



**Legislative Bulletin.....March 28, 2006**

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**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs: 0**

**Total Cost of Discretionary Authorizations: \$0**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

**Total New State & Local Government Mandates: 0**

**Total New Private Sector Mandates: likely at least one**

**Number of Bills Without Committee Reports: 6**

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

**H.R. 4882 — Vietnam Veterans Memorial Visitor Center Deadline Enforcement Act — *as introduced* (Pombo, R-CA)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4882 would designate the location on the National Mall where the new Vietnam Veterans Memorial Visitor Center will be located (the Visitor Center was authorized by P.L. 108-126, but a specific location was not specified), and would require that final approval of the Visitor Center will occur within 30 days of enactment of this Act (so that construction may proceed without further delay).

**Additional Information:** The Visitor Center was originally authorized by H.R. 1442 (signed in to law on November 17, 2003; P.L. 108-126). This legislation stated that “no federal funds shall be used to pay any expense” to design and build the Visitor Center. According to Chairman Pombo, the project has been delayed 2 ½ years due to bureaucratic red tape in choosing a specific site for the project. The location of the Visitor Center will be within the area between Henry Bacon Drive, 23rd Street, Constitution Avenue and the Lincoln Memorial.

**Committee Action:** H.R. 4882 was introduced on March 7, 2006, and referred to the Committee on Resources. The bill was marked-up on March 15, 2006, and it was reported to the House by a vote of 32-0 the same day.

**Cost to Taxpayers:** A CBO score of H.R. 4882 is unavailable, but the bill does not authorize new expenditures.

**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.

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.Res. 680 — Recognizing Dr. I. King Jordan for his contributions to  
Gallaudet University and the deaf and hard of hearing community  
(Kind, D-WI)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, March 28<sup>th</sup>, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 680 would resolve that the House:  
➤ “congratulates Dr. I. King Jordan on his retirement; and

- “expresses appreciation to Dr. I. King Jordan for his many years of dedicated service to Gallaudet University, to the deaf and hard of hearing community, and to all individuals with disabilities.”

**Additional Background:** In 1988, Dr. I. King Jordan became the first deaf President of Gallaudet University (Washington, DC) and the first deaf president of any institution of higher education in the United States. The resolution notes that Gallaudet University “grants more bachelor’s degrees to deaf people than any other institution of higher learning in the world” and “is the only such institution serving primarily deaf and hard of hearing students.”

For more biographical information on Dr. Jordan, visit this webpage:

<http://www.gallaudet.edu/x227.xml>

**Committee Action:** On February 15, 2006, the resolution was referred to the Education & the Workforce Committee, which took no official action on it.

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

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

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

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## **H.R. 4786 — H. Gordon Payrow Post Office Building Designation Act (Dent, R-PA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4786 would designate the U.S. postal facility located at 535 Wood Street in Bethlehem, Pennsylvania, as the “H. Gordon Payrow Post Office Building.”

**Additional Background:** H. Gordon Payrow was mayor of Bethlehem, PA, from 1962 to 1974 and died in 2004 at the age of 86. For more biographical information, visit this webpage: <http://dent.house.gov/pr-030706.shtml>

**Committee Action:** On February 16, 2006, the bill was referred to the Government Reform Committee, which, on March 9<sup>th</sup>, marked up and ordered it reported to the full House 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. 3440 — Dr. Jose Celso Barbosa Post Office Building Designation Act (R.C. Fortuño, R-PR)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3440 would designate the U.S. postal facility located at 100 Avenida RL Rodriguez in Bayamon, Puerto Rico, as the “Dr. José Celso Barbosa Post Office Building.”

**Additional Background:** Dr. José Celso Barbosa formed the pro-statehood Puerto Rican Republican Party on 1899 in the aftermath of the Spanish-American War (in which Puerto Rico became a U.S. territory). Barbosa became known as the “Father of the Statehood for Puerto Rico” movement. Barbosa died in 1921. His birthday is an official holiday in Puerto Rico. For more biographical information, visit this webpage:

[http://www.house.gov/apps/list/press/pr00\\_fortuno/barbosa.html](http://www.house.gov/apps/list/press/pr00_fortuno/barbosa.html)

**Committee Action:** On July 26, 2005, the bill was referred to the Government Reform Committee, which, on September 15, 2005, marked up and ordered it reported to the full House 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. 4805 — Gene Vance Post Office Building (Johnson, R-IL)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 28<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4805 would designate the U.S. postal facility located at 105 North Quincy Street in Clinton, Illinois, as the “Gene Vance Post Office Building.”

**Additional Background:** Gene Vance was a legendary basketball player for the University of Illinois, who, in 1943 (along with the other “Whiz Kids” on the team), chose to enter the armed forces for WWII instead of participating in that season’s NCAA Tournament. Vance also played in the NBA from 1948 to 1952, was a high school basketball coach in the 1950s, and was the University of Illinois’ Director of Athletics from 1967-1972.

**Committee Action:** On February 28, 2006, the bill was referred to the Government Reform Committee, which, on March 9<sup>th</sup>, marked up and ordered it reported to the full House 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.Res. 85 — Supporting the goals and ideals of “National MPS Day” — *as introduced (Kind, D-WI)***

**Order of Business:** The resolution is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 85 resolves that the House of Representatives supports for the goals and ideals of “National MPS Day.” The resolution states the following findings, among other items:

- “mucopolysaccharidoses and mucopolipidoses (commonly known as ‘MPS disorders’) are genetically determined lysosomal storage disorders that result in the inability of the body to produce certain enzymes needed to break down complex carbohydrates;
- “in individuals with MPS disorders, complex carbohydrates are stored in virtually every cell in the body and progressively cause damage to the cells, affecting multiple systems, including the bones, heart and other internal organs, respiratory system, and central nervous system;
- “increased public and professional awareness and **continued public funding** will assist in the development of new techniques, treatments, and cures for MPS disorders, which will greatly enhance the quality of life for individuals with MPS disorders (emphasis added);
- “the National MPS Society, Inc., a group ultimately dedicated to finding a cure for MPS disorders, has designated February 25 of each year as ‘National MPS Day’; and
- “the designation of ‘National MPS Day’ provides an opportunity to increase public and professional awareness about mucopolysaccharidoses and mucopolipidoses, and to encourage research for early diagnosis, effective treatments, and a potential cure for MPS disorders.”

**Additional Information:** According to the National MPS Society website, “mucopolysaccharidoses (MPS) and related diseases are genetic lysosomal storage diseases (LSD) caused by the body’s inability to produce specific enzymes. Normally, the body uses enzymes to break down and recycle materials in cells. In individuals with MPS and related diseases, the missing or insufficient enzyme prevents the proper recycling process, resulting in the storage of materials in virtually every cell of the body. As a result, cells do not perform properly and may cause progressive damage throughout the body, including the heart, bones, joints, respiratory system and central nervous system. While the disease may not be apparent at birth, signs and symptoms develop with age as more cells become damaged by the accumulation of cell materials.” For more information, please visit: <http://www.mpssociety.org/>.

**Committee Action:** H.Res. 85 was introduced on February 10, 2005, and referred to the Committee on Government Reform. The bill was marked-up on March 9, 2006, and it was reported to the House by unanimous consent the same day.

**Cost to Taxpayers:** The resolution authorizes 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. 517 — Recognizing the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States — *as amended (Pascrell, D-NJ)***

**Order of Business:** The resolution is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the resolution, as amended.

**Summary:** H.Res. 517 would “recognize the life of Wellington Timothy Mara and his outstanding contributions to the New York Giants Football Club, the National Football League, and the United States.” The resolution states the following findings, among other items:

- “Wellington Timothy Mara was born on August 14, 1916, in New York City. He graduated from Loyola High School in New York and proceeded to Fordham University, from which he graduated in 1937;
- “Wellington Mara was a vital participant in the New York Giants Football Club since its inception and inclusion in the National Football League in 1925 under the original leadership of his father Timothy;
- “In 1930, Wellington Mara acquired part-ownership of the New York Giants when his father divided the team between Wellington Mara and his brother Jack;
- “Under the co-leadership of Wellington and Jack Mara, the New York Giants appeared in five National Football League Championship games between 1958 and 1963, and Wellington Mara was in charge of accumulating the player talent that engineered this remarkable accomplishment;
- “By supporting the agreement to share television revenues equally among the teams of the National Football League, Wellington and Jack Mara gave up significant revenue for their own team, but put the National Football League on the path to collective success;
- “Under his leadership, the New York Giants have 26 postseason appearances, 18 National Football League divisional championships, and six National Football League championships, including the Super Bowl XXI and Super Bowl XXV titles;
- “Wellington Mara was inducted into the National Football League Hall of Fame in 1997; and
- “On October 25, 2005, Wellington Mara succumbed to cancer at his home in Rye, New York.”

H.Res. 517 resolves that House of Representatives:

- “expresses its deepest condolences to his wife of 61 years, Ann, his 11 children, and his 40 grandchildren; and
- “recognizes the outstanding contributions that Wellington Timothy Mara made to the New York Giants Football Club, the National Football League, and the United States.”

**Additional Information:** Wellington Mara was the son of Timothy Mara, who founded the New York Giants in 1925. Press reports stated that Wellington started as a ballboy for the Giants, and “served in virtually every capacity in the organization, including scout, general manager and president.” Mara was associated with the Giants for all 81 seasons of the teams franchise history.

**Committee Action:** H.Res. 517 was introduced on October 26, 2005, and referred to the Committee on Government Reform. The bill was marked-up on March 9, 2006, and it was reported to the House by unanimous consent the same day.

**Cost to Taxpayers:** The resolution authorizes 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. 4057 — To provide that attorneys employed by the Department of Justice shall be eligible for compensatory time off for travel under section 5550b of title 5, United States Code — *as reported* (Porter, R-NV)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4057 would provide that Department of Justice attorneys (including assistant U.S. attorneys) are eligible to receive compensatory time off for time spent in travel status (as stipulated under section 5550b of title 5) if that time is not otherwise compensable. According to CRS, the “Office of Personnel Management regulations allow DOJ attorneys to receive equal time off in exchange for work-related travel outside of regular business hours. Current DOJ guidelines, however, specifically bar agency attorneys from receiving the benefit.” This would apply to travel on or after the date of enactment.

**Committee Action:** H.R. 4057 was introduced on October 17, 2005, and referred to the Committee on Government Reform. The bill was marked-up on October 20, 2005, and it was reported to the House by voice vote the same day (H. Rept. 109-390).

**Cost to Taxpayers:** CBO estimates that H.R. 4057 “could increase costs for DOJ if the use of compensatory time by attorneys necessitated hiring new attorneys to complete their current workload. Based on information from DOJ and the experience of other agencies, CBO estimates that implementing H.R. 4057 would not have a significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues.”

**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 Report, H. Rept. 109-390, cites constitutional authority for this legislation in Article I, Section 8, and Clause 18 of the Constitution (the Necessary and Proper Clause).



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. 4979 — Local Community Recovery Act of 2006 — *as reported* (Pickering, R-MS)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4979 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the authority under which FEMA operates during natural disasters) to clarify the preference for local firms in the award of certain contracts for disaster relief activities. Current law allows a “preference” to be given to local firms in awarding contracts. This legislation would amend current law to state, “In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.” This legislation would also state that any solicitation made by the Corps of Engineers (which awards contracts for cleanup and debris removal in the hurricane affected areas) during FY06 under the Stafford Act would be final and not subject to judicial review. This would effectively eliminate any pending judicial proceedings related to Corps solicitations in FY06 for the hurricane affected areas.

Any solicitation made by the Corps of Engineers during FY06 concerning section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150) would be final and conclusive and would not be subject to administrative or judicial review. Any administrative or judicial action or proceeding arising from such solicitation that is pending on the date of enactment of this Act would be immediately dismissed by the court or administrative agency in which the action or proceeding was brought or is currently pending.

***Current law (with section in question underlined):***

42 USC Sec. 5150  
TITLE 42 - THE PUBLIC HEALTH AND WELFARE  
CHAPTER 68 - DISASTER RELIEF  
SUBCHAPTER III - MAJOR DISASTER AND EMERGENCY ASSISTANCE ADMINISTRATION  
Sec. 5150. Use of local firms and individuals

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency. This section shall not be considered to restrict the use of Department of Defense resources in the provision of major disaster assistance under this chapter.

***H.R. 4979 Additions:***

In carrying out this section, a contract or agreement may be set aside for award based on a specific geographic area.

Any solicitation made by the Corps of Engineers during fiscal year 2006 concerning section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5150) shall be final and conclusive and shall not be subject to administrative or judicial review. Any administrative or judicial action or proceeding arising from such solicitation that is pending on the date of enactment of this Act shall be immediately dismissed by the court or administrative agency in which the action or proceeding was brought or is currently pending.

**Additional Information:** In September 2005, the U.S. Army Corp of Engineers awarded a \$500 million contract for debris removal in Mississippi after Hurricane Katrina to AshBritt, Inc., a non-local firm. In December, 2005, the Corp issued a \$300 million solicitation for debris removal bids in Mississippi, but limited bids to local firms. AshBritt filed a bid protest with the GAO, stating that the allowable “preference” in current law does not permit the Corps to restrict competition to only local contractors. GAO denied the bid protest.

According to the bill’s sponsor, this legislation is intended to clarify and affirm the Corps ability, and the original intent of Congress, to allow contracts to be set aside for local contractors. The bill’s sponsor also states that this will result in “significant cost savings for the federal government,” since under the current procedure there may be several layers of contractors and subcontractors that act to artificially inflate the cost of the project.

- Washington Post article:  
[http://www.house.gov/rsc/pence/032006\\_WashPost\\_Corps\\_Contracts.pdf](http://www.house.gov/rsc/pence/032006_WashPost_Corps_Contracts.pdf)
- GAO decision regarding the AshBritt bid protest:  
[http://www.house.gov/rsc/pence/032006\\_GAO\\_AshBritt\\_Decision.pdf](http://www.house.gov/rsc/pence/032006_GAO_AshBritt_Decision.pdf)
- RSC Stafford Act Policy Brief:  
[http://www.house.gov/pence/rsc/doc/FEMA\\_Disaster\\_Response.pdf](http://www.house.gov/pence/rsc/doc/FEMA_Disaster_Response.pdf)

**Conservative Concerns:** Conservatives generally argue that a competitive bidding process in awarding contracts is the best way to ensure cost effective and efficient projects.

**Committee Action:** H.R. 4979 was introduced on March 16, 2006, and referred to the Committee on Transportation and Infrastructure, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 4979 is unavailable. In response to an RSC inquiry, CBO indicated that it is not possible to score the effect of this bill, though on a case-by-case basis it may either reduce or increase FEMA contracts. The bill does not effect direct spending.

**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.

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. 2116 — Supreme Court Grounds Transfer Act of 2005 (Sen. Lott, R-MS)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 2116 would transfer jurisdiction over a certain parcel of federal land in the District of Columbia from the Architect of the Capitol to the Supreme Court (area surrounding the Supreme Court including lands on Constitution Avenue, Maryland Avenue, and 2<sup>nd</sup> Street). This parcel of land was previously transferred to the Architect from the Department of the Interior in P.L. 104-333. The bill would update the respective definitions accordingly for Supreme Court grounds and U.S. Capitol grounds in the U.S. Code. The bill states that the U.S. Capitol Police will not have jurisdiction over the parcel of land (which they currently have as part of the U.S. Capitol grounds). The bill provides that the Act will apply to FY2006 and each fiscal year thereafter.

**Committee Action:** S. 2116 was introduced in the Senate on December 15, 2005, and passed by unanimous consent. The bill was referred to the House Committee on Transportation and Infrastructure, which took no official action.

**Cost to Taxpayers:** A CBO score of S. 2116 is unavailable, but the bill does not authorize new expenditures.

**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.

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. 2120 — Milk Regulatory Equity Act of 2005 (Sen. Kyl, R-AZ)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** According to CRS, the farm price of approximately two-thirds of the nation's fluid milk is regulated under federal milk marketing orders, administered by the U.S. Department of Agriculture (USDA). These orders were instituted in the 1930s "to promote orderly marketing conditions" by, among other things, applying a uniform system of classified pricing throughout the market. Some states, California for example, have their own state milk marketing regulations instead of federal rules.

S. 2120 contains three provisions which modify current law (7 U.S.C. 608c(5)) to: 1) affect the regulation of fluid milk processors who operate a plant in a federal order area, are not regulated by that order, and ship packaged milk into a state marketing order (not a federal order); 2) affect the regulation of fluid processors who produce, package and distribute their milk, also known as producer-handlers or producer-distributors; and 3) exclude Nevada from federal milk marketing orders. These provisions, will take effect on the first day of the first month beginning more than 15 days after the date of the enactment of S. 2120.

According to CRS, the first provision listed above "would primarily affect a large fluid processor who is located in Yuma, Arizona (which is part of the Arizona-Las Vegas milk marketing order area), but ships all of its packaged milk into California. Under current law and regulations, this plant's interstate shipments to California are not regulated by either the Arizona-Las Vegas order or the California state order." The bill would require this processor, and any like it, to pay into the federal order pool the minimum federal milk marketing order price for the raw milk that went into the shipments sold into the state order. According to the *Chicago Tribune*, this processor, Hein Hettinga, is among the largest dairy farmers in the nation, with 15 massive dairies stretching from California to west Texas. "His five dairies in Arizona send milk to two bottling plants in Yuma, on the border of California, and they in turn ship milk to Sam's Club, Costco and other retail outlets in Arizona and southern California. There, Hettinga's milk sells for about \$1.99 a gallon, sometimes less. By comparison, an USDA survey found that a gallon of milk in Chicago costs twice as much, \$3.99 a gallon, making Chicago among the most expensive milk markets in the nation." The Sam's Club in Yuma, Ariz., reportedly sells two gallons of Hettinga's whole milk for \$3.99. (Sources: [http://newsblogs.chicagotribune.com/news\\_theswamp/2006/03/washington\\_pric.html#more](http://newsblogs.chicagotribune.com/news_theswamp/2006/03/washington_pric.html#more); <http://www.apics.org/APICS/Resources/ViewArticle.aspx?articleId=20060228/krt20060228knight66410019FARMMILKEDITORIALTBEDIT.xml>)

The second provision requires the full regulation of any producer-handler (dairy farmers who process milk from their own cows in their own plants and market their packaged fluid milk and other dairy products themselves) with distribution of fluid milk in the Arizona-Las Vegas order area in excess of three million pounds in the previous month. Current regulations exempt producer-handlers from the minimum price requirements of federal milk marketing orders, but minimal reporting is required. Producer-handlers may sell products directly to consumers through their own stores, directly to consumers on home-delivery routes, or to wholesale customers such as food stores, vendors, or institutions. According to CRS, this provision primarily affects the same producer-handler in Arizona that would be affected by the interstate milk shipment provision discussed above. By bringing these producer-handlers under regulation, it will increase the blend price received by all regulated dairy farmers.

Meanwhile, USDA has published a final regulation effective April 1, 2006, that establishes a 3 million lb. per month route disposition limit for a producer-handler exemption, both in the Pacific Northwest and the Arizona-Las Vegas order areas. The final USDA regulation would affect at least three large producer handlers in the Pacific Northwest, as well as the Arizona producer-handler. (For USDA's final rule, see <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-1587.htm>)

The third provision, it is argued, is a technical correction to a provision in the FY02 Agriculture Appropriations Act (P.L. 106-78) that was intended to remove Clark County, Nevada from the Las Vegas-Arizona federal milk marketing order area, so that the only handler in this county would be subject to the lower Nevada state order price for fluid milk. The language of the appropriations provision removed any plant operating in Clark County, but not Clark County itself. The result was that milk that is currently shipped from California to Clark County is partially regulated and compensatory payments to the Arizona-Las Vegas order are required. The provision in S. 2120 would completely remove the state of Nevada from the marketing area definition of any order, which, according to CRS, supporters say would end the required compensatory payments paid by California milk shippers and allow all of Nevada to be joined together in the state order.

For additional information, please see this CRS report <http://www.congress.gov/erp/ib/pdf/IB97011.pdf>

**Committee Action:** On December 16, 2005, the bill was introduced in the Senate and passed by unanimous consent the same day. It was referred to the House Committee on Agriculture, which took no official action. A similar bill (H.R. 4015) was introduced in the House on November 16, 2005.

**Cost to Taxpayers:** A CBO cost estimate is not available. The bill imposes federal regulatory schemes on certain types of milk producers and handlers, which will impose a cost on the people and companies being regulated that would potentially drive up the cost of milk for consumers.

**Does the Bill Expand the Size and Scope of the Federal Government?:** This expands the scope of federal regulations by applying them to people who are currently exempt.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes. The bill requires private-sector businesses to be regulated by federal milk pricing regulations. According to the *Chicago Tribune*, "If Hettinga's efforts to block the USDA's regulations are unsuccessful, he estimates that he would have to pay about \$3.5 million a year in a federal pool of milk revenues, money that would essentially be split among his competitors."

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

**Additional Information:** House Approps Chairman Jerry Lewis released a statement strongly urging Members to **oppose** S. 2120. His statement says, "Controversial and complicated dairy policy changes should be considered in the context of the Farm Bill not rammed through on the Suspension calendar. If we allow this dairy policy change to occur it sets a bad precedent for

how other dairy policy interests are handled in the future.” He continues, “This legislation makes a rifle-shot policy change to specifically benefit a large multinational corporate agribusiness conglomerate with billions of dollars in sales at the expense of a few family-owned small businesses.”

The Milk Regulatory Equity Act is **supported** by the following national, regional and state dairy organizations (Source: [http://www.idfa.org/leg/issuepap/equity\\_dairy\\_industry.cfm](http://www.idfa.org/leg/issuepap/equity_dairy_industry.cfm)):

Alliance of Western Milk Producers  
Maryland & Virginia Milk Producers  
Alta Dena Dairy Meadow  
Gold Dairy  
Berkeley Farms  
Milk Producers Council  
California Dairies, Inc.  
Model Dairy  
California Dairy Campaign  
Morningstar Foods  
Dairy Farmers of America  
National Milk Producers Federation  
Dairy Institute of California  
Nevada Dairy Commission

Dean Foods Company  
Safeway  
Fullerton Cultured Products  
Shamrock Foods Company  
Humboldt Creamery  
Swiss Dairy  
International Dairy Foods Association  
Tulare Cultured Specialties  
Kraft Foods  
United Dairymen of Arizona  
The Kroger Company  
Virginia State Dairymen's Association  
Land O' Lakes  
Western United Dairymen

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**H.Con.Res. 353 — Commending the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulating President-elect Rene Garcia Preval on his victory in these elections —  
*as introduced (Waters, D-CA)***

**Order of Business:** The resolution is scheduled for consideration on Tuesday, March 28, 2006, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 353 would commend the people of the Republic of Haiti for holding democratic elections on February 7, 2006, and congratulate President-elect Rene Garcia Preval on his victory in these elections. The resolution also stated the following findings, among other items:

- “Reports indicate that the elections were peaceful and that 2.2 million Haitians--more than 60 percent of registered voters--participated in the elections;
- “The participation of an overwhelming number of Haitians in the elections demonstrates the commitment of the Haitian people to democracy;
- “On February 16, 2006, Rene Garcia Preval was declared the winner of the presidential election with 51.15 percent of the vote;

- “The elections of February 7, 2006, are a sign of hope for the future of the people of Haiti;
- “The elected government of Haiti will need the support and assistance of the United States and the international community to ensure social and economic development and to improve the lives of the Haitian people.

H.Con.Res. 353 resolves that Congress:

- “Commends the people of the Republic of Haiti for holding democratic elections on February 7, 2006;
- “Congratulates President-elect Rene Garcia Preval on his victory in these historic elections; and
- “Pledges its support and assistance for national reconciliation, democracy, and development for the people of Haiti.

**Committee Action:** H.Con.Res. 353 was introduced on March 8, 2006, and referred to the Committee on International Relations, which took no official action.

**Cost to Taxpayers:** The resolution authorizes 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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