

TRANSPORTATION WEEKLY

UPDATED STATUS OF SENATE AMENDMENTS TO STIMULUS BILL

FRIDAY, FEBRUARY 6, 2009 - 10:30 A.M.

The Senate convened at 10 a.m. this morning and is currently considering the economic stimulus bill (H.R. 1). Majority Leader Reid said he hopes to have the bill ready for a final passage vote by 6 p.m. today.

The Senate is still working through amendments, seven of which remain pending from yesterday and, according to Reid, will come up for a vote soon (including Coburn #176 and Coburn #309). Reid indicated that he wanted to hold votes on pending amendments ten at a time, which means that up to three more amendments may be offered and voted on this morning as part of this "tranche" of amendments.

Even though the Murray amendment #110 (an extra \$25 billion for infrastructure) is still technically pending, it is likely to move as part of a separate deal, not as part of the ten "regular order" amendment votes.

However, everyone is still waiting for the unveiling of the big Nelson-Collins bipartisan spending cut amendment which could cut as much as \$100 billion from the bill. The Murray amendment may be moved at the same time as this amendment.

Below is the updated status of all transportation-related and public works-related amendments filed on H.R. 1. More information on any amendment can be found by going to <http://thomas.loc.gov/> and, on the main page, putting the amendment number into the search window under the format "SA123" and searching by bill number. Amendments filed yesterday start with #369, and of particular interest are #s 374, 398, 400, and 514.

Amendments filed in the Senate to the stimulus bill as of close of business on Thursday, February 5, 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 failed by a roll call vote of 32 yeas, 65 nays on February 5.*

#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 – *offered on February 5 and still pending (motion to table failed, by roll call vote of 1 yea to 96 nays, on February 5).*

#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 failed 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 of Colorado 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.*

#299 by Mr. Reid amending the tax treatment of private activity bonds under section 57 of the Internal Revenue Code.

#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 – *offered on February 5 and still pending.*

#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 failed by voice vote on February 5.*

#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 requiring that funds appropriated by the Act be available for expeditious completion of NEPA reviews for projects funded by the Act and requiring periodic reports to Congress on the status of NEPA assessments on projects funded by the Act – *offered on February 4 and agreed to, as modified and further modified, by voice vote on February 5.*

#369 by Mr. Coburn preventing any appropriations for Corps of Engineers construction under the bill from being used for any new projects until all unfinished projects are completed.

#374 by Mr. Inhofe, Ms. Boxer, and others transferring up to \$50 billion in expiring, unobligated appropriations made by the bill that remain to a new public works account. States must submit lists of ready-to-go highway, bridge, mass transit, wastewater, and drinking water projects to the President, who shall apportion the funds to states in the ratio in which their project lists bear to the total amount of all project lists submitted by all states.

#376 by Mr. Bayh appropriating an additional \$250 million to the Department of Homeland Security for grants to states to be adequately prepared for the first 72 hours after a major emergency.

#395 by Mr. Wyden increasing the amount of any credit with respect to any interest payment for a Build America bond under sec. 1541 of the bill (sec. 54AA of the Internal Revenue Code) from 35 percent to 40 percent and making other changes.

#398 by Mr. Baucus repealing section 10212 of SAFETEA-LU (the section which contains the \$8.708 billion rescission of highway contract authority scheduled to take effect on September 30, 2009).

#400 by Mr. Rockefeller, Ms. Hutchison, and Mr. Dorgan 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 #s 183 and 360.)

#418 by Mr. Warner providing that no state may receive any funds under the Act for FY 2010 or 2011 unless the governor certifies that the end-of-year state general fund balance, which includes budget stabilization or rainy day funds, maintained by the state does not exceed 7 percent of total State general funds.

#430 by Mr. Udall of New Mexico making a variety of funding shifts for Indian programs, including the appropriation of an extra \$75 million for Indian road maintenance.

#431 by Mr. Cochran appropriating \$50 million to provide shipbuilding loans under chapter 537 of title 46 U.S.C., offset by cutting the bill's appropriation for grants to small shipyards from \$100 million to \$50 million.

#440 by Ms. Shaheen altering the conditions for the bill's brownfield response grants.

#445 by Mr. DeMint providing that no funds in the Act can be allocated to Amtrak.

#452 by Mr. DeMint reducing the bill's Coast Guard procurement appropriation by \$90.5 million and prohibiting any funds from being used for polar icebreakers.

#455 by Mr. DeMint banning all earmarks, everywhere.

#456 by Mr. DeMint preventing any funds in the Act from being used to construct, maintain, or renovate any facility named for any member or former member of Congress or for carrying out any program named for any member or former member of Congress.

#461 by Mr. DeMint preventing any funds in the Act from being used for biking, walking, or wilderness trails or off-road vehicle routes.

#463 by Mr. DeMint banning the executive branch from implementing Congressional earmarks unless the earmarks are based on the actual text of laws.

#464 by Mr. Rockefeller appropriating \$30 million for the Merchant Marine Academy capital improvement program, offset by a \$30 million cut in grants to small shipyards.

#471 by Mr. Dorgan providing that all funds under the energy and water title of the bill (title IV of Division A) remain available for obligation until September 30, 2010.

#473 by Mr. Dorgan providing requiring quarterly reports to Congress by the Corps of Engineers on the allocation, obligation and expenditure of all funds provided to the Corps by the bill.

#478 by Mr. Specter appropriating an additional \$900 million for brownfields remediation grants and making a \$1 billion appropriation for urban development.

#489 by Ms. Landrieu allowing states to use portions of their stabilization money under title XIV of Division A of the bill for critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-federal matching requirement for any other Federal program, project, or activity.

#498 by Mr. Begich setting aside no less than \$900 million out of the bill's \$5.5 billion in discretionary surface transportation grants for port infrastructure investment grants by the Maritime Administration.

#514 by Mr. Rockefeller appropriating an additional \$275 million to the FAA to accelerate the transition to the Next Generation Air Transportation System, fully offset by a rescission of unexpended balances of AIP contract authority.