



Legislative Bulletin.....October 5, 2004

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Summary of these 10 Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: One “such sums as may be necessary”

Effect on Revenue: None

Total Change in Mandatory Spending: None

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 7

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

H.R. 4620 — A bill to confirm the authority of the Secretary of Agriculture to collect approved State commodity assessments on behalf of the State from the proceeds of marketing assistance loans (Nethercutt)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4620, as amended, states that the Secretary of Agriculture may collect commodity assessments from the proceeds of a marketing assistance loan for the producer, if a state law requires such a payment. The collection shall be made as specified in an agreement between the Secretary of Agriculture and the state requesting the collection. The bill notes this collection authority does not extend to a state tax or other state revenue collections.

Additional Information: According to the bill sponsor, “recently USDA determined that it would no longer honor a Memorandum of Understanding between a commodity commission and USDA, if the state commission changes the assessment rate. USDA claims that it lacks statutory authority to recognize new or modified Memorandums of Understanding. Recently, wheat growers in California and Washington voted to increase their support of commodity activities by approving an assessment increase. This decision by USDA not to honor amended Memorandums of Understanding could cause serious financial harm to the work of the commissions. The use of these funds is very important during times of low prices and oversupply, when the need for expanding markets and increased research is critical.”

Committee Action: The bill was introduced on June 18, 2003, and referred to the Committee on Agriculture. The Committee marked up the bill and passed it out as amended on September 22.

Cost to Taxpayers: A CBO cost estimate is unavailable. The sponsor reports that, “According to USDA, the cost of implementing this legislation would be minimal, since the collection procedure is already in place and will only require a change in the factor of the assessment.”

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: An Agriculture Committee report citing authority is unavailable.

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H.R. 4569 — To provide for the development of a national plan for the control and management of Sudden Oak Death, a tree disease caused by the fungus-like pathogen *Phytophthora ramorum*, and for other purposes (Burns)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4569, requires the Secretary of Agriculture, subject to availability of funds, to “develop a national plan for the control and management of Sudden Oak Death, a forest disease caused by the fungus-like pathogen *Phytophthora ramorum*.” The bill requires the Secretary to complete the plan and commence implementation as soon as practicable after the date on which funds are first appropriated..

Committee Action: The bill was introduced on June 15, 2004, and referred to the Committee on Agriculture., which did not consider it.

Cost to Taxpayers: The bill authorizes such sums as may be necessary. A CBO cost estimate is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill requires a report and implementation of a report at the Department of Agriculture.

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

Constitutional Authority: An Agriculture Committee report citing authority is unavailable.

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H.R. 3514 — To authorize the Secretary of Agriculture to convey certain lands and improvements associated with the National Forest System in the State of Pennsylvania, and for other purposes (Peterson of Pennsylvania)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3514, authorizes Secretary of Agriculture to convey four federally owned properties.

- 1) The Secretary is authorized by sale or exchange, any and all right, title, and interest of the United States in and to at least 17.4 acres in the Allegheny National Forest in Pennsylvania. The bill authorizes the Secretary to accept a cash equalization payment in excess of 25 percent of the value of any land exchanged, and “may give a preference to public entities that agree to use the land for public purposes.”
- 2) The Secretary may convey to the Warren County Development Association of Warren County, Pennsylvania, for \$100,000, the Sheffield Ranger District Headquarters, consisting of 5.50 acres.
- 3) The Secretary may convey to Ridgeway Township, Pennsylvania, all right, title, and interest to Ridgeway Ranger District Headquarters, which consists of approximately 9.7 acres. The Township shall pay to the Secretary an amount equal to the fair market value of the conveyed lands, as determined by an appraisal acceptable to the Secretary and Ridgeway Township.

- 4) The Secretary may convey without consideration, the Marienville ranger residence to the Marienville Volunteer Fire Department of Forest County, Pennsylvania.

Funds collected under H.R. 3514 shall be deposited in the fund commonly known as the Sisk Act Fund, and under H.R. 3514 shall be available to the Secretary, without further appropriation, for “the acquisition, construction, or improvement of administrative facilities and sites for the Allegheny National Forest; or the acquisition of land and interests in land in the Allegheny National Forest.”

Committee Action: The bill was introduced on November 18, 2003, and referred to the Committee on Agriculture. Although no official action was taken on the bill, the Agriculture committee did provide an amended text that will be considered on the House floor today.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill conveys certain parcels of federal land to state or private ownership, though it does allow proceeds gained to possibly acquire more federal lands.

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

Constitutional Authority: An Agriculture Committee report citing authority is unavailable.

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H.R. 2984-To amend the Agricultural Adjustment Act to remove the requirement that processors be members of an agency administering a marketing order applicable to pears (Walden)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5, 2004, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2984 amends the Agricultural Adjustment Act (7 U.S.C. 608c(7)(C)) to strike provisions relating to pears. This essentially removes the requirement that an agency administering a marketing order for pears have a representative of processors. The affect of H.R. 2984 on current law is as follows:

There shall be included in the membership of any agency selected to administer a marketing order applicable to grapefruit ~~or pears~~ for canning or freezing one or more representatives of processors of the commodity specified in such order: ~~Provided, That in a marketing order applicable to pears for canning or freezing the representation of processors and producers on such agency shall be equal.~~

Committee Action: The bill was introduced on July 25, 2003, and referred to the Committee on Agriculture., which did not consider it.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?:

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:

Constitutional Authority: An Agriculture Committee report citing authority is unavailable.

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H.Res. 481—Recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs to efforts to decrease hunger and help feed those in need (Gingrey)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 481 would resolve that the House:

- “recognizes the cooperative efforts of hunters, sportsmen’s associations, meat processors, State meat inspectors, and hunger relief organizations to establish Hunters for the Hungry programs across the United States; and
- “recognizes the contributions of Hunters for the Hungry programs to efforts to decrease hunger and help feed those in need.”

Additional Background: For more information on Hunters for the Hungry programs in your state, visit this website: http://www.nrahq.org/hunting/hungry_nat_list.asp

Committee Action: On December 8, 2003, the resolution was referred to the Agriculture Committee. A few days later, it was referred to the Subcommittee on Department Operations, Oversight, Nutrition and Forestry. Neither entity took official action on the legislation.

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.

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H.Res. 261—Expressing the support of the House of Representatives for the efforts of organizations such as Second Harvest to provide emergency food

assistance to hungry people in the United States, and encouraging all Americans to provide volunteer services and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters (Wolf)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 261 would resolve that the House “supports the efforts of organizations such as Second Harvest to provide emergency food assistance to hungry people in the United States, and encourages all Americans to provide volunteer services and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters.”

Committee Action: On June 5, 2003, the resolution was referred to the Agriculture Committee. A few days later, it was referred to the Subcommittee on Department Operations, Oversight, Nutrition and Forestry. Neither entity took official action on the legislation.

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.

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H.R. 5042—To amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education (*Del. Acevedo-Vila*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary (as introduced): H.R. 5042 would allow appropriations for the Forest Service to be available to the Secretary of Agriculture to cover the cost of primary and secondary schooling (including related transportation) of dependents of Forest Service personnel stationed in Puerto Rico yet subject to transfer and reassignment to other locations in the United States.

Committee Action: On September 9, 2004, the bill was referred to the Agriculture Committee, which took no official action on it.

Cost to Taxpayers: The bill would not authorize any new appropriations.

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.

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S. 33—To authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites (*Senator Lincoln*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Note: This bill passed the Senate by unanimous consent on November 24, 2003.

Summary: S. 33 would authorize the Secretary of Agriculture to sell or exchange various lands (listed in the bill) in the Ouachita National Forest (in Arkansas and Oklahoma) and in the Ozark-St. Francis National Forest (in Arkansas). The proceeds would be available for expenditure, without further Act of appropriation, for the acquisition, construction, or improvement of administrative facilities, land, or interests in land for the national forests in the States of Arkansas and Oklahoma.

Additional Background: For more information on the forests, visit this website:
<http://www.fs.fed.us/oonf/ouachita.htm>

Committee Action: On December 8, 2003, the Senate-passed bill was referred to the Committees on Resources and Agriculture. The Resources' Committee's Subcommittee on Forests and Forest Health held hearings on the bill on April 28, 2004, and on September 23, 2004, the Agriculture Committee ordered the bill reported to the full House.

Cost to Taxpayers: CBO reports that the bill reported from the Agriculture Committee would have no significant impact on the federal budget.

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.

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**H.R. 2119—A bill to provide for the conveyance of Federal lands, improvements, equipment, and resource materials at the Oxford Research Station in Granville County, North Carolina, to the State of North Carolina
(Ballance [managed by Butterfield])**

Order of Business: The bill is scheduled to be considered on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Note: This bill was introduced by Rep. Frank Ballance (D-NC), who resigned earlier this year citing health concerns. Rep. Butterfield (D-NC) will manage this bill in place of former Rep. Ballance.

Summary (as amended): H.R. 2119 would direct the Secretary of Agriculture to convey (without payment) to the State of North Carolina a parcel of federal land consisting of approximately 4.28 acres and administered as part of the Oxford Research Station in Granville County, North Carolina. The conveyance would include the improvements, equipment, and resource materials at the research station. A legal survey of the property to be conveyed would be paid for by the State of North Carolina.

Committee Action: On May 15, 2003, the bill was referred to the Agriculture and Government Reform Committees. Although no official action was taken on the bill, the Agriculture Committee did provide an amended text for floor consideration today. The original text provided for the property to be leased; the amended text provides for a conveyance.

Cost to Taxpayers: Although no formal cost estimate is available, nothing in this bill should yield a cost to taxpayers.

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: Although no committee report is available, Article IV, Section 3, Clause 2 grants Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

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H.R. 163—To provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security (*Rangel*)

Order of Business: The bill is scheduled for consideration on Tuesday, October 5th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 163 would reinstate the military draft by requiring every citizen and resident of the United States between the ages of 18 and 26 to perform two years of national service, either as a member of the armed forces (active or reserve) or in a civilian capacity that promotes the national defense and homeland security. This would include both males and females.

The President would have to develop regulations to carry out the bill, but could use the procedures provided in the Military Selective Service Act (50 U.S.C. App. 451 et seq.), including procedures for registration, selection, and induction. Postponements would be allowed for full-time high school students and deferments would be allowed for individuals facing extreme hardship or with a physical or mental disability. Individuals with a conscientious objection to military service would not be required to participate in any combatant training and may be transferred to a national service program.

Additional Background: Legal authority for the involuntary induction of men into the Armed Forces expired on July 1, 1973. Currently the Selective Service System operates on standby status. Young men are required to register with the system within 30 days before or after their 18th birthday.

Recently, Internet rumors and other individuals have alleged that the Administration is taking steps to reinstate the draft.

Committee Action: H.R. 163 was introduced on January 7, 2003, and referred to the Committee on Armed Services. The committee did not consider the bill.

Administration Position: President Bush recently stated, “We don’t need a draft. We will not have a draft as long as I’m president of the United States.”
<http://www.whitehouse.gov/news/releases/2004/10/20041004-12.html>

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would reinstate the military draft.

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

Constitutional Authority: A committee report citing constitutional authority is not available.

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