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Amendments to H.R. 5972 Part III – Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013 (Latham, R-IA)

Order of Business: H.R. 5972 is scheduled to be considered under an open rule (H.Res. 697) that provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The bill will be considered for amendment under the five-minute rule. The rule also waives Clause 2 of Rule 21, except for section 169C (regarding fuel for vehicle operations), which prevents appropriations bills from containing unauthorized appropriations or legislative provisions.

RSC Staff Contact: Ja’Ron Smith, Ja’Ron.Smith@mail.house.gov, (202) 226-2076.

AMENDMENTS TO BE VOTED

Blackburn (R-TN): The amendment reduces each account in the legislation by 1%. This 1% across the board cut would save taxpayers approximately \$516 million.

McClintock (R-CA): The amendment prohibits funding for the Third Street Light Rail Phase 2 Central Subway projects in San Francisco, CA. This is a 1.7 mile subway that is projected to cost \$1.6 billion (\$1 billion per mile).

Lankford (R-OK): The amendment prohibits funding for the Secretary of Transportation to implement, administer, or enforce the Migratory Bird Treaty Act.

President Clinton signed Executive Order 13586 which directed state agencies to protect migratory birds. The Barn Swallow and the Cliff Swallow are two species of birds on the list of hundreds of migratory birds covered under this executive order.

These birds are not endangered; they are common in nearly every state. Current Federal law does not allow construction on a bridge between March 1st and September 1st if an active swallow nest is on the bridge. If one swallow is nesting under a bridge, the whole project is halted. Therefore, construction is forced to wait until after September 1st because of the millions of swallows nesting on the very structures that is in desperate need of investment.

With the number of swallows nesting on bridges, it is nearly impossible to repair and maintain aging infrastructure due to the loss of prime construction season. In my state alone, there are 900 bridges currently scheduled for replacement or major rehabilitation in the next eight years and many will be delayed due to the cliff and barn swallow nests as will many other bridges across the nation. The benefits of preserving these birds' habitats are insignificant compared to the safety of human life that is put at risk.

Denham (R-CA): The amendment prohibits funding for high-speed rail in the California, or for the California High-Speed Rail Authority.

Landry (R-LA): The amendment prohibits funding 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.

The following information is from the office of Rep. Landry:
DOT has become obsessed with electronically tracking every vehicle on the road today. Currently, they are in the trying to implement a regulation requiring all passenger cars to include a black box-like device. In a separate rulemaking, DOT is trying to mandate that all commercial motor vehicles install electronic on-board recorders (EOBRs) to record and transmit how many hours the truck is in operation. President Obama himself has singled out this regulation as a government mandate that will cost the trucking industry more than \$1 billion in implementation alone.

Electronic on-board recording devices (EOBRs) record how long a truck is in motion and the distance it has traveled. The Heritage Foundation reports these devices cost around [\\$1,500 each](#). The Federal Motor Carrier Safety Administration (FMCSA), in 2010, began requiring these devices be used by certain truckers who had a history of non-compliance with the agency's limits on drive time, as opposed to paper logbooks. In August of 2011, a federal district court overturned this mandate because the agency failed to consider comments that these devices could be used to "harass" drivers, the agency was required by statute to consider this before adopting the rule. Despite the ruling, FMCSA is continuing to push for an even broader rulemaking. More information on EOBRs can be [found here](#).

The following groups have written in opposition to a provision in the Senate's surface transportation legislation that would mandate EOBRs on the millions of commercial motor vehicles in use across the country:

- Owner-Operator Independent Drivers Association
- National Federation of Independent Business
- National Ready Mixed Concrete Association
- National Association of Small Trucking Companies
- Portland Cement Association
- American Concrete Pavement Association
- National Precast Concrete Association
- Agricultural Retailers Association
- Petroleum Marketers Association of America