



## Legislative Bulletin.....July 9, 2002

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## **H.R. 4481—Airport Streamlining Approval Process Act (Young of Alaska)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 9<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4481 contains several provisions aimed at accelerating airport runway construction and extension projects:

- Directs the Federal Aviation Administration (FAA) to encourage the construction of new runways at congested airports.
- Directs the Secretary of Transportation to develop and implement a coordinated review process (amongst relevant federal agencies) for airport capacity enhancement projects at congested airports, so that all necessary (environmental) analyses, reports, approvals, and other requirements could go on simultaneously and be completed by the same (and sooner) deadline. The details of the coordinated review could be explicated in a memorandum of understanding. Failures to meet deadlines would have to be explained to Congress and the Council on Environmental Quality.
- Allows states to participate in such coordinated reviews.
- Authorizes appropriations of \$2.1 million for FY2003 and \$4.2 million for each fiscal year thereafter to “facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.”

- Directs the Secretary of Transportation to craft (in coordination with “interested persons and government entities”) a list of reasonable alternatives for each airport enhancement project from which other federal agencies could not deviate.
- Directs the Secretary of Transportation to develop and publish (within 120 days of this bill’s enactment) a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared for projects at airports.
- Repeals the requirement that the Governor of the state in which a project is located certifies in writing to the Secretary of Transportation that there is reasonable assurance that the project will be in compliance with applicable air and water quality standards.
- Authorizes the Secretary of Transportation to approve runway restrictions (for noise reduction) if such restrictions are necessary to accelerate runway construction (and meet other outlined conditions).
- Authorizes the use of local revenues generated at a participating airport for expenses related to the mitigation of the environmental impact of the airport enhancement project.
- Establishes procedures for the judicial review of any decision made under this legislation.
- Maintains existing provisions for public comment on and applicable state jurisdiction over airport enhancement projects.

H.R. 4481 as reported contains **no** Davis-Bacon (prevailing wage) language.

**Additional Background:** According to the Transportation Committee, the current runway planning and approval process can take ten or more years. To build a runway, an airport must coordinate with dozens of federal, state, and local agencies. Airports must also comply with over 40 federal laws, often with conflicting and confusing mandates.

The Transportation Committee also points out that according to FAA data, the average environmental impact statement (EIS) takes more than three years to complete. There are several additional federal environmental planning and permit requirements outside of the EIS process that can add significant delays. For example, FAA completed the EIS for Seattle's third runway in 1997 in less than three years, yet construction has been delayed for the last five years due to the Clean Water Act permit requirements.

**Cost to Taxpayers:** CBO confirms that H.R. 4481 would authorize appropriations of \$2.1 million in FY2003 and a total of \$18.9 million over the FY2003-2007 period.

**Does the Bill Create New Federal Programs or Rules?:** The bill would streamline existing processes for the construction or extension of runways at congested airports.

**Constitutional Authority:** The Transportation Committee, in House Report 107-531, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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## **H. R. 5063— Armed Forces Tax Fairness Act of 2002 (Houghton)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 9, 2002, under a motion to suspend the rules and pass the bill.

### **Summary:**

The bill would amend the Internal Revenue Code (25 U.S.C. 121 and 25 U.S.C. 134) to

- 1) alter how capital gains taxes are computed for homes of armed service members and their spouses, if they are serving on qualified extended duty at least 250 miles away from their principal residence. Currently, a homeowner is exempt from capital gains taxes if he sells a home and he had lived in it for a total of two out of the last five years. The bill will essentially suspend the five-year timeline if the serviceman is away for a period in excess of 180 days. In other words, when the home is sold, the home still must have been the primary residence for a total of 2 years, but not necessarily in the past 5 consecutive years.
- 2) provide tax-free treatment of death gratuity payments paid to survivors of members of the armed services, starting with deaths on September 11, 2001.

**Cost to Taxpayers:** A CBO cost estimate is unavailable, but the tax bill will likely lead to taxpayers **saving** money and not sending as much to the federal government.

**Does the Bill Create New Federal Programs or Rules?:** The bill adds two provisions to the Internal Revenue Code relating to capital gains tax on homes for military personnel and to income tax exceptions for death benefits paid to survivors of military personnel.

**Constitutional Authority:** A committee report citing Constitutional Authority is unavailable.

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## **H.R. 3130—Undergraduate Science, Mathematics, Engineering, and Technology Education Improvement Act (Boehlert)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 9<sup>th</sup>, under a motion to suspend the rules and pass the bill.

### **Summary:**

- Authorizes \$25 million for FY 03 and such sums as may be necessary thereafter to establish a new grant program within the National Science Foundation to provide funds to institutions of higher education with science (physical, information, mathematics, engineering, or technology) programs for the purpose of increasing the number and quality of students studying and receiving associate or baccalaureate degrees in science.

NSF must award at least 10 grants a year with each grant running for 5 years. Funds may be used for a variety of activities including increasing the number of underrepresented students.

- Authorizes \$15 million each year for Fiscal Years 03-07 to provide grants to institutions of higher education to expand previously implemented reforms of undergraduate science programs that have been successful in increasing the quality and number of students receiving degrees in the sciences.
- Authorizes \$8 million each year for Fiscal Years 03-07 to provide grants to institutions of higher education (including consortia) and non-profit organizations for the professional development of undergraduate science faculty.

Funds may be used to pay for sabbaticals and provide stipends among other things. Each year the NSF is required to convene a meeting of awardees.

- Authorizes \$10 million each year for Fiscal Years 03-07 to provide grants to institutions of higher education for the purchase of research instruments.
- Authorizes \$10 million each year for Fiscal Years 03-07 to provide grants to institutions of higher education (including consortia) and non-profit organizations to establish sites that provide research experiences for 10 or more undergraduate science students (half of whom have to be from institutions with limited research activities).

Each student must have a mentor and are to be tracked through receipt of their undergraduate degree and at least 1 year thereafter.

- Directs the NSF to establish a program to provide grants to minority-serving institutions of higher education to enhance science programs

- Requires the establishment of an advisory committee on science education at community colleges
- Authorizes \$5 million each year for Fiscal Year 03-07 to improve core science and math education as part of the Scientific and Advanced-Technology Program (established in 1992)
- Authorizes \$20 million for the period FY 03 through FY 07 for acquisition of research instruments as part of the Scientific and Advanced-Technology Program (established in 1992)
- Authorizes \$750,000 each year for FY 03-07 to support research experiences for undergraduate students as part of the Scientific and Advanced-Technology Program (established in 1992)
- The bill requires an NSF-conducted evaluation of these programs and a National Academy of Sciences study on undergraduate recruitment and retention in the fields of science.

**Cost to Taxpayers:** CBO estimates that assuming the appropriation of the necessary amounts, the bill would cost taxpayers a total of \$500 million over the 2003-2007 period.

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill creates a variety of new grant programs within the National Science Foundation.

**Constitutional Authority:** The Committee cites Article I, Section 8 of the Constitution, but fails to cite a specific power.

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**H.R. 5017 — To amend the Temporary Emergency Wildfire Suppression Act to facilitate the ability of the Secretary of the Interior and the Secretary of Agriculture to enter into reciprocal agreements with foreign countries for the sharing of personnel to fight wildfires. (McInnis)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 9<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5017 amends the Temporary Emergency Wildfire Suppression Act to protect foreign firefighters working in the United States from tort liability. Firefighters working in the U.S. under a reciprocal agreement between the U.S. and a foreign country may, as part of the agreement, be considered federal employees. The Wildfire Suppression Assistance Act currently states that foreign firefighting personnel are not considered

employees of the U.S. when providing firefighting assistance and therefore do not have the protections accorded by the Federal Tort Claims Act.

The bill further provides that the tort liability protection shall not be part of an agreement unless the foreign country “agrees to assume any and all liability for the acts or omissions of American firefighters engaged in providing wildfire presuppression or suppression services under the agreement in the foreign country.” The laws of the host country would be the only source of remedy for firefighting actions that take place in the host country.

Finally, H.R. 5017 protects the firefighter, sending country and any organization associated with the firefighter from any liability resulting from actions taking place under a reciprocal agreement.

**Additional Background:** Under the Wildfire Suppression Assistance Act of 1988, the Secretary of the Interior and the Secretary of Agriculture are authorized to enter into reciprocal agreements with foreign fire organizations for mutual aid in wildfire protection. After devastating wildfires in 2000, where Australia and New Zealand provided significant assistance to the U.S., longer-term agreements were negotiated with those countries. These agreements have not been implemented, however, due to concerns that the foreign firefighting personnel and their governments would face liability for alleged torts committed while their personnel were furnishing assistance to the U.S. Australia and New Zealand have fire personnel available to come to the U.S. to fill needs currently faced in the Western U.S., which has faced several serious fires in recent weeks and has been declared in “Preparedness Level 5,” the highest level of risk.

A similar provision was included in the House-passed Supplemental Appropriations Bill for FY 2002.

**Cost to Taxpayers:** A cost estimate is unavailable.

**Does the Bill Create New Federal Programs or Rules?:** The bill provides tort protection to foreign firefighters providing assistance to the U.S. if similar protection is provided to U.S. firefighters under a reciprocal agreement.

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

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## **H.R. 4878 — Improper Payments Reduction Act of 2002 (Horn)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 9<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4878 requires federal agencies to annually identify programs and activities that may be susceptible to “significant improper payments.” An improper payment as defined by the bill includes overpayments, underpayments, duplicate payments, payment to ineligible recipients, payments for ineligible services and payments for services not received. For each program and activity, the head of the agency must estimate the annual amount of improper payments and the amount in its annual budget and performance report under GPRA (The Government Performance and Results Act).

In programs and activities where improper payments exceed one percent of the program budget or \$1 million (whichever is less), the agency head must:

- State whether they have the information systems necessary to reduce improper payments and if not, what they have requested in their budget to acquire such systems;
- Ensure accountability for meeting performance targets; and
- Describe annual performance targets and accountability measures in budget and GPRA report.

**NOTE:** Contrary to other reports, the bill does NOT include provisions requiring that agencies with a budget in excess of \$25 million complete an audit.

**Cost to Taxpayers:** A cost estimate is unavailable.

**Does the Bill Create New Federal Programs or Rules?:** The bill sets new requirements for federal agencies to reduce improper payments and produce audited annual financial statements.

**Constitutional Authority:** No committee report citing constitutional authority is available.

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## **H.Res. 393—Concerning the rise in anti-Semitism in Europe (Crowley)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, July 9<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 393 would express a sense of the House that the governments of Europe should:

- “take all necessary steps to protect the safety and well-being of their respective Jewish communities; and

- “make a concerted effort to cultivate an atmosphere of cooperation and reconciliation among the Jewish and non-Jewish residents of Europe.”

The resolution laments that “there has been a significant rise in anti-Semitic attacks on Jewish people and Jewish institutions in Europe during the last 18 months,” and then lists five examples of specific anti-Semitic attacks in various European countries this past spring.

**Cost to Taxpayers**: The resolution would authorize no expenditure.

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

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## **Motion to Instruct Conferees on H.R. 3295 (Help America Vote Act) (Langevin)**

**Order of Business**: On Tuesday, July 9<sup>th</sup>, Mr. Langevin of Rhode Island is expected to offer a motion to instruct conferees on H.R. 3295, the “Help America Vote Act.”

**Summary**: The Langevin motion would instruct House conferees to recede from disagreement with the provisions in the Senate bill (Subparagraphs A and B of Section 101(a)(3)) requiring that all states:

- Implement a voting system that is “accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;” and
- Use “at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place.”

The Langevin motion is silent on *when* states should implement such a voting system.

**Additional Background**: For detailed information on H.R. 3295 as it passed the House, visit these websites:

<http://www.house.gov/burton/RSC/electionreform.PDF>

<http://www.house.gov/burton/RSC/ElectionRefMgrsAmnd.PDF>

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