



Legislative Bulletin.....December 13, 2005

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 2 new programs and 1 new project

Total Cost of Discretionary Authorizations: \$221 over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: Decreased by \$10 million over five years

Total New State & Local Government Mandates: Significant (\$1 coin bill)

Total New Private Sector Mandates: Possible (\$1 coin bill)

Number of Bills Without Committee Reports: 3

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 6

H.R. 3508 — 2005 District of Columbia Omnibus Authorization Act—*as reported* (Tom Davis, R-VA)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3508 would amend various federal laws applicable to the operation of the District of Columbia (DC) government. Highlights of the bill are as follows:

- Authorizes DC, subject to certain conditions, to spend up to 6% of unappropriated local funds during the 2006-2007 fiscal years, to allow DC to respond to unforeseen budget circumstances.
- Allows DC to tap into reserve funds, under certain circumstances and only if they replenish such funds before the end of the fiscal year or within nine months (whichever is sooner). No more than 50% of any funds could be utilized in any fiscal year.
- Terminates the authority of the U.S. Secretary of Education to appoint people to the DC Public Charter School Board.
- Allows DC to enter into an interstate insurance compact.
- Increases the pay cap available for non-judicial employees in DC courts from Executive Schedule IV to Executive Schedule III. According to the Government Reform Committee, this provision would “put the non-judicial personnel of the DC Courts on par with the non-judicial employees of the federal courts in the District.”
- Provides the DC Court of Appeals and the DC Superior Court with the authority to conduct business outside DC, in the event of an emergency.
- Allows the Court Services and Offender Supervision Agency to use volunteers in administering its services. Such volunteers would be treated as federal employees for the purposes of workers’ compensation.
- Permanently establishes the existing DC Chief Financial Officer (CFO) and details various procedures and duties for the CFO. The bill would also rename various finance-related entities in the DC Government and place them under the authority of the CFO. The Mayor would nominate the CFO, subject to the DC Council’s advice and consent, for five-year terms. Congress would not have to approve the appointment. The CFO would have independent authority to make personnel and procurement decisions.
- Requires that all of the DC Council’s permanent bills and resolutions be accompanied by a fiscal impact statement before final passage. Permanent and emergency acts that are accompanied by a fiscal impact statement reflecting unbudgeted costs would be subject to federal appropriations before becoming effective.

- Authorizes the Court Services and Offender Supervision Agency to accept gifts of space and training (during fiscal years 2006 through 2008) to support offender and defendant programs. The bill would also authorize the Public Defender Service to charge fees (during fiscal years 2006 through 2008) to cover the costs of materials distributed to attendees of educational events.
- Exempts the evaluation process for DC public school employees from collective bargaining.
- Permanently exempts DC government employees from federal civil service laws.
- Prohibits the CFO from renewing or extending a noncompetitively bid contract (during fiscal years 2006 through 2008), unless done so in accordance with duly promulgated rules and procedures.
- Authorizes the Mayor to accept, obligate, and expend federal, private, or other grants received by DC that are not reflected in the District's congressionally-approved budget, provided that certain reporting requirements are met.
- Requires DC to use any fines generated from violations of DC's alcohol-related traffic laws exclusively for the enforcement and prosecution of such laws.
- Requires the CFO to establish certification procedures for attorneys in cases brought under the Individuals with Disabilities Education Act (IDEA).

The bill contains a variety of purely technical and conforming amendments to various statutes related to the federal role in DC government operations.

Committee Action: The bill was referred to the Government Reform Committee on July 28, 2005. On September 15th, the Committee marked up and ordered the bill reported to the full House by voice vote.

Cost to Taxpayers: CBO estimates that this bill would have no 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?: CBO reports: "Because most provisions of H.R. 3508 would codify current law and practice, the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the District of Columbia."

Constitutional Authority: The Government Reform Committee, in House Report 109-267, cites constitutional authority in Article I, Section 8, Clause 17 (the power of Congress "to exercise exclusive Legislation in all Cases whatsoever, over such District").

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H.Res. 487 — Supporting the goals and ideals of Korean American Day—*as reported* (Tom Davis, R-VA)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 487 would resolve that the House:

- “supports the goals and ideals of a Korean American Day;
- “urges all Americans to observe Korean American Day so as to have a greater appreciation of the invaluable contributions Korean Americans have made to United States; and
- “honors and recognizes the 103rd anniversary of the arrival of the first Korean immigrants to the United States.”

Additional Background: The Centennial Committees of Korean Immigration and Korean Americans have designated January 13 of each year as Korean American Day.

The resolution notes that, on January 13, 1903, 102 Korean immigrants arrived in the United States.

Committee Action: On October 7, 2005, the resolution was referred to the Government Reform Committee, which marked it up on November 16th and ordered it reported by unanimous consent.

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. 4295 — Mont and Mark Stephensen Veterans Memorial Post Office Building Designation Act — *as introduced* (Cannon, R-UT)

Order of Business: The bill is scheduled for consideration on Tuesday, December 13, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4295 designates the U.S. Postal Service facility located at 12760 South Park Avenue in Riverton, Utah, as the “Mont and Mark Stephensen Veterans Memorial Post Office Building.”

Additional Information: According to BYU, Mont Stephensen attended BYU in 1939 and joined the Army Air Corp during the war. He was a flight commander in the 559th Bombardment Squadron; where his plane was known as the “Bridge Busters”. While on a bombing mission over Germany on December 23, 1944, his plane was shot down and Captain Stephensen was listed as being killed in action. He was buried in Luxemburg, Germany, and later as the war ended, his remains were brought to the U.S. and buried in Riverton, UT with full military honors.

On the 19th of August, 1982, Hill AFB renamed the base theatre after Captain Mont Stephensen and his brother, Lieutenant Colonel Mark Stephensen who was killed in Viet Nam. (Source: <http://memorialhall.byu.edu/ww2/mstephensen.html>)

Committee Action: H.R. 4295 was introduced on November 10, 2005, and referred to the Committee on Government Reform, which considered it and reported it to the full House on November 16, 2005, by unanimous consent.

Cost to Taxpayers: The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post Roads.

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H.R. 4107 — Maryland State Delegate Lena K. Lee Post Office Building Designation Act (*Cummings, (D-MD)*)

Order of Business: The bill is scheduled for consideration on Tuesday, December 13, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4107 designates the U.S. Postal Service facility located at 1826 Pennsylvania Avenue in Baltimore, Maryland, as the “Maryland State Delegate Lena K. Lee Post Office Building.”

Additional Information: According to the sponsor’s office, in 1952, State Delegate Lena K. Lee became the third woman to receive her law degree from the University of Maryland School of Law. In 1967, she began a fifteen-year term as the first African American female lawyer to serve in the Maryland House of Delegates. She received the Presidential Citation from the National Association for Equal Opportunity in Higher Education as well as membership into the Maryland Women’s Hall of Fame. (Source: <http://www.house.gov/cummings/press/05nov16a.htm>)

Committee Action: H.R. 4107 was introduced on October 20, 2005, and referred to the Committee on Government Reform, which considered it and reported it to the full House on November 16, 2005, by unanimous consent.

Cost to Taxpayers: The only costs associated with a postal facility renaming are those for sign and map changes, none of which significantly affect 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post Roads.

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H.Con.Res. 218 — Recognizing the centennial of sustained immigration from the Philippines to the United States and acknowledging the contributions of our Filipino-American community to our country over the last century — *as introduced (Case, D-HI)*

Order of Business: The resolution is scheduled for consideration on Tuesday, December 13, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 218 recognizes 2006 as “the centennial of sustained immigration from the Philippines” and states that it is resolved by the House, with the Senate concurring, that the Congress:

“(1) recognizes the centennial of sustained immigration from the Philippines to the United States;

“(2) acknowledges the achievements and contributions of Filipino Americans over the past century; and

“(3) requests that the President issue a proclamation calling on the people of the United States to observe this milestone with appropriate celebratory and educational programs, ceremonies and other activities.”

Additional Information: According to the resolution’s findings, the U.S. and the Philippines have enjoyed a long and productive relationship, including the period of United States governance between 1898 and 1946, and the period post-independence starting in 1946, “during which the Philippines has taken its place among the community of nations and has been one of our country’s most loyal and reliable allies internationally.” The resolution notes the ties between the U.S. and the Philippines began in earnest in 1906, when 15 Filipino contract laborers arrived in the then-Territory of Hawaii to work on the islands’ sugar plantations, the beginnings of an emigration from the Philippines to Hawaii. In addition, 1906 also saw the first class of two hundred “pensionados” arrive from the Philippines to obtain U.S. educations with the intent of returning, although many later became United States citizens and helped form the foundation of today’s Filipino-American community. According to the 2000 census, almost 2.4 million Americans of Filipino ancestry live throughout the U.S.

Committee Action: H.Con.Res. 218 was introduced on July 26, 2005, and referred to the Committee on Government Reform, which considered it and reported it to the full House on November 16, 2005, by unanimous consent.

Cost to Taxpayers: None.

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. 574 — Congratulating the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship — *as introduced (Becerra, D-CA)*

Order of Business: The resolution is scheduled for consideration on Tuesday, December 13, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 574 states that it is resolved that the House of Representatives:

“(1) congratulates the Los Angeles Galaxy on their victory in the 2005 Major League Soccer championship; and

“(2) recognizes the dedication and teamwork of all the players, coaches, and staff of the Galaxy, all of whom were instrumental in helping the Galaxy win their second MLS Cup championship.”

Additional Information: On November 13, 2005, the Los Angeles Galaxy won the 2005 Major League Soccer (MLS) championship by defeating the New England Revolution 1-0 in MLS Cup 2005, in Frisco, Texas. The Galaxy went undefeated during the 2005 MLS playoffs, advancing to the MLS Cup by defeating the top-seeded San Jose Earthquakes and the Colorado Rapids in the Western Conference playoffs and scoring seven goals and allowing just one over the span of four games, which included three shutouts. Midfielder Guillermo Ramirez, who scored the game-winning goal of MLS Cup 2005 in overtime, was selected as the game’s Most Valuable Player, joining fellow Guatemalan and 2002 MLS Cup MVP Carlos Ruiz as the only Galaxy players ever to win this prestigious award. According to the resolution’s findings, the owner of the Los Angeles Galaxy, Anschutz Entertainment Group, “has made the Galaxy the model MLS club through sound management and by instilling a team-first philosophy.” In addition, the findings state that the Galaxy “have the most devoted and spirited fans” who contributed to eight sold out home games and brought the average home game attendance to 24,000 people this season.

Committee Action: H.Res. 574 was introduced on November 18, 2005, and referred to the Committee on Government Reform, which took no official action.

Cost to Taxpayers: None.

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. 975 —Trail Responsibility and Accountability for the Improvement of Lands (TRAIL) Act — *as reported* (Tancredo, R-CO)

Order of Business: The bill is expected to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 975 would provide consistent enforcement to the Bureau of Land Management, the U.S. Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service authorities through two classes of fines and penalties (Class A and Class B misdemeanors) for violations of laws regarding the management, use, and protection of public lands. All collected fines would be used to cover the cost of any repair work needed because of the action that resulted in the fine, increase awareness of public land regulations, or cover administrative or legal expenses related to the actions. Any excess funds would be returned to the U.S. Treasury. The bill also establishes a minimum fine of \$500 for violation of fire rules and regulation on public lands if the violation was the result of reckless conduct, occurred in an area subject to a complete on open fires, and resulted in damage to public or private property.

Additional Background: According to the Committee Report (H.Rept. 109-128, Part I):

Each of the four federal land management agencies have different penalties for violations carried out on public lands. For example, typically a violation on Bureau of Land Management land would result in a tougher penalty than a violation on Forest Service land. This legislation would provide consistent laws for the violation of provisions under the four land management agencies' organic acts or any regulation issued under those acts. Because in general the public does not distinguish between different land management agencies, the consistency in these laws will aid in clearing up confusion with the public while also serving as a deterrent.

Committee Action: The bill was introduced on February 17, 2005, and referred to the Resources Committee, which reported the bill on June 14th for consideration by the full House of Representatives.

Cost to Taxpayer: According to CBO, H.R. 975 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: The Committee finds authority in Article I, Section 8 of the United States Constitution. 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]*”

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H.R. 3443 — To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District — as amended (Musgrave, R-CO)

Order of Business: The bill is expected to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 3443 would convey 58 miles of water distribution facilities (St. Vrain Supply Canal, Boulder Creek Supply Canal, and South Platte Supply Canal) to the Northern Colorado Water Conservancy District. The bill finds that the District has completed its repayment obligations under the Colorado-Big Thompson Project and would not be required to provide additional consideration to receive the facilities. In addition, H.R. 3443 states that (1) the United States would not be liable for damages arising from its prior ownership or operation of the facilities and (2) that the water rights of those who use such facilities would not be impacted.

Additional Background: According to the Committee Report (H.Rept. 109-290), the Colorado-Big Thompson Project was authorized in 1937, to provide water for agriculture through dams, reservoirs, pumping plants, pipelines, and other facilities over a 250 mile area. The Project is owned by the Department of Interior's Bureau of Reclamation, and the Northern District Colorado Water Conservancy District is its local government sponsor.

Committee Action: The bill was introduced on July 26, 2005, and referred to the Resources Committee, which reported the bill on October 19th for consideration by the full House of Representatives.

Cost to Taxpayer: A CBO cost estimate for H.R. 3443 is not yet available.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The bill reduces the size of the federal government by conveying federal land holdings.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution. 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]*

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H.R. 853 — To remove certain restrictions on the Mammoth Community Water District's ability to use certain property acquired by that District from the United States — as reported (McKeon, R-CA)

Order of Business: The bill is expected to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4389 would allow the Mammoth Community Water District to be used for other public purposes beyond treating wastewater and office storage.

Additional Background: According to the Committee Report (H.Rept. 109-109), the federal government conveyed 25 acres from the U.S Forest Service to the Mammoth Community Water District in 1987, so long as the land was used for the same purposes for which they were being used *prior* to the time of conveyance. As a result, roughly 13 acres of this land continues to be used for storage, but is no longer needed for that purpose. The District may not change its use without Congressional authorization.

Committee Action: The bill was introduced on February 16, 2005, and referred to the Resources Committee, which reported the bill on June 8th for consideration by the full House of Representatives.

Cost to Taxpayer: According to CBO, H.R. 853 would have no 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: The Committee finds authority in Article I, Section 8 of the United States Constitution. 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]*

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H.R. 125 — To authorize the Secretary of Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes — *as reported* (Issa, R-CA)

Order of Business: The bill is expected to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill. A similar bill (H.R. 4389) passed in the 108th Congress by voice vote.

Summary: H.R. 4389 would authorize the Secretary of the Interior to construct facilities to use the Santa Margarita River to provide water for irrigation, municipal, domestic, military, and other uses. The facilities would be located on the lower part of the river on Camp Pendleton. Construction of the project could begin only if the following conditions were met:

1. The Fallbrook Public Utility District has entered into a repayment contract with the United States for its allocation of the construction costs, with interest, as applicable (repayment would take place over a period not to exceed 56 years);
2. The State of California has granted permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the Fallbrook District to use the water developed by the project;

3. The Fallbrook District has agreed not to assert any prior right it may have to water in excess of the quantity deliverable to it under this Act; and
4. The Secretary of the Interior has determined that the project has engineering and economic feasibility.

Sixty percent of the yield of the project would be allocated to the Secretary of the Navy and forty percent would be allocated to the Fallbrook Public Utility District. The bill authorizes \$60 million for construction of the project and such sums for operation and maintenance. This authorization sunsets after ten years.

Additional Background: Currently the Fallbrook Public Utility District relies on water supplies imported from the Colorado River and northern California.

Committee Action: The bill was introduced on January 4, 2005, and referred to the Resources Committee, which reported the bill on November 16th for consideration by the full House of Representatives.

Cost to Taxpayer: According to CBO, H.R. 4389 would authorize \$0 for fiscal year 2006 and \$64 million (\$60 million plus “such sums” for operations) over five years, subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill authorizes a new project.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution. 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]*

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H.R. 452 —To authorize the Secretary of Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers’ Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System— *as reported (Clay, D-MO)*

Order of Business: The bill is expected to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 452 would direct the Secretary of Interior to determine the suitability and feasibility of designating the Soldiers’ Memorial Military Museum in St. Louis, Missouri, as a unit of the National Park System.

Additional Background: According to the Committee Report (H.Rept. 109-319), the Memorial is a tribute to all of the veterans living in the greater St. Louis area. It was originally authorized by the City of St. Louis in 1923, and opened to the public on Memorial Day in 1938. The City of St. Louis pays for the Memorial's current annual budget of \$192,000, but local officials have expressed that the memorial faces an uncertain future *without federal assistance* and would like a federal agency to take over administration of the site" (emphasis added).

Committee Action: The bill was introduced on February 1, 2005, and referred to the Resources Committee, which reported the bill on December 6th for consideration by the full House of Representatives.

Cost to Taxpayer: According to CBO, H.R. 452 would cost roughly \$200,000 over the next three years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill requires a new study. In addition, this particular study will determine the National Park System could and should be expanded.

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

Constitutional Authority: The Committee finds authority in Article I, Section 8 of the United States Constitution. 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]*

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S. 1047 — Presidential \$1 Coin Act of 2005 (Sen. Sununu, R-NH)

Order of Business: The bill is scheduled for consideration on Tuesday, December 13, 2005, under a motion to suspend the rules and pass the bill. The House considered a companion bill, H.R. 902, on April 26, 2005 and it passed the House 422-6 on April 27, 2005 <http://clerk.house.gov/evs/2005/roll136.xml>. To see the RSC Legislative Bulletin on H.R. 902 see <http://www.house.gov/pence/rsc/doc/LB%204-26-05.pdf>

Summary: Beginning in 2007, S. 1047 would direct the Treasury to create a series of \$1 coins commemorating all former U.S. Presidents, in order of their service, and issue four different designs a year, while continuing to issue the Sacagawea \$1 coin. The presidential coins would have an image of a former President and the reverse would feature an image of the Statue of Liberty.

The bill would authorize the Mint to sell \$1 proof coins and uncirculated versions. It also directs the Secretary of the Treasury to issue 24K gold bullion coins honoring the spouse of each such President during the same period in which the \$1 coins are issued. The gold coins would have an image of the First Lady and the reverse would feature an image emblematic of the First Lady's life and work. In addition, the bill would authorize the Mint to sell bronze copies of the gold bullion coin.

The legislation also would require the Mint to produce a new 24K gold bullion 1 ounce \$20 coin. For the first year this coin would bear the classic Indian Head 5-cent coin or “Buffalo nickel” design with a mintage level of up to 500,000. After the first year of issuance, Treasury would have the discretion to change the design and mintage levels.

S. 1047 also would also authorize the U.S. Mint to make changes to the design of the 1 cent coin. For calendar year 2009, four circulating and one copper penny would be issued to commemorate the bicentennial anniversary of the birth of Abraham Lincoln. Beginning in calendar year 2010 the reverse side of the penny would bear an emblematic image of Lincoln’s preservation of the United States as a single united country.

The bill requires the Director of the United States Mint, to “work closely with consumer groups, media outlets, and schools to ensure an adequate amount of news coverage, and other means of increasing public awareness, of the inauguration of the Presidential \$1 Coin Program ... to ensure that consumers know of the availability of the coin.”

In addition, beginning January 1, 2006, S. 1047 requires all agencies of the U.S. and all entities, including vending machines, operating on U.S. properties to ensure that by the end of a 2-year period, their coin operations will be fully capable of accepting and dispensing \$1 dollar coins. In addition, numerous transit authorities are required to bring their machines \$1 coin operable.

Possible Conservative Concerns: According to the U.S. Mint and the CBO, coins are cheaper to use than paper money, particularly since they stay in circulation thirty or forty years, while the average dollar bill wears out after just eighteen months. However, according to a PBS NewsHour report in 1997, surveys have shown that 75 percent of the public prefers a paper dollar to a coin and past efforts to encourage the public to use dollar coins have not been successful. In March of 2002, after supplies outpaced demand for the Sacagawea Golden Dollar \$1 coin, the U.S. Treasury halted production.

The CBO Cost Estimate for the House companion bill stated, “Taking into account the experience of the 50 State Quarters program and the public’s continued resistance to the use of dollar coins, CBO expects that the new \$1 Presidential coin would increase the public's interest in collecting coins, but it would continue to face barriers to widespread circulating use.”

According to a Government Accountability Office (GAO) report, the Susan B. Anthony dollar coin (originally minted in 1979 and again 1999) also did not gain wide acceptance, primarily due to the fact that the dollar bill was still being used. In response to these past performances, the bill states in its findings that people would actively seek the coin if a rotating design were to be struck on the coin. Thus, this bill attempts to overcome past circulation shortcomings of the \$1 coins by using a rotating design of former presidents.

According to a 1999 press release on U.S. Mint's website, To foster acceptance of the Golden Dollar, the Mint is undertaking an unprecedented consumer awareness and education campaign. Townhall.com reported that the U.S. Treasury spent \$62 million promoting the use of the Sacagawea \$1 coin. In 2001, the U.S. Mint still had 324 million Sacagawea coins in storage. While the bill does not specifically outline a process or provide funding for the promotion of the new \$1 coins, it states the following in the Sense of the Congress section:

*“the coins issued in connection with this title should not be introduced with an **overly expensive** taxpayer-funded public relations campaign”(emphasis added).*

Because the bill does not define “overly expensive,” it is possible another ad campaign could be launched to promote these coins.

Committee Action: S. 1047 was introduced in the Senate on May 17, 2005, and passed the Senate by unanimous consent on November 18, 2005. It was held at the desk in the House and not referred to committee.

Cost to Taxpayers: CBO estimates that S. 1047 would not change direct spending in the first year but would decrease direct spending by \$10 million over five years, and by \$25 million over the 2006-2015 period.

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?: It might be considered a private mandate for private vending machine companies that have their machines placed on U.S. property, to have to accept \$1 coins within two years. According to CBO, S. 1047 would impose **significant costs** on some state and local transit entities. Section 104 would require public transit systems that receive federal funds to accept and dispense the \$1 coin and to publicize this capability. Based on information from the Comptroller General and state transportation officials, CBO believes that most public transit systems already accept the \$1 coin in transit fare machines; thus, those entities would not be significantly affected by the requirement.

Some large transit entities--for example the Bay Area Rapid Transit District in California--do not currently have the capability to accept \$1 coins and would have to expend significant resources to retrofit or replace fare machines. Furthermore, it is unclear whether other types of machines--for example parking meters--would be required to accept the dollar coin. If state and local entities need to change the way those machines accept and dispense money, they could face significant additional costs to retrofit machines or purchase new ones by January 1, 2007. Such costs, however, while potentially significant, would result from complying with conditions of federal assistance.

Constitutional Authority: The House Committee Report cited authority for this legislation under Article 1, section 8, clause 1 (relating to the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 5 (relating to the power to coin money).

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H.R. 3422 — Small Public Housing Authority Act — *as amended* (Neugebauer, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R.3422 exempts certain small public housing agencies from the requirement of preparing an annual public housing agency plan. In order for the agency to qualify for this exemption, it must meet the following requirements:

- “the sum of (1) the number of public housing dwelling units administered by the agency, and (2) the number of [section 8] vouchers ...administered by the agency, is 250 or fewer;
- “the agency is not designated ...as a troubled public housing agency;
- “the agency provides assurances satisfactory to the Secretary that notwithstanding the inapplicability of the requirements under this section relating to resident advisory boards and public hearings and notice, residents of public housing administered by the agency will have an adequate and comparable opportunity for participation and notice regarding establishment of the goals, objectives, and policies of the public housing agency.”

Under current law, each public housing agency is to submit to the Secretary of Housing and Urban Development (HUD), an annual public housing agency plan for each fiscal year, as well as a five-year plan, for which the public housing agency receives federal assistance. This bill exempts small public housing agencies from the annual reports, but the agencies are still required to submit a five-year plan.

A provision was added in committee clarifying that agencies exempt from submitting annual plans under this act are still required to comply with HUD statute, which requires public housing agencies to certify that the agency will carry out its housing plan in conformity with the Civil Rights Act. In addition, H.R. 3422 clarifies that the agencies receiving an exemption under the Act are not exempt from meeting the requirement that public housing agencies establish resident advisory boards. Current law requires each public housing agency to establish one or more resident advisory boards, the membership of which is to adequately reflect and represent the residents assisted by the public housing agency. Each resident advisory board established by a public housing agency is to assist and make recommendations regarding the development of the public housing agency plan for the agency.

Committee Action: On July 25, 2005, the bill was introduced and referred to the House Committee on Financial Services, which held a mark-up, and reported the bill, as amended, by a voice vote.

Cost to Taxpayers: According to CBO, implementation of H.R. 3422 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.

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H.R. 280 — Brownfields Redevelopment Enhancement Act — *as amended* (Gary Miller, R-CA)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 2941 includes several findings regarding the redevelopment of brownfields, including:

- “returning the Nation’s brownfield sites to productive economic use could generate more than 550,000 additional jobs and up to \$2,400,000,000 in new tax revenues for cities and towns;”
- “[a] lack of funding for redevelopment is a primary obstacle impeding the reuse of brownfield sites;”
- “redevelopment of brownfield sites and reuse of infrastructure at such sites will protect natural resources and open spaces;” and
- “grants under the Brownfields Economic Development Initiative of the Department of Housing and Urban Development provide local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development, and other activities.”

H.R. 2941 authorizes HUD to make Brownfields Economic Development Initiative (BEDI) grants to “eligible public entities” (defined in current law as “any unit of general local government, including units of general local government in non-entitlement areas”) and “Indian tribes” for the environmental cleanup and development of brownfields. Grants would be made only for (1) acquisition of real property or the rehabilitation of real property; (2) housing rehabilitation; (3) economic development activities; (4) construction of housing by nonprofit organizations for homeownership; (5) the acquisition, construction, reconstruction, or installation of public facilities; or (6) public works and site or other improvements.

The bill also eliminates the requirement that local governments obtain section 108 loan guarantees as a condition to receiving BEDI funding. Grants are authorized at such sums for fiscal years 2006 to 2010. H.R. 280 allows Community Development Block Grant funds to be used for “renewal communities” and includes mine-scarred lands as eligible brownfields sites.

Additional Background: The Environmental Protection Agency defines brownfields as “abandoned, idled or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental problems.” There are an estimated 500,000 such sites across the country.

Committee Action: On January 6, 2005, the bill was introduced and referred to the House Committee on Financial Services, which held a mark-up, and reported the bill, as amended, by a voice vote on March 16, 2005.

Cost to Taxpayers: CBO estimates that implementation of H.R. 280 would cost \$26 million in the first year and \$137 million over the next five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill expands the use of the Brownfields Economic Development Initiative.

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

Constitutional Authority: The Committee on Financial Services cites Article 1, Section 8, Clause 1 (relating to the general welfare of the United States) and Clause 3 (relating to the power to regulate interstate commerce).

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H.R. 798 — Methamphetamine Remediation Research Act of 2005 — *as amended* **(Gordon, D- TN)**

Order of Business: The bill is scheduled to be considered on Tuesday, December 13th, under a motion to suspend the rules and pass the bill, as amended.

Note: Under the House Republican Conference Rules, no new programs or reauthorizations of sunset programs may be considered on the suspension calendar. This rule may be waived by a vote of the elected leadership. This legislation, which creates two new programs, received a waiver from the elected leadership.

Summary:

- **Findings:** H.R. 798 includes several findings regarding methamphetamine, including:
 - “some materials and chemical residues remaining from the production of methamphetamine pose novel environmental problems in locations where methamphetamine laboratories have been closed;
 - “there has been little standardization of measures for determining when the site of a former methamphetamine laboratory has been successfully remediated;
 - “initial cleanup actions are generally limited to removal of hazardous substances and contaminated materials that pose an immediate threat to public health or the environment. It is not uncommon for significant levels of contamination to be found throughout residential structures where methamphetamine has been manufactured, partially because of a lack of knowledge of how to achieve an effective cleanup;
 - “data on methamphetamine laboratory-related contaminants of concern are very limited, and uniform cleanup standards do not currently exist. In addition, procedures for sampling and analysis of contaminants need to be researched and developed;
 - “many States are struggling with establishing assessment and remediation guidelines and programs to address the rapidly expanding number of methamphetamine laboratories being closed each year.”
- **Voluntary Guideline:** H.R. 798 directs the Environmental Protection Agency (EPA) to establish voluntary guidelines, based on the best currently available scientific knowledge, for the remediation of former methamphetamine laboratories, including guidelines regarding preliminary site assessment and the remediation of residual contaminants. The guidelines are to be designed to assist state and local governments in the development and implementation of legislation and other policies to apply state-of-the-art knowledge and research results to the remediation of former methamphetamine laboratories.
- **New Research Program:** The bill creates *a new research program* to support the development and revision of the voluntary guidelines to be established by the EPA. The research is to:
 - “identify methamphetamine laboratory-related chemicals of concern;

- “assess the types and levels of exposure to chemicals of concern ...including routine and accidental exposures, that may present a significant risk of adverse biological effects;
 - “identify the research efforts necessary to better address biological effects and to minimize adverse human exposures;
 - “evaluate the performance of various methamphetamine laboratory cleanup and remediation techniques; and
 - “support other research priorities identified by the [EPA] in consultation with States and other interested parties.”
- **New Research Program:** H.R. 798 directs the Director of National Institute of Standards and Technology to support a *new research program* to develop new methamphetamine detection technologies, with an emphasis on field test kits and site detection, as well as, appropriate standard reference materials and validation procedures for methamphetamine detection testing.
- **EPA Conference:** H.R. 798 directs the EPA to convene a conference of state agencies, as well as individuals or organizations involved in research and other activities directly related to the environmental or biological impacts of former methamphetamine laboratories. Please see “Additional Information” section to learn more about the EPA and annual conferences.
- **Authorizations:** The legislation authorizes \$3 billion for each of fiscal years 2006 through 2009, to the EPA for the purpose of carrying out the provisions in the bill. In addition, the measure authorizes \$1.5 million for each of fiscal years 2006 through 2009, to the National Institute of Standards and Technology.
- **Residual Effects Reports:** The EPA is directed to enter into an arrangement with the National Academy of Sciences to study the status and quality of research on the residual effects of methamphetamine laboratories. The study is to identify research gaps and recommend an agenda for the research program established by this Act at the EPA. The study is to pay particular attention to the need for research on the impacts of methamphetamine laboratories on residents of buildings where meth laboratories are or were located (with particular emphasis given to biological impacts on children) and first responders.

In addition, after this study is complete, the EPA is to submit to Congress on how the results of the study will be used.

Additional Background: According to the EPA’s Office of the Chief Financial Officer, in 2004, EPA employees attended approximately 400 conferences. This cost the taxpayers \$22.4 million, an amount which has doubled since President Clinton’s last year in office when the agency spend \$10.8 million.

According to H. Rep. 109-042, of the 32 chemicals used to make meth:

one-third are extremely toxic and many are reactive, flammable, and corrosive. In fact, nearly one in five labs is found because of fire or explosion, injuring or killing those involved in the manufacture of the drug as well as the law enforcement officers and the fire fighters who respond. During use and production, meth and other harmful chemicals are released into the air and distributed throughout the surrounding area. In residential settings, these chemicals collect on countertops and floors, and they are absorbed into furnishings, carpets and walls. In

addition, for every pound of meth produced, approximately five to six pounds of toxic byproducts remain. This waste is frequently poured down drains or spilled onto the ground, where chemicals can migrate into drinking wells and leach into the soil.

Cleanup of these chemicals is an extremely complex and expensive process, and currently no federal law regulated this process.

Committee Action: On February 15, 2005, the bill was introduced and referred to the House Committee on Science, which held a mark-up, and reported the bill, as amended, by a voice vote on March 15, 2005.

Cost to Taxpayers: CBO estimates that implementation of H.R. 280 would cost \$5 million in the first year and \$20 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates two new programs and adds a mandatory conference to the approximately 400 conference EPA employees currently attend.

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

Constitutional Authority: The Committee cites Article I, section 8 of the Constitution. However, 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]*

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