

THE LEGISLATIVE SERVICES GROUP'S

Transportation Weekly

MONITORING AND ANALYZING DEVELOPMENTS IN FEDERAL TRANSPORTATION AND PUBLIC WORKS POLICY

Volume 11, Issue 29

Wednesday, May 26, 2010

Legislative Schedules Week of May 24, 2010

House

Wednesday — meets at 10 a.m. — possible consideration of H.R. 4213, tax extenders.

Thursday — meets at 10 a.m. — complete consideration of tax extenders and consider H.R. 5136, FY 2011 defense authorization.

Friday — meets at 9 a.m. — H.R. 5175, campaign finance reform.

Senate

The Senate convened at 9:30 a.m. today and is currently considering H.R. 4899, supplemental appropriations for fiscal year 2010.

Inside This Issue

Annual Cost To Hold Harmless States Under Oberstar Provision	2
CBO Estimate of Extenders Bill's Deficit Increase.....	2
Transportation/Infrastructure Provisions in the Extenders Bill	3
Rescission vs Item Veto: Where Is the Burden of Action?	4
Supplemental Appropriations Moving Forward; Operating Assistance for Transit Proposed	6
Weekly Stimulus Update.....	7
New on the Internet.....	7
Nominations Calendar.....	7
This Week In Committee.....	8
Status of Major Transportation Bills.....	8

Votes in House, Senate Uncertain On Tax Extenders Bill With Infrastructure Tax Incentives Oberstar's Highway Formula Changes Now In The Bill May Be Amended

As of this writing (4 p.m. on Wednesday, May 26), the House of Representatives is in recess (legislative limbo) waiting for Democratic leaders in both chambers to figure out what changes need to be made in the proposed tax extenders bill (H.R. 4213) in order to ensure the bill can get 218 votes in the House and 60 votes in the Senate.

The main issue in dispute is the total cost of the bill. On Monday, the Congressional Budget Office estimated that the net total cost of the tax provisions and new direct

spending in the bill would increase the unified federal deficit by \$134 billion over the ten upcoming fiscal years, but the total cost will be higher because the CBO estimate does not include several billion dollars in discretionary appropriations also contained in the bill.

CBO has yet to produce a final cost estimate of the bill, which must include the bill's compliance with the new pay-as-you-go budget law, because of some "gray areas" in the new law that are at issue for the first time. CBO said that the law requires

them to consult with the House and Senate Budget Committee chairmen to resolve these interpretations of the ambiguities in the PAYGO law.

But beyond the total dollar amount, there are a host of other issues under negotiation, including the fate of language incorporated in the present version of the extenders bill at the request of House Transportation and Infrastructure chairman James Oberstar (D-MN) to redistribute highway formula funding for fiscal year 2010 and the first three months of FY 2011 for two

CONTINUED ON PAGE 2

Blast From the Past: Obama Proposes Expedited Rescission

Imagine this scene: a new Democratic President, eager to gain credibility on fiscal restraint, sends a proposal to a Congress with sizable Democratic majorities that will give the President enhanced power to propose specific cuts in federal spending and force Congress to hold an up-or-down vote on those cuts. And Rep. John Spratt (D-SC), agrees to introduce the President's proposal and bring it to a vote.

This was the scene on Monday, when President Obama sent Congress a draft bill proposing expedited rescission authority to force up-or-down votes on proposed packages of spending cuts.

But seasoned budget observers will remember the exact same thing happened in 1993. And 1994.

History. The concept of "expedited rescission" is 25 years old. After the 1974 Impoundment Con-

trol Act took away the President's unilateral ability to withhold budget authority from obligation indefinitely, Congress began to disregard a growing percentage of the President's rescissions that were proposed under the new system.

In 1983, the Supreme Court's *INS v. Chadha* decision made it harder for the President to rescind or defer funding

CONTINUED ON PAGE 4

Tax Extenders Bill

CONTINUED FROM PAGE ONE

highway programs (projects of national and regional significance, and national corridor infrastructure) that would take money from thirteen states and the District of Columbia and distribute the money to the other 37 states.

The provision is in the bill at present (section 614) to implement a deal struck several months ago between Oberstar, House Speaker Pelosi, and Senate Majority Leader Reid — a deal to which other key legislators were not party.

While most changes to the tax extenders bill being considered would lower its total cost, the changes being considered to the Oberstar provision would raise the total cost of the bill.

The two states that lose the most money under the Oberstar provision are California and Illinois. While Pelosi, California's most powerful politician, supports the Oberstar provision, Senate Majority Whip Richard Durbin (D-IL) apparently does not. Durbin was widely rumored to be one of the Senators placing informal "holds" on earlier bills that contained this language, and word began spreading this afternoon that Durbin's objections to including the Oberstar language in the tax extenders bill was helping hold back the legislation.

One solution that was proposed was to hold the state of Illinois harmless for the money it would lose under the Oberstar provision. However, an attempt to hold one state harmless would inevitably lead to much louder cries from the other twelve states (plus DC) that were not being held harmless.

At present, Congressional leaders are considering holding harmless all thirteen states (plus DC) that would lose money under the Oberstar provision. To hold those states harmless, in dollar terms, would require the creation of an additional \$417 million per year in highway contract authority, to be apportioned to states in the amounts shown in the table at right.

This would also increase the total amount of highway contract authority apportioned to states via formula in FY 2010 from \$40.151 billion under present law to \$40.568 billion.

And since underlying law also provides highway contract authority for the first three months of fiscal year 2011, and the Oberstar provision affects that funding as well, any hold harmless provision would presumably also create an extra \$104 million in new contract authority in FY 2011. And that likely means that the Congressional

THE EXTRA COST OF A "HOLD HARMLESS" PROVISION FOR THE OBERSTAR FORMULA CHANGES

State	Extra Money	Share
Arkansas	\$18.7 million	4.5%
California	\$153.9 million	36.9%
Colorado	\$277 thousand	0.1%
Dist. Of Col.	\$12.1 million	2.9%
Illinois	\$95.2 million	22.8%
Louisiana	\$34.4 million	8.2%
Minnesota	\$7.6 million	1.8%
New Jersey	\$693 thousand	0.2%
Oklahoma	\$17.7 million	4.2%
Oregon	\$22.9 million	5.5%
Tennessee	\$5.0 million	1.2%
Virginia	\$9.6 million	2.3%
Washington	\$31.4 million	7.5%
West Virginia	\$7.7 million	1.9%
Total	\$417.1 million	100.0%

These extra dollars are per fiscal year.

Source: House Transportation and Infrastructure Committee (look at the table on the website, take the negative dollar totals for the fourteen states, and multiply times 0.8 to annualize).

Budget Office will have to assume that the full \$417 million in extra contract authority will be provided in FY 2011 and in every future fiscal year until the end of time (budget scorekeeping rules require CBO to make this assumption).

(Ed. Note: The effect that extra contract authority in the here-and-now has on future baselines is one of the

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CBO/JCT Deficit Impact of the Proposed House Amendment to the Senate Amendment to H.R. 4213 (Tax Extenders)

(By Fiscal Year, In Millions of Dollars)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2020
<u>Increased Direct Spending Outlays</u>												
Title I - Infrastructure Incentives	14	554	2,090	2,871	2,871	2,871	2,871	2,871	2,871	2,871	2,871	25,623
Title II - Extend Expiring Tax Provisions	3,302	1,363	0	0	0	0	0	0	0	0	0	4,664
Title III - Pension Provisions	0	0	-70	-130	-200	-260	-130	-100	-30	100	160	-660
Title IV - Revenue Offsets	0	500	400	100	0	0	0	0	0	0	0	1,000
Title V - Unemployment, Health	12,130	75,212	20,970	24,359	9,385	-3,337	-2,950	-2,379	-866	549	607	133,681
Title VI - Other Provisions	3,012	3,787	1,398	622	351	224	125	101	51	27	27	9,725
Total Increase in Spending Outlays	18,458	81,416	24,788	27,822	12,407	-502	-84	493	2,026	3,547	3,665	174,036
Total Changes in Tax Revenues	-9,959	-13,272	5,896	7,920	7,535	25,563	-10,540	7,782	6,880	6,061	6,451	40,317
TOTAL INCREASE IN FEDERAL DEFICIT	+28,417	+94,688	+18,892	+19,902	+4,872	-26,065	+10,456	-7,289	-4,854	-2,514	-2,786	+133,731

Note: This table does not include the cost of the discretionary appropriations in title VI of the bill.

Tax Extenders Bill

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big reasons that Sen. Judd Gregg (R-NH) got so apoplectic over previous Highway Trust Fund extension legislation.)

However, the creation of new contract authority by itself will not increase the federal deficit, because the contract authority to be created by a hold harmless provision will still be subject to the overall obligation ceiling of \$41.107 billion set in the FY 2010 DOT appropriations law.

But Congressional leaders are also considering adding extra obligation limitation to the highway program as part of the hold harmless provision under discussion. This could increase the obligation limitation from \$41.107 billion per year to up

to \$41.524 billion per year (it is not certain if the extra obligation limitation would have correspond to the extra contract authority on a dollar-for-dollar basis or whether the ob limit amount could be smaller than the contract authority total).

Increasing the obligation limitation would cause increased outlays from the Treasury, which would increase the federal deficit — though the total amount at issue, whether it is \$417 million or a lesser amount, still amounts to a small drop in a big bucket in the context of a bill that would increase the deficit by at least \$134 billion over ten years.

The tax extenders bill also contains several other provisions that relate to transportation infrastructure. Most importantly, the bill extends the authority for municipalities to issue Build America Bonds for two years (from the end of calendar year

2010 to the end of calendar year 2012) and reduces the amount of the direct payment from the current 35 percent of coupon interest to 32 percent for bonds issued in 2011 and 30 percent for bonds issued in 2012.

The bill also excludes the tax-exempt facility bonds for water and sewage treatment plants from state bond volume caps.

And the bill extends an expiring exemption from the alternative minimum tax for private activity bonds for one year, which is of interest to airports and other entities that utilize PABs.

If Congress does not clear the bill for the White House by this weekend, unemployment benefits and other safety net programs will expire again at the end of the month unless a separate short-term extension of those programs is passed.

TRANSPORTATION/INFRASTRUCTURE PROVISIONS IN THE TAX EXTENDERS BILL

Sec. 101. Extension of Build America Bonds. Extends Build America Bonds issuing authority from January 1, 2011 to January 1, 2013. For direct-pay Build America Bonds issued in 2011, the amount of the direct payment would be reduced from 35% to 32% of the coupon interest. For such bonds issued in 2012, the amount of the direct payment would be reduced to 30% of the coupon interest. The bill would also allow issuers to issue Build America Bonds to effect a current refunding of outstanding Build America Bonds; as a result, issuers and the Federal government could save money if interest rates fall in the future. This provision is estimated to cost \$4.042 billion over 10 years.

Sec. 102. Exempt-facility bonds for sewage and water supply facilities. Excludes bonds financing facilities that furnish water and sewage facilities from state volume caps. The bill would also exclude bonds financing facilities that furnish water and sewage facilities from certain limitations on tribal government issuances. This provision is estimated to cost \$372 million over 10 years.

Sec. 103. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds. Extends American Recovery and Reinvestment Act provisions related to AMT exemptions for private activity bonds for one year (i.e., exempt from AMT tax-exempt private activity bonds issued in 2011 and current refunding of private activity bonds issued after 2003 and refunded during 2011). This provision is estimated to cost \$224 million over 10 years.

Sec. 104. Extension and additional allocations of recovery zone bond authority. Makes an additional allocation of Recovery Zone bonds to ensure that each local municipality receives a minimum allocation equal to at least its share of national unemployment in December 2009. The bill would also extend the authorization for issuing Recovery Zone bonds through 2011. This provision is estimated to cost \$2.385 billion over 10 years.

Sec. 244. Railroad track maintenance credit. extend for one year (through 2010) the railroad track maintenance credit. This proposal is estimated to cost \$165 million over 10 years.

Sec. 614. Extension and flexibility for certain allocated surface transportation programs. Amends the Surface Transportation Extension Act of 2010 to redistribute funds provided in fiscal 2010 and the first three months of fiscal 2011 under the Projects of National and Regional Significance program and the National Corridor Infrastructure program so that they are distributed to states in the ratio in which states get their aggregate totals of all highway formula funding, not in the ratios in which they received funding under those programs in fiscal 2009 (as current law requires). As introduced, this provision would have no effect on federal revenues or outlays.

Expedited Rescission

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without permission of both Houses of Congress.

Supporters of President Reagan began to argue that the President should be able to force an up-or-down vote in Congress on his proposed packages of spending cuts. The first proposal introduced in Congress to require the speedy consideration of Presidential rescission proposals was introduced in September 1985 by none other than...wait for it....

Senator Dan Quayle (R-IN).

In September 1985, Quayle and Sen. Jim Exon (D-NE) introduced S. Con. Res. 65 (99th Congress), which Quayle called the "Pork-Buster Resolution," requiring Congress to take an up-or-down vote on resolutions approving proposed Presidential rescissions within fifteen days of their submission.

Although the details have changed somewhat in the last 25 years, that is still the core of the expedited rescission concept—internal "fast track" procedures in the House and Senate to force an up-or-down vote on Presidential spending cuts.

Quayle proposed expedited rescission as an amendment on the Senate floor to the 1986 budget reconciliation act, but it was ruled non-germane by the chair and fell without a vote. But support for the concept grew in the House and Senate on a bipartisan basis, led by Quayle and Reps. Tom Carper (D-DE), Dick Armey (R-TX), Charlie Stenholm (D-TX), and Tim Johnson (D-SD).

By October 1992, the issue had gained wide enough acceptance in the House that the House passed Carper's expedited rescission bill (H.R. 2164, 102d Congress) under suspension of the rules by a vote of 312 to 197. 158 Democrats and 154 Republicans voted for the bill, which naturally vanished into the Senate's dark legislative morass and was never seen again.

(*Ed. Note:* October 1992 was one month before the November 1992 elections, in which, readers may recall, one H. Ross Perot was busy whipping independent voters into a frenzy over the perils of the federal deficit. The timing of the vote suggests that House Democratic leaders were wanting a meaningless political "cover vote" on the deficit.)

Up until this point, Congressional Republicans preferred, in order, a constitutional amendment granting a real line-item veto; or, failing that, "enhanced rescission" that left proposed spending cuts in place

unless affirmatively rejected by Congress (though this was of dubious constitutionality). But in the absence of their preferable alternatives, they supported expedited rescission as the next best thing available. This would soon change.

After the 1992 elections, Rep. Spratt took over House leadership on the issue. And this time, it was a Democratic President supporting expedited rescission — President Clinton said in February 1993 that "I'm going to try to get the Congress to pass the modified line-item

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Rescission vs. Item Veto: The Burden of Action

The critical distinction between an expedited rescission process (which most experts agree would be constitutional) versus a true line-item veto (which the Supreme Court held to be unconstitutional in 1998 and would require an amendment to the Constitution to implement now) is this: what happens if Congress does nothing in response to the President's action?

Under the expedited rescission proposal, the President's proposed cancellations of new funding have the effect of putting that funding "on hold" for a period of time until Congress considers the proposed cuts. (The President must propose the cuts within 45 legislative days of the enactment of the law providing the funding, and the draft bill gives Congress 25 calendar days to hold an up-or-down vote on the cuts.)

Then, if Congress takes no action at the end of that time period, the proposed cuts do not take place and all the funding originally provided in the funding law is made available for obligation. In the absence of legislative action (creation of a new law), no change in the existing law takes place.

Under line-item veto, the President's cuts stay in effect unless Congress affirmatively passes a law to the contrary. In the absence of legislative action, the existing law as passed by Congress and signed by the President is then changed unilaterally by the President.

This distinction is the central holding of the Supreme Court decision in *Clinton v. City of New York*:

The Balanced Budget Act of 1997 is a 500-page document that became "Public Law 105—33" after three procedural steps were taken: (1) a bill containing its exact text was approved by a majority of the Members of the House of Representatives; (2) the Senate approved precisely the same text; and (3) that text was signed into law by the President. The Constitution explicitly requires that each of those three steps be taken before a bill may "become a law." Art. I, §7. If one paragraph of that text had been omitted at any one of those three stages, Public Law 105—33 would not have been validly enacted. If the Line Item Veto Act were valid, it would authorize the President to create a different law—one whose text was not voted on by either House of Congress or presented to the President for signature. Something that might be known as "Public Law 105—33 as modified by the President" may or may not be desirable, but it is surely not a document that may "become a law" pursuant to the procedures designed by the Framers of Article I, §7, of the Constitution.

If there is to be a new procedure in which the President will play a different role in determining the final text of what may "become a law," such change must come not by legislation but through the amendment procedures set forth in Article V of the Constitution.

Expedited Rescission

CONTINUED FROM PAGE FOUR

veto bill that the House passed the last time and the Senate didn't. I strongly support it."

The House in fact passed expedited rescission twice under Spratt's leadership, once in 1993 and once in 1994. The House passed H.R. 1578 (103d Congress) in April 1993 by a vote of 258 to 157 after rejecting Republican proposals to substitute enhanced rescission for expedited rescission and to apply the process to tax bills as well as appropriations bills. This time, 174 Democrats voted for the bill but only 84 Republicans supported it.

That bill, naturally, fell into the Senate's dark legislative morass and was never seen again.

Then, as the 1994 elections drew closer, House leaders chose to bring up the exact same bill a second time. Spratt introduced H.R. 4600 (103d Congress), identical to H.R. 1578. In July 1994, as members were fearfully preparing to go home and face voters in the five-week August recess, the House brought up H.R. 4600, and then voted for the Stenholm-Penny-Kasich substitute to strengthen the Spratt bill by making the authority permanent, requiring that proceeds of rescissions go towards deficit reduction (rather than be used to offset new spending), and allowing the cancellation of targeted tax benefits as well as appropriations. The amended bill passed the House by a 342 to 69 vote (all 169 Republicans who were present voted "yea", as did 173 Democrats).

That bill, naturally, fell into the Senate's dark legislative morass and was never seen again.

But Republicans took control of Congress after the 1994 elections, and a legislative line item veto solution had been part of the Contract With America, so supporters were finally able to get the bill through the Senate. The bill that passed the House as H.R. 2 (104th

Congress) in February 1995 by a 294 to 134 vote (223 Republicans and 71 Democrats in favor) was stronger than anything that had come before, applying to discretionary appropriations and mandatory budget authority and targeted tax benefits and allowing cuts to stay in effect unless Congress passed a new law to restore the funding.

In the Senate, the bill (S. 4, 104th Congress) took a little bit longer, passing by 69-29 in March 1995 and with the House-Senate conference dragging on until March 1996, when a conference report was passed by both chambers (69 to 31 in the Senate and by voice vote in the House) and with S. 4 becoming Public Law 104-130 on April 9.

President Clinton was only able to use his line item veto authority eleven times, from August through December 1997, before the Supreme Court ruled the law unconstitutional in June 1998 (see box on previous page). Since then, Congress has been silent on the weaker but likely constitutional expedited rescission concept, until now.

A list of all President Clinton's line item vetoes is here:

<http://www.access.gpo.gov/nara/nara004.html>

The new bill. Critics of expedited rescission point to one undeniable problem — the Constitution gives Congress the power to make its own rules at any time, and the House exercises this prerogative frequently. So under expedited rescission, the House's majority leadership, through the Rules Committee, could call a halt to the process at any time. All they would have to do to end the whole expedited rescission process would be for Rules to report the following and for the House to pass it by a party-line vote:

H. Res. ____ *Resolved*, that for the duration of the ____th Congress, the provisions of Part C of the Impoundment Control Act of 1974, as amended, shall have no effect in the House of Representatives.

(Alternatively, Rules could just waive expedited rescission proce-

dures for any one particular package of rescissions that the leadership does not like).

And while it is easier for the Senate to bind itself using fast track procedures, expedited rescission assumes that all rescission approval bills will be introduced in the House, and provides no procedure for the Senate to start the process if the House calls it off.

But there is one key difference between the expedited rescission bill submitted by the White House on Monday and previous versions. All of the original 1985 through 1994 versions of expedited rescission only applied to discretionary budget authority contained in appropriations bills. OMB's proposal appears to apply to mandatory contract authority in surface transportation bills as well.

And the new White House proposal would, for the first time, include obligation limitations on contract authority in the expedited rescission process, part of OMB's ongoing effort to make discretionary budget authority and obligation limitations interchangeable.

(This is why President Clinton only item vetoed three spending items at DOT in 1997, and they were all discretionary budget authority — because the highway earmarks in the appropriations bill were earmarks of contract authority contained in a previous bill, and though the appropriations bill was providing new obligation limitation, they weren't providing new budget authority, so those earmarks were exempt from the Line Item Veto Act's procedures.)

The principal opponents of expedited rescission have been appropriators (it was the 1993 expedited rescission bill that prompted Robert Byrd (D-WV) to give fourteen hour-long speeches on the constitutional makeup of the Roman Republic), and given how integrated appropriators are into current Hill leadership, the outlook for this bill is uncertain at best.

Supplemental Appropriations Moving Forward; Transit Assistance Proposed

The House Appropriations Committee is scheduled to meet tomorrow afternoon to consider a draft version of a supplemental appropriations bill for fiscal year 2010. Though the original request by President Obama is primarily devoted to military operations in Afghanistan and Iraq and the recapitalization of FEMA's Disaster Relief Fund, the version of the bill that the House panel will consider also includes \$30 billion in domestic spending on education and police and firefighter retention grants.

Meanwhile the Senate is considering its companion version of the bill this week, with a cloture vote scheduled for tomorrow. Last night, Senate Banking Committee chairman Chris Dodd (D-CT) filed an amendment (SA #4235) to the supplemental appropriations bill that would add a new \$2 billion appropriation for the Federal Transit Administration for grants to local transit authorities for operating assistance. The appropriation would come from the general fund of the Treasury. (Underlying federal law requires all transit formula aid to be spent on

capital activities, but there was a temporary provision passed last year allowing transit agencies to use up to ten percent of their transit apportionment for operating costs.)

Under the Dodd amendment, 80 percent of the funds would be apportioned under the urbanized area formula, ten percent under the non-urbanized area formula, and ten percent under the high density/fast growth state formula. The amendment says that the money "shall be used for operating expenses necessary to restore a reduction in public

transportation service and related workforce reductions or to rescind all or a portion of a fare increase, if such reduction or increase was due to decreased State or local funding or farebox revenue that occurred on or after January 1, 2009, and to prevent reductions of service or increases in fares through September 30, 2011" but then gives the transit agencies the ability to use the money for capital needs if they state that they don't need the operating assistance. The federal share of all grants is up to 100 percent.

Given the current political dynamic in the Senate, it is far from certain that the Dodd amendment can get the support of 60 Senators necessary to waive the Budget Act and include the spending as an off-budget emergency.

The draft House bill differs from the pending Senate bill in several respects, as shown in the table at left. The House bill dispenses with the \$217 million in water project funding in the Senate bill and does not include a \$15 million transfer of NHTSA funding from seat belt grants to operations, as requested by DOT (but not requested by the White House), as the Senate bill does.

New Appropriations In H.R. 4899 As Reported in the Senate and Proposed in the House			
	<u>Request</u>	<u>Senate Bill</u>	<u>House Mark*</u>
Energy and Water Development			
U.S. Army Corps of Engineers:			
Investigations	\$ -	\$ 5,400,000	\$ -
Mississippi River System	\$ -	\$ 18,600,000	\$ -
Operations and Maintenance	\$ -	\$ 173,000,000	\$ -
Flood Control & Emergencies	\$ -	\$ 20,000,000	\$ -
Total, Energy and Water Chapter	\$ -	\$ 217,000,000	\$ -
Homeland Security			
Customs and Border Protection	\$ -	\$ -	\$ 411,900,000
Immigration and Customs Enforcement	\$ -	\$ -	\$ 30,000,000
Citizenship and Immigration Services	\$ 15,000,000	\$ 10,600,000	\$ 10,600,000
U.S. Coast Guard:			
Operating Expenses	\$ 45,000,000	\$ 50,000,000	\$ 45,000,000
A C & I	\$ -	\$ 15,500,000	\$ 58,500,000
Subtotal, Coast Guard	\$ 45,000,000	\$ 65,500,000	\$ 103,500,000
FEMA Disaster Relief*	\$ 5,100,000,000	\$ 5,100,000,000	
FEMA State and Local Programs	\$ -	\$ -	\$ 50,000,000
Federal Law Enforcement Training Center	\$ -	\$ -	\$ 8,100,000
Rescissions	\$ -	\$ (11,100,000)	\$ (54,100,000)
Firefighter Assistance Grants**	\$ -	\$ -	\$ 500,000,000
Total, Homeland Chapters**	\$ 5,160,000,000	\$ 5,165,000,000	\$ 1,060,000,000
Transportation - HUD			
National Highway Traffic Safety Admin:			
Rescission of Cash-for-Clunkers*	\$ -	\$ (44,000,000)	\$ -
Rescission of Seat Belt Grants	\$ -	\$ (15,000,000)	\$ -
Subtotal, NHTSA	\$ -	\$ (59,000,000)	\$ -
Rescission of 1989 Highway ER Funds	\$ -	\$ -	\$ (10,893,687)
Rescission of 2005 FAA F&E Funds	\$ -	\$ -	\$ (2,182,544)
Rescission of 2005 FAA F&E Funds	\$ -	\$ -	\$ (5,705,750)
HUD Community Development Fund***	\$ -	\$ 100,000,000	\$ -
Rescission of 2008 HUD CDBG Funds	\$ -	\$ -	\$ (311,602,923)
Rescission of 2006 HUD Road Home	\$ -	\$ -	\$ (318,000,000)
Total, Transportation-HUD Chapter	\$ -	\$ 41,000,000	\$ (648,384,904)

*An earlier version of the House bill contained the \$5.1 billion for FEMA Disaster Relief and the \$44 million NHTSA cash-for-clunkers rescission, but the bill to be marked up on Thursday does not.

**The \$500 million for Firefighter Assistance Grants is in a separate title of the bill from the rest of the DHS funding.

***The House bill transfers an unused \$100 million from the HUD Road Home program to other Community Development Fund activities at no net budgetary cost.

NEW AND NOTABLE ON THE INTERNET

Expedited Rescission

The text of the White House's proposed expedited rescission bill is here:

http://www.whitehouse.gov/omb/assets/blog/Unnecessary_Spending_Act.pdf

Supplemental Appropriations Act

The House Appropriations Committee's summary of its draft 2010 supplemental appropriations bill is here:

<http://tinyurl.com/35dwyc6>

Tax Extenders Bill

The text of the current version of the tax extenders act is here:

http://www.rules.house.gov/111/LegText/111_hr4213_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 reported 3/18/10
DOT—Maritime Administration	David Matsuda	Administrator	Commerce, Science and Transportation	Nomination reported 3/18/10
DOT-National Highway Traffic Safety Admin.	David Strickland	Administrator	Commerce, Science and Transportation	Nomination <u>confirmed</u> 12/24/09
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
Amtrak Board of Directors	Jeffrey Moreland	Director for a term of five years	Commerce, Science and Transportation	Nomination reported 3/24/10
Federal Maritime Commission	Michael Khouri	Member for a term expiring 6/30/2011	Commerce, Science and Transportation	Nomination <u>confirmed</u> 12/24/09
National Transport. Safety Board	Mark R. Rosekind	Member for a term expiring 12/31/2014	Commerce, Science and Transportation	Nomination reported 12/3/09
National Transport. Safety Board	Earl Weener	Member for a term expiring 12/31/2010	Commerce, Science and Transportation	Nomination reported 3/24/10
Department of Homeland Security	John Pistole	Assistant Secretary for Transport. Security	Commerce <u>and</u> Homeland Security	Nomination transmitted 5/17/10
United States Coast Guard	V.Adm. Robert Papp Jr.	Commandant (and Admiral)	Commerce, Science And Transportation	Nomination <u>confirmed</u> 4/22/10

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P. O. Box 661
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Email: mail@transportationweekly.com



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THIS WEEK IN COMMITTEE

Wednesday, May 26, 2010 - House Transportation and Infrastructure - full committee hearing on progress of infrastructure investments under the Recovery Act - *10:00 a.m., 2167 Rayburn.*

Thursday, May 27, 2010 - Senate Commerce, Science and Transportation - full committee hearing to examine airline consolidation - *10:00 a.m., SR-253 Russell.*

Senate Environment and Public Works - full committee hearing on the draft Water Resources Development Act of 2010 - *10:00 a.m., SD-406 Dirksen.*

Senate Judiciary - Subcommittee on Antitrust, Competition Policy and Consumer Rights - subcommittee hearing on the proposed United-Continental merger - *2:15 p.m., SD-226 Dirksen.*

House Appropriations - full committee markup of the FY 2010 supplemental appropriations bill - *5:00 p.m., 2359 Rayburn.*

STATUS OF MAJOR TRANSPORTATION BILLS — 111th CONGRESS

BILL	HOUSE ACTION	SENATE ACTION	RESOLUTION
FY 2011 Congressional budget resolution		S. Con. Res. 60 reported 4/26/10	
FY 2011 Transportation-HUD Appropriations			
FY 2011 Energy and Water Appropriations			
FY 2011 Homeland Security Appropriations			
Federal Aviation Admin. Reauthorization Bill	H.R. 1586 passed House amended 3/25/10 by 276-145	H.R. 1586 passed Senate amended 3/22/10 by vote of 93-0	
Surface Transportation Reauthorization Bill	Subcommittee marked up draft bill on 6/24/09		
Short-Term Extension of Surface Transportation Laws	Amendment to H.R. 2847 passed House 3/4/10 by 217-201 vote	H.R. 2847 passed Senate amended 3/17/10 by vote of 68-29	Public Law 111-147 3/18/10
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	H.R. 3619 passed Senate amended 5/7/10 by unan. consent	
Transportation Security Admin. Reauthorization	H.R. 2200 passed House 6/4/09 by a vote of 397-25		