



Legislative Bulletin..... June 27, 2012

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

Order of Business: Rep. Hahn announced her intention to offer a motion to instruct conferees on H.R. 4348 on June 26, 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. Hahn’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 agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

Currently the Senate passed Highway Bill, S. 1813, contains a provision, Section 1115, 33002, 33003 that creates a new National Freight Program (NFP) that increases the funding of freight projects by eliminating competition with non-freight projects, at least within the new program. The Senate bill also contains a provision, Section 33005, that creates another new program called the Port Infrastructure Initiative. The initiative would allow for the amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

Conservative Concerns: Many conservatives are concerned that the to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment simply creates more government programs that divert power and flexibility from the states to the federal government. The Hahn MTI simply gives more authority to the Federal Department of Transportation and allows the Transportation Secretary to dictate more authority onto the individual states.

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.

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
(Critz, D-PA)**

Order of Business: Rep. Critz announced his intention to offer a motion to instruct conferees on H.R. 4348 on June 26, 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. Critz’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 resolve all issues and file a conference report not later than June 28, 2012.

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.

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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