

September 22, 2004

## Additional Amendments to the FY2005 Transportation-Treasury Appropriations Act (H.R. 5025) Part Five

- The following are all of the amendments that were made in order under the unanimous consent agreement of September 14<sup>th</sup> (debate time indicated parenthetically).
- If an amendment has *already* been considered on the House floor, the outcome is indicated in red-bold at the end of a summary.
- The remaining amendments (to be considered on Wednesday, September 22<sup>nd</sup>) will not necessarily be considered in the order listed below.
- RSC staff contact on amendments: Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov)

**Hefley (Congressional Record #1)**: Reduces by 1% across-the board each amount appropriated or otherwise made available by this Act (that is not *required* to be appropriated or otherwise made available by a provision of law). **FAILED 69-333**

**Davis of Florida (Congressional Record #2)**: Prohibits funds from being used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to allowable transactions related to travel to Cuba), as published in the Federal Register on June 16, 2004.

According to the amendment sponsor, the regulatory amendments Rep. Davis is addressing have limited family visits to Cuba to one trip every three years for a maximum of 14 days (under a specific license to visit only immediate family). Emergency visits are no longer allowed, nor are any visits to aunts, uncles, and cousins in Cuba. The previous policy allowed Cuban-Americans one trip per year under a general license for an unstated number of days, included a broader definition of family, and allowed emergency visits under a specific license.

**AGREED TO 225-174**

**Sanders (Congressional Record #5)**: Prohibits funds from being used to assist in overturning the judicial ruling contained in the Memorandum and Order of the United States District Court for the Southern District of Illinois entered on July 31, 2003, in the action entitled *Kathi Cooper, Beth Harrington, and Matthew Hillesheim, Individually and on Behalf of All Those Similarly Situated vs. IBM Personal Pension Plan and IBM Corporation* (Civil No. 99-829-GPM). The court ruled in *Cooper et al. vs. IBM* that IBM's cash balance pension plan violates federal anti-age discrimination law. **AGREED TO 237-162**

**Istook:** Reduces the amount for deposit into the Federal Building Fund by \$152,979,000, and, notwithstanding any other provision of the Act, provides that the amount available from revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for in the aggregate amount of \$8,619,023,000. **AGREED TO BY VOICE VOTE**

**Olver:** (30 minutes) Prohibits funds from being used to issue or implement the Department of Transportation's proposed regulation entitled Parts and Accessories Necessary for Safe Operation; Certification of Compliance With Federal Motor Vehicle Safety Standards (FMVSSs), published in the Federal Register, volume 67, number 53, on March 19, 2002, relating to a 24-month **phase-in** period for certain companies to bring their trucks and buses into compliance with federal motor safety standards. (Rep. Olver objects to the phase-in nature of the regulations.)

**Olver:** (20 minutes) Increases funding for IRS tax-law enforcement by \$286 million and reduces the General Services Administration's Federal Buildings Fund by \$286 million.

**Brown of Ohio:** Prohibits the Council of Economic Advisers from issuing a publication in FY2005 promoting the inclusion of fast food workers in manufacturing statistics. **AGREED TO BY VOICE VOTE**

**Van Hollen (Congressional Record #11):** Prohibits funds from being used to implement the revision to Office of Management and Budget Circular A-76 made on May 29, 2003. The revised circular A-76 allowed for increased public-private competition in providing certain government services (thereby allowing more private contracting often referred to as "outsourcing"). For more information on A-76, go to this website:

[http://www.whitehouse.gov/omb/circulars/a076/rev\\_a76\\_052903.pdf](http://www.whitehouse.gov/omb/circulars/a076/rev_a76_052903.pdf)

**AGREED TO 210-187**

**Capito (Congressional Record #10):** Prohibits funds from being used to "plan, enter into, implement, or provide oversight of contracts" between the Treasury Department and private collection agencies. (A provision in the House-passed FSC-ETI bill would allow the IRS to contract out certain tax-collection services.) **AGREED TO BY VOICE VOTE**

**Flake:** Ends the ban on U.S. travel to Cuba. **WITHDRAWN**

**Delahunt:** (10 minutes) Prohibits funds from being used to enforce limits on monetary remittances that can be sent from the U.S. to Cuban nationals. Retains the restrictions that funds for remittances cannot come from a blocked source or go to a prohibited member of the Cuban Government or Communist Party.

**Rangel:** (10 minutes) Prohibits funds from being used to enforce the economic embargo of Cuba.

**Lee/ Rangel/ Tubbs-Jones:** (10 minutes) Prohibits the use of funds to enforce new regulations that affect students who study abroad or seek other educational opportunities in Cuba. According to the amendment sponsor, under the new regulations, students can only participate in exchange programs to Cuba that are organized by the institution in which they are enrolled (i.e. they cannot participate in other school's exchange programs), and the program has to last at least ten weeks.

**Waters (Congressional Record #12):** (10 minutes) Prohibits funds from being used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries).

**Stenholm:** Prohibits funds from being used (once the federal government has reached the statutory debt limit) to pay the compensation of employees of the Department of the Treasury for taking any action which varies from the normal terms, procedures, or timing in effect on the date of the enactment of this bill for: 1) making deposits into (or crediting of amounts to) any federal fund, 2) investing amounts in any federal fund in public debt obligations, or 3) disinvesting amounts in any federal fund that are invested in public debt obligations. (This amendment would not apply to the compensation of Department employees for action taken to sell or redeem public debt obligations held by funds that pay cash retirement benefits, separation payments, life or disability insurance benefits, dependent's or survivor's benefits, or other such benefits funds.)

**AGREED TO BY VOICE VOTE**

**Gutierrez/ Paul/ Otter/ Sherman:** Prohibits the use of funds to enforce the Office of the Comptroller of the Currency's (OCC) "preemption" regulations, which exempt national banks and their operating subsidiaries from numerous state consumer protection laws. **WITHDRAWN**

**Moran of Virginia:** Prohibits funds from being used for the Office of Personnel Management to offer or administer health savings accounts or health reimbursement accounts as part of the Federal Employee Health Benefits Plan. **FAILED 181-223**

**Butterfield:** Prohibits funds from being used to pay administrative expenses to state and local departments of transportation that the Secretary of Transportation determines do not recognize a certification of a disadvantaged business enterprise from any other state (as defined in Section 401 of title 23, United States Code). **WITHDRAWN**

**Norton:** Prohibits funds from being used to enter into or renew any contract for a high-deductible health plan (i.e. health savings accounts under the Federal Employee Health Benefits Plan) that does not require enrollees to remain enrolled in such plan for at least three consecutive years. **FAILED 175-224**

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