA)	Pence
Blackburn	Heller	Pitts
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Boustany	Hoekstra	Radanovich
Brady (TX)	Inglis	Roe (TN)
Broun (GA)	Issa	Rogers (MI)
Buchanan	Johnson, Sam	Rohrabacher
Burgess	Jordan (OH)	Rooney
Buyer	King (IA)	Roskam
Campbell	Kingston	Ryan (WI)
Cantor	Kline (MN)	Scalise
Carter	Lamborn	Sensenbrenner
Chaffetz	Latta	Sessions
Coble	Lewis (CA)	Shadegg
Coffman (CO)	Linder	Smith (NE)
Cole	Lucas	Smith (TX)
Conaway	Lummis	Sullivan
Crenshaw	Mack	Thornberry
Davis (KY)	McCarthy (CA)	Tiahrt
Dreier	McClintock	Tiberi
Duncan	McHenry	Wilson (SC)
Flake	McMorris Rodgers	Wolf
Foxx	Mica	
Franks (AZ)	Miller (FL)	

All 249 Democrats present voted "yes." Democrats Capuano, Delahunt, Doyle, Marshall, Speier and Stark did not vote. Republicans Barrett (SC), Bishop (UT), Deal (GA), Granger, Royce, and Smith (NJ) did not vote.

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## Extensions...

### *CONTINUED FROM PAGE FOUR*

Boehner, was "...just wrong. The chairman needs to have the ability to put this forward. And the Republican Party, despite some members of our leadership, needs to stand up and say, you know what? Republicans, unlike what my friend from Oregon said, Republicans believe in infrastructure. We helped build this country. And to turn our backs on that now to try and score some cheap political point, as the gentleman said, is outlandish."

As the list on the previous page shows, the House GOP split 50-50 on the question, and the motion to suspend the rules passed easily, 335 to 85.

One Democratic aide thought that the House GOP gambit might poison the well for future bipartisan cooperation on this bill, saying "How scorched is your earth, Napoleon? Lots of constructive discussions about funding our infrastructure to ensue...What happened to 'there are no Democratic roads, there are no Republican roads?'"

Another Democrat speculated that the true motivation behind the GOP gambit was a fear that Oberstar might eventually succeed in getting a highway bill with significantly higher spending levels and a gas tax increase (particularly with business interests getting more active in support of such a tax increase) which would get many Republican votes on the floor. This would step

all over the national GOP's 2010 election message of no new taxes, lower government spending, and less pork barrel/wasteful spending/earmarks/corruption/whathaveyou.

As if to demonstrate the truth of this hypothesis, the partisan breakdown of the debate on the extension on September 23 managed to take media attention away from a remarkable joint letter in support of increased federal gasoline and diesel taxes as part of a surface transportation reauthorization bill released on that day (reprinted below) and signed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Trucking Associations, and the American Automobile Association.

## An Open Letter to the President and Congress on Transportation Investment

America's transportation users urge you to enact a multi-year surface transportation authorization bill as soon as possible. Delaying significant investment and necessary program reforms until the next Congress will not benefit our nation's economy, safety, or quality of life. The task before the 111th Congress is to enact a robust, reformed, and more accountable multi-year transportation bill for the American people.

Our groups represent the users of the system – individuals and businesses that move on our nation's transportation network. We are the payers of that system. And as payers we know the value that strategic capital investments provide to our national highway, bridge, and public transportation network. These public assets pay dividends to American families, businesses, and the U.S. economy and deliver a long-term value that far exceeds their initial cost.

Greater investment in transportation is needed:

- To reduce traffic congestion thereby enhancing productivity and energy usage;
- To improve road safety and reduce health care costs associated with preventable vehicle crashes;
- To lay the competitive foundation making long-term growth and prosperity possible; and
- To put millions of Americans back to work by helping to sustain an economic recovery.

We are not alone in this endeavor. Two blue-ribbon, bipartisan commissions initiated by Congress in 2005 have provided a consensus plan for program change and financing. They call for a program that is performance-based, transparent, fully accountable to taxpayers, and user financed. These are principles that we embrace.

Our organizations believe Congress must address revenue shortfalls in order to finance our nation's transportation system at robust levels and we are willing to support revenue approaches, including increases in federal gasoline and diesel taxes, in order to provide the necessary funding to meet critical transportation needs. However, because these public policy decisions directly affect our members, any request that users pay more must be accompanied by legislation that achieves program reforms, increases accountability, focuses on national objectives, and makes a commitment that spending will benefit those who make the investment. We must move away from the status quo to reach these objectives.

The undersigned organizations readily acknowledge the political challenges before you; but we firmly believe this is a challenge the 111th Congress must tackle. We will work together because the safety of our families, the strength of our economy, and the future of our transportation system depend on it.

Let's work together to deliver this national priority.

Sincerely,

AAA

American Trucking Associations

National Association of Manufacturers

U.S. Chamber of Commerce

## Text of the Surface Transportation Extension in the Continuing Resolution

Following is the text of the pertinent sections of the continuing resolution (Division B of H.R. 2918 as recommended by the committee of conference in H. Rept. 111-265). Because an earlier section of the CR was removed at the last minute, section 158 became 157, 159 became 158, etc. etc. — but the subcommittee staff were not given an opportunity to correct the section references within those sections. Which means that the portions we have underlined in ***bold italic type*** below are now inaccurate. The problem is especially acute in section 158, where the circular reference to itself may result in no new contract authority being provided for surface transportation programs after midnight on September 30 if this language is not corrected by Congress.

**Sec. 157.** (a) Extension of Surface Transportation Programs- Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) Use of Funds- Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

(c) Distribution of Funds Under Titles III and V of SAFETEA-LU- Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

(d) Extension and Flexibility for Certain Allocated Programs- Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be--

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

**Sec. 158.** (a) Appropriation of Funding for Certain Highway Trust Fund Programs- For the period from October 1, 2009, through the date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under ***section 158 of this joint resolution*** that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as--

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA-LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

(b) Contract Authority- Funds made available under this joint resolution to be expended under the authority of ***section 158 of this joint resolution*** shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

(c) Calculation- The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

**Sec. 159.** (a) Extension of Authority for Expenditures From Highway Trust Fund-

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied--

(A) by substituting the date specified in section 106(3) of this joint resolution for 'September 30, 2009'; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for 'October 1, 2009'.

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking 'under' and all that follows and inserting 'under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution)'.

(b) Mass Transit Account-

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for 'October 1, 2009'.

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking 'in accordance with' and all that follows and inserting 'in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution)'.

(c) Exception to Limitations on Transfers- Subparagraph (B) of section 9503(b)(6) of such Code shall be applied--

(1) by substituting the date specified in section 106(3) of this joint resolution for 'September 30, 2009'; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for 'October 1, 2009'.

**[Secs. 160 and 161 deal with the Dingell-Johnson Sportsfishing Act and the Sport Fish Recreation and Boating Trust Fund. Omitted.]**

**Sec. 162.** Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to ***sections 158 through 162 of this joint resolution*** shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

**DIFFERING STATE SHARES OF FORMULA APPORTIONMENTS AND MAJOR EARMARKED ACCOUNTS IN FY 2009**

	FY 2009 Pre-Rescission Total Formula Apportionments		FY 2009 Portion of High Priority Projects		FY 2009 Portion of Transpo. Improvements		FY 2009 Portion of PNRS and Corridors		FY 2009 Portion of Bridge and MAGLEV	
	Dollars	Share	Dollars	Share	Dollars	Share	Dollars	Share	Dollars	Share
Alabama	720,167,779	2.01%	55,067,440	1.86%	12,000,000	2.51%	-	0.00%	-	0.00%
Alaska	334,714,920	0.93%	119,340,000	4.03%	15,000,000	3.13%	6,000,000	0.61%	18,750,000	15.31%
Arizona	734,702,687	2.05%	23,888,000	0.81%	-	0.00%	600,000	0.06%	-	0.00%
Arkansas	456,112,213	1.27%	51,392,000	1.73%	1,300,000	0.27%	28,666,667	2.90%	-	0.00%
California	3,310,972,003	9.25%	231,300,309	7.80%	19,400,000	4.05%	222,000,000	22.47%	12,500,000	10.20%
Colorado	488,420,872	1.36%	48,440,000	1.63%	7,400,000	1.55%	10,600,000	1.07%	-	0.00%
Connecticut	466,061,951	1.30%	37,073,600	1.25%	11,000,000	2.30%	7,000,000	0.71%	-	0.00%
Delaware	143,687,127	0.40%	24,840,000	0.84%	7,000,000	1.46%	-	0.00%	-	0.00%
Dist. of Col.	136,069,626	0.38%	14,496,000	0.49%	-	0.00%	15,000,000	1.52%	-	0.00%
Florida	1,853,266,783	5.18%	104,497,600	3.52%	8,200,000	1.71%	-	0.00%	-	0.00%
Georgia	1,251,860,739	3.50%	70,025,760	2.36%	11,000,000	2.30%	-	0.00%	-	0.00%
Hawaii	146,371,519	0.41%	25,120,000	0.85%	4,000,000	0.84%	-	0.00%	-	0.00%
Idaho	267,386,444	0.75%	27,400,000	0.92%	2,000,000	0.42%	-	0.00%	-	0.00%
Illinois	1,219,875,275	3.41%	119,110,400	4.02%	10,000,000	2.09%	120,900,000	12.24%	-	0.00%
Indiana	933,607,823	2.61%	49,669,600	1.68%	2,000,000	0.42%	3,666,667	0.37%	-	0.00%
Iowa	415,284,967	1.16%	50,640,000	1.71%	24,000,000	5.01%	1,500,000	0.15%	8,750,000	7.14%
Kansas	352,297,846	0.98%	35,800,000	1.21%	4,000,000	0.84%	-	0.00%	-	0.00%
Kentucky	617,843,673	1.73%	56,164,800	1.89%	14,000,000	2.92%	1,666,667	0.17%	-	0.00%
Louisiana	622,363,573	1.74%	56,480,000	1.91%	2,000,000	0.42%	46,000,000	4.66%	-	0.00%
Maine	152,035,403	0.42%	35,872,000	1.21%	4,000,000	0.84%	-	0.00%	-	0.00%
Maryland	560,270,302	1.57%	56,144,000	1.89%	3,400,000	0.71%	2,000,000	0.20%	-	0.00%
Massachusetts	572,403,291	1.60%	49,760,000	1.68%	8,000,000	1.67%	-	0.00%	-	0.00%
Michigan	1,005,579,924	2.81%	62,853,600	2.12%	20,000,000	4.18%	4,000,000	0.40%	-	0.00%
Minnesota	581,459,128	1.62%	64,716,471	2.18%	2,000,000	0.42%	20,000,000	2.02%	-	0.00%
Mississippi	430,486,681	1.20%	50,936,000	1.72%	20,200,000	4.22%	1,666,667	0.17%	-	0.00%
Missouri	846,329,512	2.36%	72,240,000	2.44%	45,000,000	9.40%	-	0.00%	12,500,000	10.20%
Montana	345,429,222	0.96%	32,920,000	1.11%	30,725,000	6.42%	-	0.00%	-	0.00%
Nebraska	263,961,548	0.74%	31,960,000	1.08%	4,000,000	0.84%	-	0.00%	-	0.00%
Nevada	278,790,512	0.78%	43,000,000	1.45%	20,000,000	4.18%	-	0.00%	35,000,000	28.57%
New Hampshire	158,183,641	0.44%	13,248,000	0.45%	-	0.00%	-	0.00%	-	0.00%
New Jersey	934,996,954	2.61%	69,032,000	2.33%	7,000,000	1.46%	20,000,000	2.02%	-	0.00%
New Mexico	345,328,513	0.96%	30,920,000	1.04%	2,000,000	0.42%	2,800,000	0.28%	-	0.00%
New York	1,566,754,887	4.38%	142,862,320	4.82%	11,000,000	2.30%	20,000,000	2.02%	-	0.00%
North Carolina	1,013,850,615	2.83%	60,339,520	2.04%	5,000,000	1.04%	-	0.00%	-	0.00%
North Dakota	223,812,211	0.63%	25,800,000	0.87%	8,000,000	1.67%	-	0.00%	-	0.00%
Ohio	1,271,966,664	3.55%	92,695,224	3.13%	20,200,000	4.22%	6,000,000	0.61%	-	0.00%
Oklahoma	547,146,429	1.53%	42,440,000	1.43%	27,000,000	5.64%	29,000,000	2.93%	12,500,000	10.20%
Oregon	410,254,119	1.15%	61,393,440	2.07%	4,000,000	0.84%	32,000,000	3.24%	10,000,000	8.16%
Pennsylvania	1,561,501,663	4.36%	110,294,320	3.72%	4,000,000	0.84%	10,000,000	1.01%	-	0.00%
Rhode Island	178,249,629	0.50%	33,680,000	1.14%	15,000,000	3.13%	-	0.00%	-	0.00%
South Carolina	598,929,553	1.67%	42,520,000	1.43%	-	0.00%	10,000,000	1.01%	-	0.00%
South Dakota	241,550,301	0.67%	36,077,769	1.22%	15,000,000	3.13%	-	0.00%	-	0.00%
Tennessee	783,559,768	2.19%	68,348,000	2.31%	3,000,000	0.63%	21,666,667	2.19%	-	0.00%
Texas	3,137,306,196	8.76%	135,734,000	4.58%	-	0.00%	1,666,667	0.17%	-	0.00%
Utah	281,631,755	0.79%	42,670,000	1.44%	10,000,000	2.09%	-	0.00%	-	0.00%
Vermont	146,537,637	0.41%	27,560,000	0.93%	24,400,000	5.10%	-	0.00%	12,500,000	10.20%
Virginia	953,848,252	2.66%	55,065,760	1.86%	17,600,000	3.68%	29,000,000	2.93%	-	0.00%
Washington	599,085,428	1.67%	55,344,000	1.87%	-	0.00%	44,000,000	4.45%	-	0.00%
West Virginia	388,585,722	1.09%	41,880,000	1.41%	7,000,000	1.46%	16,000,000	1.62%	-	0.00%
Wisconsin	703,347,039	1.96%	55,150,000	1.86%	-	0.00%	12,000,000	1.21%	-	0.00%
Wyoming	245,264,943	0.69%	20,560,000	0.69%	-	0.00%	-	0.00%	-	0.00%
<b>Total</b>	<b>35,799,505,262</b>	<b>100.00%</b>	<b>2,964,761,933</b>	<b>100.00%</b>	<b>478,725,000</b>	<b>100.00%</b>	<b>1,021,620,001</b>	<b>103.39%</b>	<b>122,500,000</b>	<b>100.00%</b>

From left to right: the first column of numbers are the actual "below-the-line" highway formula apportionments to states in FY 2009 (before penalties). State allocations of high priority project funds under sec. 1702 of SAFETEA-LU are the second column of numbers (though the state HPP amounts helped determine the state amounts of equity bonus money which is part of the formula money in the first column). The third set of numbers is the FY 2009 state allocations of transportation improvements under sec. 1934 of SAFETEA-LU (the Senate "above the line" money plus the last 10 projects in the list which were miscellaneous House swag). The next set of numbers are the FY 2009 allocations of projects of regional and national significance (sec. 1301) and corridor improvement (sec. 1302) money. And the final column is state allocations of bridge set-aside money under 23 U.S.C. 144(f) and the Nevada half of the MAGLEV money under sec. 1307 (FHWA has apparently never given out the east-of-the-Mississippi half of the MAGLEV money which makes it irrelevant for this purpose). The CR, the Senate extension, and the House extension would all give states their FY 2009 shares of the HPP, TrIMP, bridge, and MAGLEV money in the above amounts (pro-rated for the varying extension lengths) and shares to be used as STP formula money. But the House extension would give the PNRS and corridor money to DOT to use as discretionary grants, while the Senate extension and the CR would give the money to the states in the above amounts (pro-rated) and shares. This makes a huge difference for California and Illinois, as it is highly unlikely that any discretionary grant process would concentrate so high a percentage of funding in those states.

## Rescissions Make Large Difference In Highway Funding Rates Under CR

When the negotiators writing the SAFETEA-LU conference report in July 2005 decided to include a large rescission of contract authority to take effect on September 30, 2009 in order to satisfy the White House's demand that total budget authority provided by the bill not exceed the bill's obligational authority, those legislators felt that repealing the rescission before it would be allowed to take effect would be a relatively simple fix.

But since it now appears that (barring some major breakthrough in the next 36 hours) the rescission will take effect as scheduled, the rescission is not just having a negative effect on existing state finances but will drag new funding to states significantly downwards as long as surface transportation contract authority is extended into fiscal 2010 by the Appropriations Committees through the continuing resolution.

The \$8.708 billion SAFETEA-LU rescission, combined with an earlier \$3.150 billion rescission in FY 2009 by the Appropriations Committees, forced the Congressional Budget Office to lower its highway contract authority baseline for FY 2010 and beyond by \$11.858 billion (since CBO must work from the latest "current law" numbers). And while the 2010 budget resolution gave the House Transportation and Senate Public Works Committees the money to fix the problem, they did not give the money to Appropriations.

As such, as long as the CR continues to fund the highway program for 2010, states will receive highway apportionments in pro-rated amounts based on the net (post-rescission) column in the far right of the table. For example, if the CR is signed into law by midnight tomorrow night, Alabama should soon get an apportionment of \$41.78 million (\$491.9 million times 31/365ths). But if the authorization committee's extensions (H.R. 3617 et al) were enacted, then Alabama would get \$61.17 billion

per month (\$720.2 million divided by 12).

The amount of the total cut, as a percentage of a state's 2009 apportionment, varies slightly from about 30.6 percent to 36.8 percent.

If and when a separate extension

from the authorizing committees is enacted that provides funding at the higher pre-rescission (far left-hand column) rate, it is possible that apportionments could increase above those rates to make up for the lower payments made under the CR.

GROSS (PRE-RESCISSION) AND NET (POST-RESCISSION) FY 2009 HIGHWAY APPORTIONMENTS					
	Actual FY 2009 Highway Formula Apportionments	Minus Rescission In Omnibus Appropriations	Minus Rescission In Sec. 10212 of SAFETEA-LU	Equals: Net FY 2009 Highway Formula Apportionments	Net Percent. Decrease
Alabama	720,167,779	(52,584,977)	(175,661,481)	491,921,321	-31.69%
Alaska	334,714,920	(33,964,710)	(80,727,215)	220,022,995	-34.27%
Arizona	734,702,687	(64,592,477)	(170,400,934)	499,709,276	-31.98%
Arkansas	456,112,213	(39,535,907)	(109,109,470)	307,466,836	-32.59%
California	3,310,972,003	(293,253,191)	(793,541,559)	2,224,177,253	-32.82%
Colorado	488,420,872	(43,583,148)	(114,683,752)	330,153,972	-32.40%
Connecticut	466,061,951	(44,603,309)	(119,390,246)	302,068,396	-35.19%
Delaware	143,687,127	(12,296,263)	(34,615,553)	96,775,311	-32.65%
Dist. of Col.	136,069,626	(12,181,744)	(34,589,369)	89,298,513	-34.37%
Florida	1,853,266,783	(161,117,494)	(442,835,971)	1,249,313,318	-32.59%
Georgia	1,251,860,739	(109,107,524)	(316,163,817)	826,589,398	-33.97%
Hawaii	146,371,519	(15,345,464)	(38,546,172)	92,479,883	-36.82%
Idaho	267,386,444	(24,384,215)	(65,318,861)	177,683,368	-33.55%
Illinois	1,219,875,275	(109,421,749)	(289,878,654)	820,574,872	-32.73%
Indiana	933,607,823	(84,117,973)	(218,020,597)	631,469,253	-32.36%
Iowa	415,284,967	(36,532,869)	(97,546,116)	281,205,982	-32.29%
Kansas	352,297,846	(29,565,954)	(91,825,492)	230,906,400	-34.46%
Kentucky	617,843,673	(52,476,786)	(150,739,328)	414,627,559	-32.89%
Louisiana	622,363,573	(55,768,892)	(134,937,462)	431,657,219	-30.64%
Maine	152,035,403	(12,576,262)	(40,256,533)	99,202,608	-34.75%
Maryland	560,270,302	(50,679,943)	(140,444,922)	369,145,437	-34.11%
Massachusetts	572,403,291	(54,647,719)	(147,140,821)	370,614,751	-35.25%
Michigan	1,005,579,924	(85,406,835)	(262,675,634)	657,497,455	-34.62%
Minnesota	581,459,128	(47,733,647)	(132,771,560)	400,953,921	-31.04%
Mississippi	430,486,681	(36,108,932)	(102,699,591)	291,678,158	-32.24%
Missouri	846,329,512	(74,160,262)	(201,730,368)	570,438,882	-32.60%
Montana	345,429,222	(31,910,049)	(83,766,698)	229,752,475	-33.49%
Nebraska	263,961,548	(22,978,046)	(64,641,969)	176,341,533	-33.19%
Nevada	278,790,512	(25,261,881)	(61,359,170)	192,169,461	-31.07%
New Hampshire	158,183,641	(14,211,378)	(41,101,773)	102,870,490	-34.97%
New Jersey	934,996,954	(88,242,502)	(232,780,432)	613,974,020	-34.33%
New Mexico	345,328,513	(30,509,789)	(82,318,227)	232,500,497	-32.67%
New York	1,566,754,887	(145,830,156)	(406,954,003)	1,013,970,728	-35.28%
North Carolina	1,013,850,615	(88,067,164)	(249,216,507)	676,566,944	-33.27%
North Dakota	223,812,211	(19,443,205)	(54,388,415)	149,980,591	-32.99%
Ohio	1,271,966,664	(111,197,305)	(307,257,907)	853,511,452	-32.90%
Oklahoma	547,146,429	(47,627,650)	(135,812,276)	363,706,503	-33.53%
Oregon	410,254,119	(36,305,573)	(98,456,052)	275,492,494	-32.85%
Pennsylvania	1,561,501,663	(138,715,427)	(404,759,265)	1,018,026,971	-34.80%
Rhode Island	178,249,629	(16,610,343)	(44,430,848)	117,208,438	-34.24%
South Carolina	598,929,553	(50,911,437)	(145,345,306)	402,672,810	-32.77%
South Dakota	241,550,301	(21,082,534)	(57,760,614)	162,707,153	-32.64%
Tennessee	783,559,768	(65,679,045)	(190,144,496)	527,736,227	-32.65%
Texas	3,137,306,196	(272,403,085)	(740,313,410)	2,124,589,701	-32.28%
Utah	281,631,755	(25,531,368)	(64,893,809)	191,206,578	-32.11%
Vermont	146,537,637	(12,128,206)	(36,507,606)	97,901,825	-33.19%
Virginia	953,848,252	(80,340,594)	(229,887,481)	643,620,177	-32.52%
Washington	599,085,428	(53,772,670)	(147,678,674)	397,634,084	-33.63%
West Virginia	388,585,722	(31,926,094)	(93,628,026)	263,031,602	-32.31%
Wisconsin	703,347,039	(61,015,614)	(171,473,070)	470,858,355	-33.05%
Wyoming	245,264,943	(22,550,639)	(56,872,488)	165,841,816	-32.38%
<b>Total</b>	<b>35,799,505,262</b>	<b>(3,150,000,000)</b>	<b>(8,708,000,000)</b>	<b>23,941,505,262</b>	<b>-33.12%</b>

The totals represent actual FY 2009 apportionments from FHWA Notices N.4510.684 through N.4510.696, which differ somewhat from the totals predicted in the original August 2005 formula run on the FHWA website. Below-the-line High Priority Project funding is not included.



## Transportation-HUD Appropriations Still Not On Fast Track

The annual appropriations bill providing funding for the Transportation Department and the Housing and Urban Development Department (H.R. 3288) is ready to be sent to a House-Senate conference committee for final resolution, but is facing some apparent delays in that regard.

House Appropriations chairman David Obey (D-WI) told the House on September 25 that “We have had a motion to go to conference on Energy and Water. We expect next week, after two small matters are resolved, to also be able to go to conference on the Agriculture bill. We hope that, within a week, we will be able to resolve a few remaining differences on the Homeland Security bill and to also go to conference on that and other bills as the Senate grinds through them in their processes.”

Obey’s statement conspicuously left the Transportation-HUD bill out of the list of bills ready to go to conference (with Legislative Branch already back from conference, Transportation-HUD was the only bill eligible for conference at the time of Obey’s statement that the chairman did not list.

This could mean that Obey intends to make the Transportation-HUD bill the vehicle for a future omnibus appropriations bill, which could conceivably hold up the final decisions on the “THUD” bill until late October. Making THUD the vehicle for the omnibus has been debated by House Appropriations staff.

The staff of the House and Senate Transportation-HUD subcommittees have continued to work to reconcile their differing bills since late August, and are getting close to the point where the decisions which

need to be made reach a higher pay grade than the staff level and will require direct negotiations between senior subcommittee members.

The big decisions on the THUD bill include the major financial differences (whether or not to reserve up to \$2 billion for a National Infrastructure Bank, whether to set the high-speed and intercity passenger rail funding at \$1.2 billion or \$2.0 billion, and how much of the extra Senate funding for highways, transit, and intermodal discretionary grants to include) as well as how to deal with certain policy issues (including the exemption for the state of Maine from existing laws limiting the size and weight of trucks, which was a direct promise by Majority Leader Reid to Sen. Susan Collins (R-ME) in exchange for her clearing the way for the cash-for-clunkers bailout).

## Some Appropriations Bills Moving Forward After Earmark Accord Reached

Discussions between the chairmen of the House and Senate Appropriations Committees on the evening of September 24 resolved a policy log-jam that was preventing most of the appropriations bills for fiscal year 2010 from being sent to joint House-Senate conference committees.

The dispute dealt with whether or not earmarks in the bills that were directed to for-profit entities (which are substantively the same as sole-source contracts, except directed by the legislative branch) would have to be competitively bid, as all House bills this year required.

While on the House floor discussing the legislative branch conference report (which was exempt from the dispute because it had no earmarks for any for-profit entities), House Appropriations chairman David Obey (D-WI) explained the solution: “Recognizing the potential for abuse in sole-source contracting, we have insisted that all House ear-

marks designated for for-profit entities must undergo a competitive bidding process. We still allow those entities to be named so we can help, for instance, small businesses get a foot in the door so that they can be noticed by Federal agencies, which all too often simply notice people with whom they are familiar in their inside processes, but we nonetheless require that those entities still submit a bid and compete in a fair competition.

“The Senate did not do that this year, and up until last night, was objecting to even allowing the House to follow this policy. Last night, we reached an agreement that will allow us to proceed with House earmarks subject to that new policy.

“There is still one small area of disagreement that remains. There are a small number of projects, approximately 5 percent, which have been included in both the House and Senate bills. Until last night, the other

body was refusing to allow those to be competed. Under the agreement we reached this year and this year only, those projects will be dealt with according to Senate policy. Next year and thereafter, they will be managed by House policy. So they, too, will be subjected to competition next year.

“We reached this agreement because the other body insisted that, because they had proceeded all year under their policies, it was too late to change the rules of the game for them. We recognize that changing policies at this point would be a procedural problem for the other body. We do appreciate their agreement that, starting next year, we can all agree on how to handle for-profit projects and that they will be handled in accordance with the House procedures.”

## Coast Guard Auth.

*CONTINUED FROM PAGE ONE*

giving direction to an agency is to require the pertinent Cabinet secretary to take some action. But since any mention of the words "Homeland Security" in a T&I bill trigger a referral to Homeland, the bill is replete with directions to "the Secretary of the department in which the Coast Guard is operating."

However, after introducing a bill for markup (H.R. 3619) that triggered no referrals to the Homeland Committee whatsoever, the T&I panel then approved by voice vote two amendments that are squarely in the jurisdiction of other committees — a Cummings (D-MD) amendment on port security (Homeland) and an Olson (R-TX) amendment on alien smuggling (Judiciary Committee). The amendments will trigger subsequent referrals to those committees

## AMENDMENTS ADOPTED TO H.R. 3619 IN COMMITTEE

- **Cummings (D-MD) manager's amendment** adding a new title to the bill dealing with port security by: (1) directing DHS to establish a Maritime Homeland Security Public Awareness Program; (2) directing DHS and GAO to report to Congress on TWIC port access control pilot project progress; (3) directing the DHS IG to report to Congress on Interagency Operational Centers for Port Security; (4) establishing two Coast Guard maritime security response teams; (5) directing DHS to increase the number of Coast Guard canine detection teams; (6) allowing DHS to give equipment, training and support to foreign ports to bring them back to compliance; (7) requiring the Coast Guard to carry out a mobile biometric ID program for suspects in a maritime environment; (8) requiring a DHS report to Congress on gas and chemical cargo shipment security; (9) establishing a pilot program for testing and deploying NUDET equipment on Coast Guard vessels; (10) requiring a GAO study of TWIC requirement effects on seasonal employees; (11) requiring a risk assessment of LNG facilities; (12) establishing a pilot program for letting any DHS-operated or contracted facility fingerprint TWIC applicants; (13) changing TWIC requirements on vessels; (14) requiring a GAO study of international background investigations; (15) amending the National Maritime Security Advisory Committee setup; (16) requiring cost-free seaman shoreside access; (17) requiring the Coast Guard to enforce security zones around hazmat tankers; (18) requiring notification of FERC when LNG facilities are found unsuitable from a security perspective; (19) allowing a secondary TWIC authentication system for persons without readable fingerprints; (20) requiring a report to Congress on Coast Guard resources; and (21) requiring a DHS assessment of TSC enrollment sites.
- **Olson (R-TX) amendment** adding a new title to the bill, the "Alien Smuggling and Terrorism Prevention Act of 2009."

when and if the T&I panel files its report on the bill.

Two other amendments relating to invasive species coming to U.S. waters in ship ballast water were con-

templated in committee but were not formally offered after the chairman promised to work with the authors of the amendments on compromise language.

### PROPOSED U.S. COAST GUARD FUNDING LEVELS FOR FISCAL YEAR 2010

	President's	House	Senate	House	Senate
	Request	Appropriations H.R. 2892	Appropriations S. 1298	Authorization H.R. 3619	Authorization S. 1194
Operations	\$ 6,556,188,000	\$ 6,822,026,000	\$ 6,838,291,000	\$ 6,838,291,000	\$ 6,556,188,000
Acquisition, Construction & Improvements	\$ 1,313,980,000	\$ 1,347,480,000	\$ 1,597,580,000	\$ 1,597,580,000	\$ 1,383,980,000
Research, Development, Test & Evaluation	\$ 19,745,000	\$ 19,745,000	\$ 29,745,000	\$ 29,475,000	\$ 19,745,000
Retired Pay	\$ 1,361,245,000	\$ 1,361,245,000	\$ 1,361,245,000	\$ 1,361,245,000	\$ 1,361,245,000
Alteration of Bridges	\$ -	\$ 10,000,000	\$ 4,000,000	\$ 16,000,000	\$ -
Environmental Compliance & Restoration	\$ 13,198,000	\$ 13,198,000	\$ 13,198,000	\$ 13,198,000	\$ 13,198,000
Reserve Training	\$ 133,632,000	\$ 133,632,000	\$ 133,632,000	\$ 133,632,000	\$ 133,632,000
<b>Total, U.S. Coast Guard</b>	<b>\$ 9,397,988,000</b>	<b>\$ 9,707,326,000</b>	<b>\$ 9,977,691,000</b>	<b>\$ 9,989,421,000</b>	<b>\$ 9,467,988,000</b>

## SECTION-BY-SECTION SUMMARY OF H.R. 3619 AS INTRODUCED

### TITLE I - AUTHORIZATION

**Sec. 101. Authorization of appropriations.** Authorizes the appropriation of a total of \$9.989 billion for the Coast Guard in fiscal year 2010.

**Sec. 102. Authorized levels of military strength and training.** Authorizes an active duty strength of 47,000 for the end of FY 2010 and authorizes 2,500 recruit and special training years, 165 flight student years, 350 professional training years, and 1,200 officer acquisition years.

### TITLE II - COAST GUARD

**Sec. 201. Appointment of civilian Coast Guard judges.** Adds a new 14 U.S.C. 153 allowing DHS to appoint civilian employees as appellate military judges to the Coast Guard Court of Criminal Appeals.

**Sec. 202. Industrial activities.** Amends 14 U.S.C. 151 to allow orders and reimbursable agreements between Coast Guard industrial activities and the Department of Defense.

**Sec. 203. Reimbursement for medical-related travel expenses.** Adds a new 14 U.S.C. 518 allowing the reimbursement of travel expenses for eligible persons who live on islands lacking public access roads to the mainland to medical specialists up to 100 miles away.

**Sec. 204. Commissioned officers.** Amends 14 U.S.C. 42 to cap the maximum number of commissioned officers at 6,700 except for a 60-day two percent bulge after a Coast Guard Academy graduating class. Provides for distribution by grade.

**Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.** Allows the Coast Guard to participate in the Armed Forces Retirement Home system.

**Sec. 206. Grants to international maritime organizations.** Amends 14 U.S.C. 149 to allow the Coast Guard to make grants to or enter into agreements with international maritime organizations for data acquisition.

*CONTINUED ON NEXT PAGE*

## SECTION-BY-SECTION SUMMARY OF H.R. 3619 AS INTRODUCED, CONTINUED

- Sec. 207. Emergency leave retention authority.** Adds a new 14 U.S.C. 426 to allow duty assignments in support of disaster relief to be treated as a duty assignment in support of a contingency operation.
- Sec. 208. Enforcement authority.** Adds a new 14 U.S.C. 99 to allow members of the Coast Guard to carry firearms, make arrests and seize property as provided by law while performing official duties at Coast Guard facilities.
- Sec. 209. Repeal.** Repeals 14 U.S.C. 216 (relating to the grade of the Director of the Boating Safety Office).
- Sec. 210. Merchant Mariner Medical Advisory Committee.** Adds a new 46 U.S.C. 7115 to establish a new 14-person Merchant Mariner Medical Advisory Committee to advise the Secretary on medical standards for credentials and medical standards and guidelines for qualification of vessel operators and medical examiners.
- Sec. 211. Reserve commissioned warrant officer to lieutenant program.** Amends 14 U.S.C. 214(a) to allow temporary officer commissions in the Coast Guard Reserve at the lieutenant grade from among reserve commissioned warrant officers.
- Sec. 212. Enhanced status quo officer promotion system.** Amends several sections in chapter 11 of title 14 U.S.C. to increase the information available to selection boards when considering promotions.
- Sec. 213. Laser Training System.** Requires DHS, within one year of enactment, to test an integrated laser engagement system for training small vessel crew in the use of small arms and machine guns in the Great Lakes.
- Sec. 214. Coast Guard vessels and aircraft.** Amends 14 U.S.C. 637(c) to allow non-Coast-Guard vessels or aircraft to fire at or into vessels when operated under Coast Guard tactical control by Coast Guard personnel.
- Sec. 215. Coast Guard District Ombudsmen.** Adds a new 14 U.S.C. 55 requiring the Coast Guard to appoint a District Ombudsman in each Coast Guard District.
- Sec. 216. Coast Guard commissioned officers: compulsory retirement.** Replaces 14 U.S.C. 293 to require mandatory retirement for all regular commissioned officers below the grade of rear admiral (lower half) to retire upon turning 62 and to require admirals to retire upon turning 64. Allows the President to defer such mandatory retirement until age 68 and allows the Secretary to defer such retirement until age 66.
- Sec. 217. Enforcement of coastwise trade laws.** Adds a new 14 U.S.C. 101 authorizing the Coast Guard to establish a program for the Coast Guard to enforce coastwise trade (Jones Act et al) laws including the application of those laws to Gulf of Mexico oil, gas and mineral production vessels.
- Sec. 218. Academy nominations.** Replaces the text of 14 U.S.C. 182(a) to set the size of the Corps of Cadets at the Coast Guard Academy at 1,000 and to allow the Secretary of Homeland Security to appoint up to 10 per year from the children of armed forces KIA or 100 percent service-connected disability-deceased personnel, 1 by the Vice President, 1 by each Senator, and 1 by each Representative and Delegate. Each Senator, Representative and Delegate can nominate up to 10 persons per year. Allows the Secretary to appoint up to 5 percent of each class from the children of other worthy service personnel. Adds a new 14 U.S.C. 197 to establish a minority recruiting program at the Coast Guard Academy.
- Sec. 219. Report on sexual assaults in the Coast Guard.** Requires the Commandant to report to Congress annually on sexual assaults involving members of the Coast Guard.
- Sec. 220. Home port of Coast Guard vessels in Guam.** Amends 14 U.S.C. 96 to clarify the status of Guam as a Coast Guard port.
- Sec. 221. Minority serving institutions.** Directs the Coast Guard to establish an internship program at Minority Serving Institutions to intern at Coast Guard headquarters. Authorizes the appropriation of up to \$3 million to carry out the program.

### TITLE III—SHIPPING AND NAVIGATION

- Sec. 301. Goods and services.** Amends section 4(b) of the Rivers and Harbors Appropriations Act of 1884 (33 U.S.C. 5(b) to allow sales taxes to be levied on goods and services provided to or by vessels or watercraft engaged in domestic trade on navigable U.S. waterways.
- Sec. 302. Seaward extension of anchorage grounds jurisdiction.** Amends section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) to increase the penalties for violating rules in anchorage grounds and using the definition of “navigable waters of the United States” as described in the Presidential proclamation of December 27, 1988.
- Sec. 303. Maritime Drug Law Enforcement Act amendment-simple possession.** Amends 46 U.S.C. 70506 to make simple possession of controlled substances on vessels subject to U.S. jurisdiction liable for a civil penalty of up to \$10,000 per violation.
- Sec. 304. Technical amendments to tonnage measurement law.** Amends 46 U.S.C. 14101, 14103, 14301, 14302, 14303, 14503, 14305, 14501, and 14513, and adds a new section 14514, to make amendments to tonnage measurement laws.
- Sec. 305. Adjustment of liability limits for natural gas deepwater ports.** Amends sec. 1004(d)(2) of the Oil Pollution Act of 1990 to allow the Secretary to establish a liability limit of not less than \$12 million for a deepwater port used only for natural gas transportation.
- Sec. 306. Period of limitations for claims against Oil Spill Liability Trust Fund.** Shifts the limit on the time by which claims must be filed under sec. 1012 of the Oil Pollution Act of 1990 from 6 years to 3 years.
- Sec. 307. Merchant mariner document standards.** Requires DHS to submit a report to Congress on a plan to ensure that TSC applications can be concluded entirely by mail and on merchant mariner document biometric design within 270 days of enactment.
- Sec. 308. Report on Coast Guard determinations.** Requires DHS to report to Congress within 180 days of enactment on U.S. shipyard job loss and industrial base expertise loss as a result of work on U.S.-flagged vessels being transferred to foreign shipyards.
- Sec. 309. Ship emission reduction technology demonstration project.** Requires the Coast Guard to study ways to reduce exhaust emissions on cargo and passenger ships operating in U.S. ports and to report to Congress within 180 days of enactment.
- Sec. 310. Phaseout of vessels supporting oil and gas development.** Allows non-U.S. vessels to serve oil exploration in the Beaufort Sea or Chukchi Sea near Alaska for one year if the Coast Guard determines that no U.S. vessels are available. (Appears identical to sec. 1110 of the bill.)
- Sec. 311. Arctic marine shipping assessment implementation.** Authorizes DHS to work through the International Maritime Organization to establish agreements among Arctic seafaring nations to cooperate on navigational aid, icebreaking, oil spill prevention, maritime domain awareness, and search and rescue in the Arctic. Authorizes appropriations to carry out this section.
- Sec. 312. Supplemental positioning system.** Requires the establishment of eLORAN as the supplemental navigation system for the United States and requires the Coast Guard to submit to Congress a plan for modernizing LORAN-C stations and implementing eLORAN.
- Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.** Amends sec. 4116 of the Oil Pollution Act of 1990 to clarify that the requirement for two vessels to escort single hulled vehicles in Prince William Sound to apply to double hulled oil tankers over 5,000 gross tons.

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## SECTION-BY-SECTION SUMMARY OF H.R. 3619 AS INTRODUCED, CONTINUED

### TITLE IV - GREAT LAKES ICEBREAKER

[This title consists of the text of H.R. 1747 as passed by the House on April 27, 2009 and explained in House Report 111-81.]

### TITLE V - ACQUISITION REFORM

[This title consists of the text of H.R. 1665 as passed by the House on July 29, 2009 and explained in House Report 111-215.]

### TITLE VI - MARITIME WORKFORCE DEVELOPMENT

[This title consists of the text of H.R. 2651 as reported by the Transportation and Infrastructure Committee on July 31, 2009 and explained in House Report 111-243.]

### TITLE VII - COAST GUARD MODERNIZATION

[This title consists of the text of H.R. 2650 as ordered reported by the Transportation and Infrastructure Committee on June 4, 2009.]

### TITLE VIII - MARINE SAFETY

[This title consists of the text of H.R. 2652 as ordered reported by the Transportation and Infrastructure Committee on June 4, 2009.]

### TITLE IX - CRUISE VESSEL SAFETY

[This title consists of the text of H.R. 3360 as ordered reported by the Transportation and Infrastructure Committee on July 30, 2009.]

### TITLE X - UNITED STATES MARINER PROTECTION

[This title consists of the text of H.R. 3376 as ordered reported by the Transportation and Infrastructure Committee on July 30, 2009.]

### TITLE XI - MISCELLANEOUS PROVISIONS

**Sec. 1101. Certificate of documentation for GALLANT LADY.** Amends the Jones Act waiver for the vessel GALLANT LADY.

**Sec. 1102. Waivers.** Grants Jones Act waivers for five specified vessels.

**Sec. 1103. Great Lakes Maritime Research Institute.** Amends the governing statute of the Great Lakes Maritime Research Institute and authorizes appropriations for the Institute for fiscal years 2010-2013.

**Sec. 1104. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.** Conveys the Station Brant Point Boat House to the town of Nantucket, Massachusetts.

**Sec. 1105. Crew wages on passenger vessels.** Amends 46 U.S.C. 10313(g) to limit the total amount of wages that can be paid in class action suits by seamen on a large passenger liner, adding time limits for filing such suits, and amending 46 U.S.C. 10315 to change the rules on deposits in seaman accounts and makes similar rules apply to coastwise trips under 46 U.S.C. 10504.

**Sec. 1106. Technical corrections.** Makes technical corrections to a variety of maritime statutes.

**Sec. 1107. Conveyance of decommissioned Coast Guard Cutter STORIS.** Conveys the STORIS to a museum in Alaska under certain conditions.

**Sec. 1108. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.** Conveys a HU-25 Falcon to Elizabeth City State University in North Carolina.

**Sec. 1109. Decommissioned Coast Guard vessels for Haiti.** Directs the Coast Guard to give the right of first refusal on decommissioned Coast Guard 41-foot patrol boats to the government of Haiti under certain conditions.

**Sec. 1110. Phaseout of vessels supporting oil and gas development.** Allows non-U.S. vessels to serve oil exploration in the Beaufort Sea or Chukchi Sea near Alaska for one year if the Coast Guard determines that no U.S. vessels are available. (Appears identical to sec. 310 of the bill.)

**Sec. 1111. Vessel traffic risk assessment.** Directs the Coast Guard to prepare a vessel traffic risk assessment for Cook Inlet, Alaska.

**Sec. 1112. Study of relocation of Coast Guard Sector Buffalo facilities.** Directs the Coast Guard to study possible consolidation of Coast Guard facilities near Buffalo, New York.

**Sec. 1113. Conveyance of Coast Guard vessels to Mississippi.** Conveys certain Coast Guard trailerable boats of 17 to 30 feet in length to three Mississippi sheriff's departments.

**Sec. 1114. Coast Guard assets for United States Virgin Islands.** Authorizes the Coast Guard to station additional resources in the U.S. Virgin Islands.

**Sec. 1115. Officer requirements for distant water tuna vessels.** Amends 46 U.S.C. 8103 to allow non-U.S. officers on certain treaty tuna vessels if no U.S. officers are available.

**Sec. 1116. Assessment of needs for additional Coast Guard presence in high latitude regions.** Directs the Coast Guard to report to Congress within 270 days of enactment on the need for additional Coast Guard prevention and response capability in high latitude regions.

**Sec. 1117. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.** Requires a National Academy of Sciences study within 180 days of enactment on the need for regional response vessel and salvage capability for the Olympic Peninsula coast of Washington

**Sec. 1118. Study of bridges over navigable waters.** Directs DOT to submit to Congress a comprehensive study on the proposed construction or alteration of all bridges over navigable waterways with a channel depth of 25 feet or more.

**Sec. 1119. Limitation on jurisdiction of States to tax certain seamen.** Amends 46 U.S.C. 11808(b)(2)(B) to make the provision apply to persons who work on the waters in 2 or more states.

**Sec. 1120. Decommissioned Coast Guard vessels for Bermuda.** Directs the Coast Guard to give right of first refusal to the government of Bermuda for decommissioned 41-foot patrol boats.

**Sec. 1121. Conveyance of Coast Guard vessels to Nassau County, New York.** Allows the Coast Guard to give the Nassau County Police Department two 41-foot patrol boats.

**Sec. 1122. Newtown Creek, New York City, New York.** Directs the EPA to study the public health, safety and environmental concerns of the underground petroleum spill in Brooklyn. Authorizes the appropriation of up to \$5 million for the study.

**Sec. 1123. Land conveyance, Coast Guard property in Marquette County, Michigan,** to the City of Marquette, Michigan. Authorizes the Coast Guard to convey property to the city of Marquette, Michigan

**Sec. 1124. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.** Requires the Coast Guard to produce a mission requirement analysis for the navigable parts of the Rio Grande River.

**Sec. 1125. Conveyance of Coast Guard property in Cheboygan, Michigan.** Authorizes the conveyance of Coast Guard property at 900 S. Western Avenue in Cheboygan, Michigan with right of first refusal given to Cornerstone Christian Academy.

## NEW AND NOTABLE ON THE INTERNET

### Coast Guard Authorization Bill (House)

The text of H.R. 3619 as introduced on September 22 is here:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3619ih.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3619ih.txt.pdf)

### Coast Guard Authorization Bill (Senate)

The Congressional Budget Office recently released its cost estimate for S. 1194, the Senate Coast Guard bill:

<http://www.cbo.gov/ftpdocs/106xx/doc10623/s1194.pdf>

### Congestion Mitigation and Air Quality Program

FHWA has released its Phase II CMAQ study required by sec. 1808 of SAFETEA-LU:

<http://www.fhwa.dot.gov/environment/cmaqpgs/fhwahep09026/fhwahep09026.pdf>

### Continuing Resolution for Fiscal Year 2010

The full text of the "CR" is Division B of the conference report on the Legislative Branch appropriations bill. The text can be found here on pages 22-32 of the PDF file of the conference report, here:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_reports&docid=f:hr265.111.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_reports&docid=f:hr265.111.pdf)

### Surface Transportation Program Extension (House)

The text of H.R. 3617, the House-passed three-month surface transportation extension bill, is here:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:h3617eh.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3617eh.txt.pdf)

### Transit Energy Consumption & Greenhouse Gas Emission Reduction Grants

FTA announced the recipients in \$100 million in grants from the stimulus law designed to lower greenhouse gas emissions and energy consumption by transit agencies. (We will not dignify the acronym that FTA chose for the program by repeating it here.) The list of grant recipients is here:

<http://www.dot.gov/affairs/2009/fta2209.htm>

## 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**

**Tuesday, September 29, 2009** — House Transportation and Infrastructure — Subcommittee on Economic Development, Public Building, and Emergency Management — subcommittee hearing on post-Katrina Gulf Coast infrastructure repair — *2:00 p.m., 2167 Rayburn.*

Committee of conference — meeting of House and Senate conferees on H.R. 3183, Energy and Water Development Appropriations, FY 2010 — *6:15 p.m., HC-5, The Capitol.*

**Wednesday, September 30, 2009** — House Transportation and Infrastructure — Subcommittee on Coast Guard and Maritime Transportation — subcommittee hearing on the Coast Guard’s search and rescue mission — *10:00 a.m., 2167 Rayburn.*

House Homeland Security — Subcommittee on Transportation Security and Infrastructure Protection — subcommittee hearing on TSA’s Registered Traveler program — *2:00 p.m., 311 Cannon.*

House Transportation and Infrastructure — Subcommittee on Economic Development, Public Building, and Emergency Management — subcommittee hearing on emergency alert systems — *2:00 p.m., 2167 Rayburn.*

**NOTICE TO READERS**

October 4, 2009 will mark the tenth anniversary of the first issue of *Transportation Weekly* (which was only five pages long and was really not good at all, and neither were the first two or three years, truth be told). Suggestions as to how we should mark this momentous anniversary are welcome at: [mail@transportationweekly.com](mailto:mail@transportationweekly.com)

**STATUS OF MAJOR TRANSPORTATION BILLS — 111<sup>th</sup> CONGRESS**

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
<b>Economic Stimulus Appropriations &amp; Tax Cuts</b>	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
<b>FY 2010 Congressional budget resolution</b>	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
<b>FY 2010 Transportation-HUD Appropriations</b>	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	
<b>FY 2010 Energy and Water Appropriations</b>	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	
<b>FY 2010 Homeland Security Appropriations</b>	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	
<b>Federal Aviation Admin. Reauthorization Bill</b>	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	
<b>Surface Transportation Reauthorization Bill</b>	Subcommittee marked up draft bill on 6/24/09		
<b>Short-Term Extension of Surface Transportation Laws</b>	H.R. 3617 passed House 9/23/09 by a vote of 335-85	S. 1498 reported 7/22/09 S. Rept. 111-59	
<b>Water Resources Development Act</b>			
<b>FY 2010 Coast Guard Authorization</b>	H.R. 3619 ordered reported 9/24/09 by House T&I	S. 1194 ordered reported 7/8/09 by Senate Commerce Committee	
<b>Transportation Security Admin. Reauthorization</b>	H.R. 2200 passed House 6/4/09 by a vote of 397-25		