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Appropriations for FY2001: Department of Transportation and Related Agencies

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name redacted
Coordinator
Resources, Science, and Industry Division

Appropriations are one part of a complex federal budget process that includes budget resolutions, appropriations (regular, supplemental, and continuing) bills, rescissions, and budget reconciliation bills. The process begins with the President's budget request and is bounded by the rules of the House and Senate, the Congressional Budget and Impoundment Control Act of 1974 (as amended), the Budget Enforcement Act of 1990, and current program authorizations.

This report is a guide to the Department of Transportation (DOT) and Related Agencies appropriations bill for FY2001. It is designed to supplement the information provided by the Subcommittees on Transportation of the House and Senate Committees on Appropriations. It summarizes the current legislative status of the bill, its scope, major issues, historic funding levels (by agency and major programs), and requests for the upcoming fiscal year, and related legislative activity. The report lists the key CRS staff relevant to the issues covered and related CRS products.

This report is updated as soon as possible after major legislative developments, especially following legislative action in the committees and on the floor of the House and Senate.

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Appropriations for FY2001: Department of Transportation and Related Agencies

Summary

President Clinton signed the FY2001 Department of Transportation (DOT) Appropriations Act (P.L. 106-346; H.Rept. 106-940) on October 23, 2000. The agreement provides $57.978 billion for DOT. This is an increase of more than 14% over the enacted FY2000 level. The Act provides increases for all major DOT agencies except the Federal Railroad Administration (FRA). On December 21, 2000, President Clinton signed the FY2001 Consolidated Appropriations Act (P.L. 106-554). The Act provided for a government-wide rescission of 0.22%. This cut $125 million from the DOT budget for FY2001.

Both houses of Congress had passed somewhat different versions of the FY2001 appropriations bill (H.R. 4475). The House of Representatives version would have provided total budgetary resources of $55.2 billion; the Senate version $54.7 billion. The roughly $500 million difference was partly an outgrowth of the lower budget cap that Senators had to work with. For the overall DOT budget, the Senate bill would have represented a 9.5% increase over the FY2000 budget; the House bill a nearly 10.5% increase.

The FY2001 Act reflects the ongoing impact of the Transportation Equity Act for the 21st Century (TEA21). It raises highway funding by 16% and mass transit funding by almost 8.5%. These spending levels meet or exceed TEA21's requirements. The Administration had proposed increases of 5% for highways and roughly 9% for transit.

The enacted version of H.R. 4475 appropriates additional funds not included in either the House or Senate-passed versions, such as: $1.37 billion for miscellaneous highway projects, $600 million for the Woodrow Wilson Memorial Bridge, roughly $55 million for the Appalachian development highway system; and $720 million for the Emergency Relief Federal Aid Highway Program.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (FAIR21) (P.L. 106-181)has also had a major impact on the FAA's funding for FY2001. H.R. 4475, in conformance with FAIR21, provides for an increase in the FAA's total budget of roughly 25%.

The FY2001 Act includes language to strengthen state drunk driver blood alcohol standards to 0.08% but phases in the highway funds reduction penalties more gradually than in the Senate passed bill–at a rate of 2% annually beginning in FY2004 up to a maximum of 8%. It also permits the Federal Motor Carrier Safety Administration (FMCSA) to collect and analyze public comments and data on its proposed hours of service rules but prohibits FMCSA from taking final action during FY2001.

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Division abbreviations: RSI = Resources, Science, and Industry Division.

Contents

List of Figures

List of Tables

Appropriations for FY2001: Department of Transportation and Related Agencies

Most Recent Developments

President Clinton signed the FY2001 Department of Transportation (DOT) Appropriations Act (P.L. 106-346) into law on October 23, 2000. The House and Senate had approved the conference agreement (H.Rept. 106-940) on October 6, 2000. The FY2001 Act provides $57.978 billion for DOT. This is an increase of more than 14% over enacted FY2000 funding. The FY2001 Act appears to be in conformance with the requirements of both the Transportation Equity Act for the 21st Century (TEA21) and the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (FAIR21). It also includes, in modified form, a Senate provision to strengthen state drunk driver blood alcohol standards to 0.08%. In addition, the enacted bill permits the Federal Motor Carrier Safety Administration (FMCSA) to collect and analyze public comments and data on its proposed hours of service rules, but prohibits FMCSA from taking final action during FY2001.

The FY2001 Act includes conference agreement provisions not found in either the Senate or House bills, such as, additional appropriations of $1.37 billion for miscellaneous highway projects, $600 million for the Woodrow Wilson Memorial Bridge, and $55 million for the Appalachian development highway system. Also provided is $720 million for the Emergency Relief Federal Aid Highway Program.

On December 21, 2000, President Clinton signed the FY2001 Consolidated Appropriations Act (P.L. 106-554) which provided for a 0.22% government-wide rescission. The Act rescinded roughly $125 million from the DOT budget. The Act also included just over $20 million in additional transportation spending.

The Transportation Appropriations Framework

Transportation is function 400 in the annual unified congressional budget. It is also considered part of the discretionary budget. Funding for the DOT budget is derived from a number of sources. The majority of funding comes from dedicated transportation trust funds. The remainder of DOT funding is from federal Treasury general funds. The transportation trust funds include: the highway trust fund, the transit account of the highway trust fund, the airport and airway trust fund, and the inland waterways trust fund. All of these accounts derive their respective funding from specific excise and other taxes.

Together, highway and transit funding constitute the largest component of DOT appropriations, and can account for 60% to 70% of total federal transportation spending in any given year. Most highway and the majority of transit programs are

funded with contract authority derived by the link to the highway trust fund. This is very significant from a budgeting standpoint. Contract authority is tantamount to, but does not actually involve, entering into a contract to pay for a project at some future date. Under this arrangement, specified in Title 23 U.S.C., authorized funds are automatically made available at the beginning of each fiscal year and may be obligated without appropriations legislation. Appropriations are required to make outlays at some future date to cover these obligations.

Where most federal programs require new budget authority as part of the annual appropriations process, transportation appropriators are faced with the opposite situation. That is, the authority to spend for the largest programs under their control already exists and the mechanism to obligate funds for these programs is also in place.

Prior to the FY1999 DOT Appropriations Act, changes in spending in the annual transportation budget component had been achieved in the appropriations process by combining changes in budget/contract authority and by placing limitations on obligations. The principal function of the limitation on obligations is to control outlays in a manner that corresponds to congressional budget agreements.

The authority to set a limitation on obligations for contract authority programs gave appropriators considerable leeway in allocating funds among the various federal transportation activities in function 400, which includes agencies such as the Coast Guard and the Federal Aviation Administration. In addition, the inclusion of the highway and transit programs and their trust-fund generated revenue streams in the discretionary budget provided appropriators with additional flexibility as part of the annual process by which available funds were allocated amongst the 13 standing appropriations subcommittees in the House and the Senate.

Changes in Transportation Appropriations as a Result of TEA21

TEA21 changed this budgetary procedure in two ways. First, it created new budget categories and second, it set statutory limitations on obligations. TEA21 amends the Balanced Budget and Emergency Deficit Control Act of 1985 to create two new budget categories: highway and mass transit. TEA21 further amends the budget process by creating a statutory level for the limitation on obligations in each fiscal year from FY1999 to FY2003.

In addition, TEA21 provides a mechanism to adjust the amounts in the highway account (but not the transit account), to correspond with increased or decreased receipts in the highway-generated revenues. This Revenue Aligned Budget Authority (RABA) redistributes to the various states, for obligational TEA21 highway programs, the trust fund revenues that are in excess of projected receipts. These additional revenues are allocated to the states using the formulas spelled out in the law. However, the FY2000 and FY2001 DOT requests proposed redirection of RABA funds from highway programs to other DOT initiatives. In the end, the FY2000 and FY2001 DOT appropriations acts did not adopt the Administration's proposed redirection of RABA funds.

The net effect of the creation of these new budget categories is a predetermined minimum level of funding for core highway and transit programs, referred to in TEA21 as a discretionary spending guarantee. The highway and mass transit categories are separated from the rest of the discretionary budget in a way that prevents the funds assigned to these categories to be used for any other purpose. These so called "firewalls" are viewed, in the TEA21 context, as guaranteed and/or minimum levels of funding for highway and transit programs. Additional funds above the firewall level can be made available for highway and transit programs through the annual appropriations process.

TEA21 changes the role of the House and Senate appropriations and budget committees in determining annual spending levels for highway and transit programs. The appropriations committees are precluded from their former role of setting an annual level of obligations. In addition, it appears that the Act precludes, at least in part, the House and Senate appropriations committees from exercising what some Members view as their traditional option of changing spending levels for specific programs or projects. In the FY2000 Appropriations Act the appropriators took some tentative steps to regain some of their discretion over highway spending. The FY2000 Act called for the redistribution of some funds among programs and added two significant spending projects. In the FY2001 Appropriations Act the appropriators have continued in this vain by adding $1.37 billion in "miscellaneous highway project funds" for a large number of earmarked projects. Further the FY2001 Act calls for a redirection of a limited amount of funding between programs and includes significant additional funding for some TEA21 programs.

As suggested earlier, the TEA21 firewalls appear to diminish the flexibility of the committees on appropriations to meet the goals of the annual budget process, because the committees can only adjust the DOT agency or program budgets outside the firewalls. Hence, any reduction in spending for function 400 must be allocated to agencies or programs other than highways or transit. In the era before the budget surplus, i.e. last year, this raised special concern for supporters of the Coast Guard and Amtrak, which are the largest DOT functions without firewall protection. The existence of a significant government budget surplus has diminished this concern, at least for the moment.

Changes in Transportation Appropriations as a Result of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (FAIR21 or AIR21)

FAIR21 (P.L. 106-181, signed April 5, 2000) provides a so-called "guarantee" for FAA program spending. The guarantee for aviation spending, however, is significantly different from that provided by TEA21. Instead of creating new budget categories, the FAIR21 guarantee rests on adoption of two point-of-order rules for the House and the Senate. The first point-of-order prevents Congress from considering any legislation that does not spend all of the "total budget resources" as defined by FAIR21 for aviation purposes. Total budget resources for purposes of the Act are essentially the revenues and interest accruing to the aviation trust fund. The second point-of-order prevents any spending for FAA operations and maintenance (O&M) or Research, Engineering and Development (RE&D), unless the Airport

Improvement Program (AIP) and the Facilities and Equipment (F&E) portions of the FAA account are funded at their fully authorized levels.

Almost all observers view the FAIR21 guarantees as being somewhat weaker than those provided by TEA21 for highway and transit programs. Congress can, and sometimes does, waive points-of-order during consideration of legislation. In addition, there is a sense that appropriators might still have some latitude to make significant changes to FAA O&M funding, which is dependant on both trust fund and general fund contributions. For FY2001, however, no point-of-order waivers were considered.

Supporters of FAIR21 believe the Act requires significant new spending on aviation programs. And for at least the FY2001 appropriations cycle, this has been the case. Enactment of FAIR21 means that transportation appropriators have total control over spending for only the Coast Guard, the Federal Railroad Administration (including Amtrak), and a number of smaller DOT agencies. All of these agencies were concerned about their funding prospects. However, the FY2001 Act provides increases for all major DOT agencies except for the FRA budget which is funded at roughly 1% below its FY2000 enacted level.

Supporters of the Coast Guard are especially concerned about this new transportation appropriations environment. The Coast Guard is not funded by a trust fund and, hence, cannot claim a user-fee base to support an argument for its own budget firewalls. The Coast Guard has a unique status within the transportation budget category because of its wartime role in national defense. It is not unusual for the Coast Guard to receive some funds from military appropriations during the annual appropriations process. It is possible that the Coast Guard will seek additional funding from the military side of the budget in the years ahead if additional funds from transportation appropriations do not become available. For FY2001, however, the existence of a significant budget surplus has abated these concerns.

Table 1. Status of Department of Transportation Appropriations for FY2001

Subcommittee Markup		House	House	Senate	Senate	Conf.	Conference Report Approval		Public
House	Senate	Report	Passage	Report	Passage	Report	House	Senate	Law
H.R. 4475 5-8-00	S. 2720 6-13-00	H.Rept. 106-622 5-17-00	5-19-00	S.Rept. 106-309 6-14-00	6-15-00	H.Rept. 106-940 10-5-00	10-6-00	10-6-00	P.L. 106-346 10-23-00

Key Policy Issues

With release of the Clinton Administration's FY2001 budget proposal on February 7, 2000, the budget debate began in earnest. In proposing an overall transportation spending level of nearly $55 billion, the Administration continued to emphasize its safety, research, environmental, infrastructure, and mobility priorities which complement Vice President Gore's proposals concerning the Administration's

"livability agenda." Additional issues arose during congressional consideration of the appropriations legislation. The FY2001 DOT appropriations debate was less contentious than last year's debate. It can be argued this is a direct result of a less constrained budgetary environment.

The FY2001 DOT appropriations bill that President Clinton sighed into law (P.L. 106-346) on October 23, 2000, provided for total funding substantially above both the President's request and FY2000 funding. The $57.978 billion provided for DOT for FY2001 is 14% above the FY2000 level and significantly higher than the Administration's request for a 7.8% increase.[1] Nearly all agencies got increases but the big gainers were the Federal Highway Administration (FHWA) and the Federal Aviation Administration (FAA) which got 16% and 25% increases over FY2000 levels, respectively.

The FY2001 Consolidated Appropriations Act (P.L. 106-554), which was signed by President Clinton on December 21, 2000, included both a government-wide rescission and some additional DOT spending. The rescission cuts the FY2001 DOT budget by roughly $125 million. The Act also earmarked over $20 million in additional spending. The FY2001 enacted totals in **Table 3** at the end of this report and the FY2001 enacted columns in the charts are rescission adjusted figures. Because President Bush's FY2002 budget submission, when released, will include the official rescission adjustments for FY2001, the adjusted figures in this report should be considered estimates.

The early course of the House and Senate appropriations bills was strongly influenced by the constraints of the budget caps that appropriators were working under. This environment continued through passage of the House and Senate versions of H.R. 4475. Once it was clear that legislation would be introduced to raise the spending caps enough to fund agencies not protected by funding guarantees the issues were few and were worked out in conference.

Conference Issues

The House and Senate-passed conference agreement on the FY2001 DOT appropriations resolved a number of policy issues that were reflected in differences in House and Senate versions of H.R. 4475.

The Senate version of H.R. 4475 included language that would penalize states that do not adopt and enforce a 0.08% blood alcohol concentration (BAC) law by reducing their funding under certain federal highway programs by 5% in FY2004 and then 10% in FY2005. The conference agreement includes penalties on states for failure to adopt a 0.08 BAC law but phases them in at a rate of 2% annually over a four year period beginning in FY2004, to a maximum of 8%.

The Senate bill also included a provision that prohibits DOT from spending funds to consider, adopt, or enforce any proposed rule or proposed amendment to the

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[1]This percentage was calculated using House Appropriations Committee figures which ignore the new user fees proposed in the Clinton Administration's FY2001 budget proposal.

existing hours of service regulations that govern the driving and work hours of commercial drivers. Concomitantly, the conference agreement permits the Federal Motor Carrier Safety Administration (FMCSA) to collect and analyze public comments and data on its proposed hours of service rules, but prohibits FMCSA from taking final action during FY2001.

In addition, the Senate bill included a provision that may not have been in conformance with FAIR21. It would have allowed FAA to transfer $120 million of Airport Improvement Program (AIP) funds to the Operations and Maintenance (O&M) budget. This could have been interpreted as lowering AIP funding below the $3.2 billion level that, under FAIR21, had to be achieved to trigger a doubling of the primary airport AIP formula entitlements. This could have caused a significant shift of funds from the formula program and a relative increase in the monies available for discretionary grants. The conference agreement, however, did not include the transfer provision.

The House version of H.R. 4475 included language that would restrict DOT spending related to changing the corporate average fuel economy (CAFÉ) standards. The conference report also restricted any DOT move toward changing the present standard, but allows for a new study of the standards by the National Academy of Sciences.

Conference agreement general provisions (Title III) added significant additional appropriations not included in either the House or Senate-passed bills. Section 378 of the conference report, described in the summary table as for "miscellaneous highways," provides $1.37 billion for a listing of road projects earmarked with designated dollar amounts to be made available from the highway trust fund. Section 326 makes available an additional $54.936 million from the highway trust fund for the Appalachian development highway system. Section 379 provides an additional $600 million from general fund revenues for replacement of the Woodrow Wilson Memorial Bridge. Finally, the agreement provides $720 million from the trust fund for the Emergency Relief Federal Aid Highway program.

In addition to earmarking additional funding in the text of H.R. 4475, the conference agreement report language directs that specific dollar amounts be made available for many projects in programs that are under the control of the Federal Highway Administration (FHWA). The Federal Lands Program, the Bridge Discretionary Program, the Transportation and Community and System Preservation Program, ferry boats and ferry terminals, intelligent transportation systems, and the National Corridor Planning and Development Program were all earmarked to a significant extent in the report language of the conference report.

The conference report directs that specific dollar amounts be provided for discretionary airport grants to airports named in the text of the report as high priority projects. Although, in the past, naming certain airports' projects as priorities was not unusual, specifying the dollar amounts is new.

Transit capital investment grants were, as usual, earmarked to a significant degree. The agreement also provides increased budget authority to fund a number of projects specified in the language of the bill.

Revenue Aligned Budget Authority (RABA) distribution was altered as well. H.R. 4475 redirects the RABA distribution of funds that would have gone to the allocated programs, to the core programs that distribute monies to the states. For FY2001, although most of the RABA funds distribution was directed to the states, some was set aside as follows: $156 million for specific projects, $18.5 million for the Woodrow Wilson Memorial Bridge, $25 million for Indian Roads, and $10 million for the commercial driver's license program.

Major Funding Trends

Table 2 shows Department of Transportation actual or enacted funding levels for FY1988 through FY2001.[2] Total DOT funding more than doubled from FY1988 through FY2001.

Table 2. Department of Transportation Appropriations: FY1988 to FY2001

(in millions of dollars)

Fiscal Year [a]	Appropriation [b]
FY1988 Actual	25,779
FY1989 Actual	27,362
FY1990 Actual	29,722
FY1991 Actual	32,776
FY1992 Actual	36,184
FY1993 Actual	36,681
FY1994 Actual	40,359
FY1995 Actual	38,878
FY1996 Actual	37,378
FY1997 Actual	40,349
FY1998 Actual	42,381
FY1999 Enacted	47,224
FY2000 Enacted[c]	50,683[c]
FY2001 Estimated	57,914[d]

[a] "Actual" amounts from FY1988 to FY1998 include funding levels initially enacted by Congress in the Department of Transportation and Related Agencies Appropriations bill as well as any supplemental appropriations and rescissions enacted at a later date for that fiscal year. "Enacted" figures for FY1999 and FY2000 are taken from the conference report tables (H.Rept. 106-355).
[b] Amounts include limitations on obligations, DOD transfers, and exempt obligations.
[c] The across-the-board rescission mandated for FY2000 required a reduction of roughly $179 million from the DOT appropriations provided in P.L. 106-69.

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[2]Starting in the early 1990s, about $300 million of the funds shown in **Table 2** were transferred from the DOD appropriations budget to DOT. These monies are used to support Coast Guard activities.

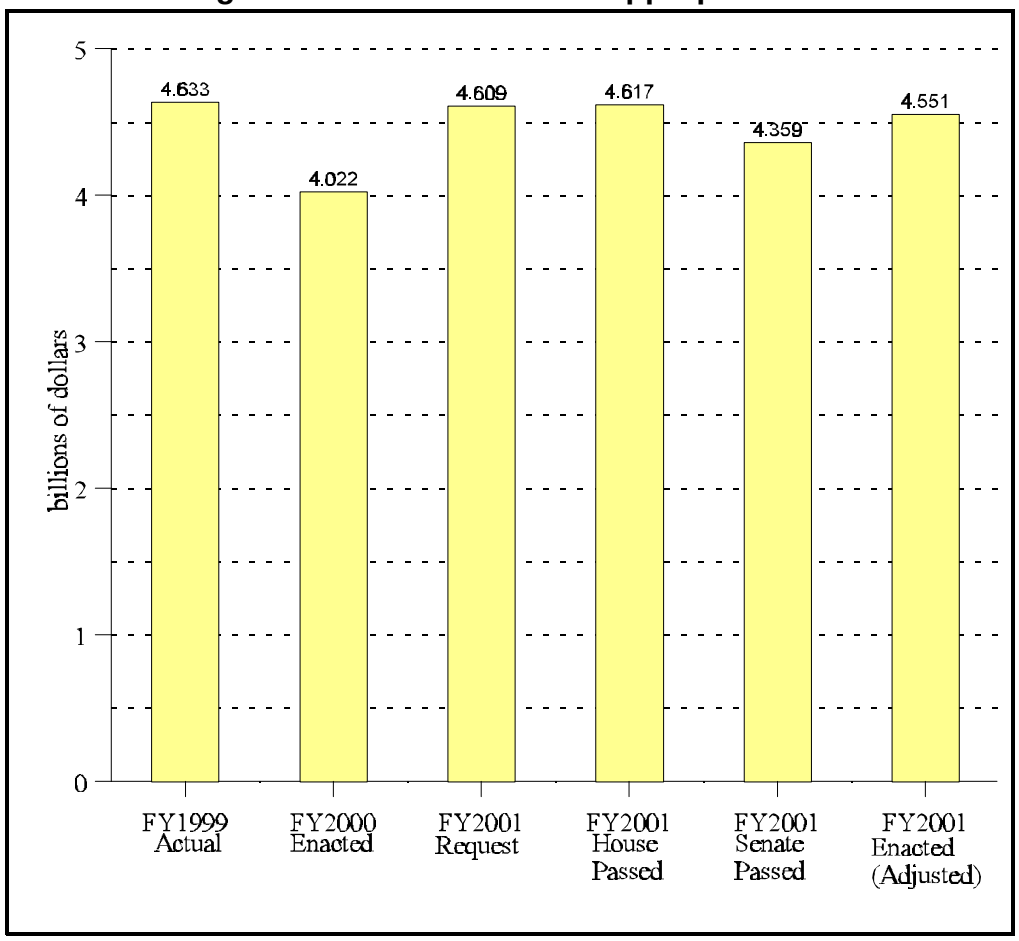
[d] FY2001 funding figure is taken from the budget tables in H.Rept. 106-940 and adjusted for the 0.22% rescission. Additional appropriations, transfers, and carry-overs are, in part, based on information provided by DOT.

Coast Guard

[http://www.uscg.mil/]

The Coast Guard's increased responsibilities for drug and illegal immigrant interdiction on the high seas and its aging fleet of water craft and aircraft are two concerns associated with its funding. The Administration requested $4.609 billion for Coast Guard discretionary funds in FY2001.[3] Compared to the total $4.022 billion

Figure 1. U.S. Coast Guard Appropriations



appropriated in FY2000, the FY2001 request represents a $586 million, or 15%

[3] The Administration's budget includes a number of offsets to adjust for proposed but unauthorized user fees that would require authorizing legislation outside the jurisdiction of the appropriations committees. The House Appropriations Committee's figures on the Administration's budget request factor out the impact of these non-existent user fees. Because of this difference, the figures in the textual discussion of the President's FY2001 request will differ from those in the tables and charts of this report that rely on the House Appropriations Committee budget tables. The appropriations committee adjusted total for the Coast Guard request is $4.609 billion.

increase. In approving FY2001 funds on May 16, 2000, the House Appropriations Committee (H.Rept. 106-622) recommended a total of $4.617 billion, an amount approved by the House on May 19, 2000. This amount was $7.9 million above the President's request. On June 14, 2000, the Senate Appropriations Committee recommended $4.359 (S.Rept. 106-309), an amount approved by Senate on June 15. The conference recommended $4.519 billion, which is also the enacted funding.[4] In December 2000, the FY2001 Consolidated Appropriations Act (P.L. 106-455) 0.22% government-wide rescission reduced Coast Guard funding to $4.511 billion. Coast Guard programs are authorized every 2 years; see CRS Report RS20117, *Coast Guard FY2000 and FY2001 Authorization Issues*, for discussion of current congressional consideration of authorization bills. For a more in depth discussion of the Coast Guard's budget, see CRS Report RS20600, *Coast Guard: FY2001 Budget Issues*.

The Coast Guard budget request of $4.609 billion was proposed to enable the Coast Guard to continue its activities against drug smuggling and recapitalize aircraft and vessel fleets. Of this amount, $3.199 billion (a 15% increase compared to FY2000) would be allocated to operation and maintenance of a wide range of ships, boats, aircraft, shore units, and aids to navigation. The House approved $3.192 billion, $7 million less than requested; the Senate, $3.040 billion, $159 million less than requested. The conferees recommended $3.192 billion, which was reduced by the government-wide rescission to $3.185 billion. Another major component of the request would assign funds for acquisition, construction, and improvement purposes. For this component, the Administration sought $520 million, a 34% increase compared to FY2000 funds. The House passed $515 million, $5.2 million less than requested; the Senate $407.8 million, $107 million less than the request. The conference committee recommended $415.0 million. The government-wide rescission reduced this to $414 million. The proposal sought, the House and Senate approved, and the conferees recommended $17 million, roughly the current level, for Coast Guard activities for environmental compliance and restoration. For research, test, and evaluation, the plan requested, the Senate and the conferees approved $21.3 million, $3 million more than FY2000 funds; the House had approved $19.7 million. For Coast Guard retirement, the budget sought, the House and Senate approved, and the conferees recommended $778 million, $48 million more than the current level.[5] The Administration requested $73 million to train, support, and sustain a ready military Selected Reserve Force of 7,600 members for direct support to the Department of Defense and to provide surge capacity for responses to emergencies such as cleanup operations following oil spills. The House and Senate approved $80.4 million, the amount recommended by the conference committees. The rescission reduced this amount to $80.2 million.

A prominent issue has been the Coast Guard's management of a major planned replacement of aging and outmoded high seas' vessels and aircraft. Only planning and analysis funds of about $45 million were requested for this in the FY2001 request; actual purchases of nearly $10 billion are anticipated over a 20-year period beginning in FY2002. During hearings before the Coast Guard's authorizing and appropriating

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[4]The figures enacted in P.L. 106-346 are the same as the conference recommended ones.

[5]The $778 for Coast Guard retirement was not subject to the government-wide rescission.

subcommittees in 1999, the General Accounting Office (GAO) criticized the Coast Guard's handling of this vital replacement program. CRS Report 98-830F, *Coast Guard Integrated Deepwater System: Background and Issues for Congress*, discusses the issues associated with the program. In approving FY2000 funds in P.L. 106-69, Congress specified that the Coast Guard submit a comprehensive capital investment plan with its FY2001 budget justification, a date not met by the Coast Guard. The House FY2001 bill included language requiring a capital investment plan covering 2002-2006 to be submitted with the FY2002 budget and specifies a rescission of $100,000 per day if the due date is not met. The conferees included this bill language except for the rescission provision. The Senate-passed bill would have withheld FY2001 planning funds until the study was completed.

Another issue involved the Coast Guard's planned use of user fees. The FY2001 budget anticipates using roughly $95 million from new user fees for recapitalization of vessels, information management, and Coast Guard shore infrastructure not part of the deepwater replacement effort. The Administration has proposed legislation to authorize user fees for commercial cargo vessels and cruise ships; it anticipates collecting $212 million in FY2001 and $636 million annually when the fee system is fully operational. Past proposals for user fees for traditional Coast Guard services, such as buoy placement and vessel traffic regulation, have been controversial. Some have argued that these services should be funded from general funds because of their widespread benefits; others think that user fees should be assigned in instances where the beneficiaries can be clearly identified. In passing FY2000 appropriations in P.L. 106-69 (H.R. 2084), Congress included bill language prohibiting the Coast Guard from using any FY2000 funds "to plan, finalize, or implement any regulation that would promulgate new user fees . . . ." The FY2001 House and Senate-passed FY2001 bills, and the conference recommendation continue this prohibition.

Federal Railroad Administration (FRA)

[http://www.fra.dot.gov]

For FRA the FY2001 DOT Appropriations Act (P.L. 106-346) provides $725.6 million. The House bill had provided $689 million; the Senate bill $705 million. The House, Senate, and enacted versions of H.R. 4475 included roughly $521 million for Amtrak. All three versions rejected the Administration's request for $468 million in RABA funding for its expanded Intercity Passenger Service fund.

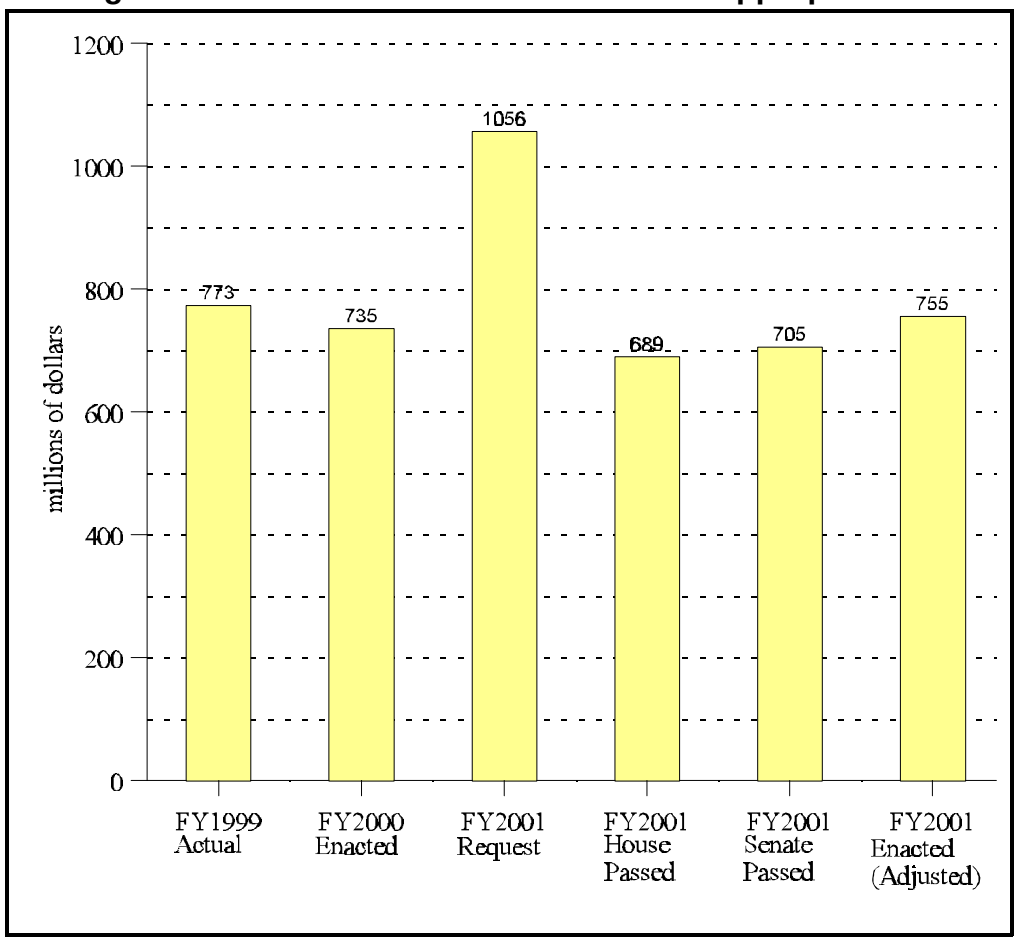
The FRA FY2001 budget also includes a $20 million FY2000 advance appropriation and a $10 million transfer from the Department of Defense (P.L. 106-259). This raised the total for FRA to $756.6 million. The government-wide 0.22% rescission, in the FY2001 Consolidated Appropriations Act (P.L. 106-554) reduced the total to $755 million.

During the debate in the House, two significant provisions allowing the use of Congestion Mitigation and Air Quality Improvement (CMAQ) or Surface Transportation Program (STP) funds for intercity rail passenger vehicles and facilities; and increasing the federal share for the elimination of rail-highway crossing hazards

from 90% to 100% were eliminated on points-of-order.[6] In the Senate, the floor debate included discussion of an amendment that would have allowed states to use federal-aid highway funds for intercity passenger rail (see discussion at the end of the FRA section).

For FY2001, the Administration had requested $1.179 billion for FRA; roughly a 60% increase over the FY2000 enacted level.[7] The increase reflected the impact of a new DOT initiative: the Expanded Intercity Rail Passenger Service Program.

Figure 2. Federal Railroad Administration Appropriations



[6]Although the 100% matching share provision was eliminated from H.R.4475, it was included in the FY2000 emergency supplemental spending provisions included in the Military Construction Appropriations Act, 2001 (P.L. 106-246).

[7]The Administration's budget includes a number of offsets to adjust for proposed but unauthorized user fees that would require authorizing legislation outside the jurisdiction of the appropriations committees. The House Appropriations Committee figures on the Administration's budget request factor out the impact of these non-existent user fees. Because of this difference, the figures in the textual discussion of the President's FY2001 request will differ from the figures in the tables and charts of this report that rely on the House Appropriations Committee budget tables. The Appropriations Committee total for the Administration's FRA request is $1.056 billion.

The most notable reduction is a $50 million cut for Amtrak. Amtrak issues are discussed in a following section.

Railroad Safety and Technology. The FRA is the primary federal agency that promotes and regulates railroad safety. In the FY2000 budget, the Administration requested $95.5 million for the railroad safety program and other administrative and operating activities related to FRA staff and programs. Most of those funds were used to pay for salaries as well as associated travel and training expenses for field and headquarters staff and for information systems monitoring the safety performance of the industry.[8] The FY2000 DOT Appropriations Act, P. L. 106-69, provides $94.3 million for those expenses. For FY2001, the Administration requested $103.2 million for those expenses. In H.R. 4475, the House specified $102.5 million for FRA's safety and operations activities. The Senate in its version of H.R. 4475 specified $99.4 million. The enacted conference agreement provides $101.7 million for safety and operations. The government-wide rescission reduced this amount to $101.5 million.

The last railroad safety reauthorization statute was enacted in 1994 and funding authority for that program expired at the end of FY1998. FRA's safety programs continue using the authorities specified in existing federal railroad safety law and funds provided by annual appropriations. Although hearings have been held since then, those deliberations have not resulted in a consensus to enact a law to authorize continued funding for FRA's regulatory and safety compliance activities or change any of the existing authorities used by that agency to promote railroad safety. A reauthorization statute changing the scope and nature of FRA's safety activities would most likely affect budgets after FY2001.

The adequacy and effectiveness of FRA's grade-crossing activities continue to be of interest, especially after the March 1999 crash between an Amtrak train and a truck in Bourbonnais, IL., which resulted in 11 deaths and more than 110 injuries. Relevant safety issues include: How is FRA helping the states deal with the grade crossing safety challenge? Is FRA's FY2001 budget adequate to deal with that challenge? Congressional reaction to those questions had a bearing on the railroad safety budget for FY2001. In its FY2001 budget, FRA requested additional funding to strengthen its grade crossing program and associated public education activities. The FY 2001 Act specifies $1.025 million for these activities.

To support its safety program, the FRA conducts research and development (R&D) on a diverse array of topics, including: fatigue of railroad employees, technologies to control train movements, and track dynamics. In the reports accompanying the House and Senate transportation appropriation bills and in the annual conference report, the appropriations committees historically have allocated the railroad R&D funds among various research categories pertaining to safety. For

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[8]Those funds also are used to conduct a variety of initiatives, including the Safety Assurance and Compliance Program (SACP), the Railroad Safety Advisory Committee (RSAC), and field inspections. SACP involves numerous partnerships forged by railroad management, FRA personnel, and labor to improve safety and compliance with federal railroad safety regulations. RSAC uses a consensus-based process involving hundreds of experts who work together to formulate recommendations on new or revised safety regulations for FRA's consideration.

FY2000, the FRA requested $21.8 million for railroad R&D. The conference agreement on P. L. 106-69 specifies $22.5 million for the FY2000 R&D program. For FY2001, FRA requested $26.8 million for railroad R&D activities. In H.R.4475, the House approved $26.3 million for railroad R&D. The Senate allocated $24.7 million for railroad R&D. The enacted conference agreement specifies $25.3 million for railroad R&D.

High Speed Rail R&D and Magnetic Levitation Transportation Technology Deployment Program. In FY2000, $27.1 million was made available for the Next Generation High Speed Rail Program. The FRA requested $22 million to continue this program in FY2001. In H.R. 4475, the House appropriated $22 million for FRA's high speed rail program. The Senate appropriated $24.9 million for that activity. The enacted conference agreement specifies $25.1 million for that program. TEA21 authorizes $20 million of contract authority in FY2000 to support the Magnetic Levitation (maglev) Transportation Technology Deployment Program. For FY2001, TEA21 provides $25 million of contract authority for continuation of the maglev program.

Amtrak

[http://www.amtrak.com]

The FY2000 budget authority for Amtrak was $571 million compared to $609 million in FY1999. Amtrak also had about $1.1 billion available in FY1999 from the Taxpayer Relief Act of 1997 for such things as new equipment and improved signaling and track. Amtrak borrowed some of that $1.1 billion to cover operating expenses. The Administration proposal, House, Senate, and enacted versions of H.R. 4475 all provided $521 million for Amtrak for FY2001. The government-wide rescission for FY2001 reduced Amtrak's funding to just over $520 million.

Federal financial operating assistance to Amtrak is prohibited after FY2002 (49 U.S.C. 24101 (a) (1999)). GAO and the DOT Inspector General (IG), at the request of Congress, have evaluated Amtrak operations and outlook, and have reported to Congress that they are not optimistic that Amtrak will be able to operate without federal financial operating assistance after FY2002. In 1997, Congress created an independent national commission, the Amtrak Reform Council, and assigned it several tasks regarding Amtrak and the future of intercity rail passenger service. The Council submitted its first annual report to Congress in January 2000. In that report, the Council stated that "During the decade when the American economy and most of its transportation system have expanded in an unprecedented manner, Amtrak's ridership has remained virtually unchanged . . . . The most notable accomplishment of intercity rail passenger service since 1970 is that it has simply managed to survive, albeit as a declining percentage of the total transportation market." The report contains suggestions for Amtrak. The report also contains issues the Council intends to study during 2000.

In addition to federal financial operating assistance to Amtrak, the DOT IG estimates that over the next several years, Amtrak will require $2.7 billion to $4 billion in federal funds for new equipment and improvements to signaling and track. Some of these funds would be used to upgrade track between Washington, DC, and

New York City, the most heavily traveled Amtrak route. Beyond this amount, the DOT IG estimates that Amtrak will have additional, continuing requirements for federal funding for new equipment and improvements to signaling and track for the foreseeable future.

Amtrak Reform Council. Amtrak Reform Council (hereafter referred to as the Council) funding is presented within the budget request, although the Council is an independent federal commission. The budget authority for the Council was $750,000 in FY2000 compared to $450,000 in FY1999. The Administration requested $1 million for FY2001. The House-passed bill provided $450,000; the Senate-passed bill $495,000. The conference agreement recommended $750,000 for the Council in FY2001 and this became the enacted figure.

The Council was created in 1997 to perform an independent assessment of Amtrak's labor agreements, Amtrak's progress in increasing employee productivity, and (any time after December 2, 1999) Amtrak's ability to operate without federal operating assistance after September 30, 2002. Congress added other duties later. If the Council concludes that Amtrak will require federal operating assistance after September 30, 2002, then federal law requires the Council to submit to Congress an Amtrak reorganization plan; requires Amtrak to submit to Congress an Amtrak liquidation plan; and states that legislative action will be taken by the Senate.

Expanded Intercity Rail Passenger Service Fund. The Administration's budget proposal requested the establishment of a new grant program to aid Amtrak and intercity rail passenger service, to be funded at $468 million in FY2001. The money was to come from RABA funds associated with the highway trust fund. The projects funded would have required a 100% state match; a positive financial contribution to Amtrak; public benefits in excess of public costs and would have to be located on a current or potential intercity rail corridor. Funds were to go toward the acquisition of equipment, construction of infrastructure improvements (including acquisition of right-of-way), and planning and design. Funds were to be used only for capital as defined by Generally Accepted Accounting Principles (GAAP), thus excluding them from use for maintenance of equipment or track. The House and Senate-passed bills, as well as the conference agreement, provided no funding for FY2001.

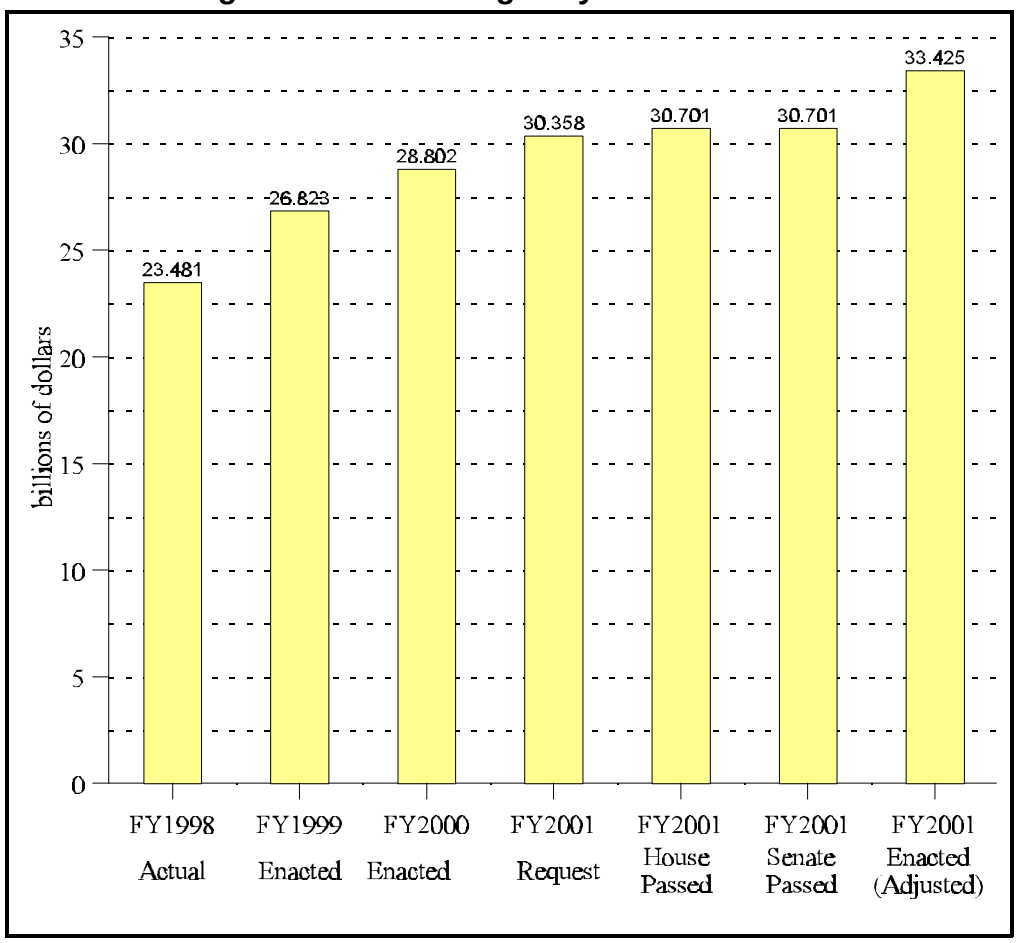
In the Senate, an amendment was offered from the floor to allow states to use their apportionments from the highway trust fund (specifically, from the national highway system program, the surface transportation program, and the congestion mitigation and air quality improvement program) to pay for capital improvements for intercity passenger rail service. The argument for this amendment was that the individual states were the best judges of their most urgent transportation needs and should be given the flexibility to spend their available transportation funds as they see fit. The arguments against this amendment were that since the repair and maintenance needs of the nation's highway system are great, none of the money for that purpose should be used for anything else; and also that expanding the spending criteria to include things other than highways would constitute legislating in an appropriations bill. The amendment failed on a point-of-order objection that the amendment was legislating in an appropriations bill; the objection was upheld by a 52-46 vote.

Federal Highway Administration (FHWA)

[http://www.fhwa.dot.gov]

The FY2001 Appropriations Act provides FHWA with budgetary resources of $33.452 billion. The government-wide rescission mandated in the Consolidated Appropriations Act (P.L. 106-554) along with some additional appropriations and the carry-over of some unobligated exempt obligations created a new total of $33.425

Figure 3. Federal Highway Administration



billion. Even accounting for these adjustments the final enacted funding is dramatically above the level provided in FY2000, an increase of approximately $4.6 billion or roughly 16%. The FHWA component of the final act is, in fact, dramatically larger than the amounts provided in either the House or Senate versions of the appropriations bill. Almost all of the additional funding in the Act comes from the addition of earmarked highway projects outside the core TEA21 programs. The largest components of this increase include: $1.37 billion in earmarked "miscellaneous highway" project funds, an additional $720 million for the emergency relief program, an additional $55 million for the Appalachian development highway system, and $600 million for the reconstruction of the Woodrow Wilson Bridge.

With the exception of funding provided for the Woodrow Wilson Bridge, all additional spending for FY2001 comes from the highway trust fund. The additional spending proposals in the bill tend to distract from the fact that core FHWA spending

also receives a significant increase as a result of the availability of additional RABA monies. As a result, the FY2001 limitation on obligations rises to almost $29.7 billion, an increase of almost $2 billion from the FY2000 level.

The Senate-passed version of the FY2001 appropriations bill provided FHWA with total budgetary resources of $30.7 billion, comparable to those found in the House-passed version of the bill, also $30.7 billion. Both House and Senate bills provided funding at levels slightly above the $30.6 billion level found in the Administration proposal. Programmatically, the House and Senate bills closely tracked the Administration proposals, which are in turn governed by the provisions of TEA21. The limitation on obligation funding level in both bills was an identical $29.7 billion. The House and Senate bills essentially ignored an Administration request to redistribute a portion of FY2001 revenue aligned budget authority (RABA) funds.

The FHWA portion of the appropriations bill drew little comment during floor consideration of this legislation in the House, the Senate, or during consideration of the conference report. There was little by way of controversy surrounding the FHWA budget; the possible exception was some early concern over the level of earmarking for the Federal Lands Highway Program and the Transportation and Community and System Preservation Pilot Program. Reports accompanying both the Senate and House bills detailed specific, and in some cases different, project earmarks for both of these programs.

The Administration was proposing a total FHWA budget of $30.358 billion for FY2001. In terms of the total FHWA budget, this represented an increase of just over 5% from the FY2000 level. The obligational limitation, which supports most of the federal-aid highway program, was set at $29.319 billion; funding for exempt programs (emergency relief and a portion of minimum guarantee funding) was set at just over $1 billion. All of the core FHWA funding programs received considerable increases in the context of the program framework established by TEA21 (described later in this section).

The Administration was also proposing that only $2.31 billion of the available RABA be assigned to highway programs. This meant that $741 million of RABA funds would have been transferred within DOT agencies for mostly non-highway activities. In addition, the Administration was proposing that specific programs within FHWA's jurisdiction receive—for example, funding for Indian reservation roads and highway tax fuel evasion projects—receive designated distributions of RABA funds. The proposal to change the distribution of RABA would have increased these programs to levels beyond those provided by TEA21. The proposal to change the distribution of RABA funds is a controversial one. The Administration made a similar redistribution proposal in FY2000 that was ultimately ignored by Congress. The Administration proposal for FY2001 is of a different nature than last year's request in that it does not provide a major shift of RABA funds to transit.

A final issue likely to have arisen as a result of the Administration proposal was the use of contract authority to fund a number of the proposed increases discussed above. The net effect of this proposal was to potentially exceed the obligational limitation detailed in TEA21. In other words, the Administration spending proposal

appeared to exceed TEA21 authorized levels for some programs. Hence, either new authorizing legislation, with concomitant increases in contract authority, would have been needed to accommodate the new funding levels (an unlikely prospect at the moment) or some existing programs would have seen spending reductions to accommodate the increased spending for favored initiatives. Both of these scenarios were unpopular with highway interest groups and with those Members who do not want to see the TEA21 framework changed.

In FY2001, as discussed earlier, the FHWA was provided with $33.425 billion (rescission adjusted) in total budgetary resources. The FY2001 Appropriations Act continues the dramatic growth in FHWA funding that resulted from passage of TEA21 in 1998 and now from the availability of a budget surplus. By way of comparison, FHWA funding for FY2001 is at a level of almost $15 billion more than was available in FY1995.

The FY2001 Act largely followed the provisions of TEA21 in terms of overall funding distribution (a discussion of the TEA21 program structure follows this section), with the exception of the additional funding provided outside the core programs. The principal change in the FY2000 Act was in the distribution of RABA funds for programs under the direct control of the FHWA. These changes were continued in FY2001. These so called "allocated" funds go to programs such as the Federal Lands Highway Program and the Highway Beautification Program. The effect of the FY2000 Act's provisions was to transfer a significant portion of the RABA funds designated for the allocated funds to core highway programs (surface transportation program, national highway system program, etc.) for distribution to the states on a formula basis. The other major change in the FY2000 Act was a significant increase in the number of specific projects and funding levels detailed in the legislation. This trend continued in the FY2001 Act. This earmarking is a common feature in other parts of the transportation appropriations Act, but had been absent from the highway section of the Act for several years.

0.08% Blood Alcohol Concentration (BAC) Provision. The Senate-passed version of H.R. 4475 included a provision that would have reduced the amount of highway trust funds that a state received if it did not adopt and enforce a "0.08% blood alcohol concentration" (0.08 BAC) *per se* law. Such a statute makes it illegal (by definition) to operate a motor vehicle at or above a 0.08% BAC.[9] No similar provision was included in the House bill. Those supporting the Senate approach often assert that the incentive specified in TEA-21 (see section 163 (a) of chapter 1 of title 23of the U.S. Code), which provides additional federal aid funds to those states that enact and enforce a 0.08 BAC law, has not proven sufficient to encourage many additional states to implement the 0.08% BAC limit and that stronger measures are needed. Those against the approach specified in the Senate bill typically maintain that each state should determine its own traffic safety laws without federal

[9] Under the Senate provision, the DOT Secretary would be required beginning in FY 2004 to withhold 5% of certain federal aid highway funds for any state that has not yet adopted and enforced a 0.08 BAC law. Beginning in FY 2005, that amount increases to 10%. Under the Senate bill, the withheld funds would be reapportioned to a state if it adopts and enforces a 0.08 BAC law within three years from the date that the funds were initially withheld.

pressure or dictates. Some also contend that the weight of evidence documenting the effectiveness of a 0.08 BAC law needs to be strengthened before the federal government imposes a financial penalty on states for not enacting and enforcing such a measure.

The FY2001 DOT Appropriations Act modifies the Senate provision and provides that states that fail to adopt and enforce the 0.08 BAC standard (as detailed in section 163(a) of title 23, United States Code) would have 2% of specified portions of their federal aid highway funding withheld beginning in FY2004, 4% withheld in FY2005, 6% withheld in FY2006, and 8% withheld in FY2007. The Act provides that if within four years from the date that a state's apportionment is reduced, the Secretary determines that the state has adopted and is enforcing a 0.08 BAC statute, the apportionment of such state shall be increased by an amount equal to the reduction. Otherwise the funds withheld would lapse.

The TEA21 Funding Framework. TEA21 created the largest surface transportation program in U.S. history. For the most part, however, it did not create new programs. Rather, it continued most of the highway and transit programs that originated in its immediate predecessor legislation, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, P.L. 102-240). Programmatically, TEA21 can be viewed as a refinement and update of the ISTEA process. There are a few new funding initiatives in TEA21, such as a Border Infrastructure Program, but the vast majority of funding is reserved for continuing programs.

There are several groupings of highway programs within the highway firewall. Most of the funding is reserved for the major federal aid highway programs, which can be thought of as the core programs. These programs are: National Highway System (NHS), Interstate Maintenance (IM), Surface Transportation Program (STP), Bridge Replacement and Rehabilitation, and Congestion Mitigation and Air Quality Improvement (CMAQ). All of these programs are subject to apportionment on an annual basis by formula and are not subject to program-by-program appropriation.

There is a second category of highway funding within the firewalls. This so called "exempt" category consists of two elements: an additional annual authorization of minimum guarantee funding ($639 million per fiscal year) and emergency relief ($100 million per fiscal year). These funds are not subject to the annual limitation on obligations.

A further set of programs, which are also within the firewall, are known as the "allocated" programs. These programs are under the direct control of FHWA or other governmental entities. These programs include: the Federal Lands Highway Program, High Priority Projects (former demonstration project category), Appalachian Development Highway System roads (formerly ineligible for trust fund contract authority), the National Corridor Planning and Border Infrastructure Program, and several other small programs.

As discussed earlier, TEA21 provides a link between the highway generated revenues that flow into the highway account and highway spending. The Act requires that the Secretary of Transportation make an annual evaluation of revenues into the highway account during the previous fiscal year vis-a-vis spending authorized within

the highway firewall for the new fiscal year. If revenues go up, program spending is increased. Conversely, spending can go down if revenues go down. TEA21 specifies a formula to determine the direction and amount of highway funding adjustment. Known as RABA, this mechanism was employed beginning in FY2000.

FHWA Research, Development, and Technology (RD&T) Programs. The FHWA proposed increasing funding for various RD&T activities from $437.2 million in FY2000 to $658.8 million in FY 2001. RD&T funds are used primarily to advance and deploy technologies intended to improve highway pavements, structures, roadway safety, highway policies, and intelligent transportation systems (ITS). The largest requested increases, in dollar amounts, were in FHWA's Surface Transportation R&D and the Intelligent Transportation Systems (ITS) programs. More specifically, FHWA requested increased funding for its surface transportation R&D program from $98 million in FY2000 to $138 million in FY2001. The Administration also requested $238 million for ITS deployment, which is $120 million above the amount of contract authority specified in TEA21. The ITS deployment program provides funds for states and local governments to use advanced communication and information systems to improve the management and safety of their surface transportation systems. The source of the proposed additional funding was to be new contract authority that would be added to the contract authority already authorized under TEA21. Because a legislative change to Title V of TEA21 would have been required to add this additional contract authority, it was uncertain whether the additional funding requested by FHWA for RD&T would be provided. The House and Senate passed bills and the conference agreement specified $437.2 million, including $98 million for surface transportation research program and $118 million for ITS deployment.[10]

An issue associated with the ITS deployment program is the earmarking of funds. During the last few years, the appropriators have designated a substantial portion of the incentive funds used to accelerate ITS deployment. For example, FY2000 and FY2001 DOT Appropriations Acts, Congress earmarked the deployment account by specifying which cities or states would receive those funds and the amounts to be obligated. TEA21 also specifies several projects which are to receive some of the ITS deployment funds. Some Members and proponents of ITS would prefer to have the deployment funds competitively awarded.

Federal Transit Administration (FTA)

[http://www.fta.dot.gov/]

The House and Senate-passed FY2001 appropriations bills (H.R. 4475) as well as the enacted conference agreement (H.Rept. 106-940; P.L. 106-346) all included $6.3 billion in total budgetary resources for FTA. This is essentially the TEA21 guaranteed level. The three versions of the bill agree on all major funding categories. This funding level compares with an FY2000 appropriation of almost $5.8 billion.

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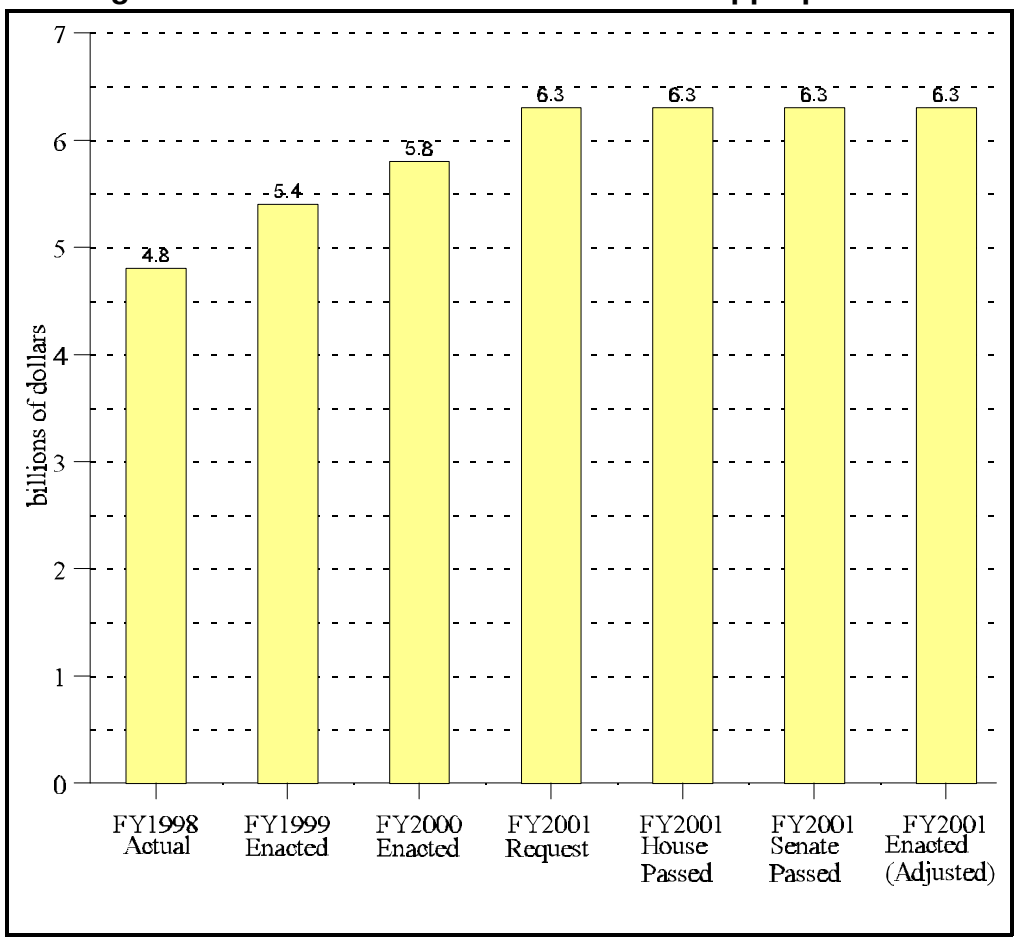
[10]In addition to the funds authorized in TEA21, Section 378 of the Act provides $50 million for the ITS infrastructure program. The 0.22% government-wide rescission under P.L. 106-554 reduced the $437.2 million for R,D &T by just under $1 million.

The FY2001 Consolidated Appropriations Act's 0.22% government-wide rescission reduced FTA funding by just under $14 million.

For FY2001, the Administration proposal would have funded FTA programs at nearly the same $6.3 billion level as the House, Senate, and conference agreement.

Figure 4. Federal Transit Administration Appropriations



The only difference being the Administration's proposed use of $75 million from RABA mostly for the job access and reverse commute program. Congress has rejected the Administration's proposed use of some RABA funding for transit.

The transit appropriations shown in **Figure 4** illustrate the significant increase in funding for FY1999 to FY2001 that occurred following the enactment of TEA21 in 1998. As **Figure 4** shows, transit funding under TEA21 reached its highest funding level to date in FY2001.[11] The $ 6.3 billion (an 8.4% increase over FY2000) provided for in the FY2001 Act, continues the impact of TEA21 on transit spending.

Within the general provisions of the conference report is increased authorized funding related to contingent commitments to incur obligations for transit projects in Chicago, Minneapolis, and the Dulles corridor project, among others.

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[11] Pursuant to the government wide 0.38% rescission at the end of the 1st Session, FTA programs were cut by $17.6 million from the level provided in the FY2000 Act.

FTA Program Structure and Funding. There are two major transit programs: the Major Capital Investment Program and the Urbanized Area Formula Program. There are also several smaller formula and planning and research programs.

The Major Capital Investment Program (Section 5309—formerly known as Section 3) is comprised of three major components: new transit starts, fixed guide way modernization, and bus and bus facilities. For FY2001, the Clinton Administration proposed funding of this program at $2.65 billion. This is slightly higher than the FY2000 level of $2.5 billion. These funds are allocated on a discretionary basis by FTA or earmarked by Congress. The Senate-passed bill also provided for $2.65. The House bill, as well as H.R. 4475 enacted, provided $2.7 billion for the program for FY2001 (these bills transferred $50 million of formula funds monies to the Capital Investment Programs). The government-wide 0.22% rescission reduced the Capital Investment Program by $5.8 million to $2.695 billion.

The Administration FY2001 budget proposes that 12 new rail transit starts be considered for full funding grant agreements. Rail transit project selection is always a controversial exercise because there are more potential projects listed in TEA21 than can be funded within the transit guaranteed funding level. The Senate report (S.Rept. 106-309) language expresses the opinion that DOT should reassess its request for the 12 new projects given the number of projects deemed eligible for funding under TEA21. The House, Senate, and enacted versions of H.R. 4475 all provided $1.058 billion for new starts.

The Urbanized Area Formula Program (Section 5307—formerly known as Section 9) provides for the urbanized area capital and, in some cases, operating needs. These activities include bus and bus-related purchases and maintenance facilities, fixed guide way modernization, new systems, planning, and operating assistance. For FY2001, the Administration requested $3.45 billion, a slight increase over the $3.05 provided in FY2000. These funds are apportioned on a formula process based, in part, on population and transit service data. Both the House and enacted versions of H.R. 4475 all provided $3.295 billion for the Section 5307 program for FY2001. The Senate version provided for $3.345 billion.[12] The government-wide rescission reduced this formula grant program by $7.25 million to $3.287 billion.

Section 5307 contains several specific formula set asides: urbanized areas (areas with populations of 50,000 or more), nonurbanized areas (less than 50,000), grants for elderly and individuals with disabilities, clean fuels, and over-the-road bus accessibility. Slightly less than 90% of the Administration's FY2001 Section 5307 proposal is for urbanized areas (areas with populations over 1,000,000 receive two-thirds of the funding; urbanized areas with populations under 1,000,000 receive the remaining one-third) and just over 6% of this is designated for nonurbanized areas.

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[12]The House and enacted versions of H.R. 4475 provided for the transfer of $50 million of formula funds to the Capital Investment Grant Program to increase the bus and bus facility grants.

TEA21 authorized a new discretionary Job Access and Reverse Commute grant program. This program provides transportation assistance for welfare recipients and low income persons to find and get to work in suburban areas. The Administration proposed that this program be funded at a level of $150 million in FY2001, with $50 million coming from redistributed RABA funds. The House and Senate bills both rejected the use of $50 million in redistributed RABA funds, and provide $100 million for the program, as does the enacted conference agreement.

With the enactment of TEA21, operating assistance funding was eliminated for urbanized areas (UZAs) with 200,000 or more population. However, preventive maintenance, previously eligible for funding from operating assistance, is now eligible under an expanded capital grants formula program. Urbanized areas under 200,000 population, including rural areas (under 50,000 population), can use all of the formula funds for either capital or operating purposes.

The conference agreement includes significant earmarking of capital investment grants in the bill language. For bus and bus facilities, specific amounts are mentioned in the report language.

Federal Aviation Administration (FAA)

[http://www.faa.gov/]

The Enacted Conference Agreement. The FY2001 DOT conference agreement (P.L. 106-346; H.Rept. 106-940) that was signed by the President on October 23, 2000, funds the Federal Aviation Administration (FAA) at $12.588 billion, which is roughly $2.5 billion, or about 25% more than for FY 2000. A total of $3.2 billion is provided for the airport improvement program (AIP). This is a substantial increase over the $1.9 billion provided last year. The FY2001 Consolidated Appropriations Act (P.L. 106-554) government-wide 0.22% rescission cut the overall FAA budget by $27.7 million to a final adjusted total of $12.549 billion. Approximately $10.459 billion, or 83% of FAA's total budget, will be derived from the Airport and Airway Trust Fund, with the remainder coming from general revenues. The Administration had proposed full funding from the trust fund. Historically, a significant portion of the agency's budget has come from general-fund revenues, the rationale being that the public at large realizes some benefit from aviation whether it uses the system or not.[13]

The conference committee rejected Administration calls for a semiprivate air traffic control system supported by fees on airlines but still under the jurisdiction of the federal government. The Administration wanted Congress to replace the current excise tax on airline passengers with a system in which the actual commercial users of air traffic control services pay, based on the cost of those services. The FAA would have used existing authority to create a performance-based organization for air traffic

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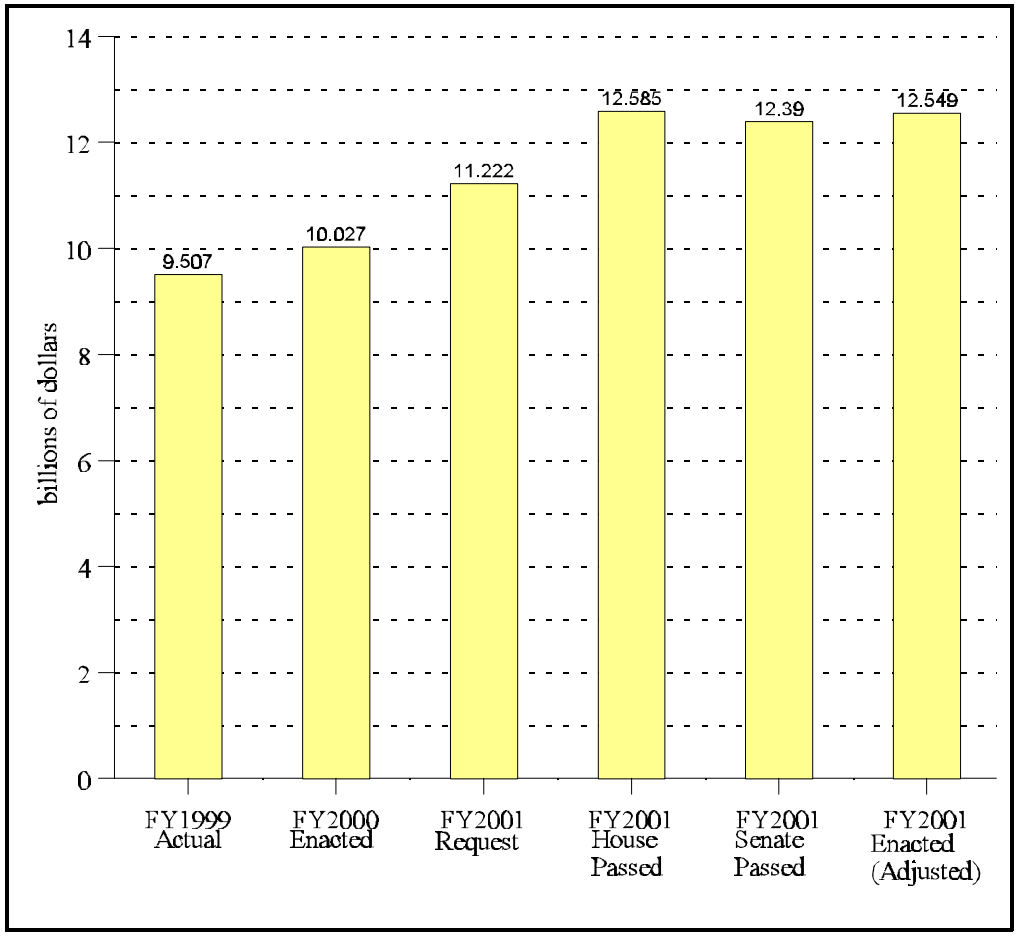
[13]General fund appropriations have varied substantially, both in dollar terms and as a percentage of FAA appropriations as a whole, from year to year. Over the last 12 years the share has ranged from 0% to 47%. See table 1, in CRS Report RS20177, *Airport and Airway Trust Fund Issues in the 106th Congress*, by (name redacted).

control services headed by a chief operating officer. The proposal has been offered before and has been consistently rejected by Congress. The conference report specifically prohibits the FAA from implementing any new aviation user fees not authorized by law.[14]

Figure 5. Federal Aviation Administration Appropriations



Operations and Maintenance (O&M). Primarily for salaries, the $6.5 billion appropriated for operations is about 10.9% more than last year's appropriation and will cover mandatory cost increases and additional staffing. The increase includes funding for additional field maintenance staff and funds to maintain traffic control and navigation equipment now being delivered as part of the modernization of the air traffic control system. It also provides for additional staff for air carrier and aircraft certification and safety surveillance, and additional staff to inspect hazardous goods shipments and monitor the performance of airport security measures. The conference report directs the FAA to submit a comprehensive strategic plan for civil aviation security, as proposed by the Senate. It also directs the agency to submit a final report on the extension of the contract tower program, but it does not require a time-line for

[14]The Administration's proposal was outlined by FAA Administrator Jane Garvey in testimony before the House Committee on Transportation and Infrastructure, Subcommittee on Aviation, Mar. 1, 2000. [http://www.faa.gov/apa/testimony/2000/301tejg.htm].

expanding the program as called for in the Senate report. The government-wide rescission reduced the O&M budget by $14.4 million. Another $14 million was transferred to support the Essential Air Service Program. Thus the adjusted total for O&M appears to be $6.516 billion.

Facilities and Equipment (F&E). The $2.7 billion provided for F&E equals the amount authorized by Public Law 106-81. It represents an increase of approximately $0.5 billion (or 28%) more than the FY 2000 level, and $160 million more than the Administration's request. The government-wide rescission cut the overall F&E budget by $5.8 million. The funds in this account will be used to improve and modernize the national air space system infrastructure. The account includes $100 million for the acquisition and deployment of explosive detection systems at airports, $117 million for terminal automation, $38 million to continue the Safe Flight and Free Flight phase-one programs, and $110 million for the local-area and wide-area augmentation systems. Also included in this account:

- $145 million to replace air traffic control towers and other terminal facilities at approximately 50 airports named in the conference report.
- $85 million for new and upgraded instrument landing systems at some 30 airports named in the report.

Research, Engineering, and Development (RE&D). The FY2001 Act provides $187 million for RE&D, which is $3 million more than the administration request. The amount provided is approximately 19% above last year's appropriation. It includes $33 million for continued research on aging aircraft structures, $54 million for explosive detection and other security research, and $24 million for aviation medicine and human factors research. The government-wide rescission cut $410,000 from the overall RE&D budget.

Grants-in-Aid for Airports. The Airport Improvement Program (AIP) provides grants for airport development and planning. The President's FY2001 budget proposed AIP spending of $1.95 billion. This is the same level enacted in the FY2000 appropriations bill (P.L. 106-69). However, for FY2000 AIP funding was reduced by $54.4 million as part of the 0.38% across-the-board rescission required by P.L. 106-118.

FAIR21 (P.L. 106-181), which reauthorized AIP, was signed into law by the President on April 5, 2000. For FY2001, FAIR21 authorizes $3.2 billion for AIP, a 68% increase over FY2000, assuming that AIP is funded at the fully authorized level. FAIR21 includes so-called funding "guarantee" language that supporters believe will assure AIP funding at the fully authorized level. The House-passed FY2001 appropriations bill, H.R. 4475, conformed with the FAIR21 guarantee of $3.2 billion for AIP in FY2001. The conformance of the Senate version was questioned because of a provision that allowed for $120 million of the $3.2 billion of AIP contract authority to be made available for "air traffic services to maintain aviation safety." The enacted version of H.R. 4475 provides $3.2 billion for AIP.

If the Senate proposal to transfer AIP contract authority to O&M had been included in the enacted legislation, there could have been programmatic ramifications for the distribution of AIP grants. Provisions in FAIR21, to adjust for the much larger

amounts of money to be distributed, doubled the amount determined by formula for primary airports. However, FAIR21 requires an AIP funding trigger level of $3.2 billion be met before the formula amounts can be doubled. If the $3.2 billion had been cut by the $120 million transfer, this could have caused a significant shift of monies away from formula program grants and a relative increase in the monies available for discretionary grants. The conference agreement (H.Rept. 106-940) dropped the transfer provision and it is not an issue in the enacted bill.

The FY2001 Consolidated Appropriations Act (P.L. 106-554) included a 0.22% government-wide rescission which again brought AIP funding under the $3.2 billion trigger level. Section 1125 of the Act, however, removed the $3.2 billion requirement. The bill also earmarked an additional $2.5 million for airport grants. The final FY2001 funding level for AIP was $3.195 billion.

Although neither the House report (H.Rept. 106-622) nor the Senate report (S.Rept. 106-309) earmark specific amounts of AIP discretionary funding to individual airports, both bills "place-name" a large number of airports and direct the FAA to consider project grant applications at these airports as priority projects. Traditionally appropriations bills have not added specific dollar earmarks to place-named airports. The conference report language for FY2001, however, breaks with this tradition and lists both airport names and dollar amounts, and directs DOT to provide not less than the funding levels mentioned in the report.

The House and Senate-passed FY2001 appropriations bills, as well and the enacted conference agreement, include a rescission of $579 million in FY2000 contract authority made available in FAIR21. This rescission will have no programmatic impact on the AIP funding available for FY2001 .

Impact of FAIR21 on the FAA FY2001 Budget. The recently enacted FAA reauthorization act, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (FAIR21, P.L. 106-181), has had a significant impact on the DOT budget and appropriations debate for FY2001. This is because the so-called funding "guarantees" and point-of-order enforcement provisions in the Act made it more difficult than in previous years for appropriators to fund the FAA below the authorized level. Funding at the fully authorized level of $12.7 billion would exceed the Administration's request by $1.5 billion (13% higher) and would be $2.7 billion (over 25% higher) above the FY2000 enacted level.

The funding guarantee enforcement provisions require that all annual aviation trust fund revenues be spent on aviation and that the AIP and F&E accounts must be fully funded at the authorized level before any legislation to fund the O&M or RE&D accounts can be considered. This arrangement provides the capital portions of the FAA budget, AIP and F&E, with procedural protection from reductions during the appropriations process. However, by implication, it leaves the O&M and RE&D budgets more at risk from reductions which might otherwise have been made agency wide. The assumption by supporters of FAIR21 is that, because the O&M account is mostly for salaries for air traffic controllers and other safety-related personnel, it is a difficult target for "budget hawks" to cut.

FAIR21 authorizes the O&M budget at $6.592 billion, the same as the Administration's request. AIP is authorized at $3.2 billion, F&E at $2.657 billion, and RE&D at $237 million. The levels for these three accounts are all significantly higher than the amounts requested by the Administration.

Aviation trust fund revenues alone will not sustain the level of funding called for by FAIR21. For FY 2001, trust fund revenues are projected to be $10.6 billion. AIP and F&E must be fully funded first, at $5.9 billion. This leaves $4.7 billion of the year's trust fund revenues to fund FAA's O&M and RE&D accounts. This balance is roughly $2.1 billion below both the Administration request and the FAIR21 level of approximately $6.8 billion for those accounts. The $2.1 billion difference could be dealt with by: providing funding from the general fund; cutting from the unprotected budget accounts, O&M and RE&D; drawing down unexpended trust fund balances; or a combination of the three. For 2001, the enacted version of H.R. 4475 provides $2.1 billion in general fund revenues for O&M.

The FAA's FY2000 budget relied solely on aviation trust fund revenues. FAIR21 clearly assumes that general fund revenues will be appropriated. For FY2001, the Administration had again proposed funding FAA entirely from the aviation trust fund with the aid of a proposed new user fee. Some members of the House and Senate would also prefer to make the FAA's budget self-sustaining.

Research and Special Programs Administration (RSPA)

For FY2001, RSPA requested $85.1 million in budget authority, compared to an appropriation of $67.7 million in FY2000. Most of RSPA's budget is allocated to activities seeking to promote transportation safety. For pipeline safety, RSPA was seeking $47.1 million, an increase of $10.2 million over FY2000; and for hazardous materials transportation safety, the agency requested $18.8 million, an increase of $1.1 million over FY2000. In H.R. 4475, the House appropriated $76.8 million for RSPA, including $18.8 million for the hazardous materials transportation program, and $40.1 million for the pipeline safety program. The Senate appropriated $75.2 million for RSPA, including $18.6 million for the hazardous materials transportation program, and $43.1 million for the pipeline safety program. The enacted conference agreement specifies $80.6 million for RSPA, including $18.8 million for hazardous materials transportation safety program; and $47.0 million total for the FY2001 pipeline safety program, including an appropriation of $36.6 million from the pipeline safety fund, $7.5 million from the oil spill liability trust fund, and $3 million from the reserve in the pipeline safety fund. The 0.22% government-wide rescission reduced RSPA's overall funding by $180,000.[15]

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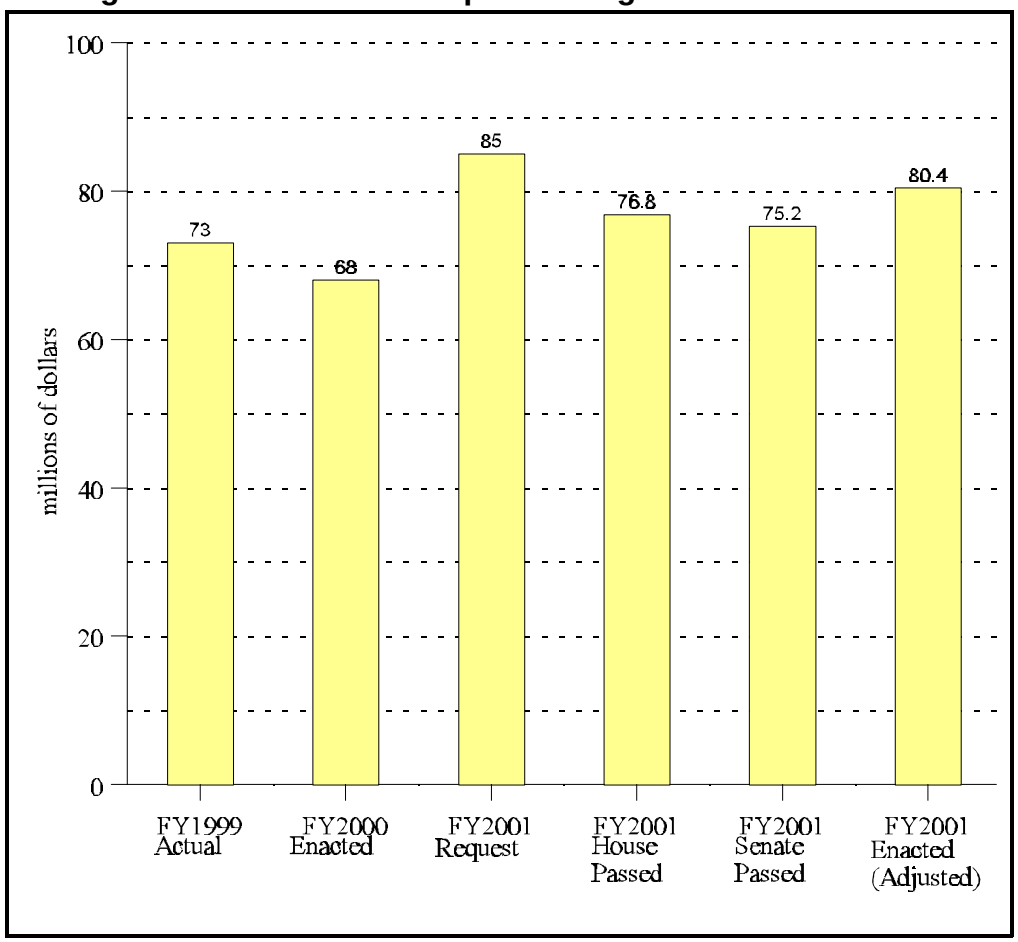
[15]The Administration's budget includes a number of offsets to adjust for proposed but unauthorized user fees that would require authorizing legislation outside the jurisdiction of the appropriations committees. The House Appropriations Committee figures on the Administration's budget request factor out the impact of these non-existent user fees. Because of this difference, the figures in the textual discussion of the President's FY2001 request will differ from the figures in the tables and charts of this report that rely on the House Appropriations Committee budget tables. The appropriations committee tables put the (continued...)

Figure 6. Research and Special Programs Administration



National Highway Traffic Safety Administration (NHTSA)

[http://www.nhtsa.dot.gov/]

The National Highway Traffic Safety Administration was established as a separate organizational entity in the Department of Transportation in March 1970. The agency's responsibilities include establishing minimum safety standards for automotive equipment, serving as a clearing house and information source for drivers, identifying and studying emerging safety problems, and encouraging state governments to enact laws and implement programs (through safety grants) to reduce drunk driving and to encourage the use of safety devices. Once again, the Administration has emphasized that, "Improving transportation safety is the number one Federal Government transportation objective." NHTSA plays a key role in implementing this objective.

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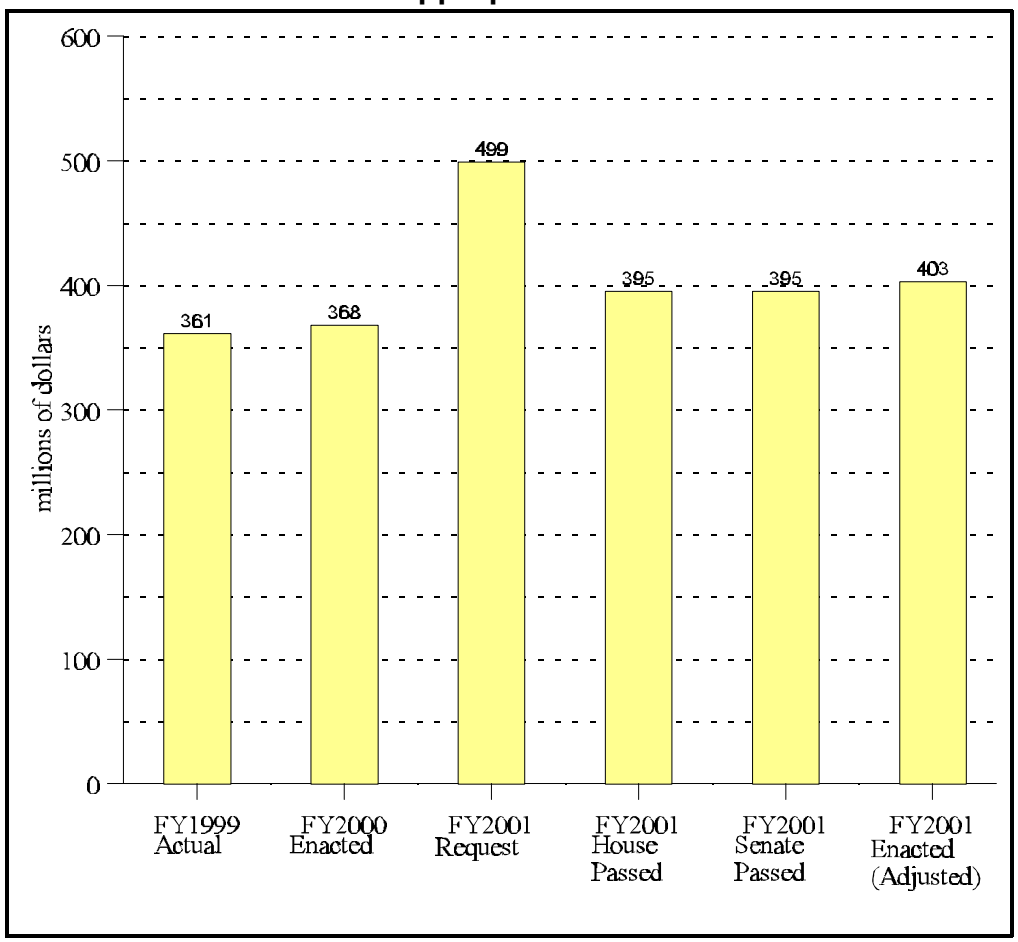
[15](...continued)
Administration's RSPA request at $85 million. Of the Administration's $99 million figure, $14 million is linked to a legislative proposal for a user fee to finance hazardous materials safety activity that requires authorizing legislation. Under current law, the emergency preparedness grants are funded by permanent appropriations.

Figure 7. National Highway Traffic Safety Administration Appropriations



In its policy statements, the Department of Transportation, through NHTSA, has targeted specific program activities that have potential for reducing highway deaths and injuries. Included among these are programs to: reduce drunk and drugged driving; reduce the incidence of aggressive driving and "road rage"; aid in the development of "smart air bags" that will continue to provide protection to occupants, while reducing risk associated with the bags themselves; reduce the likelihood of child automobile trunk entrapment; enhance infant and child safety in vehicle crashes; and explore transportation options and safety programs for an aging population. In their respective appropriations committee reports, the House and Senate have suggested that they also share a concern for these NHTSA initiatives.

The enacted conference agreement (P.L. 106-346) provided total NHTSA funding of $404 million for FY2001. Although this is a nearly 10% increase over the FY2000 funding, it is significantly lower than the Administration request of $499 million. The $404 million is $9 million greater than the amount proposed in the House and Senate-passed versions of H.R. 4475. The additional funding is allocated to the Office of Safety Defects (within the operations and research function), and other tire-related initiatives in the wake of the recent Firestone recall. The 0.22% government-wide rescission reduced NHTSA's overall funding by $0.89 million to roughly $403 million.

The conference report language contains some restrictions on the use of funds. NHTSA is restricted from using FY2001 funding for the following items:

- planning, finalizing, or implementing any rulemaking that would add requirements pertaining to tire grading standards that are not related to safety performance;
- purchasing vehicles to conduct new car assessment program crash testing at a price exceeding the suggested retail price (waiver possible under extenuating circumstances);
- preparing, prescribing or promulgating corporate average fuel economy (CAFÉ) standards for automobiles that differ from those previously enacted.

More specific program areas and their recommended amounts include the following:

- Operations and Research: Administration request, $286 million total; House-passed legislation provides $182 million; Senate-passed legislation, $182 million; enacted, $191million.
- Highway Traffic Safety Grants (highway trust fund): Administration request, $213 million (obligation limitation) total. House-passed legislation (no change from requested amount), $213 million distributed to the following programs: $155 million for State and Community Highway Safety Grants; $36 million for Alcohol-Impaired Driving Countermeasures Incentive Grants; $13 million for Occupant Protection Incentive Grants; and $9 million for State Highway Safety Data Grants. The Senate-passed legislation also provides $213 million for the Traffic Safety Grants initiative, using the same general breakdown, by program. The enacted conference agreement recommended similar funding of $213 million and made no changes in the specific program amounts.

Federal Motor Carrier Safety Administration (FMCSA)

The FMCSA was created by the Motor Carrier Safety Improvement Act of 1999 (MCSIA), P.L. 106-159.[16] This agency became operational on January 1, 2000, and assumed the responsibilities and personnel of DOT's Office of Motor Carrier Safety.[17] FMCSA issues and enforces the Federal Motor Carrier Safety Regulations, which govern the operation and maintenance of interstate commercial truck and bus operations and specify requirements for commercial drivers. FMCSA also administers several grants and programs to help states conduct their truck and bus safety activities. Most of the funds used to conduct FMCSA activities are derived from the Federal Highway Trust Fund. The FY2001 request for the FMCSA was $279.2 million. The House and Senate bills as well as the conference committee provided

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[16]During various hearings held in the first session of the 106th Congress, a variety of organizations, including DOT's Inspector General, the General Accounting Office, and many industry associations raised numerous concerns regarding the effectiveness of the federal truck and bus safety program. In response to these concerns, Congress created the FMCSA.

[17]DOT's Office of Motor Carrier Safety, which operated from October 9 through December 31, 1999, replaced the Office of Motor Carriers of the Federal Highway Administration of the DOT.

$269.2 million. The enacted conference agreement also provided $10 million from RABA funds to pay for improvements to the commercial drivers licensing program. The 0.22% government-wide rescission cut the FMCSA budget by $0.59 million.

The appropriation for the FMCSA consists of two components: funds primarily used for administrative expenses and funds primarily used to assist state programs.

Administrative and Research Expenses. The FY2001 budget request for FMCSA administrative expenses and operations was $92.2 million, including funds for research and development (R&D). The FY2000 comparable appropriation was $76.9 million. During FY2001, the appropriation request for the motor carrier research program, which is intended to improve the truck and bus safety regulations and associated safety and compliance activities conducted by both federal and state enforcement officers, was $9.6 million. The FY2000 appropriation was $6.4 million.[18] In H.R. 4475, the House specified $92.2 million for the administrative expenses and operations for the FMCSA, including $8.7 million for research. The Senate-passed version of H.R. 4475 included $92.2 million for those expenses of the FMCSA, including $9.85 million for research. The enacted conference agreement specified $92.2 million for administrative expenses and operations, including $9.85 million for research.

Grants to States and Other Activities. The enacted conference agreement includes a limitation on obligation of $177 million for the "National Motor Carrier Safety Program" as proposed by both the House and Senate passed bills. Those funds are used primarily to pay for the Motor Carrier Safety Assistance Program (MCSAP), a grant program that helps the states enforce their truck and bus safety regulations. The MCSAP provides grants typically to cover up to 80% s of the costs of a state truck and bus safety program. Under the program, the Agency partners with some 9000 state and local public utility and law enforcement officers that conduct more than 2.2 million roadside inspections at the roadside. Some funds provided under this sub-account are also used to pay for information systems and analysis as well as other state compliance activities.

Hours-of-Service Provision. On May 2, 2000, the FMCSA issued in the *Federal Register* a Notice of Proposed Rulemaking (NPRM) to revise the hours of service (HOS) regulations that govern the maximum hours of duty status and minimum number of off-duty hours for commercial truck and bus drivers. FMCSA seeks to improve and revise those regulations with the goal of reducing the number of fatigue-related truck and bus crashes. The Senate-passed version of H.R. 4475 prohibited the Department from spending funds to consider, adopt or enforce any proposed rule or proposed amendment to the existing hours of service regulation that governs the driving and work hours of commercial drivers. The House-passed bill did not include such a provision. The enacted conference agreement prohibits the use of funds during FY 2001 to issue a final rule in this area, but allows the FMCSA to continue working on this rulemaking.

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[18]The FY2000 appropriation for motor carrier research was subject to an obligation limitation, the FY 2001 appropriation is not.

Table 3. Budgetary Resources of Selected Agencies and Selected Programs

(in millions of dollars—totals may not add) [a]

Agency	Final FY2000 Enacted [b]	FY2001 Request	House Passed	Senate Passed	Conference Report	FY2001 Enacted (adjusted)[R]
FHWA	28,802	30,358	30,701	30,701	33,452	33,425
(Limitation on Obligations)	27,701	29,319	29,662	29,662	29,662	29,597
(Exempt Obligations)	1,207	1,040	1,040	1,040	1,040	1,069
Additional funds (trust fund)	–	–	–	–	[i]2,150	[i]2,160
Additional funds (general fund)	–	–	–	–	[i]600	[i]599
NHTSA.	368	499	395	395	404	403
FRA	[f] 735	1,056	689	705	746	755
Amtrak (total)	571	521	521	521	521	520
Amtrak Reform Council	0.75	1	0.450	0.495	0.750	0.748
FTA	5,785	6,321	6,271	6,271	6,271	6,261
Formula Grants, (Capital, Plan.., & Limited Operating) (general funds)	620	669	659	669	659	658
Formula Grants, (Capital & Plan.) (trust funds)	2,478	2,676	2,636	2,676	2,636	2,630
Capital Investment (general funds)	490	529	539	529	539	538
Capital Investment (trust funds)	1,967	2,117	2,157	2,117	2,157	2,152
FAA	[c] 10,027	11,222	12,585	[c] 12,390	[c]12,574	[c]12,549
Operations (trust fund & general fund)	5,900	6,592	6,544	[c] 6,350 (+120 transfer)	[c]6,530	[c]6,516
Facilities & Equipment (F&E) (trust fund)	[c] 2,075	2,495	2,657	2,657	2,657	2,651
Grant-in-aid Airports (AIP) (trust fund) (limitation on obligations)	1,896	1,950	[c] 3,200	[c] 3,200 (-120 transfer)	[c]3,200	[c]3,195
Research, Engineering, & Developmt (RE&D) (trust fund)	156	184	184	183	187	187
USCG[d]	4,022	4,609	4,617	4,359	4,519	4,511
Operating Expenses	2,781	3,199	3,192	3,039	3,192	3,185
Acquisition, Construction, & Improvements	389	520	515	408	415	414
St. Lawrence Seaway	12	13	13	12	13	13
OIG	45	48	[e]53	[e] 49	48	48
RSPA	68	[g]85	77	75	[g]81	[g]81
OST	[f] 76	88	78	76	87	87
Essential Air Service (trust fund)	50	50	50	50	50	50
STB[g]	17	17	17	17	18	18
NTSB (Budg Auth)	57	[j] 53	63	59	63	63
FMCSA	105	279	269	269	269	269
Budgetary Resources Grand Total[h]	50,683	54,630	55,239	54,786	57,978	57,914

Sources and notes:

[a] Unless otherwise noted, figures in **Table 3** were taken from tables provided to CRS by the House Committee on Appropriations. Numbers within this table may differ slightly from those in the text due to supplemental appropriations, rescissions, and other funding actions. Columns may not add due to rounding or exclusion of smaller program line-items. FY2001 government-wide rescission figures were provided by DOT.

[b] FY2000 budget reductions pursuant to the government wide rescission (P.L. 106-113) that were too small to be reflected in the FY2000 column in **Table 3** are as follows: Federal Railroad Administration, $-179,000; Transit Planning and Research, -$243,000; Coast Guard alteration of bridges, -$57,000; and environmental compliance and restoration, -$65,000; Saint Laurence Seaway, -$46,000; OIG, -$170,000; STB, -$58,000; and Office of the Secretary, -$28,000.

[c] The Senate-passed FY2001 bill includes provision for a transfer from AIP to Operations of $120 million "if necessary to maintain aviation safety." The Senate, House, and conference bills for FY2001 also provide for a rescission of $579 million of FY2000 AIP contract authority. The FY2000 Facilities and Equipment appropriation included a rescission of $30 million of FY1998 budget authority. These rescissions have no impact on the budgetary resources available for FAA programs for FY2001 and are not subtracted from the FAA totals. They are , However, factored into the grand totals for DOT. The supplemental appropriations act of 2001 (P.L. 106-246) added $75 million to the FY2000 O&M budget. The FAA operations budget was reduced by a $14 million transfer to the Essential Air Service program and this is reflected in the conference and adjusted enacted totals for FAA.

[d] In general, the Coast Guard total budgetary resources includes substantial funding from the Department of Defense and from emergency supplemental appropriations. For more detail, see CRS report RL30246, *Coast Guard: Analysis of the FY2000 Budget*. For FY2000, an additional $655 million was made available as contingent emergency funding on an official budget request being made. Thus, the total FY2000 appropriation could be interpreted as being $4.677 billion. FY2001 figures are budget authority.

[e] The House figure includes $4.5 million in transfers from other agencies. The Senate passed figure includes $38.5 million by transfer.

[f] For FY2001 $3 million in the pipeline safety reserve and $13 million in the emergency preparedness reserve is also available to RSPA. $5 million in offsetting collections from a Clinton Administration proposed fee to finance hazardous materials transportation safety activities along with emergency and safety reserve funds would have increased the Clinton Administration request to $104 million.

[g] Includes Surface Transportation Board estimated offsetting collections for FY2000 and estimated collections for FY2001.

[h]The DOT and related agencies appropriations does not fund the Maritime Administration (MARAD) or the Federal Maritime Commission (FMC) and their budgets are therefore not included in this report. They receive funding from the Commerce, Justice, State appropriations bills. The grand totals for FY2001 subtract the $579 million rescission of FY2000 budget authority. This has, however, no effect on the FY2001 budgetary resources available.

[I] This figure includes, from the highway trust fund, $720 million for the Emergency Relief Program , $1.37 billion in additional "miscellaneous highway" project funds, $5 million for Muscle Shoals, Alabama, and an additional $55 million for the Appalachian development highway system. An additional $600 million for the Woodrow Wilson Memorial Bridge is to be drawn from general Treasury funds.

[J] The Administration proposed that an additional $10 million be raised from user fees. P.L. 106-246, the emergency supplemental appropriations act provided $19.7 to cover expenses connected with the Egypt Air 990 and Alaska Air 261 accidents.

[R] The figures in this column have been adjusted to reflect both the additional appropriations and the government-wide 0.22% rescission provided for in the FY2001 Consolidated Appropriations Act (P.L. 106-554). For FHWA the rescission totals $71.34 million, additional appropriations total $15.1 million, and additional $29 million of exempt obligations carried over as unobligated FY2000 exempt obligations. For NHTSA the rescission is $0.89 million. For FRA the rescission is $1.64 million. The post-recission total of $755 million for FRA includes $20 million in advance appropriations for Pennsylvania Station and $10 million transferred from DOD (P.L. 106-259) to realign track at Elmendorf Air Force Base and Fort Richardson. For FTA the rescission is $13.8 million. The conference report transferred $50 million FTA formula grants to the Capital Investment Grants program. For FAA the rescission was $27.7 million. P.L. 106-554 also provided an additional $2.5 million for the Airport Improvement Program. The conference report funding for FAA operations is reduced by a $14 million transfer to the Essential Air Service Program. For the U.S. Coast Guard the rescission was $8.23 million. The $778 million for retired pay appears to be exempt from the rescission. The rescission for the St. Lawrence Seaway is $30,000. The rescission for the Office of the Inspector general is $110,000. For RSPA the rescission is $180,000. For the STB the rescission is $40,000. For the Office of the Secretary the rescission is $190,000. For FMCSA the rescission is $590,000. For the NTSB the rescission is $138,600. Because the official rescission amounts will be included in the Bush Administration budget for FY2002, the adjusted FY2001 figures in **Table 3** should be considered estimates until then.

For Additional Reading

CRS Issue Briefs

CRS Issue Brief IB10026. *Airport Improvement Program,* by (name redacted).

CRS Issue Brief IB10032. *Transportation Issues in the 107th Congress*, coordinated by (name redacted).

CRS Issue Brief IB10030. *Federal Railroad Safety Program and Reauthorization Issues,* by (name redacted) and Anthony J. Solury.

CRS Issue Brief IB90122. *Automobile and Light Truck Fuel Economy: Is CAFÉ Up to Standards?*, by Rob Bamberger.

CRS Reports

CRS Report 98-749 E. *The Transportation Equity Act for the 21st Century (TEA21) and the Federal Budget*, by (name redacted).

CRS Report RL30096. *Airport Improvement Program Reauthorization Legislation in the 106th Congress*, by (name redacted).

CRS Report RS20176. *Surface Transportation Board Reauthorization and the 106th Congress*, by Stephen Thompson.

CRS Report RS20177. *Airport and Airway Trust Fund Issues in the 106th Congress*, by (name redacted).

CRS Report 98-890 STM. *Federal Traffic Safety Provisions in the Transportation Equity Act for the 21st Century: Analysis and Oversight Issues*, by (name redacted) and Anthony J. Solury.

CRS Report 98-63E. *Transportation Trust Funds: Budgetary Treatment*, by (name redacted).

CRS Report 98-646 ENR. *Transportation Equity Act for the 21st Century (P.L. 105-178): An Overview of Environmental Protection Provisions*, by (name redacted).

CRS Report RL30246. *Coast Guard: Analysis of the FY2000 Budget*, by Martin Lee.

CRS Report RS20600. *Coast Guard: FY2001 Budget Issues*, by Martin Lee.

CRS Report RL30659. *Amtrak: Overview and Options*, by (name redacted).

CRS Report RS20469. *Bicycle and Pedestrian Transportation Policies*, by William Lipford and (name redacted).

Selected World Wide Web Sites

Department of Transportation Budget Site
[http://www.dot.gov/ost/budget/]

Department of Transportation, Chief Financial Officer
[http://ostpxweb.dot.gov/budget/]

House Appropriations Committee
[http://www.house.gov/appropriations]

Interactive Budget Web Site
[http://ibert.org/civix.html]

Maritime Administration (financial reports)
[http://www.marad.dot.gov/finstatm.htm]

National Highway Traffic Safety Administration (budget & planning)
[http://www.nhtsa.dot.gov/nhtsa/whatis/planning/perf-plans/gpra-96.pln.html]

Office of Management and Budget
[http://www.gpo.gov/usbudget/fy1998/fy1998_srch.html]

Senate Appropriations Committee
[http://www.senate.gov/committees/committee_detail.cfm?COMMITTEE_ID=405]