

THE LEGISLATIVE SERVICES GROUP'S

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MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

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Legislative Schedules

Week of December 21, 2009

House

The House has completed its legislative business for the year. The House is not expected to meet for legislative business again until Tuesday, January 12, 2010.

Senate

The Senate convened at 7 a.m. this morning and is currently considering H.R. 3590, health care reform.

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House Passes Second Stimulus By Narrow 217-212 Vote No Clear Path to Senate Action on Bill With \$40 Billion for Infrastructure; House Bill Also Contains SAFETEA-LU Extension To September 30, 2010

The House of Representatives on December 16 passed the second economic stimulus package of 2009, a \$150+ billion bill containing an additional \$40 billion in appropriations for infrastructure investment.

Like the first stimulus act of 2009 (P.L. 111-5), the second stimulus faced unified opposition from House Republicans. However, unlike the first stimulus, the second stimulus was marked by 38 Democratic defections (including fifteen members of the 37-member Democratic freshman class) which necessitated a 50-minute arm-twisting quorum call immediately

prior to the vote and led to a narrow 217-212 final margin.

It is not known when (or if) the Senate will address the House-passed bill or a similar Senate-drafted package. If the Senate passes health care and the debt ceiling increase in 2009, then the chamber will not return for business until Tuesday, January 19, 2010. This leaves very little time for the Senate to mark up (possibly), debate, and pass a stimulus bill and get a final bill reconciled with the House before President Obama releases his FY 2011 budget on February 1, 2010.

Once the 2011 budget is released, there will be great pressure to conform the bill to whatever the President requests (if the President has actually requested any money for a second stimulus by that time — the President has not formally requested a second stimulus yet).

And if the debate over the second stimulus bill drags out past the point that the Congressional Budget Office finalizes its new annual spending baseline sometime in February 2010, then the cuts in TARP bailout authority used to offset the \$75 billion in job creation appropriations in the House bill can no longer be used to

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Senate Panel Approves STB Reauthorization Bill

The Senate Commerce, Science and Transportation Committee last week approved a bipartisan bill that would reauthorize the Surface Transportation Board for the first time since its inception, give the Board a greater role in regulating freight rail rates, and authorize the appropriation of up to \$256 million in the next five fiscal years for the Board's operations and for

a new grant program for small railroads to help them with credit premiums for other federal loans.

The legislation (S. 2889) was introduced by committee chairman Jay Rockefeller (D-WV), ranking member Kay Bailey Hutchison (R-TX), and Sens. Frank Lautenberg (D-NJ), John Thune (R-SD), and Byron Dorgan (D-ND).

Rockefeller said that "After this Committee's extensive bipartisan work with all stakeholders, I am extremely pleased to see we have moved one step closer to improving America's railroad industry—a critical infrastructure to our nation's economic recovery. For a quarter of a century, I have worked to enact needed rail legislation

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Stimulus II

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offset the amount of spending in the House bill (see article at the bottom of page 6).

As shown in the table at right, some \$40 billion of the \$75 billion in Title I of the bill (the bill number is H.R. 2847, but that bill started off its life as an unrelated measure and only became Stimulus II last week as a House amendment to the Senate amendment to the bill, so the earlier legislative history of H.R. 2847 is useless and the link on page 11 of this issue is the best way to find the text of the bill) is devoted to infrastructure, principally another \$27.5 billion for highways and bridges (see breakdown on page 7), another \$8.4 billion for mass transit (see breakdown on page 8), \$500 million for airport improvement grants, \$800 million for Amtrak fleet modernization, \$100 million for shipbuilding loans, \$715 million for Army Corps of Engineers water resources projects, and \$2 billion for Clean Water Act and Safe Drinking Water Act state revolving fund capitalization grants under the EPA.

These appropriations essentially double down on the parts of the first stimulus act that have had the greatest proven effect at creating jobs. (Most of the rest of Title I of the bill is devoted to grants to state and local governments to prevent layoffs of their employees, which also had a noticeable job-sustaining effect under the first stimulus act.)

However, critics of the bill believe that it is disingenuous to double down on the parts of Stimulus I that are most effective without also taking the time to fix or repeal the many programs funded by that law which have had small or zero effects on near-term job creation or economic growth. Within the transportation sector, the \$8 billion for high-speed rail and the \$1.5 billion for discretionary surface transportation grants stand out as

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Selected Appropriations Comparison: Stimulus I vs Stimulus II

U.S. Department of Transportation

Admin.	Account	Stimulus I	Stimulus II
OST	Competitive surface transportation grants	\$ 1,500,000,000	\$ -
FAA	Facilities and equipment	\$ 200,000,000	\$ -
FAA	Airport improvement grants	\$ 1,100,000,000	\$ 500,000,000
FHWA	Highways and bridges	\$ 27,500,000,000	\$ 27,500,000,000
FRA	High-speed and intercity passenger rail grants	\$ 8,000,000,000	\$ -
FRA	Grants to Amtrak	\$ 1,300,000,000	\$ 800,000,000
	<i>Amtrak capital and debt service</i>	\$ 850,000,000	\$ -
	<i>Amtrak security upgrades</i>	\$ 450,000,000	\$ -
	<i>Fleet modernization</i>	\$ -	\$ 800,000,000
FTA	Transit formula grants	\$ 6,900,000,000	\$ 6,150,000,000
	<i>Formula grants: Urbanized area formula</i>	\$ 5,440,000,000	\$ 4,840,000,000
	<i>Formula grants: Nonurbanized area formula</i>	\$ 680,000,000	\$ 605,000,000
	<i>Formula grants: Dense/fast growth formula</i>	\$ 680,000,000	\$ 605,000,000
	<i>Discretionary grants for energy efficiency</i>	\$ 100,000,000	\$ 100,000,000
FTA	Transit fixed guideway modernization grants	\$ 750,000,000	\$ 1,750,000,000
FTA	Transit new starts	\$ 750,000,000	\$ 500,000,000
MARAD	Assistance to small shipyards	\$ 100,000,000	\$ -
MARAD	Title XI shipbuilding loans	\$ -	\$ 100,000,000
OIG	Office of Inspector General	\$ 20,000,000	\$ -
Total, USDOT		\$ 48,120,000,000	\$ 37,300,000,000

U.S. Department of Homeland Security

Admin.	Account	Stimulus I	Stimulus II
DHS	Under Sec. for Management (new HQ)	\$ 200,000,000	\$ -
DHS	Office of Inspector General	\$ 5,000,000	\$ -
CBP	Salaries and expenses (sea port EDS)	\$ 160,000,000	\$ -
CBP	Border security fencing	\$ 100,000,000	\$ -
CBP	Construction (land ports of entry)	\$ 420,000,000	\$ -
ICE	Automation modernization	\$ 20,000,000	\$ -
TSA	Aviation security (EDS/checkpoints)	\$ 1,000,000,000	\$ -
USCG	Acquisition, construction & improvements	\$ 98,000,000	\$ -
USCG	Alteration of bridges	\$ 142,000,000	\$ -
FEMA	State and local programs	\$ 300,000,000	\$ -
	<i>S&LP: Transit and rail security grants</i>	\$ 150,000,000	\$ -
	<i>S&LP: Port security grants</i>	\$ 150,000,000	\$ -
FEMA	Firefighter assistance grants	\$ 210,000,000	\$ 500,000,000
FEMA	Emergency food and shelter	\$ 100,000,000	\$ -
Total, USDHS		\$ 2,755,000,000	\$ 500,000,000

U.S. Army Corps of Engineers (Civil Works)

Admin.	Account	Stimulus I	Stimulus II
USACE	Investigations	\$ 25,000,000	\$ -
USACE	Construction	\$ 2,000,000,000	\$ 685,000,000
USACE	Mississippi River and tributaries	\$ 375,000,000	\$ 30,000,000
USACE	Operation and maintenance	\$ 2,075,000,000	\$ -
USACE	Regulatory program	\$ 25,000,000	\$ -
USACE	Formerly utilized sites (cleanup)	\$ 100,000,000	\$ -
Total, USACE (Civil)		\$ 4,600,000,000	\$ 715,000,000

Environmental Protection Agency

Admin.	Account	Stimulus I	Stimulus II
EPA	Hazardous substance Superfund	\$ 600,000,000	\$ -
EPA	LUST trust fund	\$ 200,000,000	\$ -
EPA	State and tribal assistance grants	\$ 6,400,000,000	\$ 2,000,000,000
	<i>STAG: Clean Water State Revolving Funds</i>	\$ 4,000,000,000	\$ 1,000,000,000
	<i>STAG: Drinking Water State Revolving Funds</i>	\$ 2,000,000,000	\$ 1,000,000,000
	<i>STAG: Brownfields remediation grants</i>	\$ 100,000,000	\$ -
	<i>STAG: Diesel emission reduction grants</i>	\$ 300,000,000	\$ -
EPA	Office of the Inspector General	\$ 20,000,000	\$ -
Total, EPA		\$ 7,220,000,000	\$ 2,000,000,000

Note: the only appropriation in Stimulus II for the Corps of Engineers is \$715 million for Construction, but the paragraph provides that \$30 million can be transferred to Mississippi River and tributaries, so we show the appropriation in both accounts.

Stimulus II

CONTINUED FROM PAGE TWO

having created nearly zero jobs and having no economic effect whatsoever to date. (See the latest data from Recovery.gov on page 4 of this issue for definitive proof of this.)

Title II of the second stimulus bill is not an appropriations measure but instead is an extension of Highway Trust Fund spending authorizations under the SAFETEA-LU law for highway, transit and safety programs through September 30, 2010 at the spending levels provided in that law (with some highway spending reduced to make the bill consistent with the budget resolution). (A section-by-section summary of the legislation can be found on page 9 of this issue.)

Title II would provide a total of \$51.4 billion in contract authority from the Trust Fund for those programs during FY 2010 (less the amounts already provided under the continuing resolution).

The one-year extension in Title II is a major departure from the previous strategy of House Transportation and Infrastructure chairman James Oberstar (D-MN), which was to insist on the shortest possible extension durations in order to increase pressure on Congress to pass a six-year authorization bill as quickly as possible. The only extension put forward by Oberstar that was able to pass the House only ran to December 31, 2009 (the Senate was pushing April 30 as an expiration date, but the Senate could not pass a freestanding bill, so the Appropriations Committees took charge and extended the programs at a much lower funding level in the continuing appropriations resolution).

The Defense Appropriations conference report contains (in section 1008 of Division B) an extension of that existing continuing resolution that applies only to Highway Trust Fund programs and provisions through February 28, 2010. This will result in a total of \$12.856 bil-

lion being provided for the federal-aid highway program and \$3.395 billion being provided for the FTA's Formula and Bus Grants account for the 150-day October 1—February 28 period. That legislation has been presented to the President and was signed into law on December 19.

Last week's vote on passage of the second stimulus bill was somewhat divergent from the final House vote on the conference report on the first stimulus act on February 13, 2009:

HOUSE VOTES ON FINAL PASSAGE OF ECONOMIC STIMULUS BILLS IN 2009

<u>Stimulus I</u>	<u>Yeas</u>	<u>Nays</u>	<u>Pres.</u>	<u>NV</u>
Democrats	246	7	1	1
Republicans	0	176	0	2
Total	246	183	1	3
<u>Stimulus II</u>	<u>Yeas</u>	<u>Nays</u>	<u>Pres.</u>	<u>NV</u>
Democrats	217	38	0	3
Republicans	0	174	0	3
Total	217	212	0	6

The difficulties in passing Stimulus II had several causes. Up until the weekend of December 12-13, House Democratic leaders were hoping against hope that they would be able to "airdrop" the second stimulus bill (and a tax extender bill, and an increase in the federal debt ceiling) into the final Defense appropriations bill, despite repeated public statements by Senate Democratic leaders as far back as November 18 that the Senate intended to postpone consideration of its jobs-related stimulus bill until 2010.

So once House leaders belatedly realized that the stimulus bill could not be enacted into law within a matter of days via airdrop into the defense bill, they had to start drumming up votes for a freestanding bill from scratch.

And the vote on Stimulus II came less than two hours after a very politically unpopular vote to increase the federal debt

limit which required its own arm twisting — and legislators generally resent having their arms twisted twice in two hours.

Some lobbyists complained that since the contents of the bill were kept a complete secret until 24 hours before the vote, stakeholder groups that would benefit from the bill were not given time to lobby legislators, much less drum up grassroots support for the specifics of the bill and what it could mean for individual members' districts.

Also, there appeared to be no organized push from the White House in favor of the House stimulus bill, starting with the fact that the President still has not formally filed a budget request for any new stimulus money. As far as public support for the specific House bill, all the President could muster was a tepid statement on the 16th that the House bill had "some productive ideas" that "complement the proposals I made last week to buttress small businesses with new tax cuts and increased lending and provide incentives to consumers who retrofit

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Democratic "No" Votes On Stimulus II

(Freshman members in boldface type.)

Adler (NJ)	Kirkpatrick (AZ)
Arcuri (NY)	Kosmas (FL)
Bean (IL)	Kratovil (MD)
Boren (OK)	Markey (CO)
Boyd (FL)	Matheson (UT)
Bright (AL)	Melancon (LA)
Childers (MS)	Minnick (ID)
Connolly (VA)	Mitchell (AZ)
Donnelly (IN)	Murphy, Patrick (PA)
Driehaus (OH)	Nye (VA)
Edwards (TX)	Peters (MI)
Ellsworth (IN)	Peterson (MN)
Foster (IL)	Pomeroy (ND)
Griffith (AL)	Quigley (IL)
Herseth Sandlin (MT)	Schrader (OR)
Hill (IN)	Smith (WA)
Himes (CT)	Space (OH)
Hodes (NH)	Taylor (MS)
Kind (WI)	Teague (NM)

Stimulus II

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their homes” (proposals which were not included in the House bill).

This can be contrasted with the President’s full-throated support for the first stimulus bill, culminating in a personal visit to a House Democratic Caucus retreat on February 5 where he issued a ringing endorsement of the specifics of the bill and dismissed critics of the bill by saying, according to the White House transcript, that “So then you get the argument, well, this is not a stimulus bill, this is a spending bill. What do you think a stimulus is? (Laughter and applause.) That's

the whole point. No, seriously. (Laughter.) That's the point. (Applause.)”

(*Ed. Note:* Since then, President Obama’s job approval/disapproval on handling the economy has dropped in the *ABC/Washington Post* poll from 60/34 to 46/52 and his job approval/disapproval numbers on handling the deficit have dropped from 52/43 to 37/56. This may be related to the somewhat different White House attitude towards the second stimulus bill.)

During House consideration of the bill, Appropriations chairman David Obey (D-WI) limited his opening statement to a concise 70 words, which deserve to be quoted in their entirety:

“Madam Speaker, I think people understand what this legislation is-- it is an effort to redirect some \$75 billion from TARP funds that in the past have been directed to help Wall Street. Instead, direct them to Main Street to try to help Americans who are struggling to hang onto their jobs, their houses, and their health care. I think the need for it is obvious, and I urge passage.”

After Appropriations ranking member Jerry Lewis (R-CA) responded with complaints about both the substance of the bill and the process by which it was delivered, Obey chose not to reply but instead yielded to Oberstar to talk about jobs created by infrastructure in stimulus bills.

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

(Millions of Dollars, as of Close of Business for the Week Ending Dec. 11, 2009)

<u>Agency</u>	<u>Bureau</u>	<u>Account</u>	<u>Total Provided</u>	<u>Obligated 12/11/2009</u>	<u>Oblig. % of Total</u>	<u>Outlays 12/11/2009</u>	<u>Outlay % Of Total</u>
DOT	FHWA	Highways	27,500	21,646	78.7%	5,139	18.7%
DOT	FTA	Transit - Capital Formula	6,900	6,269	90.9%	912	13.2%
DOT	FTA	Transit - Rail Mod	750	739	98.5%	110	14.6%
DOT	FTA	Transit - New Starts	750	468	62.4%	400	53.3%
DOT	OST	Multimodal Discr. Grants	1,500	-	0.0%	-	0.0%
DOT	FAA	Airport Grants	1,100	1,096	99.7%	419	38.1%
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	63.4%	17	5.4%
		Total, USDOT	48,120	31,721	65.9%	7,164	14.9%
DOD	USACE	Construction	2,000	1,000	50.0%	173	8.6%
DOD	USACE	Operations and Mainten.	2,075	1,405	67.7%	369	17.8%
DOD	USACE	Investigations	25	15	60.1%	4	15.4%
DOD	USACE	Mississippi River System	375	189	50.3%	100	26.5%
DOD	USACE	Former Site Cleanup	100	90	90.1%	6	6.5%
DOD	USACE	Regulatory Program	25	10	38.1%	6	23.6%
		Total, Corps of Eng.	4,600	2,708	58.9%	658	14.3%
DHS	TSA	Aviation Security	1,000	576	57.6%	44	4.4%
DHS	FEMA	State & Local Programs	300	300	100.0%	-	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	6,236	97.4%	444	6.9%

Stimulus II

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However, regarding the claims towards job “creation” under both stimulus bills, the T&I Committee claims that \$27.5 billion in highway spending creates 765,133 jobs, but \$27.5 billion won’t keep those 765,133 people gainfully employed indefinitely. The money runs out and must be replenished, preferably on an annual basis. (And it looks like the earliest that a Stimulus II could be signed into law would be eleven to twelve months after the enactment of Stimulus I.)

With highways, the jobs are created once the state receives the funding commitment (the federal obligation), hires a contractor and starts work. As bills are paid, the federal outlays of the money take place,

and once the project ends, so do the outlays (and the jobs).

So even though the T&I committee table says that the \$27.5 billion in highway funding in Stimulus II would have 765,133 “Jobs Created”, the jobs being eliminated by the successful conclusion of highway projects under Stimulus I have to be subtracted from that. So a goodly amount of the \$5.14 billion in outlays that have already taken place for highway projects under Stimulus I must have gone to projects that are already completed and which no longer need workers.

That means that up to 143,000 of the jobs created by the \$27.5 billion in highway spending in Stimulus I have run their course and must be subtracted from the jobs “created” total under the \$27.5 billion in Stimulus II and instead be put un-

der the jobs “sustained” category. $\$5.139 \text{ billion} \div \$35,941.46 \text{ per job} = 142,983 \text{ jobs.}$ The tables put out by T&I should say “Jobs Created or Sustained” rather than “Jobs Created” in order to be accurate. And sustaining an existing job does not actually reduce the unemployment rate.

(And if the stimulus bill does happen to be the next item on the Senate floor following the debt ceiling increase, then section 2010 of the House bill may prove controversial. That provision (which is also backed by many Senate leaders) would transfer \$19.5 billion from the general fund of the Treasury to the Highway Trust Fund. But the effect of such transfers is to increase instantly the national debt by the same amount, so section 2010 would instantly create \$19.5 billion in new federal debt.)

Enrolling Snafu May Make Guns-on-Amtrak Provision Unworkable

A mistake made by a Congressional enrolling clerk during the preparation of the fiscal 2010 Transportation-HUD appropriations bill for transmission to the White House for the President’s signature makes part of the guns-in-checked-baggage-on-Amtrak provision in that bill unworkable and will require a legislative fix next year.

Section 159 in Division A of the conference report to accompany H.R. 3288 watered down a Senate provision requiring Amtrak to allow passengers to check firearms and ammunition in their baggage under certain conditions, mimicking the procedures used for years by airlines. The original Senate bill required Amtrak to take these steps by March 31, 2010 or lose all federal funding. The language in the conference report approved by Congress gave Amtrak up to one year to comply, and only after making a detailed study and recommending new procedures that also take into account employee safety.

As passed by Congress, section 159 said Amtrak must require passen-

gers to check guns and ammo “in fiber, wood, or metal boxes; or...in other packaging specifically designed to carry small amount of ammunition” and said that Amtrak must also take other steps “to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including-- (i) requiring inspections of any container that carries a firearm or ammunition; and (ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.”

However, in the version signed into law by the President, Amtrak must “include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including-- (i) in fiber, wood, or metal boxes; or (ii) in other packaging specifically designed to carry small amounts of ammunition.”

Obviously, Amtrak cannot seal passengers and employees into fiber, wood or metal boxes for transport.

(*Ed. Note:* But it would be really neat if they could. Particularly given how movies, TV shows and books about vampires appear to have captured the pop culture zeitgeist in the last year or so.)

The paperwork filed by the Appropriations Committees contained the correct language, and the typeset version of the conference report printed in the *Congressional Record* and bound in the report by GPO also contains the correct language, so the error must have been made by a House or Senate enrolling clerk.

In order to make the provision read as originally intended, a new law must be passed. House Democrats tried to pass a legislative fix by unanimous consent on December 16, but Republicans (mad at being denied a copy of Stimulus II until 20 hours before the vote and at being denied any amendments) objected. A fix will be needed next year, and given how controversial this issue was in 2009, a legislative fix may need to be packaged into some larger “must pass” legislation.

Stimulus II: No Markup = No Committee Report = Little Information

The decision by the chairman of the House Appropriations Committee not to move the second stimulus bill through the committee for a markup session meant, of course, that the members of the committee (both Democratic and Republican) never got to debate the bill and offer amendments before the bill was presented to the House, as the first stimulus act was. (And it is doubtful that the Committee has ever moved a supplemental bill anywhere near \$75 billion in new budget authority to the House floor without a markup ever before.)

But circumventing a markup also meant that the Appropriations Committee never filed a committee report on the bill. And committee reports contain a great deal of information that is useful to Congress when considering a new bill.

For starters, a committee report contains a detailed explanation of

the provisions of the bill. (The Committee did post a truncated explanation of the provisions of the bill on its website less than 12 hours before the vote on the bill.)

But committee reports also contain other information that would have been useful when considering the pros and cons of Stimulus II. Among the missing items (none of which has yet been released by the Committee as of this writing):

- A Comparative Statement of New Budget (Obligational) Authority (a.k.a. the CSBA), which is the table at the end of the report that shows all of the dollar amounts (including how much is estimated to be spent by provisions in the bill where the dollar amount is not spelled out) and the amount of any offsetting spending reductions, like the savings claimed by the reduction in TARP authority.

- “Ramseyer” language (showing how changes made in existing law by the bill fit into any underlying law or statute, since such changes are not evident by reading the bill itself).
- A table showing how the funding under the bill fits into the Congressional budget resolution and to the budget allocations made to the Appropriations Committee and each of its subcommittees.
- A list of which appropriations in the bill are not authorized by law.
- An estimate by the Congressional Budget Office of how much the Treasury will spend in outlays in each of the next five fiscal years due to the new appropriations made by the bill.

The absence of the last item is particularly troubling, since outlays determine annual deficit levels.

Stimulus II: Using TARP As Offset Provides Questionable Savings

Normally, when the Appropriations Committee wants to cut federal spending in order to offset the cost of new spending, it first looks within. This is simple. Appropriations bills provide permission to spend in specific amounts for specific purposes. If any of that permission is not exercised (if the money is not spent), the appropriators can rescind it and use the savings to offset new appropriations.

However, the House Democratic leadership decided to offset the cost of the \$75 billion in new appropriation in title I of the second stimulus bill in another way. Instead of rescinding old budget authority to offset new budget authority (a direct apples to apples comparison), they offset the new budget authority by reducing the total amount of direct investment and credit assistance that can be provided under the TARP program. Which is more like apples to mushrooms (not only

are mushrooms not apples, not fruit at all, they're not even part of the plant kingdom).

TARP is scored under credit reform budgeting, which is a completely different system than that used to keep track of appropriations. Credit reform deals in hypotheticals. If the federal government makes or guarantees a loan to some person or entity, only three things can happen: (a) the loan is repaid on time, with proper interest; (b) the Treasury only gets part of the money back; or (c) the Treasury loses all of the money. (a) and (c) are much more likely than (b).

But for purposes of budget scorekeeping, hypotheticals are not allowed, so the scorekeeping bodies (OMB and CBO) have to affix a single dollar amount to a program. When scoring the TARP law in September 2008 that provided Treasury the authority to make up to \$700 billion in loans and investments

CBO said that “enacting the bill would likely entail some net budget cost — which would, however, be substantially smaller than \$700 billion.”

In the spring 2009 CBO baseline, when things were still uncertain, CBO used a 50 percent subsidy cost estimate on TARP — assuming that the Treasury would lose \$350 billion of the \$700 billion.

Since then, things have gotten better. TARP repayments are ahead of schedule, and the Treasury has not needed to use all of the \$700 billion in loan/investment authority. So, in order for title I of the Stimulus II bill to be truly deficit neutral, one has to believe that unless Congress lowers the TARP total from \$700 billion to \$550 billion, the Treasury will soon make another \$150 billion in new loans or investments under TARP, and that half of that money will not be repaid. Possible, but not likely.

Stimulus II Highway and Bridge Moneys Nearly Identical To Stimulus I

The structure of the \$27.5 billion in highway and bridge spending in the House of Representatives' second stimulus bill is almost identical to that in the first stimulus act. The apportionment of the funds to states, and the set-asides taken off the top of the program, are almost identical (down to the dollar) except that the amount set aside off the top in Stimulus II for Federal Highway Administration overhead is \$5 million more than that in Stimulus I.

As a result, there is a \$5 million reduction in the aggregate amount apportioned to states via formula, which is spread around via minute reductions in each state's apportionment, as shown in the table below.

The Stimulus II bill was so intent on keeping apportionments as close

	Stimulus I (P.L. 111-5)	Stimulus II (House bill)
Total Appropriation	\$ 27,500,000,000	\$ 27,500,000,000
Set-asides:		
Administration	\$ (40,000,000)	\$ (45,000,000)
DBE Bonding	\$ (20,000,000)	\$ (20,000,000)
Technology Training	\$ (20,000,000)	\$ (20,000,000)
Federal Lands Highways	\$ (550,000,000)	\$ (550,000,000)
Puerto Rico Highways	\$ (105,000,000)	\$ (105,000,000)
Territorial Highways	\$ (45,000,000)	\$ (45,000,000)
Ferry Boats	\$ (60,000,000)	\$ (60,000,000)
Remainder	\$ 26,660,000,000	\$ 26,655,000,000
<i>Statewide Formula</i>	<i>\$ 17,862,199,998</i>	<i>\$ 17,858,850,000</i>
<i>Allocated by Population</i>	<i>\$ 7,998,000,001</i>	<i>\$ 7,996,500,000</i>
<i>Enhancements</i>	<i>\$ 799,800,001</i>	<i>\$ 799,650,000</i>

as possible to Stimulus I that it specifically uses outdated, year-old apportionment formulas rather than updated formulas.

The formula amounts set aside for allocation to areas with a state by population, and for transportation enhancements, are similar.

ESTIMATED HIGHWAY AND BRIDGE APPORTIONMENTS TO STATES

	Stimulus I (P.L. 111-5)	Stimulus II (House bill)		Stimulus I (P.L. 111-5)	Stimulus II (House bill)
Alabama	\$ 513,692,083	\$ 515,560,459	Montana	\$ 211,793,391	\$ 210,789,231
Alaska	\$ 175,461,487	\$ 175,428,579	Nebraska	\$ 235,589,279	\$ 235,559,222
Arizona	\$ 521,958,401	\$ 521,588,521	Nevada	\$ 201,352,460	\$ 200,494,446
Arkansas	\$ 351,544,468	\$ 349,912,827	New Hampshire	\$ 129,440,556	\$ 129,416,280
California	\$ 2,569,568,320	\$ 2,578,268,030	New Jersey	\$ 651,774,480	\$ 657,391,059
Colorado	\$ 403,924,130	\$ 403,991,231	New Mexico	\$ 252,644,377	\$ 250,935,394
Connecticut	\$ 302,053,956	\$ 303,293,204	New York	\$ 1,120,684,723	\$ 1,112,533,147
Delaware	\$ 121,828,650	\$ 121,805,802	North Carolina	\$ 735,526,684	\$ 738,440,236
District of Columbia	\$ 123,507,842	\$ 123,484,679	North Dakota	\$ 170,126,497	\$ 170,363,923
Florida	\$ 1,346,735,003	\$ 1,346,069,492	Ohio	\$ 935,677,030	\$ 930,613,316
Georgia	\$ 931,585,680	\$ 927,225,119	Oklahoma	\$ 464,655,225	\$ 463,357,432
Hawaii	\$ 125,746,380	\$ 125,722,797	Oregon	\$ 333,902,389	\$ 331,826,246
Idaho	\$ 181,934,631	\$ 182,649,004	Pennsylvania	\$ 1,026,429,012	\$ 1,023,157,632
Illinois	\$ 935,592,704	\$ 935,188,676	Rhode Island	\$ 137,095,725	\$ 137,070,013
Indiana	\$ 657,967,707	\$ 652,472,992	South Carolina	\$ 463,081,483	\$ 464,191,564
Iowa	\$ 358,162,431	\$ 356,549,467	South Dakota	\$ 183,027,359	\$ 182,663,966
Kansas	\$ 347,817,167	\$ 348,062,197	Tennessee	\$ 572,701,043	\$ 572,093,285
Kentucky	\$ 421,094,991	\$ 419,220,540	Texas	\$ 2,250,015,146	\$ 2,264,725,441
Louisiana	\$ 429,859,427	\$ 417,218,906	Utah	\$ 213,545,653	\$ 216,398,987
Maine	\$ 130,752,032	\$ 129,936,262	Vermont	\$ 125,791,291	\$ 125,767,699
Maryland	\$ 431,034,777	\$ 432,914,645	Virginia	\$ 694,460,823	\$ 698,097,002
Massachusetts	\$ 437,865,255	\$ 442,245,541	Washington	\$ 492,242,337	\$ 494,519,351
Michigan	\$ 847,204,834	\$ 847,533,455	West Virginia	\$ 210,852,204	\$ 210,306,274
Minnesota	\$ 502,284,177	\$ 500,592,157	Wisconsin	\$ 529,111,915	\$ 528,556,656
Mississippi	\$ 354,564,343	\$ 353,536,042	Wyoming	\$ 157,616,058	\$ 157,586,497
Missouri	\$ 637,121,984	\$ 637,675,077	TOTAL APPORTIONED	\$ 26,660,000,000	\$ 26,655,000,000

Source: House T&I Committee Majority Staff, based on Federal Highway Administration technical assistance.

Stimulus II Would Shift Transit Funding Emphasis To NY, DC, CA, IL, MA

The distribution of highway funding to states under the House-passed second stimulus bill is almost exactly identical to the distribution under the first stimulus, as the article on the previous page shows.

But the apportionment of transit funding to states via formula would be a good bit different under Stimulus II than Stimulus I, even though the total amount of transit spending (\$8.4 billion) is the same.

This is because Stimulus II increases formula funding under the fixed guideway modernization (FGM) program from Stimulus I's \$750 million to \$1.75 billion and reduces other types of stimulus funding.

The FGM formula is heavily skewed towards existing high-density heavy rail systems. Under the existing formula (which is set forth in 49 U.S.C. 5337), New York City gets \$176 million of the first \$497.7 million apportioned, with the rest set aside in specific dollar amounts for Baltimore, Boston, Chicago, Cleveland, New Orleans, Philadelphia, Pittsburgh, San Francisco, and the New York suburbs. And those areas still get large shares of funding above \$497.7 million.

This is one of those population density issues that pits House versus Senate. In the original House version of Stimulus I, 21 percent of the House total transit formula apportionments were under the FGM formula, while the Senate had no money for FGM. The compromise version gave FGM ten percent of formula spending. In the House-passed Stimulus II bill, FGM gets 22 percent of the formula money, which stands to be reduced by the Senate if they pass their own bill.

Federal subway funding is a high priority of New York legislators, as the NYC MTA has just announced a massive set of reductions in service due to cuts in state funding support.

	Stimulus I (P.L. 111-5)	Stimulus II (House bill)	Stim II More/Less Than Stim I Dollars	Percent
Capital Grant Formula	\$ 6,800,000,000	\$ 6,050,000,000	-\$750,000,000	-11.0%
FGM Formula	\$ 750,000,000	\$ 1,750,000,000	\$1,000,000,000	133.3%
Minus oversight	\$ (73,790,546)	\$ (76,487,498)	-\$2,696,952	3.7%
Transit Formula Total	\$ 7,476,209,454	\$ 7,723,512,502	\$247,303,048	3.3%
Alabama	\$ 47,099,117	\$ 41,334,888	-\$5,764,229	-12.2%
Alaska	\$ 41,632,703	\$ 57,501,041	\$15,868,338	38.1%
American Samoa	\$ 341,099	\$ 303,478	-\$37,621	-11.0%
Arizona	\$ 99,921,878	\$ 93,005,988	-\$6,915,890	-6.9%
Arkansas	\$ 28,409,450	\$ 25,276,054	-\$3,133,396	-11.0%
California	\$ 1,068,458,693	\$ 1,139,567,592	\$71,108,899	6.7%
Colorado	\$ 103,469,063	\$ 100,475,858	-\$2,993,205	-2.9%
Connecticut	\$ 137,526,347	\$ 108,602,293	-\$28,924,054	-21.0%
Delaware	\$ 17,643,474	\$ 16,032,506	-\$1,610,968	-9.1%
District of Columbia	\$ 124,914,899	\$ 190,896,879	\$65,981,980	52.8%
Florida	\$ 316,196,713	\$ 306,883,587	-\$9,313,126	-2.9%
Georgia	\$ 143,561,526	\$ 160,650,943	\$17,089,417	11.9%
Guam	\$ 921,976	\$ 820,287	-\$101,689	-11.0%
Hawaii	\$ 43,837,375	\$ 41,077,147	-\$2,760,228	-6.3%
Idaho	\$ 18,398,968	\$ 16,369,669	-\$2,029,299	-11.0%
Illinois	\$ 467,537,681	\$ 503,641,318	\$36,103,637	7.7%
Indiana	\$ 84,285,780	\$ 81,364,537	-\$2,921,243	-3.5%
Iowa	\$ 36,483,617	\$ 32,459,688	-\$4,023,929	-11.0%
Kansas	\$ 30,727,408	\$ 27,338,357	-\$3,389,051	-11.0%
Kentucky	\$ 50,295,172	\$ 44,747,911	-\$5,547,261	-11.0%
Louisiana	\$ 65,734,213	\$ 60,122,102	-\$5,612,111	-8.5%
Maine	\$ 13,266,106	\$ 13,325,610	\$59,504	0.4%
Maryland	\$ 179,262,087	\$ 186,859,749	\$7,597,662	4.2%
Massachusetts	\$ 319,718,084	\$ 335,946,523	\$16,228,439	5.1%
Michigan	\$ 134,956,466	\$ 120,861,769	-\$14,094,697	-10.4%
Minnesota	\$ 94,093,115	\$ 95,418,377	\$1,325,262	1.4%
Mississippi	\$ 25,466,306	\$ 22,657,522	-\$2,808,784	-11.0%
Missouri	\$ 85,133,543	\$ 84,088,770	-\$1,044,773	-1.2%
Montana	\$ 15,611,710	\$ 13,889,830	-\$1,721,880	-11.0%
Nebraska	\$ 23,309,592	\$ 20,738,681	-\$2,570,911	-11.0%
Nevada	\$ 49,463,771	\$ 44,008,209	-\$5,455,562	-11.0%
New Hampshire	\$ 13,164,584	\$ 11,794,811	-\$1,369,773	-10.4%
New Jersey	\$ 524,231,441	\$ 531,126,029	\$6,894,588	1.3%
New Mexico	\$ 27,749,995	\$ 24,689,334	-\$3,060,661	-11.0%
New York	\$ 1,222,252,991	\$ 1,380,738,962	\$158,485,971	13.0%
North Carolina	\$ 103,304,242	\$ 92,194,251	-\$11,109,991	-10.8%
North Dakota	\$ 10,997,090	\$ 9,784,175	-\$1,212,915	-11.0%
N. Mariana Islands	\$ 1,114,292	\$ 991,393	-\$122,899	-11.0%
Ohio	\$ 179,808,408	\$ 170,406,897	-\$9,401,511	-5.2%
Oklahoma	\$ 39,163,565	\$ 34,844,054	-\$4,319,511	-11.0%
Oregon	\$ 75,716,393	\$ 78,589,913	\$2,873,520	3.8%
Pennsylvania	\$ 343,703,209	\$ 357,687,072	\$13,983,863	4.1%
Puerto Rico	\$ 68,970,497	\$ 64,162,851	-\$4,807,646	-7.0%
Rhode Island	\$ 29,552,290	\$ 27,392,415	-\$2,159,875	-7.3%
South Carolina	\$ 41,154,218	\$ 36,615,152	-\$4,539,066	-11.0%
South Dakota	\$ 11,289,101	\$ 10,043,979	-\$1,245,122	-11.0%
Tennessee	\$ 72,016,364	\$ 64,810,074	-\$7,206,290	-10.0%
Texas	\$ 374,524,702	\$ 355,682,367	-\$18,842,335	-5.0%
Utah	\$ 58,084,648	\$ 55,288,285	-\$2,796,363	-4.8%
Vermont	\$ 5,680,572	\$ 5,054,038	-\$626,534	-11.0%
Virginia	\$ 116,105,505	\$ 126,328,577	\$10,223,072	8.8%
Virgin Islands	\$ 1,284,112	\$ 1,142,482	-\$141,630	-11.0%
Washington	\$ 179,046,604	\$ 197,805,391	\$18,758,787	10.5%
West Virginia	\$ 18,675,475	\$ 17,913,341	-\$762,134	-4.1%
Wisconsin	\$ 81,640,826	\$ 73,884,877	-\$7,755,949	-9.5%
Wyoming	\$ 9,300,398	\$ 8,274,620	-\$1,025,778	-11.0%
Total	\$ 7,476,209,454	\$ 7,723,512,502	\$247,303,048	3.3%

SECTION-BY-SECTION SUMMARY OF HOUSE-PASSED 12-MONTH SURFACE TRANSPORTATION EXTENSION (TITLE II OF THE SECOND STIMULUS BILL)

Sec. 2001. Short Title. Cites this title as the Surface Transportation Extension Act of 2009.

Sec. 2002. Federal-aid Highways. Extends all requirements, authorities, conditions, eligibilities, limitations and other provisions of titles I, V and VI of SAFETEA-LU and other applicable highway laws through September 30, 2010. Provides a total of \$41.73 billion in contract authority from the Highway Trust Fund for FY 2010 for the federal-aid highway program (the exact FY 2009 amount, with all highway rescissions added back in and a small amount of extra CA added for administrative pay raises, minus \$1.4 billion to conform with the FY 2010 Congressional budget resolution). Provides that funds made available in FY 2010 for the High Priority Projects, Magnetic Levitation, and Transportation Improvements programs earmarked under SAFETEA-LU shall be apportioned to states for use as formula money (proportionately distributed to each state in the proportion that they got each core formula distribution under 23 USC 105(a)(2)) and that the each state gets the same proportion of the funds from each earmarked account that they got in 2009 earmarks from that account. Provides for special treatment of Puerto Rico and territories. Allows the Secretary of Transportation, at his discretion, to decline to fund projects or programs he determines have run their course and no longer need funding, and provides that such reserved funds shall be apportioned to states for core formula programs. Provides that the Projects of National and Regional Significance program and the National Corridor Infrastructure Improvement Program shall in FY 2010 be allocated at the discretion of the Secretary on the basis of a competitive selection process in accordance with SAFETEA-LU. Extends research authorizations under title V of SAFETEA-LU but allows the Secretary to decline to fund any project or activity he determines has already been sufficiently funded, and provides for the redistribution of that money. Provides that all funds provided by this section shall be reduced by the amounts already provided for FY 2010 under the continuing resolution.

Sec. 2003. Extension of Highway Safety Programs of National Highway Traffic Safety Administration. Provides a total of \$729 million in contract authority from the Highway Trust Fund for FY 2010 for the programs of NHTSA and extends all the authorizations for NHTSA programs through September 30, 2010.

Sec. 2004. Extension of Federal Motor Carrier Safety Administration programs. Provides a total of \$552.9 million in contract authority from the Highway Trust Fund for FY 2010 for the programs of FMCSA and extends the authorizations for all FMCSA programs through September 30, 2010.

Sec. 2005. Extension of Federal Transit Assistance Programs. Extends all requirements, authorities, conditions, eligibilities, limitations, and other provisions of title III of SAFETEA-LU and other transit statutes through September 30, 2010. Provides \$8.343 billion in contract authority from the Mass Transit Account of the Highway Trust Fund for the Formula and Bus Grant program for FY 2010 and authorizes the appropriation from the general fund of up to \$2.165 billion in FY 2010 for other FTA programs. Provides that the earmarking of FY 2009 bus funds and clean fuels grant program funds shall not apply in FY 2010. Gives the Secretary discretion to deny funding in FY 2010 to programs and projects identified in section 3046 of SAFETEA-LU (research) if he determines the project or program has run its course. Provides that all funds provided by this section shall be reduced by the amounts already provided for FY 2010 under the continuing resolution.

Secs. 2006. Boating Safety Extension. Extends section 4 of the Dingell-Johnson Sport Fishing Restoration Act through September 30, 2010.

Sec. 2007. Level of Obligation Limitations. Amends section 8003 of SAFETEA-LU to set the obligation level "guarantee" for the highway category to \$42.470 billion and the obligation level "guarantee" for the mass transit category to \$10.338 billion (even though the appropriations bill for FY 2010 is already signed into law and the levels in that law are higher).

Sec. 2008. Hazardous Materials Research. Amends section 7131(c) of SAFETEA-LU to extend hazmat research programs through September 30, 2010.

Sec. 2009. Extension and Expansion of Expenditure Authority from Trust Funds. Extends expenditure authority from the Highway Trust Fund through the end of FY 2010.

Sec. 2010. Determination of Highway Trust Fund Balances. Transfers \$14.7 billion from the general fund of the Treasury to the Highway Account of the Highway Trust Fund and transfers \$4.8 billion from the general fund of the Treasury to the Mass Transit Account of the Highway Trust Fund to reimburse the Trust Fund for one (rough) estimate of how much interest on balances has been forgone from 1999 to the present under the change in law made by TEA21. Repeals section 9503(f)(1)(B) of the Internal Revenue Code so that, henceforward, Trust Fund balances will again earn interest.

Sec. 2011. Repeal of Transfers from Highway Trust Fund for Repayments and Credits. Repeals section 9503(c)(2) of the Internal Revenue Code. This will allow the Trust Fund to keep the taxes paid on gasoline and diesel fuel purchased for tax-free farm use and tax-free use by off-highway users or by local transit systems and tax-free use by school buses. This effectively transfers the cost burden of those tax expenditures from the Trust Fund to the general fund.

Sec. 2012. Federal Share. Provides that, notwithstanding any other provision of law, the federal share of any highway or bridge project and any transit project (except a new PRNS or Corridor discretionary project, a National Infrastructure Investment discretionary project, a highway earmark under sec. 122 of the FY 2010 DOT appropriations act, or a transit new start or small start) funded with amounts obligated between the date of enactment and September 30, 2010 shall, at the option of the recipient, be up to 100 percent. This section does not require that states eventually repay the extra federal share into the Highway Trust Fund, as all previous Congressional suspensions of the state/local matching share have done.

Sec. 2013. Buy America Requirements for Highway and Public Transportation Projects. Amends 23 U.S.C. 313 by adding a new provision prohibiting the Secretary from issuing public interest waivers of the Buy America provisions without considering the potential impacts of the waiver on domestic employment. Requires the Secretary to post an insufficient domestic source waiver on the Internet for at least 5 business days prior to issuance, and if a sufficient domestic source of the material or product identifies itself within that period, the waiver cannot be issued. Requires Internet posting of Buy America waiver requests and detailed written justification of waivers that are granted, complete with an employment impact statement. Applies Buy America to an entire bridge project, abutment to abutment, rather than to segments of the whole projects. Amends 49 U.S.C. 5323(j) to require that all rolling stock prototypes be subject to Buy America without waiver and by prohibiting the Secretary from issuing public interest waivers of the Buy America provisions without considering the potential impacts of the waiver on domestic employment and requiring the publishing of employment impact statements with all waivers. Requires DOT to issue a final rule implementing this section within 120 days of enactment, and delays the effective date of the rest of the provisions of this section until the rulemaking is complete. Requires semiannual reports to Congress on the issuance of Buy America waivers.

STB Reauthorization

CONTINUED FROM PAGE ONE

that would provide real reform and address the shippers' problems. The bill would fix these problems and prepare our rail regulatory structure to encourage a vital, robust rail industry."

The big question now is how the Commerce bill will be merged with a bill (S. 146) reported by the Judiciary Committee earlier this year and authored by Senator Herb Kohl (D-WI) that would take a way key parts of the STB's jurisdiction and give the authority to investigate potential antitrust law violations by railroads to the Justice Department, the Federal Trade Commission, and the federal courts.

Kohl tried to move his legislation to the Senate floor on its own in May but was rebuffed by a bipartisan coalition of Senators, some of whom are completely opposed to Kohl's in any form but some of whom (including Rockefeller) wanted more time to work on their own legislation first.

Merging two bills from different committees with very different approaches is the job of the Senate Majority Leader (working closely with the two chairmen). However, Majority Leader Reid has a lot on his plate in the future and it is not clear when the STB bill will make it to the floor.

(The Commerce Committee's long-postponed Federal Aviation Administration reauthorization bill will probably take precedence over the STB bill when it comes to floor time given to that committee.)

Rockefeller's staff did indeed have extensive negotiations with stakeholder groups, including the railroads, who were shut out of Judiciary's shaping of the Kohl bill.

Ed Hamberger, CEO of the Association of American Railroads, said in a statement that "We appreciate the efforts of the Senate Commerce Committee, under the leadership of Chairman Rockefeller and Senator Hutchison and senior Committee members of both parties, to work with all freight stakeholders over the last several months in developing this legislation.

"This bill would be the most significant rewrite of the railroad industry's regulatory system in the last three decades. Under the bill, Class I railroads would be required to open their privately owned and maintained rail networks and would face vastly expanded government involvement in railroad operations.

"We continue to have concerns about certain provisions in the bill, particularly the nature and scope of the antitrust provision that may be added at a later date, and we will remain engaged with the Commerce Committee, Congress and the Administration, to craft final legislation that ensures railroads can continue to make the investments that sustain a healthy national rail network."

However, some of the freight railroads that comprise AAR's membership may work harder than AAR to amend (or in some cases fight) the bill, particularly if it is changed via amendment.

The Commerce markup of the bill on December 17 was fairly uneventful. With one single en bloc vote, the committee approved S. 2889 (with an amendment), eight other bills (including S. 554, requiring new safety standards for commercial buses), and approved a slate of nominations, including David Strickland to head the NHTSA and Michael Khouri to be a member of the Federal Maritime Commission.

As part of the en bloc vote, a managers' amendment to S. 2889 was agreed to. The managers' amendment increases funding authorizations for STB programs by about \$3 million per year compared to the base bill, makes several technical and conforming changes, and reduces the amount authorized to be appropriated for the interchange grants in section 301 of the bill from \$37.5 million per year to \$7.5 million per year.

Only one other amendment was offered to S. 2889 during the markup: a Dorgan (D-ND) amendment to make it harder for Burlington Northern—Santa Fe (BNSF) railroad to win future rate cases.

Under current law, and under S. 2889, when the STB is considering a rate case, the STB cannot set a rate so low that the railroad can't make money, and there are a variety of factors that go into that calculation, including "acquisition premiums" (how much a new owner of a railroad paid for the railroad).

Billionaire Warren Buffett's Berkshire Hathaway Corp. recently announced their intention to buy BNSF at a healthy premium. Once the deal closes in February, BNSF will be in a much better position to win rate cases (and to go back and appeal rate cases they recently lost, including one in North Dakota) on the grounds that Buffett paid so much for the railroad.

Dorgan offered his amendment during the markup but then withdrew it. The issue may appear again on the Senate floor.

A section-by-section summary of the pre-introduction draft of S. 2889 appeared in last week's issue of *Transportation Weekly*.

Authorization of Appropriations in S. 2889, STB Reauthorization Act of 2009, As Reported on December 17

Sec.	Purpose of Authorization	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	5-Year
101	STB Salaries and Expenses	\$ 40,370,000	\$ 47,518,000	\$ 40,834,000	\$ 44,315,000	\$ 44,971,000	\$ 218,008,000
301(e)	DOT Interchange Commitment Relief Grants	\$ 7,500,000	\$ 7,500,000	\$ 7,500,000	\$ 7,500,000	\$ 7,500,000	\$ 37,500,000
	Total Authorizations, S. 2889 As Reported	\$ 47,870,000	\$ 55,018,000	\$ 48,334,000	\$ 51,815,000	\$ 52,471,000	\$ 255,508,000

NEW AND NOTABLE ON THE INTERNET

Defense Appropriations/Highway Trust Fund Extension to February 28, 2010

The text of the Defense Appropriations Act for 2010 as presented to the President can be found at the following link (the Highway Trust Fund extension is in section 1008 of Division B, on pages 147-148 of the PDF):

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3326eah.txt.pdf

Federal Highway Administration

FHWA has issued a short layman's guide to the transportation planning process:

<http://www.fhwa.dot.gov/planning/decisionmaking/decisionmaking.pdf>

Second Economic Stimulus Act/Highway Trust Fund Extension to September 30, 2010

The text of the House-passed second stimulus bill can be found at the following link (Corps of Engineers funding is on pages 2-4 of the PDF, EPA State Revolving Fund funding is on pages 12-14 of the PDF, Department of Transportation funding is on pages 29-53, and the Highway Trust Fund extension to September 30, 2010 is found on pages 54-89 of the PDF):

http://appropriations.house.gov/pdf/2010_Jobs_For_Main_Street_Bill_Text.pdf

STB Reauthorization

The text of S. 2889, chairman Rockefeller's STB reauthorization bill, as introduced in the Senate, is here:

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s2889is.txt.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 transmitted 12/17/2009
DOT-National Highway Traffic Safety Admin.	David Strickland	Administrator	Commerce, Science and Transportation	Nomination reported 12/17/09
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 reported 12/17/09
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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*Please send comments or corrections to:
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THIS WEEK IN COMMITTEE

The House has adjourned for the holidays. The Senate is still in session working on health care (and, after that, the debt ceiling increase) but there are no more transportation-related committee meetings scheduled in 2009. (The Senate Judiciary Committee actually has a markup scheduled for 10 a.m. on Christmas Eve, though.)

The next issue of *Transportation Weekly* will occur sometime in early January 2010. Merry Christmas and Happy New Year.



STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
Economic Stimulus Appropriations & Tax Cuts	H.R. 1 conference report passed House 2/13/09 by 246-183-1	H.R. 1 conference report passed Senate 2/13/09 by a vote of 60-38	Public Law 111-5 2/17/09
FY 2010 Congressional budget resolution	H. Con. Res. 85 passed House 4/2/09 by vote of 233-196	S. Con. Res. 13 passed Senate 4/2/09 by vote of 55-43	Conference report (H. Rept. 111-89) agreed to 4/29/09
FY 2010 Transportation-HUD Appropriations	H.R. 3288 passed House 7/23/09 by a vote of 256-168	H.R. 3288 passed Senate amended 9/17/09 by vote of 73-25	Division A of Public Law 111-xx 12/16/09
FY 2010 Energy and Water Appropriations	H.R. 3183 passed House 7/17/09 by a vote of 320-97	H.R. 3183 passed Senate amended 7/29/09 by vote of 85-9	Public Law 111-85 10/28/09
FY 2010 Homeland Security Appropriations	H.R. 2892 passed House 6/24/09 by a vote of 389-37	H.R. 2892 passed Senate amended 7/9/09 by a vote of 84-6	Public Law 111-83 10/28/09
Federal Aviation Admin. Reauthorization Bill	H.R. 915 passed House 5/22/09 by a vote of 277-136	S. 1451 reported 9/29/09 S. Rept. 111-82	
Surface Transportation Reauthorization Bill	Subcommittee marked up draft bill on 6/24/09		
Short-Term Extension of Surface Transportation Laws	H.R. 3617 passed House 9/23/09 by a vote of 335-85	S. 1498 reported 7/22/09 S. Rept. 111-59	
Water Resources Development Act	Subcommittee hearing held 11/18/09		
FY 2010 Coast Guard Authorization	H.R. 3619 passed House 10/23/09 by a vote of 385-11	S. 1194 reported 10/30/09 S. Rept. 111-95	
Transportation Security Admin. Reauthorization	H.R. 2200 passed House 6/4/09 by a vote of 397-25		