NOT VOTING—12

Berg	Jackson (IL)	Paul
Bucshon	Johnson, E. B.	Rehberg
Frank (MA)	Lewis (CA)	Stivers
Gohmert	Mack	Thompson (MS)

□ 1720

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LATHAM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. BASS of New Hampshire, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 24 minutes p.m.), the House stood in recess.

□ 2015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WEST) at 8 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION RELATING TO CONSIDERATION OF HOUSE REPORT 112–546 AND ACCOMPANYING RESOLUTION, AND PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 706, AUTHORIZING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112–553) on the resolution (H. Res. 708) relating to the consideration of House Report 112–546 and an accompanying resolution, and providing for consideration of the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas, which was referred to the House Calendar and ordered to be printed.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. NUGENT). Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5972.

Will the gentleman from Florida (Mr. WEST) kindly take the chair.

□ 2017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. WEST (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 printed in the CONGRESSIONAL RECORD offered by the gentleman from California (Mr. MCCLINTOCK) had been disposed of and the bill had been read through page 150, line 9.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. I want to begin by thanking the committee for its extraordinarily hard work in identifying ways to cut spending.

All of us hear from our constituents. They want us to reduce what the Federal Government spends, to be wise and proper stewards of the Federal taxpayer dollar. All too often, they look at Washington and they see a monument to waste of the American taxpayer dollar.

Mr. Chairman, for the legislation that is in front of us, the fiscal year 2013 proposed funding level is $51.6 billion, which is $1.9 billion below the President's request. I think it is admirable that we have saved nearly $2 billion below the President's request. However, we know that there is much more work that can be done, that should be done, that must be done. Therefore, my 1 percent across-the-board spending reduction amendment will save taxpayers an additional $516 million.

□ 2020

That is $516 million that our children and our grandchildren will not have to pay back with interest.

I'm fully aware of the strong opposition that many appropriators have for these across-the-board spending cuts. When I've offered these cuts, I have been told that ''the cuts of this magnitude, quite honestly, go too deep.'' I've also heard that these 1 percent spending reductions would be ''very damaging to our national security and to things that are important to life and property.''

However, the taxpayers are demanding that the bureaucracy do what they are doing and save a penny on a dollar. Our Governors are quite active in this arena. Of course, we have heard from former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, Governor Chris Gregoire, just to name a few of our State executives. In the chairman's home State of Iowa, former Democratic Governor Chet Culver issued a 10 percent across-the-board spending reduction.

These across-the-board spending cuts are used around our country in a bipartisan fashion, and the reason they are is because they work. They work. This is how you get results, by actually cutting into the baseline and reducing the outlays of government. They are effective because they cut spending within each agency and force each agency to do a review and find the waste and find ways to preserve those precious dollars that are coming from the taxpayers.

Admiral Mullen made the statement that ''the greatest risk to our Nation's security is our Nation's debt.'' Mr. Chairman, we all know that. The American people know this. They have grown ill and fatigued with what they see as waste of their money here in Washington because this government never satisfies its appetite for the taxpayers' dollar. Because of that, because they think they can go to the well and ask for more, because they think they can go to the presses and print those dollars, they don't do the hard work of prioritizing. That is what we're to do here in this House.

In that spirit of forcing the actions of prioritizing, forcing the actions of the bureaucracy, having to save one penny on a dollar so that our children and grandchildren are not paying that back with interest, that is the reason that I bring these amendments. It's important because right now we're borrowing 40 cents of every dollar that we spend. We cannot afford this. It is incumbent upon us to make certain that we do the hard work, that we cut a little more, that we make the demands on the bureaucracy that our constituents are making on their businesses and on their family budgets. It is time for us to save just a penny on a dollar, make the cut, do it for our children and future generations.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I strongly oppose this amendment.

This amendment indiscriminately cuts programs in transportation and housing without any thought to the relevant merits of the programs contained in this bill. For instance, they would result in fewer air traffic controllers, fewer pipeline safety inspectors that ensure that accidents do not occur, fewer vouchers for homeless veterans. It would reduce salaries and expense accounts for all the departments. In some of the agencies, salaries and expenses are almost everything in the agency. You would do the same thing for all the capital accounts, the construction accounts, since this is basically an infrastructure bill that has a lot of capital expenditures. All of this would be done across the board.

More generally, investments in our transportation and housing infrastructure will be reduced and the associated jobs will be lost. From the amendment itself, there will be public jobs lost. Also, there will be jobs lost because of the loss in infrastructure, which is important to this country and very critical.

I want to point out that the sponsor of this legislation is again reneging on her word. She voted for last summer's Budget Control Act that set this year's spending limits. The Ryan budget broke that agreement and lowered spending levels. The sponsor's amendment breaks the agreement again by reducing discretionary funding even further.

I strongly urge Members to oppose this amendment, and I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word, please.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I commend the gentlewoman from Tennessee for her persistence and for all of her work as far as trying to get a handle on the spending.

I would just like to make a couple of points.

She mentioned that we're $2 billion below the President's request. We're actually almost $4 billion below last year's spending in this bill. We have the largest decrease, percentage-wise, of any of the appropriation bills. We have worked very hard to craft a bill that actually enacted those types of spending cuts but also funded the high-priority items that are in this bill. It's with reluctance I oppose her amendment.

I will just say that we're within the 302(b) allocations that were in the Ryan budget. That was really the debate then as to what funding levels to be at.

There are some very important infrastructure issues that would be harmed by this when we look at the highway trust fund funding that would be cut. Of course, that would also include transit programs, veterans homeless vouchers. We have done everything we could to try to have a balanced bill that actually created priorities after having many hearings and working through this bill on a line-by-line basis. I'm not sure that an across-the-board cut that cuts everything arbitrarily is the way to go.

Certainly, we're all very concerned about the budget, but with reluctance, I oppose this amendment.

Mr. Chairman, I am glad to yield some time to the gentlelady.

Mrs. BLACKBURN. I thank the chairman for yielding, and as I said at the beginning, I applaud the committee for the good work they have done.

I think when you're broke, though, that what we have to do is say now is the time to make further cuts. And to the ranking member, it's not indiscriminate. This is the way our Governors have found to arrive at balancing a budget. It's looking at every agency and saying get in there, do the heavy lift and find this. The result we want is to preserve the foundation of this great Nation for our children and grandchildren.

Are you saying that salaries and expenses are more important than the future of these children who are going to have to pay this debt back with interest, $16 trillion worth of debt and growing, and you've got to pay it back?

□ 2030

My two grandchildren, my children, is it fair to look at them and say, You're going to spend over half of what you earn? I know that it is tough.

As the gentleman inferred, I'm at it again. Yes, you're right, Mr. Chairman. I am at it again. And let me tell you something. I am going to be at it again and again and again, just as I have every single year that I have been a Member of this House because preserving the firm financial footing of this Nation is work, coming at it again and again and again until we get the job done.

It has worked for our cities. It has worked for our counties. It has worked for our States. It will work for this Nation that is so richly blessed. It means that we have to have titanium backbones to get the job done.

I thank the chairman for yielding.

Mr. LATHAM. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Third Street Light Rail Phase 2 Central Subway project in San Francisco, California.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. Mr. Chairman, this amendment forbids further Federal expenditures for the Central Subway project in San Francisco. This project is a 1.7-mile subway that is estimated to cost $1.6 billion. And these cost estimates continue to rise. In fact, its baseline budget has more than doubled in 9 years and shows no sign of slowing. The current estimate brings the cost to nearly $1 billion per mile. That's about five times the cost per lane-mile of Boston's scandalous Big Dig.

Now, it was supposed to link local light rail and bus lines with CalTrain and Bay Area Rapid Transit, but it's so badly designed that it bypasses 25 of the 30 light-rail and bus lines that it crosses. To add insult to insanity, it dismantles the seamless light rail to BART connection currently available to passengers at Market Street, requiring them, instead, to walk nearly a quarter mile to make the new connection. Experts estimate it will cost commuters between 5 and 10 minutes of additional commuting time on every segment of the route.

The Wall Street Journal calls it ''a case study in government incompetence and wasted taxpayer money.'' And they're not alone. The civil grand jury in San Francisco has vigorously recommended the project be scrapped, warning that maintenance costs alone could ultimately bankrupt San Francisco's Muni. The former chairman of the San Francisco Transportation Agency has called it ''one of the costliest mistakes in the city's history.'' Even the sponsors estimate that it will increase ridership by less than 1 percent, and there is vigorous debate that this project is far too optimistic.

I think Margaret Okuzumi, the executive director of the Bay Rail Alliance, put it best when she said:

Too many times, we've seen money for public transit used to primarily benefit people who would profit financially, while making transit less convenient for actual transit riders. Voters approve money for public transit because they want transit to be more convenient and available. It would be tragic if billions of dollars were spent on something that made Muni more time consuming, costly, and unable to sustain its overall transit service.

Mr. Chairman, this administration is attempting to put Federal taxpayers—that's our constituents—on the hook for nearly $1 billion of the cost of this folly through the New Starts program. That's more than 60 percent of the entire project. We have already squandered $123 million on it that we don't have. This amendment forbids another

dime of our constituents' money being wasted on this boondoggle.

Now, Mr. Chairman, you may be wondering, well, why should your constituents pay nearly $1 billion for a purely local transportation project in San Francisco that is opposed by a broad bipartisan coalition of San Franciscans, including the Sierra Club, Save Muni—which is a grassroots organization of Muni riders—the Coalition of San Francisco Neighborhoods, and three of the four local newspapers serving San Francisco. Why, indeed. Excuse me, I don't have an answer to that question.

But those who vote against this amendment had better have one when their constituents ask what in the world were you thinking.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, from the looks of it, the gentleman from California has quite a fight going on with the Sierra Club, with three of the four major newspapers—I don't know which ones they are exactly. I didn't know there were four major newspapers in San Francisco. Most places these days, if they have one, they're doing very well—and with the State legislature in California as well.

I strongly oppose this amendment. And, frankly, I am disappointed by what it represents. This project, I think, is a perfect—well, maybe not perfect—is a very good example of the types of infrastructure projects our major urban areas need to remain economically strong, provide job creation now, and critical access to jobs in the future.

Six of the 50 largest metropolitan areas in this country—those with a population over 1 million—exist in the State of California. California also happens to have five additional ones which have 500,000 to 1 million in population. Seven of those 11 are growing by more than 25 percent per year. And these are exactly the sort of places—all of them—they are places that need investment, continued investment, and continued assistance from the Federal Government.

They are putting a major amount of money into our authorization plans, which we extend and are still under extension. And I think most people here hope and understand that we need to have a reauthorization sometime within the next few days, probably, and that the program in California is one that is fully authorized and ready to go.

Population density in the area that is involved in this particular program is over 50,000 people per square mile. Ultimately, the project will tie together one of the fastest-growing sections of San Francisco with one of the densest neighborhoods in the Nation and will provide key regional connections with other transit systems, including commuter rail and future high-speed rail programs.

The project has been thoroughly reviewed by the FTA and the State of California. Local authorities determined that it was of high value. In addition, the chairman included $100 million in the underlying bill as an acknowledgement that this project is moving and will improve transportation and create construction jobs in the Bay Area. The Bay Area needs construction jobs as well as we need construction jobs in every part of this Nation in order to have a robust economy.

I have a press release, which arrived today, just to add to the game. The California Transportation Commission unanimously approved the commitment of $61 million in State high-speed rail connectivity funds for the Central Subway Project, this very project, this very day.

□ 2040

I also have here with me the editorial from the San Francisco Examiner—I'm not sure whether that's one of your major newspapers in the area or not—in support of this program.

I understand that the sponsor might not support public transportation, but when he singles out one project of many that received a high rating, it's hard not to wonder if his opposition is not based on some kind of internal politics and not on sound policy.

I oppose this amendment, and I yield back the balance of my time.

[From the Examiner, June 14, 2012]

CENTRAL SUBWAY NEEDS MONEY TO FULFILL POTENTIAL

It is time for everyone to get onboard with the Central Subway project—the largest Muni project in recent years.

This week, the excavation of nearly a full block in San Francisco began as construction workers started ripping up the streets around Fourth and Bryant. The project is for a launch box,'' the staging ground for next year, when two massive hole-boring machines will ultimately serve as the tunnel for the new Central Subway line.

If you believe the naysayers, this tunneling is the beginning of a train to nowhere or a multimillion-dollar project that utterly lacks funding and will result in a train line without riders.

None of this is true.

The Central Subway is the second phase of the T-Third Street route, a 5.1-mile light-rail line that has done much good by connecting downtown with the southeastern neighborhoods of The City. The entire project germinated from the Embarcadero Freeway teardown after the 1989 Loma Prieta earthquake. The compromise for not rebuilding the freeway was to plan for this new transit line.

The Central Subway project will extend the T-Third Street line 1.7 miles through the South of Market neighborhood, with stops at Moscone Center and Union Square, and end in Chinatown. The project will tie together one of the fastest-growing sections of The City with one of the densest neighborhoods in the nation. The ridership projections for the project, which opponents say are too low to justify the 81.6 billion cost, are for the small section of line itself. The opponents point to one number—35,000 riders in 2020. But the true ridership number is for the entire T-Third Street line, which is projected to be about 65,000 by 2030.

It is true that the San Francisco Municipal Transportation Agency is moving ahead with this project without full federal funding. The work has been going on for some time, such as the moving of utilities that are in the way of tunneling. In these days of tight federal funding, when the present Congress is in the hands of tea party ideologues who want to kill public works projects that aren't car-oriented, the only way to prove a project is worthy of federal funding is having it shovel ready—or in this case, bore-ready.

But since the SFMTA has done so much to prove it is fully invested in this project, we are confident that the subway line is going to be fully financed. The Federal Transit Administration is expected to provide the final $942 million by the end of the month. This funding will be enough to complete the tunnel bore.

The SFMTA does not exactly have a proactive reputation. But in this case, it should be applauded for continuing to push ahead with a major construction project, even if the last bit of money is not quite yet secured. This money has been crawling through the pipeline for years.

The Central Subway line will be a major asset to San Francisco, and local and federal officials need to present a united front to finalize the funding as soon as possible.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OLVER. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Transportation to research or implement a distance-based fee system, commonly referred to as Vehicle Miles Traveled, that would levy a fee on a vehicle user based on the distance traveled.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. I rise today in support of my amendment, which would prohibit the utilization of funds by the Secretary of Transportation to research or implement a distance-based fee system, commonly referred to as vehicle miles traveled, or VMT, that would levy a fee on a surface transportation vehicle user based on the distance traveled.

Mr. Chair, it is no secret that our current highway trust fund system is going bankrupt. The Federal gas tax designed to support this fund finds itself increasingly unable to pay for better roads, bridges, and rail due to several factors:

People are driving less due to a weak economy and high gas prices;

The creation of more fuel-efficient cars allows people to fill up less frequently at the pump;

And let's not forget about how Congress has been raiding the gas tax proceeds for decades to fund alternative transportation activities that in no way help maintain and improve roads and bridges we drive, such as building bike paths and planting flowers.

There is an important need to come up with new, better ideas on how to appropriately fund our highway trust fund system. However, I am here to tell you today that the concept of using a vehicle miles traveled fee system is not one of those better ideas.

Requiring people to pay for the miles they travel each year is not acceptable on a number of levels:

A VMT tax would be expensive to implement because every car would need to be fitted with a device that both records the miles driven and transmits the information to a government database. This complicated system would cost millions of dollars to install these devices in new vehicles, and it would cost many millions more if older vehicles and motorcycles are expected to be retrofitted with these devices;

The cost required to administer this taxation is expensive and inefficient, especially compared to the Federal gas tax, which provides an inexpensive form of taxation that is collected directly from refineries and importers;

Further, the requirement of an electronic mileage-tracking device to be installed in all cars also poses a significant privacy concern and a severe threat to our private information should one of these systems be hacked or corrupted. The potential for privacy abuse is a hazard waiting to happen. Government databases have already been compromised in the past, and this government system would be no exception;

Finally, the VMT tax would impose a ''regressive tax'' that would hit constituents in rural districts like Minnesota's Eighth Congressional District, the district that I represent, harder than any others. My constituents often have to drive many miles more than urban counterparts to perform the same daily tasks, like going to work, grocery shopping, dropping the kids off at school, and making deliveries for their small businesses. My constituents are already struggling to make ends meet with the current gas prices. Penalizing them for nothing more than living in a rural area will put them over the edge.

In sum, the VMT tax would produce a strongly negative reaction from the public—and for good reason. Americans don't like paying for the gas tax, and they are sure going to be even more unhappy about having to deal with an administrative and privacy nightmare that VMT promises. Therefore, I urge my colleagues to join me in support of my amendment, which would prevent the Secretary of Transportation from using funds to research or implement this harmful fee.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would like to join with the gentleman here in support of this amendment. I would like to make a couple of points.

If you represent a rural district, this is an enormous issue. Oftentimes, on average, jobs will pay less in urban areas to begin with. On average, a lot of these folks have to drive long distances to work. We've got people in my district today that drive 50 and 60 miles one way to their job every day, and this would be an enormous hardship on these folks.

I would also add that the Secretary of Transportation and the administration, 2 years ago when we were trying to get a highway bill done, the administration took this off the table. They said, We're not going to do this. And so I don't see why the Secretary would need to do research or any kind of means of implementation if, in fact, they so strongly oppose this type of taxation.

So for several different reasons, I commend this gentleman on this amendment and rise in its support.

I yield back the balance of my time.

Mr. OLVER. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I oppose this amendment strongly, but not because I like a VMT, particularly, and not that I do not understand that in rural areas this can be very burdensome. However, we have to have additional revenue. The reason our infrastructure is in decline is simple: We're simply not raising enough revenue.

We haven't decided how to raise revenue to fund our infrastructure needs. Yet we have report after report from the American Society of Civil Engineers with an infrastructure report card that gives us a D, estimating that more than $2 trillion in investment is needed in our system, a gap of at least $27 billion each year, from the DOT's own most recent conditions and performance report. There is a $27 billion per year gap just to maintain the current system of highways and bridges in a state of good repair.

□ 2050

The gas tax has not been raised since 1993. The total amount of revenue that was raised 10 years ago is only a couple of billion dollars lower than it is now 10–11 years later. We know that the vehicles that are being produced now, correctly, and we must do this, are more efficient than they were earlier and so gasoline tax doesn't bring in as much money. That's fine, but you still have to have the revenue to build a transportation infrastructure program that is going to be good that will keep the economy of the country strong. Every good and every product of this country has to move along an efficient transportation system covering all of our modes of transportation and has to be kept up, in good repair.

And for the major population growth which continues at 10 percent every decade with all these major metropolitan areas going up and up and up in population, you have to have a lot of new infrastructure built and you have to maintain the old infrastructure in the older communities or everybody is going to be behind. Even the rural areas, even though many of them, and in the gentleman's poor part of the country, there are States where more than half, several States, at least 10 States that have more than half of all of their counties losing population. But to allow the infrastructure, the highway system to fall apart in those places, means you doom those areas to an economic future which is going to be very bleak, indeed.

So the amendment, it's unfortunate because we are probably going to have to use different kinds of money-raising mechanisms in different parts of the country. This one makes it not possible for the administration to even think about using the vehicle miles tax even in the urban, major urban areas of the country.

In any case, I oppose the amendment. I know quite well what the result of my opposition is going to be, but I think ultimately, we somehow have to gain the courage and the will to raise the revenue that is necessary in order to keep our economy strong.

The transportation system in its totality represents close to 25 percent of the whole economy in this country. You cannot have a viable, robust economy with the jobs that we need if we do not figure out how to do what's needed in all parts of the country. So I oppose the amendment.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Iowa.

Mr. LATHAM. And I appreciate what the gentleman, my good friend from Massachusetts, is talking about. I think you clearly remember the testimony from Secretary LaHood before the subcommittee.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GRIFFITH of Virginia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. I yield to Chairman LATHAM.

Mr. LATHAM. I thank the gentleman very much. I just want to talk about the subject that the gentleman from Massachusetts brought up.

The Secretary of Transportation came before the subcommittee. We were talking about the difficulty we

were having as far as trying to write an appropriation bill with no new authorization. The Secretary on several different occasions said he would not entertain and they would strongly oppose both an increase in the gas tax and vehicle miles driven, and I'm sure that the gentleman from Massachusetts remembers that testimony very clearly.

I would just suggest that maybe someone should talk to the administration about finding sources for funding because the Secretary has taken every possibility off of the table to fund a new highway bill. And now we're apparently looking at a reauthorization that's finding other unique ways of funding rather than user fees or gas tax or miles driven or registration fees, whatever, they have taken off the table. So I would suggest the gentleman from Massachusetts would maybe visit with Mr. LaHood at the Transportation Department.

Mr. OLVER. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman from Massachusetts.

Mr. OLVER. I would like to continue this conversation for another moment or two, and that will save me time rather than having to figure out how to get my own time, Mr. Chairman. Somewhere along the way, it will come back to me. But in the midst of the discussion, I'm not likely to come up with it very easily.

In any case, I recognize exactly what the chairman of the committee is saying. It will be interesting to see what the authorizers come up with. I hope you had some ideas as to what they are going to do because the position that I am taking of the need for the infrastructure development in this country, both state of good repair, just repairing it, keeping it going, and then the additional infrastructure that is needed because of growth of populations, that is there and we must solve the problem. And it's not just the executive's problem, it's not just our problem, it's a problem for all of us, and this takes one piece, one possible piece out of the mix that could be part of the mix, simply takes it off the table, and that I object to. As somebody that is not going to be here next year when you may have to come up with a solution, I object to that being taken off the table. I oppose the amendment.

Mr. CRAVAACK. Will the gentleman yield?

Mr. GRIFFITH of Virginia. I yield to the gentleman from Minnesota.

Mr. CRAVAACK. I thank the gentleman for yielding.

Sir, I can give you my commitment that I believe in a robust transportation system within the United States. We need it for economy and commerce, we understand that. But definitely, the VMT is a toxic part of this puzzle that we just can't use. I look forward to finding other alternatives to be able to fund the robust transportation system that I believe the United States needs. I thank the gentleman very much for his comments.

Mr. GRIFFITH of Virginia. I yield back the balance of my time, Mr. Chairman.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I will be brief. I wish the gentleman from Minnesota great luck in solving this one. I am so happy for the people on that side of the aisle who must be just ecstatic—ecstatic—that they have a President who will take all of these things off the table. But what are you going to do when you have to have jobs and a robust economy in this largest economy in the world?

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to my chairman.

Mr. LATHAM. You will remember also, during the hearings with the Secretary, I asked that very question of the Secretary. You're taking gas tax, vehicle miles traveled off the table, let's find a way to do this.

He said: Well, we need to sit down at the table and discuss this.

I said: Mr. Secretary, you're at a table. I'll be glad to come around and sit with you, and we'll discuss it. You come up with some ideas. And he came up with zero ideas, if you'll remember that.

Mr. OLVER. Reclaiming my time, at my age, I can't remember what happened several days ago, and that is quite some time ago. But, you know, it will slowly come back. Eventually, it slowly comes back.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

□ 2100

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used in furtherance of the implementation of the European Union greenhouse gas emissions trading scheme for aviation activities established by European Union Directive 2008/101/EC.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. CRAVAACK. Mr. Chairman, I rise in strong support of this bipartisan amendment.

This amendment is a simple one. It prohibits the use of taxpayer funds in furtherance of the implementation of the European Union's Emissions Trading Scheme.

Starting in January, the European Union began to unilaterally apply the Emissions Trading Scheme, ETS, to civil aviation operators landing or departing from one of the EU member states.

Under the Emissions Trading Scheme, EU member states will require international carriers and operators to pay emission allowances—and in some cases penalties—for carbon emissions resulting from their operations. The EU's Emissions Trading Scheme will apply to the entire length of the flight, including those flights outside the European airspace.

For instance, for a flight leaving Los Angeles for London, taxes would be levied not only for the portion of the flight over the United Kingdom, but also for portions of the flight over the United States and international waters.

Despite serious legal issues and objections by a majority of the international community, including the United States, India, Russia, China, and the International Civil Aviation Organization, the EU is pressing ahead with its plans. Russia, China, and India are taking very clear actions in opposition of EU's emission scheme. China and India have directed their air carriers not to comply with the EU's ETS requirements. China has delayed Airbus orders, India is threatening in-kind retaliation, and Russia is threatening to deny airspace access to European air carriers.

The European Union's unilateral application of the Emissions Trading Scheme onto U.S. operators without the consent of the United States Government raises significant legal concerns under international law, including violations of the Chicago Convention and the U.S.-EU Air Transport Agreement.

The Emissions Trading Scheme will actually harm efforts to reduce global aviation emissions. By taking money away from the airline industry that would otherwise be invested in NextGen technologies and the purchase of new aircraft—two proven methods for improving environmental performance—the EU is siphoning scarce money to be used as each member state sees fit.

A better approach to address aviation's impact on global emissions is to work with the international civil aviation community through the U.N. International Civil Aviation Organization, ICAO, to establish consensus-driven initiatives to reduce emissions. However, because the EU has made no effort to delay or retract the illegal Emissions Trading Scheme, this amendment is necessary to ensure that American taxpayer dollars will not be used to further the Europeans' unilateral and questionable scheme.

Last October, the House passed H.R. 2954, which directs the Secretary of Transportation to prohibit U.S. carriers from participating in the Europeans' illegal scheme. A companion bill has been introduced in the Senate. It is my hope that the Senate will move

quickly towards its passage. That legislation, along with this amendment to the Transportation appropriations for fiscal year 2013, will send a very strong message to our European friends that an illegal and unilateral action to address aviation emissions is not the proper course of action to deal with this issue. This must be a consensus-driven solution, not an international mandate.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I thank the distinguished gentleman, the Chairman, for the time, and let me just rise in strong support of this amendment.

This, I think, is one of the most outrageous, offensive taxes that I've ever heard of. The idea of taxing U.S. travelers from any point in the United States just because they're traveling to a destination in Europe is simply outrageous. It's going to be devastating to U.S. carriers, and it's something that we have got to put a stop to.

Like the gentleman talked about the international community's strong opposition, I think on a bipartisan basis everyone is opposed to this. It is, again, a far overreach. It is something that is unnecessary. It is simply wrong.

I really appreciate the gentleman's work on this to have this amendment brought forward as at least a first step in stopping this very, very, I think, egregious new tax.

With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, the European Union has implemented an emissions trading regimen as a means of reducing greenhouse gas emissions 20 percent below 1990 levels. They are not succeeding very much. They are putting in a fairly hard effort to do that, but the greenhouse gas emissions continue to go up. The CO_2 percentage in the atmosphere is now, in the year 2012, about 50 percent higher than it has been at any time in the last 500,000 years and going up, continuing to go up. But we're not going to settle climate change issues tonight.

I understand that this amendment will be adopted, but the effort is going to have to eventually go on to deal with our climate change.

I yield back the balance of my time.

Mr. PETRI. Mr. Chair, I am pleased to support this amendment which would simply prohibit the use of any of the funds provided in the bill from being used to further the implementation of the illegal European Union's Emissions Trading Scheme (EU ETS).

The EU ETS has been a source of great concern of the Aviation Subcommittee, this House, the Administration, and the aviation community. The U.S. is joined in its opposition to the EU ETS by countries around the world.

Under the ETS, EU Member States will require international air carriers to pay emissions allowances, and perhaps penalties, for carbon emissions. A major objection is that the Emissions Scheme will apply to the entire length of the flight—including flight outside the European airspace.

The EU has no jurisdiction over airspace outside its boundaries and no legal basis to impose this Scheme on our air carriers. The unilateral application of ETS to our carriers in this way without our consent is a violation of international law—including the Chicago Convention and the U.S.–EU Air Transport Agreement.

There are other more productive ways to address the issue of carbon emissions, and the U.S. stands ready to work with our world partners through the International Civil Aviation Organization to do so—that is how you resolve global aviation issues.

Last year, this House passed H.R. 2954 which would direct the Secretary of Transportation to prohibit U.S. carriers from participating in this illegal Scheme. The Senate Commerce Committee held a hearing recently on a companion bill that has been introduced in the Senate.

This amendment is in line with the actions that the House has taken previously and reiterates the message that we will not stand for this unilateral, illegal scheme to be perpetrated against our carriers.

I urge Members to take a stand against this power grab and support this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the amounts made available by this Act may be used by the Pipeline and Hazardous Materials Safety Administration to require the placement of line markers under section 195.410(a)(1) of title 49, Code of Federal Regulations, other than at public road crossings and railroad crossings.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Chairman, we've all heard about many regulations that come from this town that seem to be ridiculous; sometimes they're innocuous, sometimes they're even humorous. These are regulations oftentimes that don't help anybody at all. Sometimes, however, they harm real people's lives and their homes and their businesses.

Last year, Mr. Chairman, along a half-mile stretch of Remington Road in Chamblee, Georgia, Plantation and Colonial Pipelines, under a requirement from the Pipeline and Hazardous Materials Administration, was forced to place 17 new hazard markers on the front lawns of homes—in a subdivision. That brought the total number of hazard markers to 47–47 within a half-mile stretch, a half-mile stretch of road in a residential subdivision where there's no new construction and the pipeline has been there for decades. You talk about ridiculous.

The regulation states:

Markers must be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that its location is accurately known.

Now, though this particular regulation hasn't changed for many years, its interpretation clearly has. So, last month, my office sent a letter to the Pipeline and Hazardous Materials Administration for clarification, and in response they said:

While the regulations specify the minimum requirements for line markers, they do not specify a maximum number of line markers. A pipeline operator is allowed to exceed the minimum regulatory requirements.

Well, Mr. Chairman, they certainly have exceeded the minimum number of markers. Look at this front lawn here, five or six markers in the front lawn of a residential area. Now, clearly this is absurd. I'm certain there are other communities across this great country that are similarly affected by an overzealous regulator. This doesn't help a soul, but what it does is likely depress property values at a very challenging time for homeowners. So let's put some common sense back in government.

This amendment that I have offered today is designed to stop the Pipeline and Hazardous Materials Administration from broadly interpreting these regulations in the future by ensuring that no funds from the bill shall be used to require the placement of line markers other than at public road crossings and railroad crossings.

Now, we have struggled to find the right avenue to address this issue, and hopefully we will be able to get the attention of these wonderful folks and bring some sense to all of this. And though not possible to have this amendment brought to conclusion on this legislation, I do know that the chairman is as interested as I am in ending the overbearing regulatory scheme that seems to have overtaken every single department in this town.

□ 2110

If the chairman would be desirous, I would be happy to yield to him for a comment.

Mr. LATHAM. I thank the gentleman for yielding.

Obviously, we all want pipeline safety. That is the number one issue, but what you're talking about here is truly beyond the pale as far as any kind of common sense. We've got to find a balance, like you've talked about. The overreach that we're seeing in so many areas of the Federal Government causes things like this that are just simply nonsensical.

I appreciate the gentleman for bringing the issue forward and would want to work with him in the future to find a resolution to your concerns.

Mr. PRICE of Georgia. I thank the chairman, and I appreciate that.

Again, this is simply ridiculous. If that's your front lawn, Mr. Chairman, that's the last place that you want to see those signs in your neighborhood and in your residential area.

So I appreciate the opportunity to bring this amendment. I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 8 OFFERED BY MR. POSEY

Mr. POSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used for the international highway technology scanning program, a program within the international highway transportation outreach program under section 506 of title 23, United States Code.

The Acting CHAIR. The gentleman from Florida recognized for 5 minutes.

Mr. POSEY. Mr. Chairman, my amendment is very simple. It prohibits taxpayer dollars from being used for the Department of Transportation's International Highway Technology Scanning Program. According to the Department of Transportation, this program enables the Department's officials to access innovative technologies and practices in other countries that could significantly improve our Nation's highways.

I, and most taxpayers, really don't have any problem with that. If someone else has a good idea, we can and we should learn from that. But most taxpayers were outraged when ABC News and Citizens Against Government Waste highlighted that this program was bankrolling globe-trotting junkets across the world.

One such trip featured a 17-day ordeal to Australia, Sweden, the Netherlands, and Great Britain to look at billboards, all the while, racking up taxpayer bills at five-star hotels and restaurants. Among the important research conducted by the team was a trip to Scotland to evaluate ''road furniture along rural roads.'' And in the Netherlands they took a serious look at ''examples of outdoor advertising.''

When the Federal Government is up to its neck in debt, such expenditures truly are an abuse of the taxpayers. As a result, Citizens Against Government Waste was able to apply enough pressure to the agency to suspend the $1.2 million annual program. We're not really sure what ''suspend'' means, if it's for a day, a week, or a month.

ABC News reported that upwards of $12 million has been spent on the program since the year 2000. I see the suspension of the program by Transportation Secretary LaHood as a really good start, but there is still no guarantee that such waste will not resume, as nothing in law would prevent the program from being resurrected in the future. This amendment, very simply, will ensure that the program will not come back to life during the fiscal year 2013.

Mr. Chairman, Washington is approaching another trillion-plus deficit. We simply cannot afford five-star junkets.

I urge support of the amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in support of this amendment.

I appreciate very much the gentleman from Florida bringing this issue to the attention of the House and, again, very strongly support his proposal to do away with this wasteful spending.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today in opposition to a possible attempt for a Member to bring forward an amendment which would prohibit any funds in H.R. 5972 from being used towards the California High-Speed Rail Project.

As a member of the House Committee on Transportation and Infrastructure and a cochair of the California High-Speed Rail Congressional Caucus, this project is a priority of my State and the voters who agreed to move our State into the 21st century and to be able to be competitive globally.

Our Nation's ability to move goods and people is essential to develop and maintain a strong economy, and this project is critical to meeting the State's growing transportation needs. In fact, traffic congestion in California is increasing by 10 percent each year, and it's estimated that the State's airports will reach capacity by 2030. As California's population continues to boom, we must invest in alternative systems that will remedy this constant congestion and will help to protect the health and environment of local communities.

Now, as a member of the Transportation Committee, I happened to have the opportunity to participate with Chairman MICA when we went to the Central Valley to talk about the possibility of moving forward on high-speed rail. And admittedly, there were some concerns that were brought forward, but there were far more supporters who wanted to see high-speed rail move forward than those who were opposed.

And again, I want to stress that the voters in California took it upon themselves to tax themselves as an independent State body, to tax themselves to move forward on high-speed rail. So who are we, or the Federal Government, to prohibit providing funds that might match to enable that project to move forward?

Also, given the inherent speed limitations in the Northeast corridor, it seems to me that it would be ill-advised to deny California—and this country, more importantly—the efficient transportation options that many of us so richly need, especially knowing that California is one of the most traveled areas in this country.

As a result, even the earliest investments would be helpful before this project is completed. Now is the time to make smart and long-sighted investments for alternatives to congested highways and, simultaneously, to create jobs.

Mr. Chairman, we have before us an opportunity to support American workers for today by putting America on the road to recovery while, more importantly, developing a world-class rail system that we could compete with our competitors like China. Proper funding for the California High-Speed Rail project is a necessity for the success of California and the success of the United States.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. GRIFFITH OF VIRGINIA

Mr. GRIFFITH of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used for any new grant under the livable communities program of the Department of Transportation or the sustainable communities program of the Department of Housing and Urban Development or to implement any transfer of funds for any such new grant.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Transportation and the Department of Housing and Urban Development from issuing any new livable or sustainable community grants. While the Appropriations Committee did not include any new funds for these grants, my amendment goes a step further to ensure that neither the Department of Transportation nor the Housing Secretary can attempt to transfer any of their Department's discretionary funding.

In 2009, under the direction of President Obama, EPA, Department of Transportation, and HUD began the Partnership for Sustainable Communities, a joint venture to provide millions of dollars to local communities to entice them to buy into the President's sustainable development agenda.

Over 2010 and 2011, DOT and HUD awarded approximately $96 million in

grant funding for sustainable and livable community initiatives; however, these programs were never authorized by Congress. In fact, the Financial Services Committee, who has authority over HUD programs, said that the:

Sustainable Communities Initiative, which has yet to be authorized by the Committee, should not be funded at the expense of other critical affordable housing programs.

This opinion of the sustainable communities program by the Financial Services Committee, was bipartisan and unanimous.

Last year, thankfully, no new funding was provided for sustainable community grants, but the conference committee reminded the Secretary that these efforts were eligible activities under other programs, meaning funding for the sustainable community grants could have been obtained by shifting funding. This amendment would prevent that shifting.

I do not believe the Federal Government should be enticing our local and State governments with this money to get them to buy into the President's sustainable development agenda that cedes some local or State authority to Federal or international bureaucracies and governing boards.

□ 2120

I commend the Appropriations Committee for not giving any new funds to these unauthorized grants. This amendment makes it clear that these activities should not be continued at DOT or at HUD under any circumstances.

As Robert Frost wrote, ''Good fences make good neighbors.''

This amendment will put up a fence to prevent shifting funding to a program this Congress has not approved, and it sends a message that our various States and local communities should be in control of their housing, transportation and zoning policies.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in strong support of this amendment.

Let me just say that this has been a subject of great discussion with the ranking member and me over time. I hope the people of the House understand and the American people understand what an outright waste of money these projects have oftentimes become.

Everybody here is talking about our needing more money for infrastructure, transportation; let's get the trust fund built up; we're trying to find new ways of funding. I hope everyone understands that, 2 years ago, before we got control of this committee, they took $150 million out of the highway trust fund to pay for sustainability projects and grants.

That's rather interesting.

When it's an unauthorized program, no one even has a definition of what a ''sustainable community'' is. There is no definition of where this money could go. This is $150 million, and people talk about all their projects at home—of their highways in disrepair, of the bridges falling down—and we're spending $150 million out of that trust fund for things that aren't even defined and that are not authorized.

Mr. Chairman, it is outrageous.

I just spoke with the Secretary of HUD a few weeks ago on this issue because I have zeroed it out in this bill. There is no money for sustainable communities, whatever that is. Do you know the example the Secretary gave me of a good project? It would be to take millions of dollars from the Federal Government and give it to the area in North Dakota where they're having the expansion of the oil boom.

The State of North Dakota has billions of dollars in surplus. It has more money than it knows what to do with. Yet the Secretary says we should take sustainable community dollars from the Federal Government, of which we're borrowing 40 cents on the dollar from China, and give it to North Dakota to find out where it should put up its buildings in the oil boom area. I'm sorry, but I think they can afford to do that themselves.

So I would very strongly support the gentleman's amendment. Again, this is money that is coming out of the trust fund. Everybody here talks about roads in disrepair, bridges falling down, all that we need to do in the way of help for infrastructure, for jobs—and we're giving it to places like North Dakota. I'm sorry, but this is a waste of money, ill-defined, unauthorized. I very strongly support the gentleman's amendment.

I yield back the balance of my time.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Again, I understand my very limited position here on this one, but I do rise in opposition to the amendment.

I am a strong supporter of the Sustainable Communities Program, and I am disappointed that there is no funding in this bill for sustainable communities. I have heard complaints that the Sustainable Communities Program isn't authorized. Well, neither is the CDBG program authorized, yet we include funding for that program in the bill and have for many years. It has not been individually authorized in quite some period of time.

The program actually has some good purposes. It integrates Federal, State and local investment activity in housing, land use, economic and workforce development, and transportation. At a time when we're under budget constraints, it's fairly important, if not critical, that the support for regional and local planning is available to help localities invest limited resources strategically in order to achieve the greatest short- and long-term benefits for citizens.

In the first 2 years, which is the 2 years that the program has been used—and it is a pilot program, basically, a demonstration program—it has been used in both urban and rural areas and in areas that are a little more than a city or a metropolitan area or that are a small group of counties up to a broader group that might cross State lines, where there are interests across those State lines and where the people have wanted to do it.

It was always one purely of applications from groups of people at the local level as well as from organizations at the local and regional levels that would put forward proposals to do that kind of integration and joint planning with the Federal Government, the State governments, and the local governments as to how they wanted to see their areas grow.

So I think it is an activity that we ought to have some opportunity for, but I know that that's not going to happen tonight. I simply regret that that is the way things are. I do oppose the amendment, but know that it will be adopted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GRIFFITH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FLORES. I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of fuels unless their life cycles of greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Transportation, Housing and Urban Development appropriations bill.

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based and/or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum-derived fuels.

Unfortunately, the ban on the fuel choices of section 526 has been expanded to include all Federal agencies,

not just the Defense Department. This is why I am offering this amendment to the Transportation, Housing and Urban Development appropriations bill.

Federal agencies should not be burdened with wasting their time in studying fuel restrictions when there is a simple fix. That fix is to not restrict our fuel choices based on extreme environmental views, bad policies and misguided regulations like those in section 526. Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's energy independence and our national security.

Mr. Chairman, section 526 restrictions make our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, to improve the American economy, and to create American jobs. In addition, we must ensure that our military has adequate fuel resources so that it can rely on domestic and more stable sources of fuel.

With the increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to develop and produce all of our domestic energy resources.

□ 2130

Mr. Chairman, in some circles there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to procure and use alternative fuels such as biofuels. Mr. Chairman, this viewpoint is categorically false. All my amendment does is allow the Federal purchasers of fuels, particularly our military, to be able to acquire the fuels that best and most efficiently meet their needs.

I offered a similar amendment to the CJS appropriations bill, and it passed with bipartisan support. My identical amendments to the three other FY13 appropriations bills also passed by voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's summarize the problems with section 526. Number one, it increases our reliance on Middle Eastern oil. Number two, it hurts our military readiness, our national security, and our energy security. Number three, it also prevents the potential increased uses of some sources of safe, clean, and efficient American oil and gas. Number four, it hurts American jobs and the American economy. And five, last but not least, it costs our taxpayers more of their hard-earned dollars.

My amendment fixes these problems, and I urge my colleagues to support the passage of this commonsense amendment.

With that, I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I thank the gentleman, and I rise in support of this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. ___. None of the funds made available in this Act may be used by the Secretary of Transportation to authorize a person—

(1) to operate an unmanned aircraft system in the national airspace system for the purpose, in whole or in part, of using the unmanned aircraft system as a weapon or to deliver a weapon against a person or property; or

(2) to manufacture, sell, or distribute an unmanned aircraft system, or a component thereof, for use in the national airspace system as a weapon or to deliver a weapon against a person or property.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. Mr. Chairman, there has been a lot of discussion about the use of unmanned aircraft, commonly referred to as drones, in United States airspace, and rightfully so.

Beginning with the FAA reauthorization bill which passed this House earlier in the year, the expansion of the use of unmanned aerial vehicles in the continental United States was expanded. Arguably, this was a useful expansion because we have vast areas of our border which are difficult to monitor. Sometimes there are search and rescue occurrences that happen in rough terrain where an unmanned aerial vehicle may be indispensable. But since that time, there has been a growing body of people who have been concerned about the effect of allowing these unmanned aerial vehicles the ability to surveil citizens. There has also been talk about the EPA using it to monitor herd size and the grazing habits of farmers. These are questions that are going to need to be answered. But in recent weeks, I have become aware of some discussion that in certain police jurisdictions they were talking about an army of unmanned aerial vehicles to assist in law enforcement.

Maybe that's something that's worthwhile to consider, but I can't help but feel that a step taken that far is something that this body should consider. While I appreciate the subcommittee chairman's concern about legislating on an appropriations bill, we're in new territory. We're in uncharted territory, and this amendment is a first-aid maneuver. It is to place a bandage, if you will, on a growing problem to see if we can't stop and have the discussion before the Secretary spends money authorizing the use of armed unmanned aerial vehicles.

No one disputes in war zones and in battle space the use of an unmanned aerial vehicle. An armed unmanned aerial vehicle is incredibly useful. No one argues the utility of these unmanned aircraft in that situation. All I would say is that before we allow that to be occurring in our backyards, on our highways and byways, we need to consider the effects of that. Are we, in fact, ensuring the constitutional rights of the people who not just are being surveilled, but who may be being controlled by the armaments that would be present in these weaponized vehicles?

My amendment would prevent the Secretary of Transportation, the head of the FAA, from approving any application to use an unmanned aircraft in the United States airspace for the purpose of arming or weaponizing that aircraft. It does not affect the surveillance question. So surveillance drone applications certainly, if they are authorized, may go forward. Nor does it affect weaponized drones that are operating outside the United States airspace.

The amendment that I offer today is preemptive. As to my knowledge, no actual applications have been filed with the FAA to use armed drones in U.S. airspace. But I believe it is necessary, as there has been some discussion in the public media about the ability to arm unmanned aerial vehicles. I personally believe this is a road down which we should not travel. It is the old argument of sacrificing safety for security, and ultimately achieving neither objective.

I think this is an amendment that would be well advised by this body to consider this evening. I urge my colleagues to vote in favor of it if it is allowed to stand, and I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I continue on my reservation, and I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I want to thank the gentleman. Unfortunately, for consistency, we're going to have to pursue the point of order.

This issue has been brought to my attention. I've expressed concerns myself as to how information is used. Certainly, we want to make sure that we're very careful as far as privacy issues in this country, the way that these things may be used for purposes that no one quite understands or intended to have happen.

While I share your concerns, for consistency reasons here, I must insist on my point of order.

I yield to the gentleman from Massachusetts, the ranking member.

Mr. OLVER. I will be very brief.

I serve on the Homeland Security Subcommittee for Appropriations, and I don't think that the Homeland Security authorizers have done anything along these lines, and that's where it really ought to be dealt with, I would think.

So I will agree with what you're doing.

Mr. BURGESS. Will the gentleman yield?

Mr. LATHAM. I would be more than happy to yield to the gentleman from Texas.

Mr. BURGESS. Here is the problem.

It was a simple line in the FAA reauthorization bill. We were all happy when we reauthorized the FAA. It hadn't been done in some 26 attempts—''the dog ate my homework,'' we got IOUs and extensions on the FAA. But then here was this very simple language allowing for the expansion of unmanned aerial vehicles in the national airspace. None of us really thought that was much of a problem, but our constituents are bringing it back to us. They are concerned about privacy, and they're concerned about Federal agencies surveilling normal activities of commerce in which people may be engaged. But then we have gone one step further.

If these drones are weaponized, you can—if you've been surveilled unfairly, you can go to court and perhaps seek a remedy. But if a bullet is fired from one of these platforms, you don't have any remedy if you're the recipient of that bullet.

All I'm asking is that we take all due care and caution, and exercise all due care and caution. We are entering a Brave New World here, and it is incumbent upon every one of us to be certain we do so with all care and caution before we proceed.

I appreciate the gentleman allowing me to express my thoughts on this amendment. I wish it could stand. I wish we could vote on it this evening. I understand for consistency why he is insisting on his point of order. But we're going to have to revisit this.

H.R. 5950 is standalone legislation that would prohibit this activity. I encourage Members of Congress to look into cosponsoring that.

□ 2140

Mr. LATHAM. Reclaiming my time, let me just say, in the authorization of the FAA, their specific role was air traffic concerns that they may have safety concerns, collisions with other aircraft. I agree with the gentleman, it should probably be a Homeland Security issue. I also serve on the Homeland Security Subcommittee on Appropriations. It has not been brought up in that.

I do share your concerns. But unfortunately, I must insist on my point of order.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties and requires a new determination.

I ask for a ruling of the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination regarding the end use of certain aircraft systems and their components. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 7 OFFERED BY MR. TURNER OF OHIO

Mr. TURNER of Ohio. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER of Ohio. Mr. Chairman, we must ensure that the men and women who bravely served our country have access to affordable housing. My amendment seeks to make sure that conflicting government regulations do not pose an impediment to achieving this important goal.

Currently, the VA requires a veteran's preference for housing built on VA property. However, HUD requires that HUD-assisted projects contain no preferences. These conflicting rules and regulations make it nearly impossible to help low-income senior veterans access affordable housing on VA property with HUD assistance.

My amendment prohibits HUD from using funds to enforce the restriction against a veteran's preference for housing projects built on a VA campus or that use a VA-enhanced use lease. The language is identical to an amendment that I authored which the House unanimously approved twice and was included in H.R. 3288, the Fiscal Year 2010 Consolidated Appropriations Act.

As a result, in my southwest Ohio community, St. Mary Development Corporation is currently building housing for senior veterans on the campus of the Dayton VA, which will help provide veterans close access to the services they need.

Mr. Chairman, this project can be a model in that it can be used across the country to help homeless veterans, provide low-income housing for veterans, and respond to the needs of seniors in the community. I urge all my colleagues to support this important amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just like to lend my support for this amendment. It's something where clarification needs to be done, and the rules need to work for veterans for these processes. This has been one of the hang-ups for veterans being able to get into assisted living or houses. And any backlog that there has been has been basically a bureaucratic backlog, rather than a funding issue in the past. So it's a good amendment, and I would urge its passage.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Very briefly, I would just like to congratulate the gentleman from Ohio for being watchful of this sort of thing. This is the sort of thing that, it seems to me, ought to be really very logical. And I have supported it in the past, as he has already referenced. So I'm happy to see that it's working in your community.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. __. None of the funds made available in this Act shall be used to promulgate, issue, establish, implement, administer, finalize, or enforce the proposed rule issued by the Secretary of Housing and Urban Development and published in the Federal Register on September 16, 2011 (76 F.R. 70921; relating to Implementation of the Fair Housing Act's Discriminatory Effects Standard).

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Chair, I rise today to offer an amendment that attempts to restore some sanity, fairness, and certainty to mortgage and insurance companies. My amendment would undo harmful economic actions taken by the administration that will, if carried out, continue to weaken credit availability and job creation.

You see, earlier this year, the Department of Housing and Urban Development proposed a rule to establish

regulatory standards regarding the use of the legal theory known as ''disparate impact.'' Disparate impact liability allows for plaintiffs and government agencies to bring suit charging discriminatory practices based solely on statistics. If statistics indicate, for instance, that disparity exists between the number of loans made in a specific area to a certain preferred minority class versus the number of preferred minorities that live in that area, a lender could be charged with discriminatory practices, even if there was no intent whatsoever.

Now, we all agree that discrimination is terrible and that when there is intent, we must prosecute to the fullest extent of the law. But under the example I laid out, the lender could even have specific anti-discriminatory practices in his company in place, but still be found liable under this legal theory. You see, accurate risk identification and classification is essential to the lending and insurance business, but the HUD rule ignores that.

Risk-based lending and insurance underwriting and pricing that unintentionally results in a statistically disparate outcome, that is not discrimination.

The proposed HUD rule would create a presumption of discriminatory disparate impact that could basically undermine the basic purposes of risk-based pricing, which ensures persons with different risk characteristics have to make payments commensurate with the risk they pose. So protected-class characteristics, including race, are actually prohibited from consideration in this assessment. State law already prohibits insurers from recording race, for example. But this HUD rule requiring race consideration would be impossible, then, under State law.

Looking specifically at homeowners insurance, commonly considered factors—including applicant's claim history, construction materials, the presence or absence of a security system, and the distance from a firehouse—could be barred if they were found to result in creating a statistical disparity for a class defined by race, ethnicity, or gender.

You see, all 50 States have anti-discrimination provisions in their housing insurance regulations already, and there is no claim that these regulations have been insufficient. So the process that HUD proposes for the disparate impact rule is, therefore, unworkable and economically impractical.

The process HUD proposes for defending against a charge of unlawful discrimination based upon disparate impact would then require a defendant to prove a ridiculously high standard, that the challenged practice is necessary to its very survival, and that its business would basically collapse if it didn't do it.

You see, the process HUD proposes would find the defendant company liable if a court could find another practice that is simply less discriminatory, not, instead, a reasonable, economical, practical, workable, state-authorized, or known practice. Simply, all they have to come up with is another practice.

□ 2150

Extending disparate impact analysis to facially-neutral practices exceeds HUD's authority under the FHA and it is contrary to law. Extending disparate impact analysis to facially-neutral practices therefore is arbitrary and it is capricious. Therefore, the application of this HUD rule on the insurance industry should be precluded, and it should preclude it also because of McCarran-Ferguson. Recognizing disparate impact analysis under the FHA exceeds HUD's authority under the FHA and therefore is contrary to law.

The Supreme Court recently agreed to hear a challenge on this. I think it was just last year. Unfortunately, you may know that that case was withdrawn. Why? Because of pressure from this administration. The administration rightly, I believe, was concerned that the Court would strike down the whole theory as being unconstitutional.

Now recently a new case had been submitted to the Supreme Court for consideration on the very same issue. I hope the Court takes that case up soon. The Justice Department knows it has a weak case, and I do not believe that this administration should try to front-run the Supreme Court and attempt to push through this failed legal theory.

My amendment would prohibit HUD from finalizing this rule that harms credit availability and job creation. It is supported by the Mortgage Bankers Association, the National Association of Mutual Insurance Companies, along with a couple other institutions as well—the American Insurance Association and the Property Casualty Insurance Association of America.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. The issue here seems to be—and I don't know this very well. The issue seems to be that there have been cases where discrimination has occurred, and it has been adjudicated as having occurred when there was no intent to do so in the first place.

In a recent HUD action, this impact was used to protect the rights of women who were evicted because they were victims of domestic violence. Well, there was no intent to discriminate against the victims of the domestic violence, but that's what it was that has been adjudicated in this particular case.

Cases of this sort have been brought before 11, I think, of the 13 appeals courts at this point, and the rule which HUD has put forward, the so-called disparate impact rule, comes out of their understanding of the cases before the appeals courts where discrimination was determined legally in the appeals courts to have occurred.

So the idea that the gentleman is putting forward of prohibiting the finalization of the disparate impact rule which rises out of these cases before the appeals court seems to me to be exactly the opposite thing that should be done. Unless you get to a point where the appeals court gets to a higher court, which I guess the higher court is the Supreme Court of the United States, and they overturn the positions that have been taken by these several appeals courts in rather similar cases, then HUD is doing exactly what they need to do.

So I must rise in opposition to this. All of the people in the authorizing side of this are saying—at least on my side of the authorization process, which means the ranking member of the authorizing committee here—is opposed to this amendment. Mr. FRANK, the ranking member of the Housing Subcommittee, also opposes, I think, for roughly the reason that I have articulated here. So the gentleman is trying to stop the process.

Mr. GARRETT. Will the gentleman yield?

Mr. OLIVER. I yield to the gentleman from New Jersey.

Mr. GARRETT. And that's just my point. I'm not trying to stop any process. What I'm trying to do is prevent this administration from doing an end-run on the process.

You set up the record almost completely straight. There were court cases on this. It was going to the Supreme Court. It was about to go to the Supreme Court and be heard, and then this administration put pressure on the city that was involved in it to stop it, and they withdrew the case. We would have had the decision by the Supreme Court in that matter, but the administration basically said no, because they wanted to go ahead with their actions here without interference of the Supreme Court.

Fortunately, though, there is now another case that's been filed, and it's from my home State of New Jersey. This will give us all exactly what we need, just what you were saying: lower court, and now it's being appealed up to the Supreme Court.

Mr. OLVER. Reclaiming my time, we have no idea whether the Supreme Court will take this case. In the meantime, until such time it is taken and they do it, and we can't assume that, then the actions of HUD are proper in reaching a disparate impact rule that adheres to the findings in the several appeals courts. My staff tells me it is 11 of the appeals courts have reached similar decisions which are adhered to by the HUD impact rule proposed.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognize for 5 minutes.

Mr. LATHAM. Let me just stand up in support of the amendment. I think it's a good amendment. Insurance companies are not able to determine risk, and that oftentimes means much greater cost.

I think it's a good amendment going forward, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CASSIDY

Mr. CASSIDY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used by the Secretary of Transportation to make any transfer under the last proviso under the heading ''Department of Transportation—Office of the Secretary—Payments to Air Carriers''.

Mr. CASSIDY. As that reading suggests, this amendment addresses accountability for the Essential Air Service.

Earlier this year, the House and Senate agreed upon an FAA authorization after a fairly contentious debate. Chief among the issues which were resolved was a dispute over the Essential Air Service program, which provides Federal subsidies for airlines which provide flights to rural or otherwise remote airports.

While the work done by Chairman MICA and his colleagues adds several important reforms to the EAS program, a number of issues have since surfaced. Tonight, I'm offering an amendment to hopefully resolve one of those.

As currently written, the T-HUD bill funds the Essential Air Service program through a $114 million appropriation from the Airway Trust Fund and via what are called overflight fees, which are charged by the FAA to foreign aircraft using American airspace and navigation assets. In 2011, as a result of an annual increase of 17 percent to the overflight fee, the Department of Transportation estimated that the fee would bring in around $69 million in revenue for fiscal year 2013, which, when paired with the annual appropriation from the Airway Trust Fund, would provide all the money needed to operate the EAS program.

□ 2200

DOT, however, was wrong about their original $69 million projection. According to the President's budget and report language in this bill, the projected revenues from the overflight fees are actually $100 million. That means that when you combine $114 million appropriated in this bill plus the $100 million in revenues from the overflight fees, the EAS program has $214 million.

Now, you could ask, Is this adequate to fund the program? It certainly should be. In fiscal year 2011, before the plan began to start scaling back the program, expenditures were around $195 million. Put differently, as we've scaled back the program, we have actually increased funding by about $19 million. Only in Washington would that be a scale. I shouldn't laugh.

But that's not the only source of funding that the bill provides. It also allows the Secretary of Transportation, at his discretion, to provide more funds in case the $214 million in revenue does not cover all obligations. How is this possible? Through the authorizing language tacked onto the end of the EAS section at the bottom of page 7:

Provided further: That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

Let me repeat: ''such sums as may be necessary to carry out the essential air service program.''

In other words, this is a blank check for the Secretary to redirect to EAS if they overrun their $214 million allowance.

I have introduced this amendment to correct this issue and enforce the fiscal discipline that I think even the strongest proponents of the program hope to see. The amendment preserves the EAS program, but forces it to live within its mean and prioritize spending to where it is most necessary and cost effective.

My amendment nullifies the Secretary's authorization language from the bill and allows the FAA to spend only the money appropriated to it through both the Airways Trust Fund and the overflight fees.

Some may oppose this and point out that the section in question does not deal with any new spending or funding, only with allowing the Secretary to direct unobligated balances. However, this perpetuates the ''use it or lose it'' mentality in the Federal Government. It should be a principle that agencies ask for and receive only the funds they absolutely need for their programs and that any unnecessary overpaid funds be returned unspent to the taxpayers. Empowering the Secretary to use unspent money on more EAS flights is a step in the wrong direction.

Under the bill as written, there will be no impetus for FAA to prioritize funds or substantially cut back on unnecessary flights if too much is spent. Any gaps in funding can simply be filled in by the Secretary at his discretion without congressional approval.

I voted last night for the McClintock amendment to phase out the EAS program, but I respect the decision of the House and the Members who voted to keep it in place. The program is going to stay; my amendment doesn't change that. However, just because someone voted not to eliminate the program does not mean they cannot vote to impose reasonable rules and limits. Simply put, spending $214 million for EAS is enough. Please keep it from going any higher and preserve the congressional power of the purse.

Mr. LATHAM. Will the gentleman yield?

Mr. CASSIDY. I yield to the gentleman from Iowa.

Mr. LATHAM. We are pleased to accept the amendment.

Mr. CASSIDY. I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I'm happy to congratulate the gentleman from Louisiana for his solution, but I have to admit that I cannot identify what the problem is that this solution solves.

This language that you are excluding has been in the legislation for years, before I think I was—the earliest time I was in the ranking membership of the Transportation Subcommittee, and that of course was several years before I chaired the Transportation Subcommittee. I think it has been in the language all that time and never come up. So there has been no problem that we solved where it has never been used. That flexibility has never been used to transfer money from some place in order to put money into the EAS program.

So, yes, you have a solution, but I don't know what the problem is.

Mr. CASSIDY. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Louisiana.

Mr. CASSIDY. It may be that in practice it has not resulted in a problem. It certainly is a loophole that evades the congressional power of the purse.

Now, if in some way we could look into the future and know it was never going to be an issue, you're right, it would not be an issue. On the other hand, without that kind of prescience, it seems to be the better part of valor to reclaim our power.

Mr. OLVER. In any case, I don't object to the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CASSIDY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to design, construct, or operate a fixed guideway project located in Cincinnati, Ohio.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Mr. Chairman, this Nation cannot continue spending money it doesn't have. It is imperative that Congress end the borrow-and-spend mentality that created our staggering national debt and that we put our Nation on a sustainable path to a balanced budget. Now, more than ever, we need to be pragmatic in our approach to transportation, ensuring that every dollar spent represents a long-term investment that will improve the flow of commerce and create American jobs.

My amendment this evening is about priorities. The city of Cincinnati has been in the planning process of constructing a streetcar for years now. The primary funding for this project came in the form of an urban circulator grant from the U.S. Department of Transportation in the amount of $25 million. Earlier this year, city of Cincinnati officials came to my office looking for even more funds for the Cincinnati streetcar project. The total cost is expected to be well over $120 million for a 4-mile loop connecting only two Cincinnati neighborhoods with little-to-no positive impact on traffic congestion, freight, or our aging infrastructure. Far from a necessity, the Cincinnati streetcar is a luxury project that our Nation and our region simply cannot afford.

Imprudent and irresponsible spending of taxpayer dollars on discretionary projects like this must stop. For too long, taxpayers have been footing the bill for frivolous projects that reap little to no benefit. Much like the ''bridge to nowhere,'' this ''streetcar to nowhere'' is yet another instance of wasteful government spending.

My amendment simply says, no more—no more funding for this streetcar in my own district. Unlike the Cincinnati streetcar, however, there are a number of other infrastructure projects that are of high priority and far more worthy of Federal infrastructure investment. In particular, there are two ready-to-begin projects that would have a direct impact on Cincinnati's economy and create permanent jobs, and those are replacing the Brent Spence Bridge and completing the I–71 Martin Luther King interchange.

The Brent Spence Bridge carries two major interstate highways that connect Ohio and Kentucky and serves as a major thoroughfare not just for Cincinnatians, but for the entire Midwest region, and in fact the Nation at large. Furthermore, this bridge rests on one of the busiest freight routes in North America and is estimated to carry 4 percent of the Nation's gross domestic product annually.

The Federal Highway Administration has declared the Brent Spence Bridge functionally obsolete, indicating that the current state of the bridge does not meet today's standards. Currently, this bridge carries 170,000 vehicles on average per day, which is more than double the 80,000 it was designed to carry. Replacing the bridge would save an estimated $748 million in congestion costs annually, savings that would grow in real dollars to $1.3 billion annually by 2030.

The other worthy project I mentioned, the Martin Luther King interchange plan, has long been on the minds of businesses and citizens in our region, so much so that stakeholders have their own money in this plan. Unlike the streetcar to nowhere, the completion of this much-needed project would have a direct impact on one of Cincinnati's most important economic hubs. The Martin Luther King interchange would free up traffic congestion around the University of Cincinnati, Children's Hospital, and the uptown region of Cincinnati.

□ 2210

This proposed interchange would directly impact 60,000 people who work in the area and allow far greater highway access, generating an additional 2,000-plus permanent jobs.

We need to focus our limited resources on projects that are practical, impactful, and that will deliver results. Those of us in Congress must make responsible choices and invest in projects on their merits and nothing else. We owe it to the American people to invest only in those projects that will produce real results, keep us competitive, and, most importantly, create American jobs.

I yield back the balance of my time.

The Acting CHAIR. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The amendment was agreed to.

Mr. CONAWAY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Chairman, I rise today to share my concerns over the Federal Motor Carrier Safety Administration's recent regulatory guidance on the ''oilfield exception'' to the agency's ''Hours of Service'' requirements for drivers.

Under the Administration's regulations, specially trained drivers of specially constructed vehicles used to service oil wells do not have to count waiting time at the well site toward their hours of service limit. The new regulatory guidance, however, provides that drivers of support vehicles, such as those used to transport materials and supplies, used directly in the delivery of oil and gas services do not qualify for that same exception. The administration issued this guidance without prior comment, making it effective immediately and requesting comments after the fact.

Support drivers generally work under the exact same conditions as drivers of specially constructed vehicles, including the same periods of idleness while their vehicles are in use at the well site. Many drivers operate specially constructed vehicles one day and other support vehicles the next.

The new guidance creates a different standard for these exact same drivers. When operating a support vehicle, the driver's waiting time counts toward his or her hours of service limit, but when operating a specially constructed vehicle, that idle time does not count.

This double standard will create needless confusion among drivers and dispatchers who will now need to juggle competing rules for drivers depending on the vehicles they're driving on a particular day. In addition, while not applying the waiting time exception to drivers of support vehicles means that it will require more trucks and drivers to be dispatched while others are out of service, increasing truck traffic, especially on rural roads.

Many of our rural roads, particularly in the most active producing areas such as the Marcellus and the Bakken shale, are already struggling under the burden of heavy truck traffic. Adding more heavy vehicles to the roads will not enhance safety no matter how rested the drivers might otherwise be.

When I dealt with this issue with the Federal Motor Carrier Safety Administration in 2006, I thought we had reached an understanding of the industry's oilfield equipment vehicle operations and safety protocols. Unfortunately, the agency's new interpretation undoes this careful compromise.

It is important for the administration to document why it is pursuing this new interpretation and provide that data—if it actually has any—that it is using to support this change. I believe that, at a minimum, the agency should not put this revised guidance into effect until after the public has had a chance to comment and for the agency to consider those comments. The Federal Motor Carrier Safety Administration should not implement the new administrative interpretation until it provides adequate and complete justification for the changes that it's seeking to make.

Mr. Chairman, I call this regulatory overreach to the attention of the requisite committee so that, while they're doing their oversight of this agency, they can review this interpretation and perhaps add their influence to undoing this overreach.

With that, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. LANKFORD

Mr. LANKFORD. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available by this Act may be used for the salary of any officer or employee of the Federal Highway Administration to implement, administer, or enforce the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) or Executive Order No. 13186 of January 10, 2001, with respect to, or to determine any action of the Administration to have a significant impact under section 102(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C))

based on the effect of such action on, the cliff swallow or barn swallow (as listed in section 10.13(c)(1) of title 50, Code of Federal Regulations).

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. LANKFORD. Mr. Chairman, this may seem like a very simple, straightforward amendment, but we do have an issue in construction.

In the summer all across America, the cliff swallow and the barn swallow, which is a very common migratory bird—this is not an endangered species; it's not even a threatened species; it is a common migratory bird in almost every State in America—they travel back and forth, move around, and they love to nest around man-made objects.

The law states now, currently, that you can't touch a bridge or any kind of construction if that barn swallow or cliff swallow is present there. So during the prime construction time, from early June through September, you can't do construction on many bridges, or construction companies have to hire people to go out and stand around the construction site to wave off the birds to keep them from nesting there to be able to fight this off during the earliest part of the season. There are numerous cases of this.

In my own State of Oklahoma, let me just give you one example of that.

In Ellis County, State Highway 46, they were painting a bridge. Just painting it; no construction, no anything else. The total project was estimated to cost $185,000. Because in the process of going out to check and verify they found a barn swallow there, they had to halt that until after September to come back and paint it. It increased the price of the project $27,000 to set up, realize it's there, tear down, come back, and do it all over again—a 15 percent increase for a painting job.

Now, I say this to say this is not an issue that is going to shape the future of America, but this is one of those issues that does increase the cost of construction over a bird that is not endangered, that is not threatened, that is incredibly common.

Should we honor wildlife? Absolutely. But this dramatically drives up the cost and decreases the amount of construction that we can do in America during prime construction season. I would just suggest that we take just these two species and set them out just for transportation purposes here.

Mr. LATHAM. Will the gentleman yield?

Mr. LANKFORD. I yield to the gentleman from Iowa.

Mr. LATHAM. I understand the gentleman's concern, and I'm prepared to accept the amendment.

Mr. LANKFORD. With that, I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. This is a peculiar amendment, it seems to me.

The Migratory Bird Treaty Act is administered by the U.S. Fish and Wildlife Service in the Department of the Interior, so there's no enforcement power in the Department of Transportation. Are there agreements by which the DOT and the Department of the Interior are bound?

Mr. LANKFORD. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Oklahoma.

Mr. LANKFORD. Yes. Actually, in 2001, the President did Executive Order 13586. That executive order extended that out to all agencies dealing with the Migratory Bird Treaty Act. So it does extend this out to the Department of Transportation as well, as well as all their agencies.

Now, if they're going to prosecute, obviously it's going to be the Department of Justice, and the rules are going to be promulgated out of Fish and Wildlife, but all agencies are affected by it based on the executive order from 2001. So we're just trying to take this for transportation only because it is such an issue for much of the transportation across the entire country.

Mr. OLVER. And this was an executive order promulgated by President Clinton or by President Bush?

Mr. LANKFORD. By President Clinton at the very end, in early January of 2001—January 10, actually.

Mr. OLVER. Well, I don't know how this amendment is going to solve the problem that you have exactly, but the chairman has agreed to adopt it. So I will state an objection because I really don't understand how this is going to solve your problem, but I will not go beyond that.

Mr. LANKFORD. Mr. Chairman, I yield back the balance of my time.

□ 2220

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LANKFORD).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

The Acting CHAIR. The amendment is agreed to.

Mr. OLVER. Mr. Chairman, you have hit the gavel.

I would like to ask unanimous consent to call for a recorded vote on that.

The Acting CHAIR. The gentleman from Massachusetts was on his feet. The request is timely and does not require unanimous consent.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DENHAM

Mr. DENHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used for high-speed rail in the State of California or for the California High-Speed Rail Authority.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. DENHAM. Mr. Chairman, this is a very simple amendment. It just basically says, at the end of this bill none of the funds may be used for high-speed rail in California.

California has a project that was supposed to cost $33 billion. The voters in California voted for bonds of $9.9 billion. The Federal Government was supposed to come up with $10 billion, and a private company was supposed to come up with $10 billion. The problem is there is no private investor for the $10 billion; the Federal Government is broke with $16 trillion worth of debt and can't come up with $10 billion; and the State of California can no longer float the bond because their credit rating is so bad.

To compound the matter, it's no longer a $33 million project. It ballooned to $68 billion, then on up to $98 billion. And when talking to Secretary LaHood, he said there's no end in sight, that this is a project that could continue to change as we move forward. In fact, that's what we're actually seeing in California, an initiative that bounces back and forth, $10 billion here or $10 billion there.

So again, this amendment is very simple. It just says none of these funds can be used for high-speed rail.

In California we've got highways that are falling apart, bridges that are falling apart. We need to make sure that our gas tax dollars get used for their intended purpose of actually improving our roads and highways.

I yield back the balance of my time.

Mr. OLVER. Mr. Chair, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, there are no funds made available in this Act for high-speed rail. None. And so, since this is a 1-year bill, I don't think this amendment does very much.

The gentleman from California has a problem with a process that has been going on now for at least a decade in the development of a high-speed rail process program, and the people of California have spoken on this by referendum. They have passed the bond bill by referendum. I think bond bills usually take an extraordinary vote, two-thirds vote or something like that. Am I correct?

Would the gentleman from California confirm that it was a two-thirds vote by which the referendum was passed?

I yield to the gentleman.

Mr. DENHAM. Sir, you are correct. And now the voters are two-thirds against the bill by several different polls.

Mr. OLVER. Well, that can be established if they actually have a referendum that repeals what they have done. But there has been—as we know, California has received about $4 billion of moneys from the Federal Government from earlier funds in earlier bills which have already been obligated or are about to be obligated. And actions on this bill would not have anything to do with the obligation of those funds, would not be in effect at any time that could affect the obligation of those funds because they have to be obligated before the end of this fiscal year, where this bill is certainly not going to be in place in before the end of the fiscal year. But there are processes also going on. Unfortunately, we have, at the moment, no one here who is really knowledgeable precisely about what it is that's going on in California.

But let me just comment here that the proposal for the starting use of these funds has been controversial. There are people who say, well, why are we building this in the Central Valley of California? Because the first intended construction of the project has been in the Bakersfield to Fresno corridor, and then if it is extended it is then likely to be extended to the Modesto metropolitan area, or the Stockton—and/or, I think it is at Modesto that there is a bifurcation. The one link of it going then to Stockton and to Sacramento, and the other going to San Jose and San Francisco. And in either case, you have to start somewhere.

When we started to build the interstate highway system, we didn't start in the center of the cities, which would have been very complicated. We started in building those legs of the interstate highway system where it was easy to build them. And that is possible. The right of way, I think, has already been acquired by the California DOT to build the high-speed rail system in that first corridor, in the Bakersfield-Fresno and maybe on to Modesto, as I have understood the developments in the last few weeks as they go on.

So the gentleman's problem is, it seems to me, with what's already been agreed to by California and what is already going forward, moneys that have, some of them been obligated and in place to go, and some of them yet to be obligated, but about to be obligated.

Mr. DENHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from California.

Mr. DENHAM. No dispute here on whether or not this bill has any mention of high-speed rail. I would agree. There is no mention of it. And I won't even dispute here tonight whether the President wants to spend more on high-speed rail or whether the Governor wants to spend more money on high-speed rail. That is a different debate.

The Acting CHAIR (Ms. FOXX). The time of the gentleman has expired.

Mr. OLVER. Madam Chair, I will then move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I think I'm doing the correct thing there. And I'll yield, again, for the continuation of what the gentleman from California is saying.

Mr. DENHAM. Thank you sir. Thank you for yielding.

I would agree that the President can come up with more money if he feels that he wants to transfer more stimulus dollars, or we may have another vote, depending on another allocation or appropriation that may want to spend money on high-speed rail.

This amendment says that our gas tax dollars will go back to California to be used for our highways and roads. That's all this amendment does. That's all I intend to do is to make sure that the Governor of California does not take money out of the block grant from the Federal Government that goes into the STF fund to use it for other things such as high-speed rail. The Governor has to use the money where this Federal Government intends it to be used, very simple.

Mr. OLVER. Reclaiming my time, the language of the amendment, as I have it before me, says none of the funds made available by this Act may be used for high-speed rail in the State of California, or for the California High-Speed Rail Authority.

Mr. DENHAM. Correct.

□ 2230

Mr. OLVER. How does that guarantee that California's gas tax moneys will not be used for high-speed rail?

Mr. DENHAM. As Congress, if in this bill we stipulate that none of the funds can be used for high-speed rail, then none of the funds can be used for high-speed rail. I mean, it's a very simple mandate for the Governor: Use the money where it was intended to be used but not for high-speed rail. The language is very simple. That's why we wrote it as one sentence: that none of the funds may be used for high-speed rail.

Mr. LATHAM. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Iowa.

Mr. LATHAM. Is it your impression that what the gentleman is saying is that they can't take highway trust fund money and put it into high-speed rail and that they can't take transit dollars and put it into high-speed rail?

It would be my understanding, since there is no money in the bill for high-speed rail, that he is talking about other pots of money that would go to California and about just trying to wall that off from being used. That's my understanding. Maybe the gentleman has a different interpretation.

Mr. OLVER. At this point, I really don't know whether your understanding is anywhere close to mine. I think this is an amendment deserving of opposition, so I am opposing the amendment. I think this amendment should not be adopted, and you can do as you wish.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. DENHAM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DENHAM. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to promulgate or implement any regulations that would mandate global positioning system (GPS) tracking, electronic on-board recording devices, or event data recorders in passenger or commercial motor vehicles.

Mr. LATHAM. Madam Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. LANDRY. I am honored to join my distinguished colleagues, Ranking Member RAHALL, Mr. HUIZENGA, Mr. TOM GRAVES, and Ms. HERRERA BEUTLER, on this amendment.

Our bipartisan amendment prohibits any funds under this act to be used to implement any administration mandate for global positioning systems, electronic onboard recorders, or event data recording devices on both passenger and commercial vehicles.

Madam Chairman, the Department of Transportation has become obsessed with electronically monitoring vehicle movements. Right now, the DOT is working on a mandate which would require that every car have a device which is very similar to an airplane's black box. Additionally, they are working on another mandate which would require that trucks carry an electronic onboard recorder. Even the name sounds scary. These devices would record and transmit data when the truck is in use.

This regulation is so costly that even President Obama has singled it out as a regulation which needs more study. He did so because it is estimated that the mandate will cost the trucking industry at least $1 billion to implement.

Madam Chairman, the truckers in my district cannot afford this cost. I know some companies like these devices. That's great. They can put them in their trucks voluntarily. However, just because a few companies like the devices, we should not mandate that everyone use them. For this reason, I

hope the House will adopt this commonsense amendment.

I yield back the balance of my time.

Mr. LATHAM. I withdraw my reservation of the point of order, and I move to strike the last word.

The Acting CHAIR. The reservation is withdrawn.

The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I appreciate very much the gentleman's concern on this amendment. I think his timing is, maybe, unfortunate. This is a major issue in the reauthorization bill that, hopefully, is going to be filed tonight. This issue will be dealt with. It truly is an authorizing issue that should not be on this bill.

So, while I may share some concerns with the gentleman, I certainly don't think it's appropriate on this bill, especially at this moment when the highway bill is being filed and when, hopefully, this issue will be resolved in that bill.

With that and with some reservation, I urge a ''no'' vote on this amendment, unfortunately.

I yield back the balance of my time.

Mr. OLVER. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I think that what the chairman has said is probably about as good as it gets.

What we have now is a slightly amended version of the proposal. My understanding is that the major long-distance trucking companies are against this language and that most of the safety advocates are against this language but that there are other trucking interests that favor this language or that are happy with this language. So you have a real controversy among people.

Of the long-distance truckers and safety advocates, I would generally think that that is something we should worry about; but as the chairman has said, this is an issue that really ought to be in the hands of the authorizers and worked out by the authorizers. That may or may not be dealt with in the authorization legislation, but in any case, the limitation on funds is effective only for this 1-year appropriations bill.

Mr. LANDRY. Will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Louisiana.

Mr. LANDRY. I have heard from some of my colleagues and outside groups, and they would argue that this is not the time to have this debate.

But if not now, when? When will we publicly debate the issue? We are waiting on a conference report of which we know not what's in it. So this is the time. I would argue that this is the time for us to have that debate.

To be clear, just because a few big companies in this country want these types of devices, what about the small business owners out there that everyone on both sides of the aisle continually come to this mic and propose that they support when our actions of opposing this amendment would say to the big corporations, ''I'm with you,'' and to the little guys, ''I'm not''?

Mr. OLVER. In reclaiming my time, maybe the gentleman understands and I simply do not.

Who is about to promulgate regulations in this area of mandating global positioning systems, electronic on-board recording devices and so forth? Where is the action to do that? Where is the problem here?

Mr. LANDRY. In the Department of Transportation, is my understanding.

□ 2240

Mr. OLVER. My very competent staff tells me that we have been requiring this in the Mexican trucking controversy over the past few years.

We've been fighting over that one back and forth for years and years now, and I can't remember whether there was or wasn't that sort of thing there. I don't remember it having come up before at any point.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. OLVER. Madam Chairwoman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available under this Act may be used to implement any rule or regulation that expressly prohibits an owner or landlord of housing from using a criminal conviction to deny housing to an applicant for such housing.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Madam Chair, this amendment is very limited and straightforward to deal with a problem that we've started getting a lot of calls from Realtors in our district, as I'm sure many of my colleagues across the country are receiving, as well as property owners who own apartment units and other types of housing that are rented out.

The Department of Housing and Urban Development has recently come out with a rule called the ''disparity impact rule,'' and it's not a final rule that has been issued yet. We're just trying to make a narrow clarification that would allow property owners to be able to check and make sure that if somebody has a criminal conviction that that person could be prevented from moving into an apartment complex, for example, where you've got single mothers with young children.

Every single day in this country, property owners use background checks to check on criminal records of people that are applying for housing. This has nothing to do with violations of the Fair Housing Act. It's just a basic common practice that property owners use every day to make sure that somebody that's looking to move into housing doesn't have a criminal record. Some property owners can look at that, and some property owners can choose not to be concerned about that. But many millions of property owners across the country do look at whether or not somebody has got a criminal conviction in determining whether or not they will rent them housing. It's not only to protect the property owner who has in many cases hundreds of thousands of dollars, if not millions of dollars, invested in that property, but also to protect the other residents who are renting property at that apartment.

So this new rule that's come out jeopardizes the ability of those property owners to look and make sure that somebody doesn't have a criminal conviction on their record. What this amendment would do would just ensure that if the Department of Housing and Urban Development goes forward with this rule, that the rule won't prevent somebody from using a tool that has been in the hands of property owners for generations just to make sure that somebody doesn't have a criminal conviction when they're moving into this housing unit that they own.

Again, I will use the example of a sex offender. There are sex offenders in most States, including my State of Louisiana. There are strict requirements of what somebody has to comply with if they're a convicted sex offender. They have to register, and they have to do a lot of other things. But if somebody doesn't comply with that law—and there are always cases we find of people who don't comply with that law—you don't know if when you're renting property to somebody whether or not they are a sex offender. But if you choose to do that background check and see if they've got that criminal conviction on their record, then you can say: Wait a minute, you're not coming into my apartment complex and jeopardizing the safety of those young children that already rent from me because we're going to make sure that if you've got that background check that shows that you're a sex offender, you're going to be denied.

Yet this new rule jeopardizes their ability to carry out what is a basic enforcement mechanism that property owners all across the country use every day to protect their properties. We just want to make sure that as it relates to

criminal convictions, that property owners can continue to look at that and make sure that that is something that they're not going to be found in violation of a law if they use that mechanism.

This is a simple amendment. I would urge its adoption, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. HERRERA BEUTLER

Ms. HERRERA BEUTLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used to build flood protection walls for Interstate 5 between mile posts 72-82 in Lewis County, Washington.

The Acting CHAIR. The gentlewoman from Washington is recognized for 5 minutes.

Ms. HERRERA BEUTLER. Madam Chairman, the reason I bring this amendment to the desk is because there are families, there are businesses, moms and dads in Lewis County on I–5 that have experienced devastating flooding. In fact, at one of my meetings back there, I met a wonderful older woman who has lived in that county for decades, and she said to me, Honey, when it starts to rain outside, I get terrified. I don't know if I should put all my valuables in the attic and I should leave the house. That's because in 2007, Madam Chairman, this county experienced devastating flooding. And every time it rains, the residents wonder if this is going to be the next catastrophic flood that they lose their businesses, lose their homes, and that devastates families.

Our State legislature and locals in the community in Lewis County have been seeking a basin-wide solution to flood protection. The Army Corps of Engineers has spent decades studying this issue, and the time of the study is over. We also need a solution that isn't going to wall off the twin cities in Lewis County by erecting an 11-mile levee that basically turns those cities into a bathtub.

With this amendment, I was seeking to prohibit that bathtub effect, so to speak, so as to protect the businesses and the families and the commerce that take place. We can come up with a better solution. However, Madam Chairman, because this is such an important issue, and I want to make sure that we do this right, I'm going to withdraw my amendment at this time.

Actually before I do so, Madam Chairman, would it be possible to ask a question of the subcommittee chairman?

Mr. LATHAM. Will the gentlelady yield?

Ms. HERRERA BEUTLER. I would be happy to yield.

Mr. LATHAM. I understand the concerns you have, and I would look forward to working with you as we get towards conference to try and address your concerns on this very important issue, obviously, for your constituents and would be pleased to be of any kind of assistance we possibly could.

Ms. HERRERA BEUTLER. Thank you, Mr. Chair.

With that, I withdraw my amendment, Madam Chairman, and yield back the balance of my time.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 2250

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairman, I believe we are coming to the end here, and I just want to make a couple of comments.

As far as the gentleman from Massachusetts, once again, this will be his last appropriation bill on the floor as the ranking member and a former chairman of this subcommittee. Mr. OLVER has done an outstanding job over the years. We don't always agree on everything. Do we, JOHN? But we work very, very well together. And I just want to wish you and your wife the best.

You are a great partner and someone who I admire very, very much—your intelligence, your ability to look in detail at programs. And we kid each other—or I kid Mr. OLVER a lot about maybe having debates inside his mind sometimes in committee. But he's always extraordinarily thoughtful and someone, again, that I admire very, very much.

Madam Chairman, we've been through a 2-day process here. We have gone through a lot of amendments. I believe that we are to the point where we can bring this effort to a conclusion.

And I would, again, thank Mr. OLVER, thank the staff, the professional staff on both sides, on the majority and on the minority side, for doing such an outstanding job. Working together is very difficult sometimes on these bills. Also, in my office, Doug Bobbitt does such a fabulous job working on this bill for me. But I just want to say thank you to everyone.

Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DENHAM) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. LANDRY. Mr. Speaker, I ask unanimous consent that I be removed as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. HAHN. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Ms. FOXX). The Clerk will report the motion.

The Clerk read as follows:

Ms. Hahn moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Ms. HAHN) and the gentleman from California (Mr. DENHAM) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. HAHN. Madam Speaker, I yield myself as much time as I may consume.

My motion to instruct the conferees would be in favor of the Senate language as it relates to freight and goods movement. It would authorize a national freight plan, national surface transportation and freight policy, and a port infrastructure development initiative.

We have all heard that the conference report is close to being filed. I have also heard that the Senate freight provisions are not in the final agreement. I want to come to the floor tonight and make one last attempt to ensure that our country has a national freight policy.

Madam Speaker, the Port of Los Angeles is in my backyard; and when I was on the city council in Los Angeles, I focused on transporting the goods that arrive in the port to the rest of the Nation. When I came to Congress almost a year ago, I was surprised that there was not enough attention on our ports, and I was surprised that we didn't even have a ports caucus. So I cofounded the bipartisan Ports Caucus with my good friend, TED POE from Texas, to educate the rest of our Members on the importance of our ports and goods movement to our Nation's economy. So first, for those who don't know what ''goods movement'' is, I would like to talk about why it's crucial for our Nation.