



**Legislative Bulletin..... June 6, 2012**

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**Motion to Instruct Conferees on H.R. 4348 - Surface Transportation Extension Act of 2012, Part II  
(Flake, R-AZ)**

**Order of Business:** Rep. Flake announced his intention to offer a motion to instruct conferees on H.R. 4348 on June 5, 2012. The Motion to Instruct is allowed before conferees are appointed, or the House can instruct its conferees if they do not report within 20 calendar days and 10 legislative days after being appointed (or 36 hours after being appointed during the last 6 days of the session).

**Summary:** Rep. Flake’s motion would move 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 recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as follows: “for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available”.

Currently the Senate and the House transportation extensions continue to distribute funding previously earmarked for the Projects of National and Regional Significance program and the National Corridor Infrastructure Program, and as result the both programs clearly reward only a few states at the expense of nearly all the other states. [The Flake motion](#) would allow each state to receive back at least 95 percent of the funding that each state provided into the Highway Trust Fund.

NOTE: Motions to instruct are never binding upon conferees.

**Additional Background:** The last long-term authorization for highway, transit and safety programs was passed in 2005 and is known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The legislation expired Sept. 30, 2009. The federal highway programs and certain transit programs are directly funded through contract authority provided in authorizing legislation, unlike other federal programs, to which new federal funding can be provided through appropriations measures without prior

authorization. The current surface transportation authorities expire June 30, 2012, and were last extended in September 2011.

To read the RSC Legislative Bulletin on H.R. 4348 as it came to the House floor, which extends programs under the Highway Trust Fund by three months (through September 30, 2012): [http://rsc.jordan.house.gov/UploadedFiles/LB\\_041712\\_HR\\_4348.pdf](http://rsc.jordan.house.gov/UploadedFiles/LB_041712_HR_4348.pdf).

**Committee Action:** A motion to instruct does not get referred to a committee.

**Cost to Taxpayers:** The motion itself would yield no new costs to taxpayers.

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**Motion to Instruct Conferees on H.R. 4348 - Surface Transportation  
Extension Act of 2012, Part II  
(Doggett, D-TX)**

**Order of Business:** Rep. Doggett announced his intention to offer a motion to instruct conferees on H.R. 4348 on June 5, 2012. The Motion to Instruct is allowed before conferees are appointed, or the House can instruct its conferees if they do not report within 20 calendar days and 10 legislative days after being appointed (or 36 hours after being appointed during the last 6 days of the session).

**Summary:** Rep. Doggett’s motion would move 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 recede from disagreement with the provisions contained in section 100201 of the Senate amendment (relating to stopping tax haven abuse--authorizing special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement).

Section 100201 of S. 1813 authorizes special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or significantly impede United States tax enforcement.

NOTE: Motions to instruct are never binding upon conferees.

**Additional Background:** The last long-term authorization for highway, transit and safety programs was passed in 2005 and is known as the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The legislation expired Sept. 30, 2009. The federal highway programs and certain transit programs are directly funded through contract authority provided in authorizing legislation unlike other federal programs, to which new federal funding can be provided through appropriations measures without prior authorization.

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**Committee Action:** A motion to instruct does not get referred to a committee.

**Cost to Taxpayers:** The motion itself would yield no new costs to taxpayers.

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