

TRANSPORTATION WEEKLY

UPDATE - STATUS OF SENATE STIMULUS BILL, LIST OF AMENDMENTS

THURSDAY, FEBRUARY 5, 2009 - 10:00 A.M.

The Senate convened at 9:30 a.m. today and resumed consideration of H.R. 1, the stimulus bill.

Majority Leader Reid has announced that he hopes to move to Senate passage of the bill today, and Minority Leader McConnell has indicated that he will try to help Reid move the bill expeditiously.

In order to further this aim, Reid will seek unanimous consent that the final passage vote on H.R. 1 require no less than 60 votes rather than the simple majority normally required. The Senate takes this step from time to time when everybody knows that somebody may filibuster the measure and they don't want to wait the two legislative days necessary for a cloture petition to ripen -- requiring 60 votes for passage still allows a determined 40+ minority to block the legislation while moving expeditiously in case fewer than 40 oppose the bill.

However, setting a 60 vote threshold for passage requires unanimous consent, and that request has not yet been made.

The Senate took action on a variety of amendments to H.R. 1 yesterday, but few of them had to do with transportation. The only transportation-related amendments dealt with yesterday were two amendments related to Buy America and an amendment making spending cuts all over the bill. Many more amendments were filed and printed in the Record and/or offered on the floor yesterday, however.

Several amendments have been offered and are still pending, including Murray amendment #110 (extra \$25 billion for infrastructure), Feingold #140 (ban on unauthorized appropriations), and Barrasso #326 and Boxer #363 (both dealing with NEPA). Others on the list below may be offered today.

Mr. Baucus's amendment dealing with the \$8.7 billion rescission of highway contract authority on September 30, 2009 has not yet been filed but may still be offered. Senators are free to offer amendments at any time without pre-filing them in the Record.

An updated list of all transportation- and public works-related amendments filed to H.R. 1 in the Senate follows. Amendments starting with #215 were filed yesterday and are new to the list.

Amendments filed in the Senate to the stimulus bill as of close of business on Wednesday, February 4, 2009.

(All amendments are to the Inouye-Baucus amendment #98 in the nature of a substitute to H.R. 1.)

Excerpt – amendments related to transportation and infrastructure ONLY.

#110 by Ms. Murray to add \$25 billion in additional appropriations with no spending offset - \$13 billion for highways, \$5 billion for mass transit, and \$7 billion for water and wastewater treatment plants – *offered on February 3 – by a vote of 58 yeas, 39 nays, the Senate did not waive the Budget Act, so the emergency spending designation in the amendment was stricken, but the amendment remains pending..*

#126 by Ms. McCaskill to allow EPA state and tribal assistance grant appropriations to be used to forgive prior grants as well as prior principal and negative interest loans.

#130 by Mr. Inhofe striking the requirement that \$6 billion of the \$9.048 billion appropriation for the GSA Federal Buildings Fund shall be used for "green buildings."

#136 by Mr. Vitter providing that all FY 2010 appropriations that remain unobligated after September 30, 2010 are rescinded.

#140 by Mr. Feingold and Mr. McCain amending the Budget Act to create points of order in the Senate against unauthorized appropriations in general appropriations bills, amendments

between the Houses, and conference reports, and amending the Lobbying Disclosure Act to provide that all recipients of federal funding awards, grants and loans must file paperwork naming all lobbyists retained by the recipient – *offered on February 3 and still pending*.

#141 by Mr. Ensign providing that all FY 2009 appropriations that remain unobligated after September 30, 2010 are rescinded.

#162 by Mr. Bond striking the \$2 billion appropriation for high-speed rail corridors.

#167 by Mr. DeMint providing that any project funded by this Act is not subject to the requirements of the Davis-Bacon Act.

#169 by Mr. Bond, Ms. Boxer, Mr. Inhofe, Mr. Baucus, and others striking the \$5.5 billion appropriation for discretionary surface transportation grants under the Office of the Secretary of Transportation, transferring that money to highway formula grants, and removing the requirement that highway and transit funds left unobligated after one year be transferred to the discretionary grant program.

#175 by Mr. Coburn providing that no funds provided by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, arts center, or highway beautification project, including renovation, remodeling, construction, salaries, furniture, zero-gravity chairs, big screen televisions, beautification, rotating pastel lights, and dry heat saunas.

#176 by Mr. Coburn prohibiting no-bid contracts and earmarks by requiring all contracts to be awarded in accordance with existing federal law requiring that all grants and cooperative agreements be competitively awarded.

#179 by Mr. Vitter eliminating a variety of appropriations from the bill including the \$248 million for a new Department of Homeland Security headquarters building, the \$850 million for Amtrak capital grants, and the \$2 billion for high-speed rail corridors, and providing that the Davis-Bacon Act does not apply to projects funded by the bill – *offered on February 4 and rejected by a vote of 35 yeas, 62 nays on February 4.*

#182 by Mr. Rockefeller appropriating an additional \$550 million (with no offset) to the FAA to accelerate the transition to the Next Generation Air Transportation System.

#183 by Mr. Rockefeller providing a "clean" extension of the taxes and spending authority for the Airport and Airway Trust Fund, of the contract authority for the Airport Improvement Program, and of certain war risk insurance to September 30, 2009.

#185 by Mr. Schumer, Mr. Specter, and others increasing the appropriation for FTA transit formula grants by an additional \$2 billion and directing the Secretary of Transportation to make formula grant funds available to pay for operating expenses to the extent that a transit authority demonstrates to his or her satisfaction that such funds are necessary to continue current services or expand such services to meet increased ridership, adding a new \$2.5 billion appropriation for FTA new starts, and adding a new \$2 billion appropriation for FTA fixed guideway modernization formula grants. (\$4.5 billion in new spending in total, with no cost offset.)

#202 by Mr. Sanders providing that highway funding provided by the bill shall not be subject to 23 U.S.C. 133(c) (which prohibits funds for local or rural minor collector roads) or to any other provision of law that restricts the use of those funds for projects relating to local or rural roads or bridges.

#203 by Mr. Sanders lowering the minimum project size for the \$5.5 billion discretionary surface transportation project program from \$20 million to \$1 million.

#215 by Mr. Sanders is the same as #202 with a technical correction.

#216 by Mr. Sanders is the same as #203 with a technical correction.

#221 by Mr. Leahy to allow states to use stimulus money to pay the non-federal share of highway and transit projects authorized by SAFETEA-LU.

#238 by Mr. Grassley that will repeal funding on February 1, 2009 for any item in the bill which has not had an authorization enacted into law by that date.

#247 by Mr. Udall increasing funding for the EPA's state and tribal assistance grants by \$2 billion.

#269 by Ms. Hutchison appropriating an additional \$550 million to the FAA to accelerate the transition to the Next Generation Air Transportation System and offsetting the new spending with a pro rata cut in administrative overhead in other parts of the bill.

#279 by Mr. McCain to remove not only the additional Buy America requirements for steel contained in the bill but all existing statutory Buy America requirements as well in relation to projects funded by the bill – *offered on February 4 and defeated by a vote of 31 yeas, 65 nays on February 4.*

#300 by Mr. Dorgan providing that the additional Buy America requirements contained in the bill shall be applied in a manner

consistent with United States obligations under international agreements – *offered on February 4 and agreed to by voice vote on February 4.*

#309 by Mr. Coburn providing that no funds in the bill can be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

#323 by Mr. Menendez adding a new sec. 1607 to the bill giving preference in contracting for projects funded by the Act to entities that voluntarily include in their bids for such contracts or subcontracts minority business enterprise participation that exceeds the minimum participation required under the Federal guidelines utilized for purposes of section 8(a) of the Small Business Act.

#326 by Mr. Barrasso adding a new section to the bill requiring that all reviews carried out pursuant to the National Environmental Policy Act of 1969 with respect to any actions taken under this Act or for which funds are made available under this Act shall be completed within 270 days of enactment – *offered on February 4 and still pending.*

#336 by Mr. Cardin broadening the usefulness of the \$100 million in brownfields assistance grants within the EPA state and tribal assistance grants.

#352 by Ms. Snowe prohibiting the Congressional Budget Office from including discretionary appropriations in the bill in its budget baselines for FY 2011 and thereafter and creating a majority-vote point of order in the Senate that continues any discretionary appropriation level in the bill beyond FY 2010.

#360 by Mr. Rockefeller providing a "clean" extension of the taxes and spending authority for the Airport and Airway Trust Fund, of

the contract authority for the Airport Improvement Program, and of certain other expiring authorities to September 30, 2009. (Updated version of #183.)

#361 by Mr. Rockefeller appropriating an additional \$550 million (with no offset) to the FAA to accelerate the transition to the Next Generation Air Transportation System. (Modified version of #182.)

#363 by Ms. Boxer expressing the findings of the Senate on NEPA compliance – *offered on February 4 and still pending.*