

# THE LEGISLATIVE SERVICES GROUP'S

## *Transportation Weekly*

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

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### *Legislative Schedules*

*Week of December 14, 2009*

#### House

**Wednesday and the balance of the week** — meets at 10 a.m. (9 a.m. Friday) — further amendment to Senate amendment to H.R. 3326, Defense appropriations; H.R. 4314, debt ceiling extension; H. J. Res. 64, CR extension, and further amendment to Senate amendment to H.R. 2847, making further appropriations for economic stimulus and job creation.

#### Senate

The Senate will convene at 10 a.m. today and will resume consideration of H.R. 3590, the health care reform bill.

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## House Proposes Another \$37.3B In USDOT Stimulus Defense Bill Will Extend Highways, Transit At FY 2009 Net (CR) Levels For 2 Months To Give Senate Time To Consider Second Stimulus Bill In January

The House Rules Committee is expected to meet this morning to issue a rule that will allow the House to vote on and pass four bills later today and (hopefully) wrap up its 2009 session.

Those four bills are (in the approximate order in which they need to be signed into law):

1. H.J. Res. 64, a five-day extension of the existing stopgap continuing resolution (CR) until December 23.
2. A House amendment to the Senate amendment to H.R. 3326, the Defense appropriations bill, which also contains extensions of a variety of expiring

laws until February 28, 2010. Included in these extensions is an extension of the provisions of the existing CR that are currently providing contract authority from, and expenditure authority for, the Highway Trust Fund (at the daily rate of the current CR through February 28).

3. H.R. 4314, which would increase the statutory ceiling on the total federal debt from \$12.104 trillion to \$12.394 trillion.
4. A House amendment to the Senate amendment to H.R. 2847, the Commerce-Justice-Science appropriations

bill, which would get rid of all of that pesky Commerce-Justice-Science stuff and replace it with a second economic stimulus bill that would provide \$75 billion in new general fund appropriations (\$37.3 billion of which would be for the U.S. Department of Transportation), an extension of Highway Trust Fund programs at FY 2009 levels (roughly) through September 30, 2010, and a variety of other items.

The House hopes to pass all four of these items today. The plan is for the Senate to pass the first

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## House, Senate Approve Omnibus Spending Bill

The House and Senate have approved a \$1.07 trillion omnibus appropriations measure, clearing the bill for President Obama's signature. The President is expected to sign the bill (H.R. 3288), which includes all discretionary funding for the U.S. Department of Transportation, before the current stopgap continuing resolution expires on Friday.

The House agreed to the final joint House-Senate conference report on the bill on December 10 by a vote of 221 to 202, with one "present". The Senate invoked cloture on the conference report on Saturday, December 12 by the bare minimum margin of 60 to 34, and agreed to the conference report itself in a rare Sunday session on December 13 by a vote of 57 to 35.

Floor debate on the final package in both chambers centered on the overall cost of the legislation and the ungainly way in which it was assembled, rather than on the merits of any particular bill in the six-bill package.

There were a few exceptions. In the House, Railroads Subcommittee chairman Corrine Brown (D-FL) was incensed that

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## Stimulus II

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three items and send them to President Obama's desk before Christmas and kick the stimulus bill into January, at which point the Senate will consider it on the floor for amendment (possibly after an Appropriations Committee markup — this is not clear).

The second stimulus bill (table shown at right) essentially doubles down on the stimulus investments made in the February 2009 ARRA law. The new stimulus appropriates another \$27.5 billion for highway and transit projects under conditions almost identical to those governing the \$27.5 billion in the first stimulus. A total of \$8.4 billion is appropriated for mass transit in the new bill, under conditions similar to those governing the \$8.4 billion in the first stimulus. (Though the ratios are different — Stimulus I gave \$6.9 billion to capital formula grants and \$750 million each to rail modernization and new starts/small starts, while Stimulus II gives \$6.15 billion to capital formula grants, \$1.75 billion to rail modernization and \$500 million to new starts/small starts. The rail modernization formula is heavily weighted towards New York City, Chicago, and two or three other big urban transit systems.)

It is somewhat ironic that the House now proposes to appropriate an additional \$27.5 billion from the general fund for highways after fighting against a Senate amendment in the FY 2010 Transportation-HUD bill to add general fund moneys for the highway program. (As one knowledgeable appropriations source said, they were against it before they were for it.)

Another surprise in Stimulus II is \$800 million for Amtrak for "fleet modernization, including rehabilitation of existing and acquisition of new passenger equipment, including fuel efficient locomotives." And most unexpected was a \$100 mil-

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## NEW BUDGET AUTHORITY PROVIDED IN TITLES I AND II OF THE SECOND HOUSE STIMULUS BILL

Title I - Infrastructure and Jobs Investment	
Chapter 1 - Commerce, Justice, Science	
Department of Justice	\$ 1,179,000,000
Chapter 2 - Energy and Water Development	
Corps of Engineers - Construction	\$ 715,000,000
Bureau of Reclamation - Water Resources	\$ 100,000,000
DOE Innovative Technology Loans	\$ 2,000,000,000
Chapter 3 - Homeland Security	
FEMA Firefighter Assistance Grants	\$ 500,000,000
Chapter 4 - Interior and Environment	
BLM Management of Lands and Resources	\$ 20,000,000
Fish & Wildlife Resource Management	\$ 30,000,000
Park Service Operation of Park System	\$ 50,000,000
Interior Wildland Fire Management	\$ 20,000,000
EPA State and Tribal Assistance Grants	\$ 2,000,000,000
Forest Service State & Private Forestry	\$ 75,000,000
Forest Service National Forest System	\$ 40,000,000
Forest Service Wildland Fire Management	\$ 35,000,000
Chapter 5 - Labor, HHS, Education	
Labor ETA Training & Employment	\$ 1,250,000,000
DOE Education Jobs Fund	\$ 23,000,000,000
DOE Student Financial Assistance	\$ 300,000,000
DOE QZAB Credit (est. cost)	\$ 4,100,000,000
Corp. for National & Community Service	\$ 132,000,000
National Service Trust	\$ 68,000,000
Chapter 6 - Transportation, HUD	
FAA Airport Improvement Program	\$ 500,000,000
FHWA Highway Infrastructure Investment	\$ 27,500,000,000
FRA Capital Grants to Amtrak	\$ 800,000,000
FTA Transit Capital Assistance	\$ 6,150,000,000
FTA Fixed Guideway Modernization	\$ 1,750,000,000
FTA Capital Investment Grants	\$ 500,000,000
MARAD Title XI Loans	\$ 100,000,000
HUD Public Housing Capital Fund	\$ 1,000,000,000
HUD Housing Trust Fund	\$ 1,065,000,000
<b>Subtotal, Title I</b>	<b>\$ 74,979,000,000</b>
Title II - Surface Transportation Extension	
FHWA Contract Authority	\$ 41,728,962,483
NHTSA Contract Authority	\$ 729,000,000
FMCSA Contract Authority	\$ 552,898,000
FTA Contract Authority	\$ 8,343,171,000
<b>Subtotal, Title II</b>	<b>\$ 51,354,031,483</b>

## Stimulus II

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lion appropriation for Maritime Administration title XI shipbuilding loan subsidies. (The FY 2010 THUD appropriations bill had just \$5 million for this purpose, and the FY 2009 law had zero.)

The Stimulus II bill also appropriates an additional \$715 million for U.S. Army Corps of Engineers water resources construction projects.

The cost of the \$75 billion in title I of Stimulus II is offset by a reduction in TARP borrowing authority from \$700 billion to \$550 billion. This is due to the Congressional Budget Office scorekeeping process. When putting together its spring 2009 baseline, CBO did not know whether TARP would successfully rescue the financial services sector (and get most of the money back) or whether the U.S. would slide into a Second Great Depression (and lose most of the money). CBO called it a

50-50 proposition, so TARP borrowing authority is currently scored at a 50 percent subsidy outlay rate. Since TARP has since been shown to be a success, and all the banks have now paid their money back, once CBO does its new baseline in February 2010, the subsidy outlay rate for TARP will drop substantially. So if you cut \$150 billion from TARP and get it signed into law now, or in January, you get \$75 billion in scored savings. If you do it after the new CBO baseline comes out, you get a lot less savings.

Title II of Stimulus II (which, again, will not come up in the Senate before January) extends Highway Trust Fund authorizations through September 30, 2010 at the pre-rescissions gross FY 2009 rate, minus \$1.4 billion in contract authority from the highway program to make total contract authority provided under title II consistent with the FY 2009 Congressional budget resolution. However, the extension does contain provisions opposed by the Senate, such as a provision making the PNRS and Corridor program funds discretionary (while treating those programs the same way all the other SAFETEA-LU earmarked programs are treated means much more money for California and Illinois than under the House's proposed extension.)

Also, sec. 2012 of the proposed House year-long extension would allow states to opt out of paying any part of its usual share of any highway or transit project between the date of enactment and September 30, 2010 (except for PNRS and Corridor projects, new starts, OST discretionary multimodal grants, or FY 2010 THUD highway earmarks.) This would ease the financial burden on states but would also lower the total level of highway and transit investment in the U.S. by a significant amount.

To make all this possible (by covering up the fact that the Highway Trust Fund is going broke — repeatedly), sec. 2010 of Stimulus II trans-

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### WHICH OF THESE THINGS IS NOT LIKE THE OTHERS?

Following is a summary of all of the items added to the Defense Appropriations conference report. Thirteen of them appear to extend or alter important federal programs or laws of national significance. One does not. Which are which?

#### DIVISION B - OTHER MATTERS

- Sec. 1001.** Appropriates such sums as necessary to carry out the Supplemental Nutrition Assistance Program (a.k.a. food stamps) for current year expenses.
- Sec. 1002.** Appropriates \$400 million for the costs of state administrative expenses for the food stamp program.
- Sec. 1003.** Extends the expiration date of 17 U.S.C. 119 (must-carry transmission of certain satellite signals) from December 31, 2009 to February 28, 2010.
- Sec. 1004.** Extends the expiration date of certain provisions of the USA Patriot Act from December 31, 2009 to February 28, 2010.
- Sec. 1005.** Extends the expiration date of certain provisions of the National Flood Insurance Act from December 18, 2009 to February 28, 2010.
- Sec. 1006.** Appropriates \$150 million for, and extends certain expiration dates for, the SBA Business Loans Program Account until February 28, 2010.
- Sec. 1007.** Authorizes the Secretary of the Interior to make a \$12.8 million payment to Swain County, North Carolina for the non-construction of the North Shore Road (\$6.8 million from a new appropriation and \$6 million from Interior unobligated balances) and rescinds \$6 million from a FY 2001 earmark related to this purpose.
- Sec. 1008.** Extends funding authorizations for, and contract authority for programs funded from, the Highway Trust Fund from the expiration of the continuing resolution on December 18, 2009 to February 28, 2010 (deems the date for sections 157 through 162 of the CR to be February 28, 2010) except for making a technical correction related to the rescission in section 123 of the FY 2009 DOT Appropriations Act.
- Sec. 1009.** Extends certain unemployment insurance-related authorizations for two months.
- Sec. 1010.** Extends section 3001 of ARRA (extended COBRA benefits) from December 31, 2009 through February 28, 2010.
- Sec. 1011.** Adds more Medicare Sustainable Growth Rate adjustment factors for the period from January 1, 2010 through February 28, 2010.
- Sec. 1012.** Prevents HHS from updating certain poverty guidelines before March 1, 2010.
- Sec. 1013.** Rescinds \$128 million from the NTIA Digital Converter Box program.
- Sec. 1014.** Provides that an explanatory statement printed in the Congressional Record on or about December 16, 2010 shall be considered to be a statement of managers for a Defense Appropriations conference report.

*If you guessed section 1007, you are correct. Former University of Tennessee quarterback (and 2nd-place finisher in the 1993 Heisman Trophy balloting) Heath Shuler (D-NC) has finally gotten some payback for TVA taking away the land on the North Shore in 1943 to build Fontana Dam and promising to build a road for 57 years only to find that the EIS determined that actually building the road would be bad for the environment. However, this raises an important question — since Shuler got an earmark that, while justified, is clearly out of place in this particular bill, is former Florida State running back Charlie Ward (who beat Shuler for the Heisman in 1993) now entitled to a bigger earmark of his own in next year's Defense bill?*

# Stimulus II

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fers \$19.5 billion from the general fund of the Treasury to the Highway Trust Fund — \$14.7 billion to the Highway Account and \$4.8 billion to the Mass Transit Account and allows the Trust Fund to earn interest on balances in the future.

Since the Stimulus II bill and its HTF extension through September 30 will not come up in the Senate before mid-January, but the existing HTF spending authority expires at the end of the continuing resolution (December 18 at present, and December 23 if H.J. Res. 64 is enacted), an interim extension is

needed. Section 1008 of Division B of the Defense bill effectively extends the CR for Highway Trust Fund programs only by deeming sections 157 through 162 of the CR to be in effect through February 28, 2010 — giving the House and Senate until that date to agree on the extension in Stimulus II or some other Highway Trust Fund extension language.

The House hopes to pass all four measures in time for Speaker Pelosi and the rest of the House delegation to fly to Copenhagen late tonight for the closing of the climate change conference. If the Senate amends or fails to pass the Defense, debt limit, or CR extension measures, the House would come back and vote on

Saturday or Monday. Otherwise, the House is done for the year.

*(Ed. Note: In the Helluva Way To Run A Railroad Dept., the text of the \$75 billion Stimulus II was not released to Congress or the public until less than 24 hours before the House is expected to give an up-or-down vote on the whole package. Contrast this with the way that Stimulus I was handled: text of draft bill and committee report posted online on January 15; full House Appropriations Committee markup on January 21; Rules Committee on January 26; House debate (with 11 floor amendments allowed) on January 27-28 culminating with passage on the 28th. The text of the*

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## DISTRIBUTION OF HIGHWAY AND TRANSIT STIMULUS MONEY VIA FORMULA

### Stimulus I ARRA (P.L. 111-5)

### Stimulus II House Bill

#### Highway Infrastructure Investment

	Stimulus I ARRA (P.L. 111-5)	Stimulus II House Bill
Amount	\$27.5 billion	\$27.5 billion
Purpose of appropriation	"restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title"	Same as ARRA.
Appropriation available until	September 30, 2010	September 30, 2011
Off-the-top dollar set-asides	\$105 million for Puerto Rico; \$45 million for territories; \$60 million for ferries; \$550 million for Indian reservations and federal lands; \$20 million for training; \$20 million for DBE bonding; and \$40 million for FHWA oversight.	Same as ARRA except for \$45 million for FHWA oversight, of which \$5 million goes for the not-yet-created Office of Expedited Project Delivery.
Remainder apportioned how:	50% via STP formula in 23 U.S.C. 104(b)(3); 50% via FY 2008 ob limit ratio.	Same as ARRA (except why stick to the FY 2008 ob limit ratio? Really?)
Percent set-asides in each state:	3% for enhancements; 30% to be sub-allocated by population.	Same as ARRA.
First use-it-or-lose-it deadline	120 days after apportionment, a state loses the unobligated portion of 50% of its apportionment (excluding sums sub-allocated by population).	90 days after apportionment, a state loses the not-under-contract portion of 50% of its apportionment.
Second use-it-or-lose-it deadline	1 year after apportionment, a state loses the remainder of its unobligated apportionment.	1 year after apportionment, a state loses any funds remaining that are not under contract.

#### Transit Capital Assistance

Amount	\$6.9 billion	\$6.15 billion
Purpose of appropriation	"transit capital assistance grants authorized under section 5302(a)(1) of title 49, United States Code"	Same as ARRA.
Appropriation available until	September 30, 2010	Does not say (so, presumably, September 30, 2010).
Off-the-top dollar set-asides	\$100 million for greenhouse gas reduction grants	Same as ARRA.
Remainder apportioned how:	80% via section 5307 formula; 10% via section 5340 formula; and 10% via section 5311 formula.	Same as ARRA.
Percent set-asides:	2.5% of section 5311 set aside for Indian reservations; 0.75% of 5307 and 5340 and 0.5% of 5311 set aside for oversight.	Same as ARRA.
First use-it-or-lose-it deadline	180 days after apportionment, urbanized areas lose the unobligated portion of 50% of their apportionment.	90 days after apportionment, urbanized areas lose the not-under-contract portion of 50% of apportionment.
Second use-it-or-lose-it deadline	1 year after apportionment, urbanized areas lose the unobligated remainder of their apportionment.	1 year after apportionment, urbanized areas lose the not-under-contract remainder of their apportionment.



# Stimulus II

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proposed Stimulus I bill was reviewable for almost two weeks before the House was asked to vote on the legislation.)

*(Further Ed. Note: In the Sad, Sad, Sad State of Affairs Dept., it is apparently not enough that Stimulus II will be considered under a completely closed rule on the House floor precluding all regular amendments. The Speaker and the Chairman have decided to bring up Stimulus II as a House amendment in the nature of a substitute to the Senate amendment in the nature of a substitute to the Commerce-Justice-Science appropriations bill for FY 2010 (the full text of which has already been sent to President*

Obama as part of the Consolidated Appropriations Act, rendering the original C-J-S bill a dead letter and allowing it to be used for this ridiculous exercise). Long story short: the only purpose of this maneuver is to reduce the number of potential amendments that can be offered on the House floor to Stimulus II from one (a minority motion to recommit with instructions) to zero. Going to these ridiculous extremes in order to lower the number of opportunities for amendment of the bill from one to zero is the truest possible indicator of just how little confidence the Democratic leadership has in this particular spur-of-the-moment work product. After all, the same leadership allowed 11 floor amendments and a motion to recommit with instructions to Stimulus I.)

*(Even Further Ed. Note: In the Final Word in Pot v. Kettle Dept., even if you only count title I of the Stimulus II bill as an appropriations bill, it would still be third-largest FY 2010 discretionary appropriations bill — bigger than Agriculture, Commerce-Justice, Energy and Water, Financial Services, Homeland Security, Interior & Environment, Legislative Branch, State/Foreign Operations, and Transportation-HUD. As a pure thought exercise, imagine what ranking member David Obey's reaction would have been had a GOP majority moved a supplemental of this size to the House floor on less than 24 hours notice and with no committee markup. And try to envision how many people he would have stabbed with sharpened #2 pencils in the process.)*

## QUESTIONS AND ANSWERS ON THE DEBT LIMIT

**Q: What is the public debt limit?** A: Prior to 1917, every single new issuance of Treasury securities had to be authorized by a new law passed by Congress. The need to run up mountains of debt quickly during World War I led Congress to change the system to give Treasury blanket authority to issue federal debt up to a certain aggregate amount. The current ceiling is found in section 3101(b) of title 31, United States Code: "The face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) may not be more than \$12,104,000,000,000, outstanding at one time".

**Q: What kind of debt is subject to the limit?** A: There are two basic kinds of federal debt: "intragovernmental" debt held by federal government accounts (the securities in which surpluses of federal trust funds are invested — Social Security, Medicare, Highway, Airport and Airway, etc.) and debt held by the public (private investors, both domestic and foreign, as well as the Federal Reserve). Both these kinds of debt are subject to the total debt ceiling. About \$12 billion in debt from the Federal Financing Bank is not subject to the limit, nor is about \$25 billion in federal agency debt issued directly by those agencies (not by the Treasury), principally that of the Tennessee Valley Authority.

**Q: How much debt is there right now that is subject to the limit?** A: As of close of business on Friday, December 11, there was \$4.359 trillion in outstanding intragovernmental debt and \$7.722 trillion in debt held by the public, for a total public debt outstanding of \$12.082 trillion (which is getting perilously close to the \$12.104 trillion ceiling).

**Q: What happens if the total outstanding debt level hits the limit?** A: The last time this happened was in 2003. On February 20, 2003, the Treasury Secretary determined that no new federal debt could be issued without exceeding the statutory debt ceiling. However, the bills of the government still had to be paid. Treasury then conducted a series of transactions to move money around between different federal funds (principally, redeeming Civil Service Fund obligations prior to maturity, suspending new Civil Service Fund investments, and suspending G-Fund investments) which prevented the Treasury from defaulting on its obligations but which cost the Civil Service Fund billions of dollars in interest down the road. Congress raised the debt ceiling on May 27, 2003, ending that crisis. But given how much higher weekly and monthly deficits are now than in 2003, it is likely that Treasury's ability to do that kind of thing if the present ceiling is reached will be much briefer than the three months of the 2003 debt crisis. More information on that debt crisis is here: <http://www.gao.gov/new.items/d04526.pdf>

**Q: Are there different ways to increase the debt limit?** A: In the past, Congress has enacted a variety of permanent increases in the debt limit (shown at right) as well as temporary increases that reverted back to a lower ceiling after a date certain. During the 1990 budget summit negotiations, Congress enacted a series of short-term debt limits lasting (in order) seven weeks, four days, ten days, five days, two days, and eight days, before enacting a permanent increase on November 5, 1990.

For more general information on federal debt: <http://www.gao.gov/new.items/d04485sp.pdf>

## PERMANENT INCREASES IN THE DEBT LIMIT

<u>Date Increased</u>	<u>Billion \$</u>
May 26 1983	1,389
Nov 21 1983	1,490
May 25 1984	1,520
Jul 6 1984	1,573
Oct 13 1984	1,824
Nov 14 1985	1,904
Dec 12 1985	2,088
Aug 21 1986	2,111
Oct 21 1986	2,300
Jul 30 1987	2,320
Aug 10 1987	2,352
Sep 29 1987	2,800
Aug 7 1989	2,870
Nov 8 1989	3,123
Aug 9 1990	3,195
Oct 28 1990	3,230
Nov 5 1990	4,145
Apr 6 1993	4,370
Aug 10 1993	4,900
Mar 29 1996	5,500
Aug 5 1997	5,950
Jun 28 2002	6,400
May 27 2003	7,384
Nov 19 2004	8,184
Mar 20 2006	8,965
Sep 29 2007	9,815
Jul 30 2008	10,615
Oct 3 2008	11,319
Feb 17 2009	12,104

**ESTIMATED STATE HIGHWAY APPORTIONMENTS UNDER HOUSE STIMULUS II BILL**

Under the terms of the House's second stimulus bil, 50 percent of the post-set-aside highway money is to be given out under the STP formula in 23 U.S.C. 104(b)(3) and the other 50 percent is to be given out in the FY 2008 formula obligation limitation distribution ratio. The following table shows the latest November 2009 STP formula ratio from apportionments under the continuing resolution for one-half of the money and the FY 2008 ob limit ratio for the other half of the money. Since no good reason was given for distributing half of the FY 2010 money under the FY 2008 ratio, as opposed to the more recent FY 2009 ratio, the table also shows how much money each state would receive if the more recent FY 2009 ob limit distribution ratio was used.

STATE	FY10 STP	EST.	FY08 OBLIM	EST.	TOTAL EST.	TOTAL APPORT.
	RATIO	STIM II	RATIO	STIM II	STIM II	IF FY09 OBLIM
	N.4510.715	APPORT.	N.4520.196	APPORT.	APPORT.	RATIO USED
ALABAMA	1.9367%	\$ 258,164,078	1.9151%	\$ 255,277,621	\$ 513,441,699	\$ 487,069,060
ALASKA	0.5000%	\$ 66,650,006	0.8150%	\$ 108,635,427	\$ 175,285,433	\$ 176,428,235
ARIZONA	1.9066%	\$ 254,153,859	2.0060%	\$ 267,404,754	\$ 521,558,613	\$ 525,589,353
ARKANSAS	1.3689%	\$ 182,474,271	1.2675%	\$ 168,955,879	\$ 351,430,150	\$ 352,050,502
CALIFORNIA	9.6965%	\$ 1,292,547,474	9.5666%	\$ 1,275,230,620	\$ 2,567,778,094	\$ 2,555,554,056
COLORADO	1.6161%	\$ 215,427,575	1.4139%	\$ 188,477,349	\$ 403,904,924	\$ 405,455,497
CONNECTICUT	0.9255%	\$ 123,372,466	1.3390%	\$ 178,489,663	\$ 301,862,128	\$ 297,661,900
DELAWARE	0.5000%	\$ 66,650,006	0.4136%	\$ 55,133,332	\$ 121,783,338	\$ 121,463,284
D.C.	0.5000%	\$ 66,650,006	0.4263%	\$ 56,825,655	\$ 123,475,661	\$ 122,195,422
FLORIDA	5.0962%	\$ 679,324,856	5.0015%	\$ 666,706,397	\$ 1,346,031,254	\$ 1,350,068,967
GEORGIA	3.4063%	\$ 454,055,158	3.5765%	\$ 476,747,514	\$ 930,802,672	\$ 907,329,369
HAWAII	0.5000%	\$ 66,650,006	0.4430%	\$ 59,052,098	\$ 125,702,104	\$ 125,557,745
IDAHO	0.6231%	\$ 83,053,180	0.7412%	\$ 98,806,135	\$ 181,859,315	\$ 182,160,306
ILLINOIS	3.5878%	\$ 478,255,030	3.5016%	\$ 466,757,831	\$ 945,012,862	\$ 941,443,721
INDIANA	2.3797%	\$ 317,209,525	2.5511%	\$ 340,058,213	\$ 657,267,738	\$ 657,653,432
IOWA	1.4777%	\$ 196,971,591	1.2090%	\$ 161,156,788	\$ 358,128,379	\$ 360,681,182
KANSAS	1.5227%	\$ 202,977,662	1.0859%	\$ 144,749,341	\$ 347,727,003	\$ 345,273,303
KENTUCKY	1.5926%	\$ 212,299,941	1.5643%	\$ 208,525,201	\$ 420,825,143	\$ 430,473,378
LOUISIANA	1.6127%	\$ 214,973,896	1.6105%	\$ 214,679,487	\$ 429,653,382	\$ 447,865,118
MAINE	0.5059%	\$ 67,441,396	0.4746%	\$ 63,264,625	\$ 130,706,021	\$ 129,915,799
MARYLAND	1.5941%	\$ 212,493,819	1.6377%	\$ 218,311,132	\$ 430,804,951	\$ 427,386,375
MASSACHUSETTS	1.5504%	\$ 206,673,160	1.7599%	\$ 234,601,221	\$ 441,274,381	\$ 437,056,294
MICHIGAN	3.3580%	\$ 447,627,379	2.9941%	\$ 399,114,045	\$ 846,741,424	\$ 834,887,354
MINNESOTA	2.1321%	\$ 284,209,840	1.6339%	\$ 217,799,295	\$ 502,009,135	\$ 501,212,689
MISSISSIPPI	1.4507%	\$ 193,382,624	1.2074%	\$ 160,949,231	\$ 354,331,855	\$ 355,220,122
MISSOURI	2.4220%	\$ 322,853,966	2.3564%	\$ 314,112,064	\$ 636,966,030	\$ 636,043,510
MONTANA	0.6385%	\$ 85,116,124	0.9496%	\$ 126,587,506	\$ 211,703,630	\$ 212,013,676
NEBRASKA	0.9787%	\$ 130,458,520	0.7885%	\$ 105,105,099	\$ 235,563,619	\$ 235,041,207
NEVADA	0.7647%	\$ 101,940,251	0.7450%	\$ 99,304,153	\$ 201,244,404	\$ 207,190,433
NEW HAMPSHIRE	0.5000%	\$ 66,650,006	0.4706%	\$ 62,737,329	\$ 129,387,334	\$ 128,348,846
NEW JERSEY	2.2254%	\$ 296,648,335	2.6628%	\$ 354,948,221	\$ 651,596,557	\$ 651,630,075
NEW MEXICO	0.9323%	\$ 124,274,920	0.9628%	\$ 128,346,631	\$ 252,621,551	\$ 252,618,163
NEW YORK	3.7665%	\$ 502,080,317	4.6352%	\$ 617,872,343	\$ 1,119,952,660	\$ 1,115,305,432
NORTH CAROLINA	2.7700%	\$ 369,237,377	2.7462%	\$ 366,065,046	\$ 735,302,423	\$ 736,563,242
NORTH DAKOTA	0.6101%	\$ 81,324,142	0.6659%	\$ 88,758,340	\$ 170,082,483	\$ 169,935,155
OHIO	3.4706%	\$ 462,628,195	3.5422%	\$ 472,171,505	\$ 934,799,700	\$ 925,874,522
OKLAHOMA	1.8957%	\$ 252,701,228	1.5883%	\$ 211,716,262	\$ 464,417,490	\$ 464,373,646
OREGON	1.3083%	\$ 174,398,030	1.1956%	\$ 159,377,481	\$ 333,775,511	\$ 333,376,442
PENNSYLVANIA	3.4041%	\$ 453,765,182	4.2905%	\$ 571,917,635	\$ 1,025,682,816	\$ 1,018,869,724
RHODE ISLAND	0.5000%	\$ 66,650,006	0.5282%	\$ 70,406,896	\$ 137,056,902	\$ 138,810,325
SOUTH CAROLINA	1.8304%	\$ 243,990,928	1.6403%	\$ 218,654,625	\$ 462,645,554	\$ 464,258,325
SOUTH DAKOTA	0.6925%	\$ 92,311,418	0.6802%	\$ 90,675,850	\$ 182,987,268	\$ 182,718,201
TENNESSEE	2.1963%	\$ 292,770,177	2.0964%	\$ 279,451,281	\$ 572,221,458	\$ 570,637,154
TEXAS	8.5881%	\$ 1,144,788,243	8.2922%	\$ 1,105,354,456	\$ 2,250,142,698	\$ 2,297,883,645
UTAH	0.8439%	\$ 112,494,586	0.7580%	\$ 101,045,658	\$ 213,540,244	\$ 220,506,712
VERMONT	0.5000%	\$ 66,650,006	0.4434%	\$ 59,100,747	\$ 125,750,753	\$ 125,561,903
VIRGINIA	2.6562%	\$ 354,069,209	2.5508%	\$ 340,018,825	\$ 694,088,034	\$ 691,232,441
WASHINGTON	1.8790%	\$ 250,465,459	1.8122%	\$ 241,560,099	\$ 492,025,557	\$ 491,034,294
WEST VIRGINIA	0.7479%	\$ 99,688,888	0.8335%	\$ 111,100,342	\$ 210,789,230	\$ 226,014,151
WISCONSIN	2.0383%	\$ 271,705,677	1.9275%	\$ 256,940,112	\$ 528,645,789	\$ 529,149,743
WYOMING	0.5000%	\$ 66,650,006	0.6824%	\$ 90,962,642	\$ 157,612,648	\$ 157,356,573
<b>TOTAL</b>	<b>100.0000%</b>	<b>\$ 13,330,000,000</b>	<b>100.0000%</b>	<b>\$ 13,330,000,000</b>	<b>\$ 26,660,000,000</b>	<b>\$ 26,660,000,000</b>

## Another 3-Month FAA Extension Presented To White House

Last week, the House and Senate passed yet another short-term extension of funding authorizations for the Federal Aviation Administration and of the taxes and expenditure authority of the Airport and Airway Trust Fund.

The legislation (H.R. 4217) passed the House by voice vote on December 8 and passed the Senate by unanimous consent on December 9. The enrolled bill was presented to the President yesterday.

The FAA and the Trust Fund have been without a multi-year authorizations statute since the last law expired on September 30, 2007. The last extension was a three-

month law covering the October 1 to December 31, 2009 period, and the lack of Senate action on a larger bill has necessitated yet another extension, this one until March 31, 2010.

### FAA Funding Authorizations, FY 2010

	H.R. 4217 6-month	Times 2 12-month
AIP (Contr. Auth.)	2,000	4,000
Operations	4,677	9,353
Facilities & Equip.	1,467	2,934
R & D	93	185
<b>Total, FAA</b>	<b>8,236</b>	<b>16,472</b>

The only dollars actually provided by the latest extension are the \$2 billion in contract authority for the

Airport Improvement Program from the Trust Fund. The other authorization levels contemplated by H.R. 4217 are roughly equal to the actual appropriations levels in the FY 2010 Transportation-HUD appropriations conference report.

Section 5 of H.R. 4217 extends several expiring provisions until March 31, 2010, including war risk insurance provisions of 49 U.S.C. 44302(f)(1) and 44303(b). Except that section 114 of the Transportation-HUD bill extends those same provisions to December 31, 2010. The THUD bill is expected to be signed into law after H.R. 4217 so the THUD dates would take effect.

## OBLIGATION AND OUTLAY OF MAJOR TRANSPORT./PUBLIC WORKS STIMULUS FUNDING

(Millions of Dollars, as of Close of Business for the Week Ending Dec. 4, 2009)

<u>Agency</u>	<u>Bureau</u>	<u>Account</u>	<u>Total Provided</u>	<u>Obligated 11/27/2009</u>	<u>Oblig. % of Total</u>	<u>Outlays 11/27/2009</u>	<u>Outlay % Of Total</u>
DOT	FHWA	Highways	27,500	21,751	79.1%	4,863	17.7%
DOT	FTA	Transit - Capital Formula	6,900	6,268	90.8%	874	12.7%
DOT	FTA	Transit - Rail Mod	750	739	98.5%	105	13.9%
DOT	FTA	Transit - New Starts	750	468	62.4%	400	53.3%
DOT	OST	Multimodal Discr. Grants	1,500	0	0.0%	0	0.0%
DOT	FAA	Airport Grants	1,100	1,096	99.7%	395	35.9%
DOT	FRA	High-Speed Rail	8,000	7	0.1%	1	0.0%
DOT	FRA	Grants to Amtrak	1,300	1,294	99.5%	166	12.8%
DOT	Other	Other USDOT	320	203	63.3%	15	4.6%
		<b>Total, USDOT</b>	<b>48,120</b>	<b>31,825</b>	<b>66.1%</b>	<b>6,818</b>	<b>14.2%</b>
DOD	USACE	Construction	2,000	854	42.7%	149	7.5%
DOD	USACE	Operations and Mainten.	2,075	1,398	67.4%	337	16.2%
DOD	USACE	Investigations	25	15	59.9%	3	13.0%
DOD	USACE	Mississippi River System	375	188	50.3%	96	25.7%
DOD	USACE	Former Site Cleanup	100	90	90.1%	4	3.8%
DOD	USACE	Regulatory Program	25	9	37.4%	6	22.5%
		<b>Total, Corps of Eng.</b>	<b>4,600</b>	<b>2,555</b>	<b>55.5%</b>	<b>595</b>	<b>12.9%</b>
DHS	TSA	Aviation Security	1,000	576	57.6%	42	4.2%
DHS	FEMA	State & Local Programs	300	300	100.0%	0	0.0%
DHS	USCG	Acquisit, Constr. & Improv.	98	14	13.8%	1	0.6%
DHS	USCG	Alteration of Bridges	142	142	100.0%	0	0.2%
EPA		State & Tribal Asst. Grants	6,400	6,214	97.1%	394	6.2%

## Senate Commerce To Mark Up STB Reauthorization This Week

The Senate Commerce, Science and Transportation Committee is scheduled to hold a markup session at 10 a.m. on Thursday to consider several bills and nominations, the most significant of which is a long-awaited bill to rewrite federal regulatory policy towards the freight railroad industry and reauthorize the federal Surface Transportation Board which regulates the economic aspects of the industry.

The bill would expand the STB from three to five members and would remove it from the U.S. Department of Transportation, making it completely independent.

But the heart of the bill is in title III, which extends the STB's regulatory authority. Specifically, the draft bill adds requirements in several areas that the Board must find proposed mergers or agreements "reasonable" and "in the public interest" before approving them.

Title III specifically addresses interchange commitments, special rates at service "bottleneck" areas, and gives the STB power to force carriers with "market dominance" at certain terminal facilities to share their facilities with other railroads. The draft bill also establishes a binding arbitration process for certain complaint cases, and overall gives the STB greater authority to initiate its own investigations (instead of confining itself to its more traditional judicial model).

One thing not addressed in Commerce chairman Jay Rockefeller's (D-WV) draft bill is the vexing issue of antitrust jurisdiction. Since its inception, the STB (and its predecessor agency, the Interstate Commerce Commission) has had sole jurisdiction over antitrust issues that pertain to railroads (not the Justice Department or the Federal Trade Commission).

Senate Antitrust Subcommittee chairman Herb Kohl (D-WI) earlier this year introduced and reported his own legislation (S. 146) to take away the STB's antitrust jurisdiction. Kohl tried to move his bill to the Senate floor in late May but lacked the votes, as Rockefeller and other Democrats said they wanted time to deal with regulatory reform in the context of the STB reauthorization bill.

Once the Commerce Committee approves the bill, Rockefeller would then begin negotiating with Kohl on whether or not elements of their bills would be combined or else if parts of one would be offered as amendments to the other on the Senate floor.

The House Transportation and Infrastructure Committee has not yet produced a STB reauthorization bill.

### AUTHORIZATIONS FOR APPROPRIATIONS MADE BY COMMITTEE PRINT OF ROCKEFELLER STB REAUTHORIZATION BILL

Sec.	Purpose of Authorization	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	5-Year
101	STB Salaries & Expenses	\$ 37,670,000	\$ 44,683,000	\$ 37,857,000	\$ 41,190,000	\$ 44,690,000	\$ 206,090,000
301(e)	DOT Interchange Commitment Relief Grants	\$ 37,500,000	\$ 37,500,000	\$ 37,500,000	\$ 37,500,000	\$ 37,500,000	\$ 187,500,000
	<b>Total Authorizations, Rockefeller Bill</b>	<b>\$ 75,170,000</b>	<b>\$ 82,183,000</b>	<b>\$ 75,357,000</b>	<b>\$ 78,690,000</b>	<b>\$ 82,190,000</b>	<b>\$ 393,590,000</b>

## Section-by-Section Summary of Senate STB Reauthorization Bill

### TITLE I—ADMINISTRATIVE PROVISIONS

**Sec. 101. Authorization of appropriations.** Authorizes appropriations for the STB for fiscal years 2010 through 2015, rising from \$37.7 million in FY 2010 to \$44.7 million in FY 2014.

**Sec. 102. Board members.** Expands STB membership from 3 to 5 members, at least 3 of whom must have demonstrated knowledge in transportation, transportation regulation, or economic regulation, and at least 2 of whom must have professional or business experience. Repeals the one-year holdover limitation for Board members.

**Sec. 103. Establishment of Board as independent agency.** Establishes the STB as an independent federal entity outside DOT and prevents the White House and OMB from requiring any advance notice of, or input into, STB budget requests and legislative proposals.

**Sec. 104. Filing fees for certain cases.** Adds a new 49 U.S.C. 725 capping STB complaint filing fees at a maximum of the fee provided in 28 U.S.C. 1914 for bringing a civil action in federal court.

**Sec. 105. Repeal of expired and obsolete provisions.** Repeals a variety of expired and obsolete provisions in title 49, United States Code.

**Sec. 106. Department of Transportation Inspector General authority.** Adds a new 49 U.S.C. 727 giving the USDOT Inspector General the authority to review financial management, property management, and business operations only of the STB and to report to Congress thereon.

**Sec. 107. Railroad-Shipper Transportation Advisory Council.** Amends 49 U.S.C. 726 to require the 9<sup>th</sup> voting member of the Council to be a member-at-large who may represent labor, a state or local agency, an academic institution, or other relevant entity. Requires the Council to prepare an annual report on its activities.

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## Section-by-Section Summary of Senate STB Reauthorization Bill, Cont'd

### TITLE II—AUTHORITY IMPROVEMENTS

**Sec. 201. Rail transportation policy update.** Amends 49 U.S.C. 10101 to amend and restate U.S. railroad policy.

**Sec. 202. Office of Public Assistance, Governmental Affairs, and Compliance.** Codifies the responsibilities of the Office at 49 U.S.C. 728, including requirements that the Board appoint a Customer Advocate and an Ombudsman.

**Sec. 203. Investigative authority.** Amends 49 U.S.C. 11701 to allow the STB to conduct investigations on its own initiative rather than only in response to a complaint, except that a proceeding to determine the reasonableness of the rate level charged by a railroad may only be initiated upon complaint.

**Sec. 204. Compilation of complaints.** Amends 49 U.S.C. 704 to require the STB to keep a database of complaints received and post quarterly report of complaints by type, location and resolution.

**Sec. 205. Exempt traffic.** Amends 49 U.S.C. 10502 to give the STB a general charge to protect shippers from the abuse of market power. Requires the STB, within 2 years of enactment, to conclude a study of existing class exemptions, determine whether any exemptions should be revoked, and revise exemptions as necessary.

**Sec. 206. Railroad service metrics and performance data.** Requires the STB, within 2 years of enactment, to require Class I railroads, and other carriers (as appropriate), to report railroad service metrics and other performance data to the STB.

**Sec. 207. Uniform railroad costing system.** Requires the STB to initiate an examination (within 180 days of enactment) and update, revise or replace (within 3 years of enactment) the Uniform Railroad Costing System, issuing an interim report to Congress 18 months after enactment.

**Sec. 208. Replacement cost study.** Requires the STB, within 180 days of enactment, to initiate a study to review the use of a replacement cost approach to value the assets of rail facilities. The study shall be completed within 2 years after its initiation, with a subsequent report to Congress.

**Sec. 209. Rail practices study.** Requires the STB to commence a study within 180 days of enactment of rail practices, including switching, surcharges, penalties, demurrage, and accessorial charges.

**Sec. 210. Rail car interchange study.** Requires the STB to commence a study, within 180 days of enactment, of rail interchange rules.

**Sec. 211. Offers of financial assistance.** Amends 49 U.S.C. 10904 to allow the STB to halt rail service abandonments within 15 days of the 4-month waiting period of the Board finds that one or more financially responsible persons have offered financial assistance and established a reasonable likelihood of freight/transit/passenger service over that part of the line to be abandoned and by replacing the 30 day timeframe in 10904(f)1(A) with 60 days.

**Sec. 212. Adverse abandonments.** Amends 49 U.S.C. 10903 to clarify the STB's jurisdiction over abandonment or discontinuation of operations of all rail transportation over any part of a railroad line.

**Sec. 213. Emergency service orders.** Amends 49 U.S.C. 11123 to allow emergency service orders to "be extended in 90-day increments until the Board finds that the emergency has ended."

**Sec. 214. Rate agreements.** Amends 49 U.S.C. 10706 to state that interline rate agreements between carriers cannot be used as evidence of violation of federal or state antitrust laws.

**Sec. 215. Miscellaneous provisions.** Amends 49 U.S.C. 10701 and 10704 to require the STB to maintain a simplified and expedited method for determining the reasonableness of challenged rates.

### TITLE III—REGULATORY REFORM

**Sec. 301. Paper barriers.** Amends 49 U.S.C. 10102 to define an interchange commitment as "a contractual agreement between two or more rail carriers subject to the jurisdiction of the Board reached as part of a sale or lease of a rail line for which the approval of the Board is required...which limits the incentive or the ability of the purchaser or tenant rail carrier to interchange traffic with a rail carrier other than the seller or lessor rail carrier." Amends 49 U.S.C. 10901, 10902 and 11323 to prohibit the STB from approving mergers or operation transactions containing interchange commitments unless the Board determines that the agreements are reasonable and in the public interest. Adds a new 49 U.S.C. 11708 requiring the STB to maintain a process to allow persons to challenge existing interchange commitments and grants the Board redress authority. Amends 49 U.S.C. 502 to allow FRA Railroad Rehabilitation and Improvement Financing funds to be used to purchase or lease a rail line subject to terms established by the STB pursuant to 49 U.S.C. 10708(d) and allows FRA to lower the interest rate on RRIF loans for such purposes. Authorizes the appropriation of such sums as necessary to carry out this provision in FYs 2010-2014. Adds a new 49 U.S.C. 20168 creating a new grant program within DOT to make grants to Class III railroads to assist with their credit risk premiums of RRIF direct loans or loan guarantees. Authorizes the appropriation of \$37.5 million per year for the program.

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## Section-by-Section Summary of Senate STB Reauthorization Bill, Cont'd

**Sec. 302. Bottleneck and terminal switching rates.** Adds a new 49 U.S.C. 10710 requiring Class I railroads, upon the "reasonable request of a rail customer," to establish reasonable bottleneck rates for transportation over bottleneck segments, with expedited STB review of whether or not the service in question is subject to market dominance rules. Requires the STB to set standards for reasonableness of such rates within 1 year of enactment.

**Sec. 303. Terminal access.** Amends 49 U.S.C. 11102 to allow the STB to require railroads with market dominance in a terminal area to make its terminal facilities, including nearby mainline tracks, available for use by other railroads (subject to reasonable conditions and compensation) and establishes rules for the Board to follow when considering such requests. Requires the STB to issue standards for this process within one year of enactment.

**Sec. 304. Service.** Amends 49 U.S.C. 11101 to require the STB to require railroads to publish reasonable common carrier service expectation ranges.

**Sec. 305. Arbitration of certain rail rate, practice, and common carrier service expectation disputes.** Adds a new 49 U.S.C. 11709 to require a STB rulemaking within 1 year of enactment to establish a binding arbitration process to resolve rail rate, practice, and common carrier service expectation complaints subject to STB jurisdiction. Establishes rules for the arbitration process. Limits damages paid or rate prescriptive relief under this process to \$250 thousand per year for no more than 2 years.

**Sec. 306. Maximum relief in certain rate cases.** Directs the STB to revise the maximum amount of rate relief available to shippers under 49 U.S.C. 10701(d)(3) to \$1.5 million using the three-benchmark procedure and \$10 million using the simplified stand-alone cost procedure.

**Sec. 307. Advance rate challenge.** Allows the STB to consider the reasonableness of a rate quoted by a railroad up to 1 year before the effective date of the rate.

**Sec. 308. Rate review timelines.** Directs STB to comply with new statutory timelines unless extended after a request from any party or in the interest of due process: 150 days for discovery (after challenge is initiated); 155 days for evidentiary development after that period; 60 days after that for submission of parties' closing briefs; and 180 days after that for a final Board decision.

**Sec. 309. Revenue adequacy proceeding.** Requires the STB to initiate a study within 180 days of enactment to provide further guidance on how it will apply its revenue adequacy constraint.

**Sec. 310. Public usage of abandoned rail properties.** Amends 49 U.S.C. 10905 to make public transportation generally an acceptable use, allowing the STB to require the sale of properties, and requiring the Board to prohibit disposal of such properties.

**Sec. 311. Transactions.** Amends 49 U.S.C. 11325 to allow the STB to extend time limits when necessary to complete the environmental review process and to make mergers of a Class I and a Class II railroad subject to the section if the Board determines it to be of national or regional transportation significance.

**Sec. 312. Considerations in consolidations, mergers, and acquisitions.** Amends 49 U.S.C. 11324 to require the STB to consider the effect of a proposed merger on rail carriers in the affected region or the national system; public health, safety and environment concerns; and intercity passenger rail and commuter rail.

**Sec. 313. Railroad development.** Amends 49 U.S.C. 10907 to give the seller of a line the right of first refusal to buy the line back for 5 years post-sale if the purchaser proposes to sell or abandon the line.

**Sec. 314. Regulatory reform review.** Requires a GAO review of the regulatory changes made by this Act, to be submitted to Congress by December 31, 2013.

### TITLE IV—TECHNICAL CORRECTIONS

**Sec. 401. Technical corrections to Public Law 110-432.** Makes a series of technical corrections to Public Law 110-432.

### TITLE V—MISCELLANEOUS

**Sec. 501. Pipeline investigative authority.** Amends 49 U.S.C. 15901 to allow the STB to initiate pipeline investigations under its own authority.

**Sec. 502. Carbon dioxide pipelines.** Amends 49 U.S.C. 15301 to make artificial gas pipelines subject to STB jurisdiction and requires a GAO study of the regulatory framework for such pipelines.

**Sec. 503. Effective dates; effect on existing rate prescriptions.** Provides that the effective date for the entire bill is the date of enactment except for section 214, which is effective 2 years after enactment.

# Omnibus Approps.

CONTINUED FROM PAGE ONE

House conferees accepted a watered-down version of a Senate proposal to require Amtrak to allow passengers to transport firearms and ammunition in checked baggage (as airlines are already required to do). Brown spoke against and voted against the special rule waiving points of order against the conference report and was seen on the House floor sharing her objections volubly with Appropriations chairman David Obey (D-WI).

Brown voted "present" on the conference report, and 28 Democrats voted no (Adler (NJ), Baird, Boren, Bright, Childers, Dahlkemper, Donnelly (IN), Driehaus, Ellsworth, Gordon (TN), Kind, Kratovil, Kucinich, Lipinski, Marshall, Matheson, Melancon, Minnick, Mitchell, Owens, Peterson, Shuler, Skelton, Stupak, Tanner, and Taylor). All 174 Republicans in attendance voted against the omnibus package.

In the Senate, the dynamic was not that of unified Republican opposition. Rather, Appropriations ranking minority member Thad Cochran (R-MS) and a few other Republican appropriators supported both

the motion to invoke cloture and the adoption of the conference report, giving several moderate Democrats the ability to vote against both.

(*Ed. Note:* If we had to guess, it would seem that this was related to Senate Appropriations chairman Daniel Inouye's (D-HI) insistence that the omnibus measure not contain any new non-appropriations provisions that were not part of any of the six bills to begin with. It is likely that Inouye and Cochran have an understanding that if an appropriations bill is negotiated in good faith by Inouye, Cochran will help make sure it gets 60 votes, but that this understanding is voided if a bill is laden down by the leadership with controversial, partisan extraneous matter. So just because Cochran, Shelby and Collins supported the omnibus measure, it does not necessarily follow that they would support the Defense bill if it also carried the debt ceiling increase, a second stimulus bill, etc.)

Last week's *TW* summary of the transportation portion of the conference report was hurriedly assembled between 2 a.m. and 7 a.m. and was primarily focused on account-level numbers.

Having had more time to digest the final bill, it is worthwhile to com-

pare the terms and conditions of the \$1.5 billion in discretionary surface transportation grants in the February 2009 stimulus act with the \$600 million in similar (but not identical) National Infrastructure Investment grants in the FY 2010 conference report.

The bottom line — the eligible uses of the appropriation — are the same in both: "including, but not limited to" highway and bridge projects eligible for funding under title 23; transit projects eligible for funding under title 49; passenger and freight rail transportation projects; and port infrastructure investments.

The new program, however, places a higher focus on projects in rural areas, setting aside \$140 million of the total \$600 million for such projects and lowering the minimum grant size from \$10 million to \$1 million in rural areas. Following is a brief comparison of provisions.

	TIGER	NII
Total	\$1.5 billion	\$600 million
Credit Assistance:	\$200m of \$1.5b	Up to \$150m
Minimum Grant	\$20 million	\$10 million
Maximum Grant	\$300 million	\$200 million
No State exceeds	20% of \$1.5b	25% of \$600m
Fed. Share	No limit	80 percent
Rural set-aside	None	\$140 million
Rural min. grant	n/a	\$1 million
Rural Fed. Share	n/a	Over 80%

Matching up stimulus money with follow-up appropriations in the regular budget is easier for the high-speed and intercity passenger rail program, since that program has been established in authorizing legislation.

	FY 2009	FY 2010
Appropriation	\$8.0 billion	\$2.5 billion
Available Until:	9/30/2012	Until expended
Available For:	49 USC 24401 49 USC 24105	49 USC 26106 49 USC 24406 49 USC 24105
Fed Cost Share	100 percent	80 percent
Set-asides	\$20m oversight	85% for Co-op Agreements, \$30m for R&D, \$50m oversight \$50m planning

Both the \$8 billion in the stimulus act and the \$2.5 billion in the FY 2010 conference report are appropriated to fulfill specific provisions

## OUTLAYS IN THE TRANSPORTATION-HUD APPROPRIATIONS CONFERENCE

(In Millions of Dollars)

	House	Senate	Conf.
Estimated FY 2010 Outlays From Prior Obligations:	82,669	82,669	82,669
FY 2010 THUD 302(b) Outlay Ceiling:	135,163	134,469	134,342
<b>Difference (Room for 2010 Outlays From New Obligations):</b>	<b>52,494</b>	<b>51,800</b>	<b>51,673</b>
New 2010 Outlays From Title II (HUD)	25,148	25,174	24,903
New 2010 Outlays From Title III	315	378	367
Scorekeeping Adjustments	(5)	(86)	(5)
<b>New Total New 2010 Outlays From Non-USDOT</b>	<b>25,458</b>	<b>25,466</b>	<b>25,265</b>
<b>Remaining New 2010 Outlay Space for USDOT:</b>	<b>27,036</b>	<b>26,334</b>	<b>26,408</b>
<b><u>Est. 2010 Outlays From New USDOT Obligations, By Mode</u></b>			
Office of the Secretary	202	224	248
Federal Aviation Administration	10,706	10,715	10,712
Federal Highway Administration	11,133	11,256	11,230
Federal Motor Carrier Safety Administration	255	255	255
National Highway Traffic Safety Administration	376	376	377
Federal Railroad Administration	1,688	1,230	1,360
Federal Transit Administration	1,668	1,741	1,700
St. Lawrence Seaway Development Corporation	32	32	32
Maritime Administration	286	308	302
Pipeline and Hazardous Materials Safety Administration	90	89	91
Research and Innovative Technology Administration	8	8	8
Office of the Inspector General	68	68	68
Surface Transportation Board	26	24	25
<b>Total Est. FY 2010 Outlays From New USDOT Obligations</b>	<b>26,538</b>	<b>26,326</b>	<b>26,408</b>

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# Omnibus Approps.

*CONTINUED FROM PAGE 11*

of title 49 U.S.C. added by the 2008 passenger rail authorization law. However, the regular appropriation imposes a state/local cost share of no less than 20 percent and establishes several set-asides for research activities, administrative overhead and grant recipient planning activities.

The first table below shows the budget authority and outlay totals for the thirteen appropriations bills as estimated by the Congressional Budget Office (the totals for the not-yet-publicly-released Defense appropriations bill are instead taken from the Senate Appropriations Committee's revised 302(b) report filed on December 10).

The second table below is a corrected version of the earmark totals table from last week's issue.

And the following two pages list all of the general provisions contained in the Department of Transportation title of the omnibus bill, with a brief description of each and a list of its origin.

A link to the electronically searchable, typeset PDF file of the omnibus appropriations conference report can be found on page 15 of this issue.

## CURRENT STATUS OF FISCAL YEAR 2010 APPROPRIATIONS BILLS - IN MILLIONS OF DOLLARS

Subcommittee	Discretionary Non-Emergency		Discretionary Emergency		Appropriated Mandatory		Grand Total	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Agriculture	23,304	24,905	-	354	100,179	89,627	123,483	114,886
Commerce-Justice-Science	64,416	70,864	-	123	222	257	64,638	71,244
Defense	636,374	647,376	-	-	291	291	636,665	647,667
Energy and Water	33,465	42,954	-	268	-	-	33,465	43,222
Financial Services	24,186	25,613	17	41	20,702	20,699	44,905	46,353
Homeland Security	42,776	46,634	-	108	1,265	1,262	44,041	48,004
Interior and Environment	32,240	34,585	-	30	442	443	32,682	35,058
Labor-HHS-Education	163,565	218,868	-	3,307	554,596	554,813	718,161	776,988
Legislative Branch	4,656	4,597	-	37	130	130	4,786	4,764
Military Construction - VA	78,005	77,698	-	22	52,284	52,076	130,289	129,796
State, Foreign Operations	48,764	47,691	-	2,000	142	142	48,906	49,833
Transportation-HUD	67,900	134,342	-	2,774	-	-	67,900	137,116
<b>Committee Total</b>	<b>1,219,651</b>	<b>1,376,127</b>	<b>17</b>	<b>9,064</b>	<b>730,253</b>	<b>719,740</b>	<b>1,949,921</b>	<b>2,104,931</b>
<i>Consolidated (Mini-bus) Total</i>	<i>446,836</i>	<i>575,076</i>	<i>17</i>	<i>8,267</i>	<i>627,946</i>	<i>627,987</i>	<i>1,074,799</i>	<i>1,211,330</i>

## Transportation Earmarks in the USDOT Appropriations Bill - CORRECTED

*Last week's version of this table was added by hand at 3 a.m. This version was generated by clipping the dollar columns out of the GPO electronic version of the conference report from the Congressional Record of December 8 and pasting those columns into a spreadsheet.*

Mode	Account or Program	House Bill		Senate Bill		Conference	
		#	Total Amount	#	Total Amount	#	Total Amount
OST	Transportation Planning, R & D	8	\$ 4,500,000	4	\$ 2,500,000	11	\$ 5,935,000
OST	Missouri water project study (sec. 195)	0	\$ -	1	\$ 2,000,000	1	\$ 2,000,000
FAA	Airport Improvement Program	59	\$ 37,000,000	19	\$ 28,695,000	75	\$ 64,520,730
FAA	Facilities & Equipment	7	\$ 3,500,000	5	\$ 5,350,000	13	\$ 11,650,900
FAA	Operations	0	\$ -	2	\$ 2,900,000	2	\$ 2,876,600
FAA	Research, Engineering & Development	2	\$ 2,000,000	4	\$ 32,502,000	4	\$ 3,461,000
FHWA	Delta Regional Transportation	10	\$ 4,325,000	7	\$ 8,650,000	15	\$ 12,725,000
FHWA	Ferry Boats and Facilities	8	\$ 4,350,000	1	\$ 3,000,000	9	\$ 7,272,000
FHWA	Federal Lands Highways	48	\$ 50,525,000	25	\$ 41,570,000	57	\$ 83,021,930
FHWA	Interstate Maintenance Discretionary	59	\$ 50,000,000	29	\$ 43,150,000	73	\$ 87,503,000
FHWA	Surface Transportation Priorities	218	\$ 125,700,000	141	\$ 163,511,076	353	\$ 292,829,000
FHWA	Transp. & Community Systems Preservation	69	\$ 31,375,000	39	\$ 29,692,000	106	\$ 60,716,350
FRA	Grade Separation in HSR Corridors	7	\$ 4,500,000	4	\$ 6,500,000	7	\$ 4,500,000
FRA	Rail Line Relocation and Improvement	22	\$ 15,000,000	6	\$ 8,800,000	27	\$ 24,519,200
FRA	Railroad Research and Development	0	\$ -	4	\$ 1,750,000	4	\$ 2,467,500
FTA	Alternatives Analysis	19	\$ 7,000,000	5	\$ 9,250,000	22	\$ 15,914,700
FTA	Buses and Bus Facilities	182	\$ 109,500,000	64	\$ 94,174,429	227	\$ 197,904,804
FTA	Capital Investment Grants*	17	\$ 47,000,000	26	\$ 159,500,000	32	\$ 135,850,000
FTA	Research and University Research Centers	3	\$ 1,500,000	0	\$ -	3	\$ 1,500,000
<b>Total USDOT Earmarks In The Approps. Bill</b>		<b>738</b>	<b>\$ 497,775,000</b>	<b>386</b>	<b>\$ 643,494,505</b>	<b>1041</b>	<b>\$ 1,017,167,714</b>

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



# **GENERAL PROVISIONS IN THE FINAL FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT**

## **Office of the Secretary**

**Sec. 101** restricts reimbursable agreements between DOT modal administrations, as did last year's law and the House and Senate bills.

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

**Sec. 103** allows the Secretary or her designee to "engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities" as did last year's law and the House and Senate bills.

**Sec. 103** allows the transfer of unexpended bonding assistance program balances between OST Salaries and Expenses and Minority Business Outreach as proposed by the Senate.

**Sec. 105** allows such sums as necessary in the Transportation Planning and R&D account to be used to coordinate and analyze data collections procedures and national performance measures as proposed by the Senate.

## **Federal Aviation Administration**

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

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

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

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

**Sec. 114** extends authorizations for the war risk insurance program in 49 U.S.C. 44302 to December 31, 2010, as proposed by the House.

**Sec. 115** prevents any funds provided by the Act from being used to change weight restrictions at Teterboro Airport, as proposed by the House.

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

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

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

**Sec. 119** ensures a minimum AIP apportionment to an airport that had at least 10,000 boardings in the previous calendar year, as proposed by the Senate.

## **Federal Highway Administration**

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

**Sec. 121** allows BTS to credit sales of data products to appropriation accounts, as did last year's law and the House and Senate bills.

**Sec. 122** appropriates \$650 million from the general fund, to remain available until September 30, 2012, to be apportioned to states via formula to be available for any STP-eligible purpose under 23 U.S.C. 133(b) at an 80 percent federal cost share, provided that section 1101 (b) of SAFETEA-LU shall apply to the funds. This is a modification of provision in the Senate bill.

**Sec. 123** requires the Secretary to give 15 days advance public notice of any Buy America waivers for federal-aid highway projects, as proposed by the Senate.

**Sec. 124** restricts the ability of the State of Texas to place tolls on federal-aid highway facilities, as did last year's law and the House and Senate bills.

**Secs. 125-131** make corrections to various highway earmarks in various transportation laws, as proposed by both chambers.

## **Federal Motor Carrier Safety Administration**

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

## **National Highway Traffic Safety Administration**

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

**Sec. 141** provides that the FY 2010 obligation limitations for NHTSA do not apply to obligations for which ob limit was provided in previous years as proposed by the House and Senate.

**Sec. 142** rescinds \$2.299 million in Operations and Research contract authority as proposed by the Senate.

**Sec. 143** rescinds \$14.004 million in Highway Traffic Safety Grants contract authority as proposed by the Senate.

## **Federal Railroad Administration**

**Sec. 151** allows the purchase of promotional items of nominal value, as did last year's law and the House and Senate bills.

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

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

**Sec. 154** requires quarterly reports by FRA to Congress on Amtrak's on-time performance, as did last year's law and the House and Senate bills.

**Secs. 155-157** amend a previously appropriated earmarked project designations as proposed by both chambers.

*CONTINUED ON NEXT PAGE*

## **GENERAL PROVISIONS IN THE FINAL FY 2010 DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT, p. 2 of 2**

**Sec. 158** allows FRA and the Illinois Department of Transportation to conduct a project feasibility study in Springfield, Illinois, as proposed by the Senate.

**Sec. 159** directs Amtrak and TSA to study and submit a report to Congress on allowing firearms and ammunition in checked baggage on Amtrak trains, a proposal similar to one made in the Senate bill.

### **Federal Transit Administration**

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

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

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

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

**Sec. 164** allows FTA to provide grants for 90 percent of the net capital cost of a hybrid bus system, as proposed by the House.

**Sec. 165** allows unobligated funds or recoveries in section 5309 to be used for their original purposes, as proposed by the House.

**Sec. 166** amends various earmarks in prior bills, as proposed by the House and modified in conference.

**Sec. 167** expands the eligible uses of Alaska and Hawaii ferry boat funding, as proposed by the Senate.

**Sec. 168** adjusts the local cost share of the Woodward Avenue Corridor new start project, as proposed by the Senate.

**Sec. 169** directs DOT to provide recommendations to Congress on how to strengthen DOT's role in transit safety regulation and the steps FTA is taking to implement NTSB recommendations, as proposed by the Senate.

**Sec. 170** prevents FTA from reallocating funds from three specific SAFETEA-LU bus earmarks, as proposed by the Senate.

**Sec. 171** expands the contingent commitment authority ceiling for full funding grant agreements to an amount equivalent to the last five years of funding allocated for such projects, as proposed by the Senate and modified in conference.

**Sec. 172** prevents funds from being used to enforce charter bus service regulations in the State of Washington, as proposed by the Senate and modified in conference.

**Sec. 173** directs DOT to use the rating for the non-new start portion of an interstate multi-modal project on an Interstate highway corridor on the percentage of non-new start funds in the unified finance plan for the multi-modal project, as proposed by the Senate.

### **Maritime Administration**

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

**Sec. 176** amends 46 U.S.C. 51314 to allow the crediting of Merchant Marine Academy user fees to the MARAD Operations and Training appropriation as proposed by the House and Senate.

### **Department-Wide**

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

**Sec. 181** allows payments for outside consultants subject to a per diem cap, as did last year's law and the House and Senate bills.

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

**Sec. 183** prohibits implementation of 23 U.S.C. 404, as did last year's law and the House and Senate bills.

**Sec. 184** prevents states from disseminating personal information from DMV records except as provided by law, as did last year's law and the House and Senate bills.

**Sec. 185** allows reimbursement to certain accounts for training expenses, as did last year's law and the House and Senate bills.

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

**Sec. 187** authorizes Amtrak to redeem stock sold to DOT, as in last year's law and the House and Senate bills.

**Sec. 188** requires DOT to notify the Appropriations Committees 3 days before announcing grants of more than \$1 million for highway, AIP, or transit projects, as did last year's law and the House and Senate bills.

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

**Sec. 190** allows DOT to recover improper payments to contractors, as did last year's law and the House and Senate bills.

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

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

**Sec. 193** allows the use of the Working Capital Fund to pay vendors to carry out federal transportation pass fringe benefits, as proposed by both House and Senate

**Sec. 194** exempts all Interstate highways in Maine and Vermont from federal restrictions on truck sizes and weights for 366 days from the date of enactment. This is a modification of a Senate Maine-only provision.

**Sec. 195** appropriates \$2 million for a DOT study of the Mississippi and Missouri River basins as proposed by the Senate.

**Sec. 196** allows several different Las Vegas area transit earmarks and grants from prior years to be transferred to the Regional Transportation Commission of Southern Nevada for buses and bus facilities as proposed by the Senate.

## NEW AND NOTABLE ON THE INTERNET

### Consolidated Appropriations Act, FY 2010

The full conference report on the Consolidated (a.k.a. omnibus) Appropriations Act in its GPO printed and bound version can be found online in PDF format here:

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_reports&docid=f:hr366.111.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_reports&docid=f:hr366.111.pdf)

### Defense Appropriations Act, FY 2010

The text of the latest version of the Defense appropriations bill (Division B of which contains other matters, including section 1008, the extension of Highway Trust Fund authorizations until February 28, 2010) is here:

[http://www.rules.house.gov/111/LegText/111\\_hr3326\\_hamnd.pdf](http://www.rules.house.gov/111/LegText/111_hr3326_hamnd.pdf)

### Second Stimulus Act

The text of the House's second stimulus bill can be found here:

[http://www.rules.house.gov/111/LegText/111\\_hr2847hamndsamnd.pdf](http://www.rules.house.gov/111/LegText/111_hr2847hamndsamnd.pdf)

## STATUS OF PENDING TRANSPORTATION-RELATED NOMINATIONS

Agency	Nominee	Position	Senate Committee	Latest Action
DOT—Federal Aviation Administration	Michael Huerta	Deputy Administrator	Commerce, Science and Transportation	Nomination transmitted 12/8/2009
DOT—Maritime Administration	David Matsuda	Administrator	Commerce, Science and Transportation	Nomination announced 12/7/2009
DOT-National Highway Traffic Safety Admin.	David Strickland	Administrator	Commerce, Science and Transportation	Nomination transmitted 12/4/09
Amtrak Board of Directors	Anthony Coscia	Director for a term of five years	Commerce, Science and Transportation	Nomination reported 12/3/09
Amtrak Board of Directors	Albert DiClemente	Director for rest of a term expiring 7/26/2011	Commerce, Science and Transportation	Nomination reported 12/3/09
Federal Maritime Commission	Michael Khouri	Member for a term expiring 6/30/2011	Commerce, Science and Transportation	Nomination received 12/2/09
National Transport. Safety Board	Mark R. Rosekind	Member for a term expiring 12/31/2014	Commerce, Science and Transportation	Nomination reported 12/3/09
Department of Homeland Security	Erroll Southers	Assistant Secretary for Transport. Security	Commerce <i>and</i> Homeland Security	Nomination reported 11/19/09

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P. O. Box 661  
Front Royal, VA 22630

Email: [mail@transportationweekly.com](mailto:mail@transportationweekly.com)



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*Please send comments or corrections to:  
[Mail@transportationweekly.com](mailto:Mail@transportationweekly.com)*

**THIS WEEK IN COMMITTEE**

**Tuesday, December 15, 2009** — Senate Commerce, Science and Transportation — full committee hearing on nominations, to include the Strickland (NHTSA) and Khouri (FMC) nominations — 3:30 p.m., *SR-253 Russell*.

**Wednesday, December 16, 2009** — House Homeland Security — Subcommittee on Transportation Security and Infrastructure Protection — subcommittee hearing on the TSA operations manual online security breach — 2:00 p.m., *311 Cannon*.

**Thursday, December 17, 2009** — Senate Commerce, Science and Transportation — full committee business meeting to mark up pending calendar business including S. \_\_\_\_, Surface Transportation Board Reauthorization Act, and the Strickland and Khouri nominations — 10:00 a.m., *SR-253 Russell*.

**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 amended 9/17/09 by vote of 73-25	Presented to the President 12/15/09
<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 amended 7/29/09 by vote of 85-9	Public Law 111-85 10/28/09
<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	Public Law 111-83 10/28/09
<b>Federal Aviation Admin. Reauthorization Bill</b>	H.R. 915 passed House 5/22/09 by a vote of 277-136	S. 1451 reported 9/29/09 S. Rept. 111-82	
<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>	Subcommittee hearing held 11/18/09		
<b>FY 2010 Coast Guard Authorization</b>	H.R. 3619 passed House 10/23/09 by a vote of 385-11	S. 1194 reported 10/30/09 S. Rept. 111-95	
<b>Transportation Security Admin. Reauthorization</b>	H.R. 2200 passed House 6/4/09 by a vote of 397-25		