



June 14, 2006

## Possible Amendments to the Transportation, Treasury, and HUD Appropriations Act, 2007, H.R. 5576

### Part III

The following contains information on the amendments made in order under the UC Agreement, which will be considered today.

#### RSC Staff Contact:

Derek Baker; [derek.baker@mail.house.gov](mailto:derek.baker@mail.house.gov); x68585

Marcus Kelley; [marcus.kelley@mail.house.gov](mailto:marcus.kelley@mail.house.gov); x69717

Joelle Cannon; [joelle.cannon@mail.house.gov](mailto:joelle.cannon@mail.house.gov); x60718

Paul Teller; [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov); x69718

Sheila Cole; [sheila.cole@mail.house.gov](mailto:sheila.cole@mail.house.gov); x69719

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#### Amendments Made in Order under the UC Agreement

*Nadler (D-NY)/ Frank (D-MA)/ Velazquez (D-NY)*. Strikes the phrase “under lease” from the following funding provision in the underlying bill:

\$149,300,000 for section 8 rental assistance for relocation and replacement of housing units **under lease** that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance.

According to the amendment sponsors, this amendment would have the effect of “ensur[ing] that the level of housing assistance is not reduced when federally-subsidized housing is converted or demolished by guaranteeing that a voucher is provided for each housing unit that is being lost.

*This amendment is subject to a point of order.*

**Green (D-TX)/ Lee (D-CA)/ Hastings (D-FL)/ Grijalva (D-AZ).** Decreases funds for information systems and telecommunications support at the IRS by \$7.2 million (from \$1.45 billion to \$1.44 billion) and increases funds for HUD's Fair Housing Initiative's Program by \$7.2 million (from \$18.8 million to \$26.0 million). A similar amendment last year passed 231-191: <http://clerk.house.gov/evs/2005/roll338.xml>.

According to the amendment sponsors, "The Fair Housing Initiative Program (FHIP) plays a critical role in fighting housing discrimination by funding fair housing organizations and other non-profit groups with grants to provide vital services to their communities. The grants are used to educate consumers about how to recognize and report housing discrimination, and to conduct testing and investigations of complaints of housing discrimination."

The chief amendment sponsor's office notes that CBO reports that this amendment will yield a net outlay *savings* of \$5 million in FY2007. (A CBO score was not immediately available for RSC staff to review.)

**Baird (D-WA).** Prohibits funds from being used in contravention of section 1928 of SAFETEA-LU. According to the sponsor's office, the amendment would be subject to a point of order and the amendment will not be offered.

**Bishop (D-NY).** Lists the following findings:

- "Trans World Airlines (TWA) Flight 800 crashed off the coast of Long Island, New York, on July 17, 1996, resulting in one of the worst air disasters in United States history;
- "since the crash of TWA Flight 800, numerous technological advances have enhanced passenger safety on airlines; and
- "On the occasion of the tenth anniversary of the crash of TWA Flight 800, Congress:
  - "offers condolences to the surviving families and friends of the 230 passengers and crew who perished as a result of the crash; and
  - "recognizes the importance of continually upgrading aircraft technology, particularly with regard to the flammability of fuel tanks, to safeguard the flying public."

The amendment may be subject to a point of order for legislating on appropriations.

**Cleaver (D-MO).** The amendment would have moved funding from the Lewis and Clark Expressway to the "M-291 Highway Outer Road Improvement Project." According to the sponsor's office, the amendment was pulled last night and will not be offered.

**DeLauro (D-CT).** Text of the amendment was not available. According to one report, the amendment would prohibit U.S. companies that are incorporated overseas from receiving government contracts from the agencies addressed in this bill. DeLauro offered this amendment to last year's FY06 TTHUD Appropriations bill, and it failed by a vote of [190-231](#).

This amendment continues an annual effort by Rep. DeLauro against inverted domestic corporations, corporations who legally move their headquarters to a foreign country to lower their tax burdens yet keep the bulk of their operations in the United States. Opponents of corporate inversions have referred to such actions as unpatriotic, when in reality they are rational, free-market business practices in a high-tax, high-regulatory environment and usually help *preserve* American jobs.

The U.S. Chamber of Commerce and the National Association of Manufacturers have traditionally been opposed to the DeLauro amendment.

**Doolittle (R-CA).** Prohibits funds from being used for the Federal Election Commission to provide the candidate and party certifications and other information necessary for payments to be made from the Presidential Election Campaign Fund (subtitle H, chapter 95 of the Internal Revenue Code of 1986—title 26 U.S.C.). The amendment sponsor notes that this amendment would not stop the collections **to** the Fund (since such an amendment would have to originate from the Ways & Means Committee); the amendment would stop payments **from** the Fund until Congress legislatively addresses the dysfunctions in the Fund. According to the sponsor's office, this amendment will not be offered.

**Engel (D-NY).** Prohibits funds in this bill from being used in contravention of 42 U.S.C. 13212 to acquire a motor vehicle other than an alternative fueled vehicle (as defined in 42 U.S.C. 13211). An alternative fueled vehicle would be a vehicle powered at least in part by “methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety, or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas, including liquid fuels domestically produced from natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.”

The amendment sponsor notes that the House has adopted this same amendment by voice vote on the Agriculture, Homeland Security, Energy & Water, and Military Quality of Life appropriations bills this year.

**Flake (R-AZ).** Provides that none of the funds made available in the Act may be used to amend section 515.566 of title 31, Code of Federal Regulations (relating to religious activities in Cuba), as in effect on June 14, 2006. According to the sponsor's office, “this amendment would prevent funding from being used to amend current regulations on religious travel to Cuba. Most travel by Americans to Cuba is prohibited, but an exemption for travel in connection with religious exchange and activity in Cuba has been in place since 1999. Treasury has published guidelines in recent years that accompany the regulations. Despite the exemption, the new guidelines have resulted in the denial of travel licenses to many individuals, churches, synagogues, and main line religions that, until recently, had long-standing licenses.” The sponsors contend that the regulating by

way of guidelines has gone counter to the intention of the 1999 law and the Administration's stated position in support of travel to Cuba for religious purposes.

**Flake (R-AZ).** Provides that none of the funds may be used on the Monterey Bay Sanctuary Scenic Trail in Monterey, CA. According to the sponsor's office, the TTHUD Committee Report contains a \$500,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used by the Fairfax County, Virginia Park Authority for field improvements in Annandale, VA. According to the sponsor's office, the TTHUD Committee Report contains a \$50,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the Strand Theater Arts Center in Plattsburgh, NY for the conversion of the Strand Theater into a performing arts center. According to the sponsor's office, the TTHUD Committee Report contains a \$250,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the University of Mississippi in Oxford, MS for the construction of the William Faulkner Museum. According to the sponsor's office, the TTHUD Committee Report contains a \$1.5 million earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the City of Yucaupa, CA for the design and construction of a multipurpose athletic facility at Crafton Hills College. According to the sponsor's office, the TTHUD Committee Report contains a \$500,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the City of Banning, CA for renovations to the city-owned pool. According to the sponsor's office, the TTHUD Committee Report contains a \$500,000 earmark for this local project. In addition, according to various new reports, this pool is located in Congressman Jerry Lewis' district and received \$250,000 through an appropriation's earmark in both FY06 and FY05. If this \$500,000 earmark is passed through Congress this year, the city-owned pool in Banning, California will have received \$1 million in federal funding. Today's *San Bernardino Sun* reports that Banning city officials have been "stockpiling" this federal funding in order to build the new pool, which will serve a town of 26,000 and will cost approximately \$4 million to build. (Source: [http://www.sbsun.com/news/ci\\_3933904](http://www.sbsun.com/news/ci_3933904))

**Flake (R-AZ).** Provides that none of the funds may be used on the Agri-Center Interchange in Tulare, California. According to the sponsor's office, the TTHUD Committee Report contains a \$250,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the Fairmont Gateway Connector System in West Virginia. According to the sponsor's office, the TTHUD Committee Report contains a \$1.7 million earmark for this local project. According to press reports, the earmark was secured by Rep. Alan Mollohan (D-WV), as part of a \$17.6 million ongoing project the appropriations committee member secured in the federal highway bill for a direct four lane route between Interstate 79 and **Fairmont**.

According to the *New York Times*, Rep. Mollohan secured \$103 million earmarks to build a building in **Fairmont** for the Institute for Scientific Research (ISR) (whose chief executive has recently resigned under criticism surrounding his \$500,000 annual compensation which was also paid for with earmarked federal money). Rep. Mollohan noted the Gateway Connector in a press release announcing Sir's move to its new building in Fairmont. (Sources: <http://www.wboy.com/story.cfm?func=viewstory&storyid=4300>; <http://www.nytimes.com/2006/04/08/washington/08earmarks.html?ex=1302148800&en=8ae67a7eb4c5ae87&ei=5088>; [http://www.isr.us/NR05\\_23\\_02.asp](http://www.isr.us/NR05_23_02.asp))

**Flake (R-AZ).** Provides that none of the funds may be used on the Xerox Area Road improvements in Monroe County, New York. According to the sponsor's office, the TTHUD Committee Report contains a \$1 million earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used on the Bakersfield Beltway System, California. According to the sponsor's office, the TTHUD Committee Report contains a \$140 million earmark for this local project. This project is the single largest earmark for an individual city. In addition, Bakersfield officials have stated that the Bakersfield Beltway System was not in their short-term transportation plan, but the recent influx of federal funding has moved the project up 25 years. In short, Bakersfield was not looking to complete this project until 2030.

**Flake (R-AZ).** Provides that none of the funds may be used on the City of Weirton, West Virginia for planning and design, construction, renovation, and build out of facilities. According to the sponsor's office, the TTHUD Committee Report contains a \$100,000 earmark for this local project.

**Flake (R-AZ).** Provides that none of the funds may be used for the Audubon Society in Columbus, Ohio for the construction of a new Audubon Nature Center on the Whittier Peninsula. According to the sponsor's office, the TTHUD Committee Report contains a \$500,000 earmark for this local project.

**Garrett (R-NJ).** Prohibits funds from being used to send or otherwise pay for the attendance of more than 50 employees from a federal department or agency at any single conference occurring outside the United States. Note this is the same amendment that the House passed by voice vote on the Agriculture and Interior Appropriations bills. This amendment is also substantively similar to text included in the underlying Foreign Operations Appropriations bill.

**Garrett (R-NJ).** Adds to the end of the bill the following provision:

SEC. \_\_\_\_\_. Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a study to determine the amount each State department of transportation spent in fiscal year 2005 to comply with laws and regulations of the United States Department of Transportation.

According to the sponsor's office, the amendment intends to have DOT study how much federal transportation mandates cost each state. This amendment is likely subject to a point of order for legislating on appropriations.

**Gordon (D-TN).** Prohibits funds in this Act from being used in violation of the federal buildings performance and reporting requirements of Executive Order 13123, part 3 of Title V of the National Energy Conservation Policy Act (42 U.S.C. 8251) or subtitle A of Title I of the Energy Policy Act. The above mentioned Executive Order and provisions of the Energy Policy Act require specific energy efficiencies within federal buildings. According to the sponsor, the purpose of this amendment is to “bring attention to the failure of the federal government to meet its responsibilities to significantly reduce energy use in federal buildings.”

**Hastings (D-FL)/ Wexler (D-FL)/ Shaw (R-FL)/ Foley (R-FL).** Prohibits funds from being used to eliminate, consolidate, or plan for the consolidation of a Terminal Radar Control Center (TRACON) at airports in federally-designated high-threat urban areas. According to the amendment sponsors, the TRACON system guides planes within a 40 mile radius of the airport on their final approaches, and the proposed eliminations and consolidations would leave certain urban areas with either no TRACON system or with one TRACON system for a heavy-traffic area that used to have more than one TRACON system. A Dear Colleague from the amendment sponsors reports, “In Florida, the FAA is planning to consolidate the TRACONs of Miami International, Ft. Lauderdale/ Hollywood International, and Palm Beach International Airports – *three MAJOR international airports all located in a federally-designated High-Risk Urban Area in one of the most heavily utilized airspaces in the country* – into one TRACON. Once this plan is implemented, if a terrorist attack or natural disaster were to strike the Miami TRACON, then all three major international airports would lose their approach radar systems. TRACON controllers in Jacksonville, an airport more than 350 miles away, would then find themselves forced to direct approaching aircraft not only in their assigned region, but throughout all of South Florida and virtually the entire state.”

**Hefley (R-CO).** Reduces funding in the Act by \$678 million, equal to one percent of the total amount of discretionary funding in the bill.

**Jackson-Lee Amendment** (10 minutes of debate)

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**Kennedy (R-MN).** Provides that none of the funds made available under the Act may be used to apply the revised cost-effectiveness index rating system established by the Federal Transit Administration to the Northstar Corridor Rail project. According to the sponsor's office, this amendment will be offered and withdrawn.

**King (R-IA).** Provides that none of the funds made available in the Act may be used for the construction, expansion, renovation, or building of the Los Angeles Gay and Lesbian Center. Committee Report 109-495 lists hundreds of earmarks, including the following:

**Amendment #41. \$300,000 to the Los Angeles Gay and Lesbian Center, California for construction, expansion, renovation, and build out of a multipurpose facility.**

The Family Research Council has indicated they will be scoring a yes vote on this amendment.

**King (R-IA).** Prohibits funds in this Act from being used to support any public project that is designated by law in honor of a sitting Senator, Congressman, or a Delegate or Resident Commissioner of Congress.

Late last year, the Senate passed the FY06 Labor/HHS Appropriations bill with a provision that named two different CDC federal buildings after Senator Arlen Specter (R-PA) and Senator Tom Harkin (D-IA). The amendment to name the buildings after Specter and Harkin was sponsored by Senators Inouye (D-HI) and Cochran (R-MS).

**King (R-IA).** Provides that none of the funds in the Act may be used by the Federal Highway Administration to implement contracting practices based upon racial preference.

**Kirk (R-IL).** This amendment was withdrawn.

**Lee (D-CA).** Prohibits funds in this Act from being used to implement or administer new regulations implemented by the Administration regarding travel licenses to Cuba (amendments made to paragraphs (a) and (b) of section 515.565 of Title 31, CFR). Specifically, the new regulations restrict high schools and other educational institutions from obtaining travel licenses to Cuba, among other additional requirements and provisions.

According to the sponsor, these new restrictions were first published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772), and “U.S. citizens’ participation in educational activities in Cuba is severely limited under [these] new restrictions.”

**Lipinski (D-IL)/ Millender-McDonald (D-CA)/ Duncan (R-TN)/ Shimkus (R-IL)/ Fossella (R-NY).** Decreases funds for the Treasury Department, Departmental Offices, Salaries and Expenses account by \$10 million (from \$223.8 million to \$213.8 million), decreases funds for the IRS’ business systems modernization by \$20 million (from \$212.3 million to \$192.3 million), and increases funds for capital grants for rail line relocation projects by \$30 million (from \$0 to \$30 million). CBO reports that this amendment will yield a net outlay *savings* of \$5 million in FY2007.

**McHenry (R-NC).** Prohibits funds in the act from being used to close or demolish the exit 131 interchange on Interstate 40 connecting Interstate 40 and State Route 16 in Catawba County, NC. According to the sponsor’s office, the NC Dept. of Transportation needs more time to provide the Federal Highway Administration with the data necessary to keep the interchange open.

**Moran (R-KS).** Prohibits funds from being used to administer, implement, or enforce the clarification of the “payment of cash in advance” regulation regarding agricultural trade with Cuba (the amendment made to section 515.533 of title 31, Code of Federal Regulations that was published in the Federal Register on February 25, 2005). According to the amendment sponsor, this regulatory clarification has forced certain agricultural trade payments to be made before ships leave port, rather than upon actual delivery, resulting in “detrimental declines in agricultural trade.”

The text of this amendment was contained in last year’s TTHUD bill (Section 945 of the House-passed version of H.R. 3058; Section 719 of the Senate-passed version of H.R. 3058), but was taken out in conference committee.

**Oberstar (R-MN) / LoBiondo (R-NJ) / Poe (R-TX).** Prohibits funds from being used by the Department of Transportation to implement proposed regulations that allow increased foreign control of U.S. domestic airlines. According to the sponsors, current law only allows airlines that are owned and under the “actual control” of U.S. citizens to provide service between cities in the U.S. The sponsors state that the proposed DoT regulations would change the meaning of “actual control” and allow “foreign investors to control all commercial decisions of an airline.”

**Rangel (D-NY).** Prohibits funds in this Act from being used to enforce the economic embargo of Cuba (section 4(7) of the Cuban Liberty and Democratic Solidarity Act of 1996; P.L. 104-114), except that this limitation “does not apply to the administration of a tax or tariff.”

According to the sponsor, the “U.S. embargo, which has been in effect for nearly 45 years, is a failed policy.”

**Tiahrt (R-KS).** Prohibits funds from being used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. *This amendment is subject to a point of order. The amendment sponsor will offer the amendment, discuss the issue, and withdraw the amendment.*

**Tiahrt (R-KS).** According to the sponsor’s office, this amendment will be offered and withdrawn. Text of the amendment was unavailable.

**Knollenberg (R-MI).** This amendment may be offered by Rep. Knollenberg at the end of consideration of the TTHUD Appropriations Bill, if the bill comes in under or over budget, in order to adjust the overall appropriation level. If the amendment is offered, RSC staff will email out a summary as soon as possible.