



Legislative Bulletin.....October 6, 2005

Contents:

H.R. 3894 — Hurricane Katrina Emergency Housing Act of 2005

H.R. 3895 – Rural Housing Hurricane Relief Act of 2005

H.R. 3896 – Hurricane Katrina Emergency Relief CDBG Flexibility Act of 2005

H.Con.Res. 248—Honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: Such sums

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 3

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 3894 — Hurricane Katrina Emergency Housing Act of 2005 – as amended (Alexander)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3894 would provide waivers under certain housing assistance programs of the Department of Housing and Urban Development (HUD) for qualified victims of Hurricane Katrina. **Note:** As of press time, the bill text available on LIS is the introduced text, and this summary is based on the amended text obtained from the Committee on Financial Services. The specific provisions of the bill are described below:

- For eligible individuals or families, allows the HUD Secretary to waive the requirements listed below for assistance (for both tenant and project-based) under the Section 8 housing voucher program:
 - tenant contribution requirements – the waiver expires when the individual returns to work;
 - the “low income family” requirement;
 - the income verification and family income annual review requirements;
 - the requirement that leases be at least a term of one year;
 - the initial inspection requirement;
 - the authority of the public housing agency to require a family (not living in their jurisdiction at the time of application) to rent a dwelling within the jurisdiction of the agency;
 - any regulation that requires prior approval by the Secretary for provisions to the model lease that allow lease terminations if a tenant 1) was not eligible at the time of lease approval; 2) would not have been eligible if a criminal background check had been conducted; or 3) would not have met the landlord’s screening criteria for credit history if a screening had been completed;
- Defines eligible individuals or families as those who:
 - a) resided in any area on August 25, 2005, or on September 24, 2005, that was declared a major disaster by the President, and
 - b) whose residence became uninhabitable or inaccessible as a result of that major disaster (as a result of Hurricanes Katrina or Rita); and
 - c) were already being provided rental assistance under the Section 8 program as of the dates referred to above.
- Authorizes the HUD Secretary to directly administer the provisions of this Act when it is determined that the public housing authority is unable to do so
- Begins the provisions of this Act for a twelve-month period beginning on the date of enactment, unless prior to the six-month point the Secretary determines that assistance is no longer needed, in which case the provisions of this Act will remain in effect six months from date of enactment;
- Preserves existing project-based Section 8 housing assistance payments contracts for housing units damaged or destroyed by Hurricanes Katrina or Rita; thus, it would continue payments under existing project-based contracts for units that were damaged or destroyed in either hurricane;
- Requires an inventory report of federal civilian and defense facilities that can be used to provide emergency housing or used as locations for the construction or deployment of temporary housing units; and
- Requires a GAO report that 1) identifies any states that have developed emergency housing contingency plans for use in the event of a disaster, 2) describes such plans, and 3) assesses the effectiveness of such plans.

Committee Action: H.R. 3894 was introduced on September 26, 2005, and referred to the Committee on Financial Services, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 3894 is unavailable. While the bill does not authorize additional appropriations for HUD, it could expand HUD’s responsibilities in administering the Section 8 housing program. It also requires two new reports to Congress.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. As described above, may expand HUD’s role in administering Section 8 housing programs on the local level for a limited period of time.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 3895 — Rural Housing Hurricane Relief Act of 2005— *as amended* (Baker)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.” The bill as introduced will be considered with amendments.

Summary: The bill modifies 42 U.S.C. 1490q relating to disaster assistance and housing. The bill authorizes assistance after the President declares a major disaster or emergency under the Stafford Act, striking the current law requirement that it be a “natural disaster.” The bill invests the Secretary of HUD with certain “special authorities” which may be enacted for six months, beginning on the date of a Presidential disaster declaration. These authorities include the conversion of previous rental assistance payments to “housing voucher assistance” or rural housing vouchers, if the rental property “is not inhabitable because of the disaster.” The Secretary is authorized to waive certain requirements dealing with an area being rural. The amended version removes a reprogramming authorization that was in the introduced version.

H.R. 3895 modifies current requirements for guaranteed loans for single family housing by allowing loans not just to construct the housing but to “construct, repair, or rehabilitate” the housing.

Lastly, the bill modifies the rural housing voucher authority, to allow rural housing voucher assistance to “low income families and persons,” who lived in the Hurricane Katrina- and Rita-

affected areas as of August 25, 2005 or September 24, 2005, whose residence became “uninhabitable or inaccessible.” Under current law, the authority is to “very low-income” families. In addition, the cap of 5,000 units per fiscal year is eliminated.

Committee Action: H.R. 3895 was introduced on September 26, 2005, and was referred to the House Committee on Financial Services, which took no official action.

Cost to Taxpayers: The bill authorizes for six months “such sums” for the Secretary’s special authorities, such as converting rental assistance into vouchers, and it modifies current eligibility standards for those who can receive hurricane-related housing assistance. A CBO score is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: No, it modifies how current funds may be allocated.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Sheila Cole; sheila.cole@mail.house.gov; 202-226-9719

H.R. 3896 — Hurricane Katrina Emergency Relief CDBG Flexibility Act of 2005 -- *as amended* (Baker)

Order of Business: The bill is scheduled for consideration on Thursday, October 6, 2005, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the Rule providing for consideration of the continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.” The bill as introduced will be considered with amendments, which include adding Hurricane Rita affected communities.

Summary: In fiscal years FY05-08, the bill allows for local governments or Indian tribes that are “directly affected” to spend more of the federal community development block grant (CDBG) funds on certain types of activities authorized under 42 U.S.C. 5305. Currently local governments are capped at spending no more than 25 percent a fiscal year of the CDBG funds for “the provision of public services, including but not limited to those concerned with employment, crime prevention, child care, health, drug abuse, education, energy conservation, welfare or recreation needs.” The bill also allows local governments that are in “indirectly affected communities” to spend more than 5 percent of their CDBG funds for the same types of public services, and this cap is lifted for a time to be determined by the Secretary. Finally, the bill specifies that “nonentitlement communities” may spend more than 15 per centum statewide of the CDBG funds to assist communities that are directly affected.

Directly affected communities are defined as “a unit of general local government or area for which the President has declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Hurricane Rita.”

An “indirectly affected community” are defined as an area that is a metropolitan city, urban county, or Indian tribe and is determined by the HUD Secretary to have been “significantly affected economically by the occurrence of Hurricane Katrina or Hurricane Rita (including economic effects from the presence of persons evacuated from an area for which the President has declared a major disaster in connection with Hurricane Katrina or Hurricane Rita).

The bill authorizes the HUD Secretary to waive the public hearing requirement that in current law require local governments to “hold one or more public hearings to obtain the views of citizens on community development and housing needs.”

Committee Action: H.R. 3896 was introduced on September 26, 2005, and was referred to the House Committee on Financial Services, which took no official action.

Cost to Taxpayers: A CBO cost estimate is unavailable. The bill does not authorize additional funds, but allows local governments to spend a greater percentage of their CDBG funds on what are commonly known as social services.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Sheila Cole; sheila.cole@mail.house.gov; 202-226-9719

H.Con.Res. 248—Honoring the life and work of Simon Wiesenthal and reaffirming the commitment of Congress to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations (*Waxman*)

Order of Business: The resolution is scheduled to be considered on Thursday, October 6th, under a motion to suspend the rules and pass the bill. Under House rules, suspensions may not be considered on Thursday or Friday, but the rule providing for consideration of last week’s continuing resolution (H.Res. 469) waived the House rule with a provision that “Provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005.”

Summary: H.Con.Res. 248 would resolve that Congress:

- “honors the life and work of Simon Wiesenthal to memorialize the victims of the Holocaust and to bring the perpetrators of crimes against humanity to justice;
- “reaffirms its commitment to the fight against anti-Semitism and intolerance in all forms, in all forums, and in all nations; and
- “urges all members of the international community to facilitate the investigation and prosecution of surviving Nazi war criminals and to continue documenting and collecting information on Nazi war crimes for archival and historical purposes.”

Additional Background: Simon Wiesenthal was born in 1908 in Austria-Hungary and died in Vienna, Austria, on September 20, 2005. During World War II, as the resolution points out, he worked with the Polish underground and was interned in twelve different concentration camps until his liberation by the U.S. Army in 1945 from the Mauthausen camp.

Wiesenthal was best known for his life-long pursuit of justice for the victims of the Holocaust. As the resolution states, “Simon Wiesenthal’s investigative work and expansive research was instrumental in the capture and conviction of more than 1,000 Nazi war criminals.”

For more background on Wiesenthal, visit the website of the Simon Wiesenthal Center:
<http://www.wiesenthal.com/>

According to GuideStar, the Simon Wiesenthal Center in Los Angeles received \$10.1 million in government grants in fiscal year 2003 (the most recent year available):
<http://www.guidestar.org/FinDocuments/2003/953/964/2003-953964928-1-9.pdf>

Committee Action: On September 20, 2005, the resolution was referred to the International Relations Committee, which took no official action on it.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

This document was created with Win2PDF available at <http://www.daneprairie.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.