

TRANSPORTATION WEEKLY
UPDATE - SENATE CLEARS CONTINUING RESOLUTION FOR WHITE
HOUSE, HIGHWAY RESCISSION MAY STILL HAVE VOTE ON SENATE
FLOOR TONIGHT
WEDNESDAY, SEPTEMBER 30, 2009 - 5:45 P.M.

The Senate has adopted the conference report on the legislative branch appropriations bill which contains a one-month continuing resolution funding all government agencies, including the Department of Transportation, from October 1 through October 31 at pro-rated fiscal 2009 levels. The vote was 62 to 38.

The Senate also approved by unanimous consent H. Con. Res. 191, a House-passed resolution making a technical correction in CR to allow new contract authority to be apportioned from the Highway Trust Fund.

Before adopting the conference report, the Senate disposed of two objections which would have forced the House to come back into session to deal with the issue tonight. By identical votes of 61 to 39 (a minimum of 60 being necessary), the Senate waived points of order against including the CR in the legislative branch conference report outside the scope of the conference and against a postal service provision in the CR violating the Budget Act.

The Senate is now in recess until 6:30 p.m. for a classified briefing on Afghanistan. At 6:30 the Senate will reconvene and vote on a McCain amendment to the defense appropriations bill. After that, it is still possible (though far from certain) that the Senate could gain the unanimous consent necessary to schedule a vote on a three-month surface transportation extension which repeals the \$8.7 billion highway rescission later this evening.

Senators Boxer and Inhofe addressed the Senate briefly at 5:40 p.m. to say that they are working hard to draft an amendment to repeal the rescission later this evening that Boxer said would be deficit-neutral. It is not known where Boxer and Inhofe would find \$490 million in cuts to pay for the cost of repealing the rescission.

There is no agreement in place at this time to bring up the surface transportation extension, though anything is possible in the Senate. However, any such action would have to be taken before the House adjourns for the evening. And the House would have to closely inspect any Senate amendment to the extension bill (H.R. 3617) and its

offsetting spending cuts. Also, the House has had its last vote for the evening, so any action on a surface transportation extension or any other bill tonight would require unanimous consent.