

## TRANSPORTATION WEEKLY

### UPDATE : HOUSE ENDGAME NOW A TWO-BILL STRATEGY

TUESDAY, DECEMBER 15, 2009 – 9:15 A.M.

After a 5:30 p.m. House Democratic leadership meeting yesterday, those leaders backed away from a plan that committee and leadership staffs worked on all weekend for one more catchall package of “must-pass” agenda items to be carried on the Defense appropriations bill.

Instead, leaders are now focusing on a two-bill strategy: one which must be enacted into law in 2009, and one which can wait for possible Senate action next year.

The Defense bill will still carry the must-pass items that, it is hoped, can get 60 votes in the Senate before Christmas. This will include some sort of increase in the federal debt ceiling (but perhaps only \$200 or \$300 million, enough to buy the Treasury another two months of the current levels of deficit spending , and it is not clear if the House-originated bill will have that provision or if the Senate will be expected to add it), extensions of federal unemployment insurance and COBRA health benefits, an extension of the expiring-on-January-1 estate tax, and some kind of measure to keep funds for current surface transportation programs flowing out of the Highway Trust Fund. (This may possibly include a short-term extension of expiring Patriot Act provisions as well.)

The wait-until -2010 measure will include the second fiscal stimulus package, which will likely include a further tens of billions of dollars in general fund appropriations for job-creating infrastructure projects, to be paid for by a reduction in TARP borrowing levels, and possibly some other items. The House is expected to vote on that measure this week (with no consideration in any committee of jurisdiction and with few to no floor amendments, either), but Senators have made it clear that the upper chamber will not pass any such package without an opportunity for floor debate and amendment by the chamber, which at this point in the calendar precludes passage there in 2009.

The text of both closely-held measures is expected to be posted to the House Rules Committee website sometime today. This week’s issue of *Transportation Weekly* will come out a few hours after we have had time to read through the transportation-related portions of both bills.

Even the fast-tracked Defense measure may require a short-term extension in the continuing resolution (currently set to expire at midnight on Friday, December 18) in order to give the Senate time to pass that measure or possibly amend it and send it back to the House. An extension of the CR until December 23 or 24 has been discussed in order to prevent

temporary partial shutdowns of Defense, the CIA, and the Department of Transportation. And the House is informally scheduled to take some time off on Thursday and Friday to allow Speaker Pelosi to take several dozen members to the closing ceremonies of the Copenhagen climate change summit (wheels up on Wednesday evening, returning in the wee hours of Saturday morning) which would affect the timing of any House response to possible Senate changes to the Defense bill, necessitating a final House vote on Saturday or early next week.