



Legislative Bulletin.....June 7, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Multiple

Total Cost of Discretionary Authorizations: \$2 million in FY07 and \$17 million in FY07-11

Effect on Revenue: Increase by \$1 million in FY06 and \$27 million in FY06-11

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: Numerous

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

S. 2803 — Mine Improvement and New Emergency Response (MINER) Act of 2006 (Sen. Enzi, R-WY)

Order of Business: The bill is scheduled for consideration on Wednesday, June 7, 2006, under a motion to suspend the rules and pass the bill. **Note:** Republican Conference rules forbid programs that create new programs from moving on the suspension calendar. Though S. 2803 creates new programs, this conference rule has been waived by a vote of the elected Republican leadership, thus allowing the bill to come up on the suspension calendar.

Summary: S. 2803 creates new programs, a new permanent office, new regulations and requirements dealing with mine safety and mine emergencies.

The bill amends the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) to add a new section dealing with accident preparedness and response. The bill requires each underground coal mine operation to have an ongoing program to improve accident preparedness and response time, starting with an accident plan developed within 60 days post enactment of S. 2803. The plans must provide for the evacuation of all individuals endangered by an emergency; and provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine. These plans must be reviewed and approved by the Labor Secretary, at least every six months. To be approved coal mine operators' must plan to:

- provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.
- Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. CBO notes that the above two unfunded mandates could cost about \$100,000 for each system per mine on average;
- have emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;
- in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes (CBO estimates this unfunded mandate will require 35,000 new self-rescuers at \$600 each);
- a maintenance schedule and updating system for self rescuers, and training for each miner in proper self-rescuers procedures;
- within 3 years of enactment, provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation; and
- within three years of enactment a plan shall provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted.

Liability Limitations:

The bill amends current mine safety law to remove from liability dealing with property damage, injury or death, those persons involved in carrying out activities relating to mine accident rescue or recovery operations. This legal indemnification does not apply where the action was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer is the operator of the mine at which the rescue activity takes place. In addition the bill notes that it shall not be construed to preempt state workers' compensation laws. CBO notes that this

provision preempts state and local liability laws and thus is considered and intergovernmental mandate.

New Federal Regulations and Reporting Requirements:

The bill amends current law and requires the Secretary to issue mine rescue team regulations, to be in effect within 18 months of enactment. The regulations must include certain provisions such as requiring mine operators to have certain types of trained people on shift at all times and plans for access to certain teams of rescue personnel within one hour. CBO estimates this unfunded mandate will require 260 mines to establish teams at a maintenance cost of \$165,000 per team.

Operators will be required to notify the Secretary within 15 minutes of when “the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.” Failure to report within 15 minutes will result in an operator fine of between \$5,000 and \$60,000.

New Office of Mine Safety and Health:

The bill creates this new office within the Institute an Office of Mine Safety and Health “to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.”

The office will award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment and award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment. Such sums as may be necessary are authorized for this office, and CBO estimates the grants will cost \$1 million, subject to appropriation.

Increased Penalties:

The Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended to increase civil penalties for mine violations from \$60,000 per violation to \$220,000, and from a minimum fine of \$60 to \$2,000. Criminal penalties are increased from \$25,000 to \$250,000 for first time convictions (or by imprisonment for not more than one year) and from \$50,000 to \$500,000 for subsequent violations, or by imprisonment for not more than five years, or both.

Two New Studies and New Scholarship Programs:

The bill authorizes a study on the utilization of belt air in underground coal mining, which CBO anticipates will cost \$1 million. The panel studying this will be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses.

The Secretary of Education, in consultation with the Labor and HHS secretaries shall establish a program “to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.” These may be awarded to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate’s degree programs at

community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

Mine Safety Inspector Scholarships are also authorized to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors. The bill also authorizes new Advanced Research Scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

The Secretary of Labor is authorized to establish Brookwood-Sago Mine Safety Grants to award annual competitive grants to a public or private nonprofit entity for education and training, to be known as, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines. The bill authorizes such sums as may be necessary for these grants, which CBO estimates will cost \$1 million in the first year.

Committee Action: S. 2083 was introduced in the Senate on May 16, 2006, and passed the Senate by unanimous consent on May 24, 2006. It was referred to the House Committee on Education and the Workforce, which took no official action.

Cost to Taxpayers: CBO estimates the fines and penalties in S. 2083 will increase federal revenues by \$1 million in FY06 and \$27 million in FY06-11. These funds will be deposited into the Victims Crime Fund and subsequently spent. CBO also estimates that implementing the new programs and new regulations in the bill will cost \$2 million in FY07 and \$17 million in FY07-11, subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates new federal programs, new unfunded private sector mandates, new studies and new federal regulations.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. The liability limitations are scored by CBO as an intergovernmental mandate because they preempt state and local liability laws. CBO also notes that the bill has many new private sector mandates but some of them depend on future regulations, which cannot be accurately estimated. What can be estimated, the costs of some of the new required technologies and equipment purchases are expected to be over the \$128 million unfunded mandate threshold, established by law, for at least one of the first five years. If the bill were considered under regular order, a point of order would lie against the bill because it has unfunded mandates, in violation of House rules. Because it is being considered on the suspension calendar, the Rules of the House are suspended and no such point of order applies.

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]*

RSC Staff Contact: Sheila Cole, sheila.cole@mail.house.gov, (202) 226-9719

H. Con. Res. 421 — Expressing the Sense of Congress and Support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO-STEM) Programs — *as introduced* (Price, R-GA)

Order of Business: The resolution is scheduled for consideration on Wednesday, June 7, 2006 under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 421 resolves that:

- “mathematics and science education programs across Federal agencies should be better coordinated;
- “there should be minimal duplication among these programs and consistent standards of evaluation;
- “the Department of Education should be commended for its rapid response in creating the Academic Competitiveness Council; and
- “the recommendations of the Academic Competitiveness Council should be closely examined when making decisions about Federal funding for mathematics and science education programs.”

The resolution also states a number of findings, including the following:

- “in October 2005, the Government Accountability Office released a study on Federal science, technology, engineering, and mathematics (STEM) programs and concluded that the Federal Government funds 207 education-related STEM programs across 13 separate Federal agencies;
- “in the Deficit Reduction Act of 2005 (Public Law 109–171), the Congress established the Academic Competitiveness Council in order to identify all Federal education programs with a mathematics and science focus;
- “the Academic Competitiveness Council is chaired by the Secretary of Education and brings together officials from across the Federal Government;
- “the Academic Competitiveness Council is charged with determining the effectiveness of each program and identifying areas of overlap or duplication; and
- “the Academic Competitiveness Council has up to one year after February 2006 to release its report and will recommend ways to efficiently integrate and coordinate the programs.”

Additional Information: For more information on federal math and science programs, please see the RSC policy brief on the President’s American Competitiveness Initiative: http://www.house.gov/pence/rsc/doc/PB_021506_AmericanCompetitivenessInitiative.doc.

Committee Action: H. Con. Res. 421 was introduced on May 25, 2006, and referred to the House Committee on Education and the Workforce, 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.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

H.Res. 699 — Supporting the goals and ideals of National Entrepreneurship Week and encouraging the implementation of entrepreneurship education programs in elementary and secondary schools and institutions of higher learning through the United States — *as introduced (Price, D-NC)*

Order of Business: The resolution is scheduled for consideration on Wednesday, June 7, 2006, under a motion to suspend the rules and pass the resolution.

The 104th Congress changed House rules to prohibit a bill from being considered on the House floor if “it establishes or expresses a commemoration”, which is defined as “a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time” (<http://clerk.house.gov/legisAct/legisProc/rules/rule12.html>).

This resolution resolves that Congress supports the ideals and goals of National Entrepreneurship Week, and urges the federal and state governments to observe appropriate programs and activities with respect to the week. Because the resolution merely states support for, and urges action on, but does not establish a commemorative day or week, the parliamentarian’s office has ruled that it is allowable under House rules.

Summary: H.Res. 699 resolves that the House of Representatives:

- 1) “encourages the implementation of entrepreneurship education throughout the United States;
- 2) “supports the goals and ideals of National Entrepreneurship Week so that the people of the United States are reminded of the contributions of entrepreneurs and so that educators are encouraged to reflect on how entrepreneurship education can improve the performance of their students; and
- 3) “requests that the President issue a proclamation **calling on the Federal Government, State and Local governments**, schools, nonprofit organization, and others to **observe National Entrepreneurship Week annually with special events in support of entrepreneurs and entrepreneurship education programs.**” (emphasis added)

The resolution also states a number of findings, including the following:

- “according to the Department of Labor, most of the new jobs created throughout the United States in the past decade have come from the creative efforts of entrepreneurs and small businesses, which have been expanding and advancing technology and fueling the recent growth in the economy;
- entrepreneurs have been the source of economic innovation throughout the history of the Nation, and the entire society has been improved because of the new ways of doing things that have been brought about by people who market their ideas;
- economically independent entrepreneurs are engaged citizens who work to improve the economic environment in their local communities, providing better opportunities for businesses to operate and a better environment for the human resources they need to advance their business dreams; and
- National Entrepreneurship Week will focus on the innovative ways in which entrepreneurship education can bring together the core academic, technical, and problem solving skills essential for future entrepreneurs and successful workers in future workplaces.”

Committee Action: H.Res. 699 was introduced on February 28, 2006, and referred to the Committee on Energy and Commerce’s Subcommittee on 21st Century Competitiveness and Subcommittee on Education Reform, neither of which took any 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.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

**H. Res. 828 — Commending the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country.
— as reported (Pitts, R-PA)**

Order of Business: The resolution is scheduled for consideration on Wednesday, June 7, 2006 under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 828 states that Congress:

- “congratulates the people and Government of Mongolia on the 800th anniversary of Mongolian statehood;
- “commends the people and Government of Mongolia for their commitment to democracy, freedom, and economic reform;

- “urges the Government of Mongolia to take further steps to fight corruption and provide greater transparency and accountability in government operations;
- “supports efforts to strengthen strategic, political, economic, educational, and cultural ties between the 2 countries; and
- “encourages private investment and increased business ties between investors in both countries;”

The resolution also states a number of findings, including the following:

- “Mongolia has become a functioning democracy in Asia;
- “since 1990 the Mongolian people have held 5 parliamentary elections and 4 presidential elections;”
- “these elections have been determined to be largely free and fair, without violence or balloting irregularities, and featuring multiple political parties;
- “the Government of Mongolia has conducted economic reforms which introduced market mechanisms and have resulted in the private sector producing the great majority of the gross domestic product, demonstrating Mongolia's commitment to the establishment of a free market economy;
- “Mongolia entered into a Trade and Investment Framework Agreement with the United States in 2004, demonstrating its commitment to take further steps to reform and open up its economy and to deepen bilateral economic ties;
- “Mongolia has been a steadfast partner with the United States in the Global War on Terror, and, after the September 11th terror attacks, the Government of Mongolia expressed its strong support for the United States;
- “Mongolia has supported coalition operations by repeatedly contributing troops to both Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom; and
- “Mongolia has contributed troops to support NATO peacekeeping operations in Kosovo and to protect the United Nations war crimes court in Sierra Leone;

Committee Action: H. Res. 828 was introduced on May 19, 2006, and referred to the Committee on International Relations. The bill was marked-up on May 25, 2006 without amendment.

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.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

**H. Con. Res. 409 — Commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand
— as amended (Leach, R-IA)**

Order of Business: The resolution is scheduled for consideration on Wednesday, June 7, 2006 under a motion to suspend the rules and pass the resolution.

The 104th Congress changed House rules to prohibit a bill from being considered on the House floor if “it establishes or expresses a commemoration”, which is defined as “a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time” (<http://clerk.house.gov/legisAct/legisProc/rules/rule12.html>)

This resolution resolves that Congress commemorates the King of Thailand’s birthday. Because the resolution merely notes a birthday, but does not establish an annual commemoration, the parliamentarian’s office has ruled that it is allowable under House rules.

Summary: H. Con. Res. 409 states that Congress:

- “commemorates the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand;
- “offers its sincere congratulations to His Majesty King Bhumibol and best wishes for continued prosperity to his Majesty and the Kingdom of Thailand; and
- “looks forward to continued, enduring ties of friendship between the Thai and American people.”

The resolution also states a number of findings, including the following:

- “on June 9, 1946, His Majesty Bhumibol Adulyadej ascended the throne and this year celebrates his 60th year as King of Thailand;
- “His Majesty King Bhumibol is the longest-serving monarch in the world;
- “during the reign of His Majesty King Bhumibol, Thailand has become a democratically governed constitutional democracy in which Thai citizens enjoy the right to change their government through periodic free and fair elections held on the basis of universal suffrage;
- “His Majesty King Bhumibol has enjoyed a special relationship with the United States, having been born in 1927 in Cambridge, Massachusetts, where his father, Prince Mahidol of Songkla, was studying medicine at the Harvard Medical School;
- “the United States and Thailand have enjoyed over 170 years of friendship since the signing of the Treaty of Amity and Commerce in 1833, the first such treaty signed between the United States and any Asian country; and
- “the United States and Thailand are treaty allies, and on December 30, 2003, President George W. Bush designated the Kingdom of Thailand as a major non-NATO ally.”

Committee Action: H. Con. Res. 409 was introduced on May 19, 2006, and referred to the Committee on International Relations. The bill was marked-up on May 25, 2006. According to the Subcommittee on Asia and the Pacific, the resolution was amended to reflect that the King had already received a certain award.

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.

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; 202-226-9717

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