



January 6, 2010

Happy New Year! This will certainly be a busy year. Congress has an enormous amount of work to accomplish in what will be a short session since they are scheduled to adjourn early for the November mid-term elections. Carried over from 2009 are the massive healthcare reform bill, the very controversial climate change bill, the Jobs for Main Street bill and bills to increase the debt ceiling, reform the financial industry and extend numerous expiring tax breaks, among other bills.

With the weak economy, continued high unemployment, low Presidential approval ratings and the retirement of a number of key Members of Congress, the November elections will have a huge impact on the current balance of power. A little less than a year out from the elections, when all 435 House members and one-third of the Senate will be up for election, it looks likely Democrats will lose at least 10, and likely more, House seats and will almost certainly lose their current 60-vote majority in the Senate. In addition, 37 state governorships are up, many of which are open seats. The results of those races will impact the 2011 congressional redistricting process.

After remaining in session until well into December – the Senate until Christmas Eve – the House will return to session on January 12 and the Senate not until January 19. The White House has not yet announced a date for the annual State of the Union address, but the FY'11 Administration budget will be released on February 1.

Completed Legislation:

All the federal agency FY'10 appropriation bills were ultimately passed and signed by the President. Here is a [link](#) to the Consolidated Appropriations bill which includes funding for DOT/HUD, Military Construction/VA, Financial Services, Commerce/Justice/State, Labor/HHS, and State/Foreign Ops. It is a massive 1520 page document (which takes a while to load). The US DOT Conference Report begins on page 5 of the pdf, the Explanatory Statement of Managers for DOT begins on page 384 and the DOT list of project earmarks, noting which Member requested the funding, begins on page 462 of the pdf.

A separate FY'10 Department of Defense appropriations bill, which was also completed and signed, includes a provision extending the existing SAFETEA-LU authorization until February 28, 2010. Since it is essentially impossible to pass a new, multi-year bill by then, additional extensions will ultimately be needed. With this latest extension, five months of the fiscal year have been authorized. While FHWA has been issuing partial apportionments to the states with each short-term extension, to date FTA has not. House T&I Committee Chairman Jim Oberstar



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has urged FTA to now release five-months worth of formula and discretionary funds. Yet another bill, the Jobs for Main Street Act (HR 2847), which has been passed by the full House, includes language extending SAFETEA-LU authorization through the remainder of FY'10 to September 30, 2010, however, the Senate has not yet even debated the bill. Transportation industry groups continue to push for passage of a multi-year bill, but without a source of additional revenue to fund the program, it is not possible. A highly competitive 2010 election year makes it even less likely that Congress would support a gas tax increase.

Another critical transportation authorization bill which has expired and then been extended multiple times is the FAA authorization. Before adjourning, Congress passed yet another three-month extension, until March 31, 2010, authorizing the Airport and Airway Trust Fund and such key programs as the Airport Improvement Program (AIP).

Pending Legislation:

On December 16, the House passed HR 2847, the "Jobs for Main Street Act", a second "stimulus" bill. The bill provides \$48B in new funding for infrastructure of which \$37.3B is for highway, transit, aviation and rail programs. A summary of the transportation provisions prepared by the House T&I Committee is located [here](#). The funding levels and many of the provisions are very similar to the February 2009 ARRA/economic stimulus bill. There was not time for the Senate to take up the bill before adjourning and the outlook for quick action early in 2010 is unclear. The bill will have to get in line behind healthcare reform and possibly climate change legislation. In the House, all Republicans voted against the bill and presumably all will do so in the Senate. The House also lost 38 Democratic votes. Similarly in the Senate, it will be difficult to pick up votes from fiscal conservatives, making getting to 60 votes very difficult. If the bill does pass the Senate, it will likely look very different than the House bill.

The full House and a key Senate committee passed sweeping Climate Change bills in 2009, but the two bills are very different and it is unclear if there are enough votes for full Senate passage. While EPW Committee Chairman Barbara Boxer (D-CA) would like to debate the bill early in the session, the Senate leadership has not announced a timetable for the bill. The Senate version of the bill, S. 1733, specifies that approximately 2.5% of the allowances would be auctioned off for transportation investment. Half the revenue would be distributed directly to public transit agencies through the existing formula programs. The other half would be used for a competitive multi-modal grant program for projects identified in new regional and state greenhouse gas reduction plans or for planning grants.



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Other News:

Today, Senator Chris Dodd (D-CT) announced he will not run again for election in 2010. He currently serves as the Chairman of the Senate Banking Committee which has jurisdiction over the authorization of the transit program. The next in line to become chairman of the committee is Senator Tim Johnson of South Dakota, a state without a significant transit program.