



September 4, 2003

Possible Amendments to the Transportation-Treasury-Independent Agencies Appropriations Act (H.R. 2989)

The following amendments have been pre-printed in the Congressional Record, however under an open rule, amendments do not need to be pre-printed and may be offered at any time without prior notice.

1. Manzullo: Requires that no funds appropriated under the bill used for procurements, subject to the Buy American Act, be spent to acquire articles, materials, and supplies manufactured in the United States that do not have at least 65%, rather than the present 50%, domestic content. The same requirement is applicable to contracts for construction, alteration, and repair of any public building or public work funded by the bill. *Should be subject to a point of order.*

2. Delahunt: Prohibits funds from being used to enforce any restriction on remittances to nationals of Cuba or Cuban households, including remittances for emigration expenses, covered by section 515.570 or 515.560 (c) of title 31, Code of Federal Regulations, other than the restriction that remittances not be made from a blocked source and the restriction that no member of the payee's household be a senior-level government official or senior-level communist party official.

3. Farr: Prohibits funds from being used to disestablish any pay locality (as defined by section 5302 of title 5, United States Code). This section of the Code cross references 5 U.S.C. 5304, where the President is authorized to establish a Federal Salary Council that sets the pay localities.

4. Hastings (FL): Increases funding for the implementation of the Help America Vote Act (HAVA) by \$232 million, and pays for the increase with a decrease (and elimination) of \$45 million from a new headquarters building, and a decrease of \$165 million from IRS information systems and telecommunications support.

5. Hastings (FL): Prohibits funds from being used by the Office of Management and Budget, under OMB Circular A-76 or any other administrative regulation, directive, or policy, to require agencies to--

- (1) establish an inventory of inherently governmental activities performed by Federal employees;
- (2) establish or implement any streamlined competition procedures;
- (3) require any follow-on competition; or
- (4) implement the tradeoff source selection process for any activities other than information technology activities.

6. Hefley: Reduces discretionary spending provided for in the legislation by one percent (\$893 million).

7. Holt: Reduces funding for the Department of Transportation Office of the Secretary (Salaries and Expenses) by \$2 million and increases funding for Federal Transit Administration (Administrative Expenses) by \$2 million.

8. Holt: Reduces funding for the Department of Transportation Office of the Secretary (Salaries and Expenses) by \$2 million and increases funding for Federal Transit Administration (Administrative Expenses) by \$2 million (to \$16.5 million total) and increases the budget authority by \$2 million (thus allowing no more than \$74.5 million of budget authority for administrative expenses).

9. Hooley: Increases funding for Department of Transportation Office of the Secretary (Salaries and Expenses) by \$500,000 (to \$94.077 million) and reduces funding for Office of Management and Budget (Salaries and Expenses) by \$500,000 (to \$62.272 million).

10. Hoyer: Increases funding for Department of Transportation Office of the Secretary (Salaries and Expenses) by \$8,268,000 (to \$100.845 million) and reduces funding for the Department of Transportation’s new headquarters building and related services by \$8,268,000 (from \$45 million to \$36.7 million).

11. King (IA): Inserts a new section in the bill to modify the expiration date in Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481) relating to Voting System Standards and also adds a new provision to ensure that none of the funds appropriated for Election Assistance under the Help America Vote Act of 2002 (Title II, subtitle D) “may be used to obtain any voting system which is not capable of providing a permanent, auditable, and individually verifiable” record of votes. If adopted the provision would change current law to read (bolded blue text is King amendment):

TITLE III--UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

Subtitle A--Requirements

SEC. 301. VOTING SYSTEMS STANDARDS.

...
 (d) Effective Date.--Each State and jurisdiction shall be required to comply with the requirements of this section on and after January 1,

2006, or January 1 of the first calendar year which begins after the fiscal year during which the aggregate amount appropriated for all fiscal years for requirements payments under subtitle D of title II is equal to or greater than \$3,000,000,000, whichever is later.

Should be subject to a point of order.

12. LoBiondo: Places a marker in the bill by decreasing an account by \$2 million and then simultaneously increasing the account by \$2 million. While the amendment has no practical effect on the appropriation bill, this procedure is often followed to direct agencies to review the *Congressional Record*. The sponsor indicates in his amendment summary that he intends this marker to be read as increasing funding for the FAA's Technical Center Facilities Account by \$2 million, and reducing the funding for the In-Plant NAS Contract Support Services.

13. LoBiondo: Increases funding for the FAA's Research, Engineering and Development Account (Airport and Airway Trust Fund) by \$39.485 million (for a total of \$147.485 million). *Because the amendment does not contain an offset, it should be subject to a point of order.*

14. Maloney: Prohibits funds from being used to assess or collect any tax liability related to certain assistance given on account of any property or business damaged by, and for economic revitalization directly related to, the September 11th terrorist attacks.

15. McHugh: Prohibits funds from being obligated or expended to establish or implement any essential air service program that makes eligibility contingent on local communities' providing matching funds.

16. Quinn: Increases the overall funding for Amtrak from \$900 million to \$1.712 billion. Of that \$1.712 billion, \$668 million (up from \$400 million in the base text) would be for operating expenses. The remaining \$1.044 billion would be for quarterly capital improvements on the entire system, no more than \$544 million of which could be obligated before October 1, 2004. Amtrak would not have to pay any principal or interest in FY2004 on the \$1 billion loan it received from the Department of Transportation. Offsets these increases by a 4% across-the-board cut in all non-discretionary Treasury Department programs.

17. Sanders: Prohibits funds from being used during the appellate process 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).

In this IBM pension lawsuit, the judge ruled that IBM's pension (cash balance and pension equity) formulas violated the Employee Retirement Income Security Act of 1974 (ERISA) by benefiting younger workers over older workers. For more information, visit this website: <http://www.benefitslink.com/articles/washbull030804.shtml>

18. Sanders: Prohibits funds from being used during the appellate process to participate in judicial proceedings relating to 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)

19. Sanders: Prohibits funds from being used for any activity that is in contravention of the judicial ruling on section 204(b) of the Employee Retirement Income Security Act of 1974, 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), except with respect to the administration of the Internal Revenue Code.

20. Sanders: Prohibits funds from being used for any activity that is in contravention of the judicial ruling on section 204(b) of the Employee Retirement Income Security Act of 1974, 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) except with respect to the administration of section 411(b)(1)(h) of the Internal Revenue Code.

21. Sanders: Prohibits funds from being used by the Secretary of the Treasury for any activity to finalize proposed regulations of the Secretary published in the Federal Register on December 11, 2002 (relating to reductions of accruals and allocations because of the attainment of any age; application of nondiscrimination cross-testing rules to cash balance plans) (67 FR 76123), which pertain to plan amendments adopting a cash balance formula.

22. Sanders: Prohibits funds from being used by the Secretary of the Treasury for any activity to carry out section 9204(e) of Public Law 99-509 (regarding the prescription of regulations by the Treasury Department relating to precluding the discrimination against older workers in pension plans).

During consideration of last year's Treasury-Postal Appropriations bill (H.R. 5120), the House adopted 308-121 a Sanders amendment (H.Amdt. 562) that prohibits the Internal Revenue Service from using any funds for any activities that violate current pension, age discrimination, and tax laws.

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=339>

23. Sanders: Prohibits funds from being used for any activity that is in contravention of the judicial ruling on section 204(b) of the Employee Retirement Income Security Act of 1974, 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).

24. Sessions: Prohibits funds from being used for individual Amtrak routes that fail to recoup 50 cents in revenue (including state subsidies) for each dollar spent in operational costs, as identified in the February 7, 2002, report by the Amtrak Reform Council entitled “An Action Plan For the Restructuring and Rationalization of the National Intercity Passenger System.”

25. Tancredo/Kennedy (MN): Reduces funding for Amtrak by \$320 million and increases funding for Federal-Aid Highways by \$320 million.

26. Waters: Requires the Secretary of Homeland Security to review and report to Congress and the FAA on the proposed remote passenger check-in facility at Los Angeles International Airport to determine whether the project will protect the safety and security of air passengers and the general public. The check-in project could not commence until the Secretary has determined that the proposed project would protect the safety and security of air passengers and the general public and would offer greater protection than is currently available at the existing facilities of Los Angeles International Airport.

Other Possible Amendments:

Reps. Petri/Oliver may offer an amendment to retain current law that requires states to set aside 10% of Surface Transportation Program highway funds to be used for transportation enhancement activities (like bike trails).

Reps. Sanders/Gutknecht/George Miller/Hinchey may offer an amendment that would prohibit funds from being used in a manner that is inconsistent with a federal district court ruling declaring that IBM’s cash balance pension conversion is in violation of pension age discrimination laws (ERISA).

Rep. Kennedy (MN) may offer an amendment to increase funding for the Secretary’s emergency fund to \$178.094 million (which the sponsor will indicate on the floor is intended to double the Office of Terrorist Financing and Financial Crimes). Doubles the Tax Counseling for the Elderly program (to \$8.5 million), Low-Income Tax Clinics (\$16 million), and the Office of National Drug Control Policy (to \$57.58 million). It also increases more than doubles funding for the High Intensity Drug Trafficking Areas program (to \$503.025 million). These increases are offset by reductions of \$320 million from the National Railroad Passenger Corporation (from \$900 million to \$580 million) with the reduction coming from its operating expenses, quarterly grants for capital expenses along the Northeast Corridor Mainline, and quarterly grants for general capital improvements.

Rep. Kennedy (MN) may offer an amendment to reduce funding for Amtrak to the level approved by the subcommittee (from \$900 million to \$580 million, with the reduction coming from its operating expenses, quarterly grants for capital expenses along the Northeast Corridor Mainline, and quarterly grants for general capital improvements). The sponsor will indicate the reduction should be used for deficit reduction.

Reps. Tom Davis & Adam Smith may offer an amendment that provides that none of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to (1) operate an online employment information service for the Federal Government under any contract awarded under the request for quotations number SOLO30000003 issued by the Office of Personnel Management unless the Office of Personnel Management complies with the recommendations of the Comptroller General in the General Accounting Office decision of April 29, 2003, referred to as Symplicity Corporation, B-291902 (2) or to preclude any agency or department of the federal government from directly accepting or processing applications for employment. *Should be subject to a point of order.*
