

TRANSPORTATION WEEKLY

UPDATE - SENATE TO TAKE UP HIGHWAY TRUST FUND BAILOUT THURSDAY

WEDNESDAY, JULY 29, 2009 - 10:45 P.M.

Before adjourning earlier this evening, the U.S. Senate entered into a unanimous consent agreement for consideration of the bill (H.R. 3357) containing a \$7 billion bailout of the Highway Trust Fund and other time-sensitive financial concerns at some point during the business day of Thursday, July 30.

Under the agreement, at a time to be determined by the Majority Leader on Thursday, the Senate will take up H.R. 3357 and have 20 minutes of general debate. Then, the Senate will debate four amendments for up to one hour each and vote on each amendment (if a roll call vote is demanded):

- An Ensign (R-NV) amendment relating to unemployment insurance.
- A Bond (R-MO) amendment repealing the rescission of \$8.708 billion in highway contract apportionment to states scheduled to take effect on September 30, 2009 as directed by sec. 10212 of SAFETEA-LU.
- A Vitter (R-LA) amendment requiring that the cost of the Highway Trust Fund bailout be offset by reductions in previously enacted appropriations from the stimulus act.
- A DeMint (R-SC) amendment relating to offsetting the cost of the bill.

Each amendment will be decided by a majority vote.

After all four amendments have been disposed of, the Senate will then automatically vote on the passage of H.R. 3357 (whether it has been amended or not).

This approach means that if any of the four amendments passes the Senate (and it seems to us that the Bond amendment is the one most likely to pass), then the House will have time to consider any Senate amendment before the House leaves town Friday or over the weekend.

It is not clear if the unanimous consent agreement precludes points of order under the Budget Act. A Budget Act point of order probably lies against the Bond amendment since it would be scored as increasing FY 2009 budget authority by \$8.7 billion. Any Budget Act point of order could be disposed of by a motion to waive the Act if agreed to by at least 60 Senators. (If the UC agreement precluded this, it won't matter.)