



Legislative Bulletin.....September 14, 2005

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$43 million over 5 years.

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: 0

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

H.R. 3408 — To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act — as introduced (Goodlatte)

Order of Business: The bill is scheduled to be considered on Wednesday, September 14th, under a motion to suspend the rules and pass the bill.

NOTE: Under new House Republican Conference Rules, legislation dealing with a program whose original authorization includes a sunset is not to be considered by the House on the Suspension Calendar. The Conference rule may be waived and the elected Republican Leadership has waived this restriction for H.R. 3408.

Summary: H.R. 3408 would amend the Livestock Mandatory Price Reporting Act of 1999 (Section 942 of Public Law 106-78) to extend the termination (sunset) date of such Act's mandatory beef and swine reporting and related authorities from September 30, 2005, to September 30, 2010. In addition, the bill broadens various reporting requirements under P.L. 106-78 for swine producers and packers by requiring new information to be collected.

Additional Background: The relevant section of Public Law 106-78 directed the Secretary of Agriculture to establish and maintain a library or catalog of each type of contract offered by meat-packers to swine producers for the purchase of all or part of the producers' production of swine. The information reported includes price, quantity, and terms of sale for domestic cattle, swine, lambs, and the meat products of such livestock. H.R. 3408 would expand the information collected for certain types of pork products.

Committee Action: The bill was introduced on July 22, 2005, and referred to the House Agriculture Committee, which considered the bill and reported it to the full House by voice vote on July 27.

Cost to Taxpayers: According to CBO, H.R. 3408 would authorize \$43 million over five years subject to appropriations. The bill does not affect direct spending and has a negligible effect on revenue.

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?: The bill extends and broadens the scope of mandatory reporting requirements for certain swine packers. According to CBO, H.R. 3408 contains an intergovernmental mandate because it would extend an existing mandate that otherwise will expire at the end of September 2005—a provision in the Livestock Mandatory Reporting Act of 1999 that prohibits state and local governments from imposing additional or conflicting requirements for livestock price reporting. CBO estimates that this preemption currently imposes no significant costs on those governments. In addition, by extending the reporting requirements in the Livestock Mandatory Reporting Act, CBO reports that H.R. 3408 would impose private-sector mandates as defined in UMRA on beef-, pork-, and lamb-packing plants. The bill also would expand the reporting requirement for pork-packing plants by requiring them to submit additional electronic price reports. CBO estimates that the costs of complying with the mandates would be less than \$5 million annually, well below the annual threshold established by UMRA for private-sector mandates (\$123 million in 2005, adjusted annually for inflation).

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

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H. Con. Res. 240 — Supporting the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encouraging all Americans to observe that day — *as introduced (Clever)*

Order of Business: The resolution is scheduled to be considered on Wednesday, September 14th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 240 contains several findings regarding Hurricane Katrina, including that Louisiana Governor Kathleen Blanco declared August 31, 2005, to be a day of prayer in the State of Louisiana, and President George W. Bush has proclaimed September 16, 2005, to be a National Day of Prayer and Remembrance for the Victims of Hurricane Katrina.

H.Con.Res. 240 resolves, “that Congress supports the goals and ideals of a national day of prayer and remembrance for the victims of Hurricane Katrina and encourages all Americans to observe that day.”

Committee Action: H.Con.Res. 240 was introduced to the House on September 13, 2005, and referred to the House Committee on Government Reform, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditures.

Does the Bill Create New Federal Programs or Rules?: No.

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

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H.Con.Res. 208 — Recognizing the 50th anniversary of Rosa Louise Parks’ refusal to give up her seat on the bus and the subsequent desegregation of American society (*Conyers*)

Order of Business: The resolution is scheduled for consideration on Wednesday, September 14, 2005, under a motion to suspend the rules and pass the bill.

Summary: The concurrent resolution states that it is resolved “That the Congress:

- “recognizes and celebrates the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society;
- “encourages the people of the United States to recognize and celebrate this anniversary and the subsequent legal victories that sought to eradicate segregation in all of American society; and
- “endeavors to work with the same courage, dignity, and determination exemplified by civil rights pioneer, Rosa Louise Parks, to address modern-day inequalities and injustice.

Additional Background: On December 1, 1955, Rosa Louise Parks' refusal to give up her bus seat to a white man and her subsequent arrest; began the modern-day Civil Rights Movement in the United States. That day Rosa Louise Parks was arrested for refusing to give up her seat in the “colored” section of the bus to a white man on the orders of the bus driver because the “white” section was full. The arrest of Rosa Louise Parks led African Americans and others to boycott the Montgomery city bus line until the buses in Montgomery were desegregated, a boycott that lasted 381 days. On November 13, 1956, the United States Supreme Court affirmed a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws.

According to the resolution, Rosa Louise Parks moved to Detroit, Michigan, in 1957, and continued her civil rights work, worked in the office of Rep. John Conyers, Jr. for 23 years, and starting the Rosa and Raymond Parks Institute for Self Development, a nonprofit group that motivates youth to reach their highest potential. She has been awarded the Martin Luther King, Jr., Nonviolent Peace Prize in 1980, the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999.

Committee Action: The bill was introduced on July 13, 2005 and referred to the House Judiciary Committee, which considered the bill and reported it to the full House by voice on July 27, 2005.

Cost to Taxpayers: The resolution has no cost.

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. 3736 — Katrina Volunteer Protection Act of 2005 — *as introduced* (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Wednesday, September 14th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3736 provides injury liability protection, including personal injury, property damage or loss, and death, for any person or entity, that in response to Hurricane Katrina, “voluntarily, in good faith, and without a preexisting duty or expectation of compensation, renders aid (including medical treatment and rescue assistance) to any individual.” Under H.R. 3736, liability protection is provided for any injury arising out of or resulting from aid that was not caused by:

- “willful, wanton, reckless or criminal conduct of that person or entity; or
- “conduct of that person or entity that constitutes a violation of a Federal or State civil rights law.”

Federal Preemption: Regarding federal preemption of state law, H.R. 3736 states,

“This Act preempts the laws of a State to the extent such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers.”

Committee Action: H.R. 3736 was introduced to the House on September 13, 2005, and referred to the House Committee on the Judiciary, which took no official action.

Cost to Taxpayers: No CBO cost estimate for H.R. 3736 is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill creates a new federal injury liability protection.

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

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