



Legislative Bulletin.....September 20, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$20 million from 2007-2010

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 3

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

**S. 1025 — Wichita Project Equus Beds Division Authorization Act of 2005
— as received (Sen. Roberts, R-KS)**

Order of Business: The bill is scheduled for consideration on Wednesday, September 20, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 1025 would permit the Secretary of the Interior to assist in the funding of the Equus Beds Aquifer Recharge and Recovery Component (Equus Beds) which is a part of the Integrated Local Water Supply Plan, Wichita, Kansas, up to the lesser of 25 percent of the project cost or \$30 million. The amount available for the project may vary, “by reason of fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved.”

Additionally, S. 1025 includes several minor provisions stating that operation and maintenance of the project is the sole responsibility of the City of Wichita, Kansas; that the building of Equus Beds must follow the current plans for construction; that title, liability, and responsibility for Equus Beds remains with the City of Wichita regardless of federal contributions to the project; that the sums expended on behalf of Equus Beds is non-reimbursable; and that the authority of the Secretary of the Interior under S. 1025 ceases in ten years.

Additional Information: According to Committee Report [109-192](#), the project is intended to capture “excess river flows” after rain or snow, and divert the water into the Equus Beds Aquifer. The project is deemed necessary because of increased demand for water, and the threat of contamination by saltwater.

Committee Action: S. 1025 was received from the Senate on December 17, 2005, and referred to the House Committee on Resources’ Subcommittee on Water and Power, which took no official action.

Cost to Taxpayers: According to CBO, the bill authorizes \$20 million to be spent in the period from 2007 to 2010. Enacting S. 1025 would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill allows the Secretary of the Interior to fund another project.

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

Constitutional Authority: The Senate is not required by Senate rules to cite constitutional authority in Senate committee reports.

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H.R. 2334 — City of Oxnard Water Recycling and Desalination Act of 2005 — as amended (Capps, D-CA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 20, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2334 would amend the Reclamation Wastewater and Groundwater Study and Facilities Act to allow the Secretary of the Interior to fund up to 25% of the cost for constructing permanent buildings in Phase I of the Groundwater Recovery Enhancement and Treatment project near Oxnard, California. The bill would restrict the funding from being used for operation and maintenance of the project, or for the visitor’s center. H.R. 2334 sunsets the Secretary’s authority to fund the construction of the project after 10 years from enactment.

Additional Information: According to the Committee Report [109-625](#), the Phase I of the Groundwater Recovery Enhancement and Treatment project includes a desalinization plant and a wastewater recycling plant.

Committee Action: H.R. 2334 was introduced on May 12, 2005, and referred to the Committee on Resources' Subcommittee on Water and Power. The bill was marked-up by the full committee and was ordered to be reported, as amended, to the House by unanimous consent on July 19, 2006.

Cost to Taxpayers: CBO estimates authorizations of \$16 million over the period from 2007 to 2011.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill allows the Secretary of the Interior to fund another project.

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

Constitutional Authority: Committee Report 109-625, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 of the Constitution, the power to regulate commerce.

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H.R. 5664 — Jacob Fletcher Post Office Building Designation Act — *as introduced* (Hart, R-PA)

Order of Business: The bill is scheduled for consideration on Tuesday, September 19, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5664 would designate the U.S. Postal Service facility located at 110 Cooper Street in Babylon, New York, as the “Jacob Fletcher Post Office Building.”

Additional Background: Army Private First Class (Pfc.) Jacob Fletcher was killed in Samara, Iraq on November 13, 2003, when an improvised explosive device (IED) exploded under the bus in which he was riding. He was assigned to Company C, 2nd Battalion (Airborne), 503rd Infantry Regiment, 173rd Airborne Brigade, Camp Ederle, Italy.



For additional information on Jacob Fletcher and other fallen heroes of Operation Iraqi Freedom, please visit:

<http://www.fallenheroesmemorial.com/oif/profiles/fletcherjacobs.html>. Also, a 501 (c)(3) charity has been created Jacob's name to assist and encourage soldiers still serving in Iraq and the War on Terror:
<http://www.jacobsprogram.org/>.

Committee Action: H.R. 5664 was introduced on June 21, 2006, and referred to the Committee on Government Reform. The bill was marked-up on July 20, 2006, and it was reported to the House by unanimous consent the same day.

Cost to Taxpayers: A CBO score of H.R. 5664 is unavailable, but the only costs associated with a post office 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. 4768 — To designate the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the “Robert Linn Memorial Post Office Building” — *as reported* (Hart, R-PA)

Order of Business: The bill is scheduled for consideration on September 19, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5107 designates the facility of the United States Postal Service located at 777 Corporation Street in Beaver, Pennsylvania, as the “Robert Linn Memorial Post Office Building.”

Additional Information: The Guinness World Book of Records lists Robert Linn as America’s longest serving mayor. In 1945, he “was approached by a group of Republicans who wanted to defeat the incumbent mayor.” “Initially, he did not want the job, but later gave in. Afterward he changed his mind.” He won his first mayoral race despite taking out a newspaper advertisement encouraging voters to vote for his opponent. Linn passed away in August of 2004 at the age of 95 while serving his 58th year as mayor of Beaver, Pennsylvania. (source: <http://www.post-gazette.com/pg/04237/366570.stm> and http://en.wikipedia.org/wiki/Robert_Linn)

Committee Action: H.R. 4768 was introduced on February 16, 2006, and referred to the Committee on Government Reform. The bill was marked-up on May 4, 2006, and it was reported to the 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. 4586 — Benjamin Franklin Tercentenary Commission Act of 2005 — *as amended* (Castle, R-DE)

Order of Business: The bill is scheduled for consideration on September 19, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating new programs or reauthorizing sunset programs may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected leadership. This legislation, which extends a Commission with a sunset in current law, received a waiver from the elected Leadership.

Summary: H.R. 4586 would extend until January 16, 2009, the time allotted for the Benjamin Franklin Tercentenary Commission to submit its final report to Congress. Under current law, the Commission would be required to submit their final report on January 16, 2007. Moving back the deadline for the report extends the life of the Commission, which expires four months after the submission of the final report. (The original legislation contained a provision extending an authorization for the Commission to received federal funds. This provision was removed.)

Additional Information: According to the Commission's [website](#), in 2002, Congress established the Benjamin Franklin Tercentenary Commission and tasked it with "recommending government programs to commemorate the 300th anniversary of Benjamin Franklin's birth in 2006." The Commission has been supported by both federal and private funding, as well as revenue from sale of Benjamin Franklin coins.

Committee Action: H.R. 4586 was introduced on December 16, 2005, and referred to the Committee on Government Reform, which considered it, held a mark-up, and reported the bill by unanimous consent on March 30, 2006, as amended.

Cost to Taxpayers: According to CBO "the legislation would allow the commission to continue to solicit and spend gifts and donations without further appropriation action. Gifts are classified in the budget as governmental receipts, and the spending of such sums would constitute direct spending. CBO estimates that receipts and direct spending under H.R. 4586 would be less than \$500,000 annually." As previously noted, the Commission is funded with private donations, and the collection of such donations is recorded as "governmental receipts" even though the funds are never deposited in the Treasury. As the Commission spends money received through private sources, CBO scores these expenditures as direct spending -a somewhat misleading label since they funds are not actually leaving the federal treasury.

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. 4653 — To repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California— *as reported* (Waxman, D-CA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 20, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4653 would repeal a restriction in current law which does not allow federal funds made available to the Urban Mass Transportation Administration for a contract with the Southern California Rapid Transit District to be used for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project, unless certain requirements are met. Thus, repealing this section of law would make these projects now eligible to receive federal funding.

Specifically, the bill repeals (strikes) the second sentence of Section 321 of the Department of Transportation and Related Agencies Appropriations Act of 1986, which is below in red bold.

SEC. 321. The Urban Mass Transportation Administration shall enter into a contract with the Southern California Rapid Transit District to conduct a study of the potential methane gas risks relating to the proposed alignment of the Metro Rail project beyond the Minimum Operable Segment, MOS-1. **None of the funds described in section 320 may be made available for any segment of the downtown Los Angeles to San Fernando Valley Metro Rail project unless and until the Southern California Rapid Transit District officially notifies and commits to the Urban Mass Transportation Administration that no part of the Metro Rail project will tunnel into or potential risk zone or high potential risk zone in the report of the City of Los Angeles dated June 10, 1985, entitled ‘Task Force Report on the March 24, 1985 Methane Gas Explosion and Fire in the Fairfax Area’.** Funds for this study, in an amount not to exceed \$1,000,000, shall be made available from funds previously allocated for the MOS-1 project, commencing within 30 days of enactment.

Additional Information: According to Committee Report [109-610](#), “When the fiscal year 1986 Transportation and Related Agencies Appropriations Act was considered on the House floor, two provisions were added to the bill that:

- “Directed the Secretary of Transportation to enter into negotiations for a full funding grant agreement to construct a minimum operable segment of the downtown Los Angeles to San Fernando Valley Metro Rail project (Public Law 99-190, section 320);
- “Required the Federal Transit Administration to contract with the local transit authority to conduct a study of potential methane gas risks related to the proposed alignment of the Metro Rail project beyond the first minimum operable segment (Public Law 99-190, section 321); and
- “Prohibited any of the funds made available for the first minimum operable segment of the San Fernando Valley Metro to be made available for any segment of the Metro Rail project unless and until a formal commitment is made to the Federal government by the local transit authority

that no part of the Metro Rail project will tunnel into or through any potential risk zone or high potential risk zone for methane gas (Public Law 99-190, section 321).”

The Committee contends that “the effect of the funding prohibition in section 321 of the Transportation and Related Agencies Appropriations Act for fiscal year 1986 has been to prevent the consideration of any underground transit options in the areas along the Wilshire Boulevard corridor west from downtown Los Angeles toward Santa Monica. Although the prohibition in section 321 was included in appropriations legislation, which normally would limit the provision’s applicability to the fiscal year in which funds are appropriated, the Federal Transit Administration has determined that this language was drafted in such a way to prevent tunneling on any segment of the Los Angeles to San Fernando Valley Metro Rail project in areas that were characterized as methane risk zones.”

Committee Action: H.R. 4653 was introduced on December 22, 2005, and referred to the Committees on Transportation and Infrastructure, which considered it, held a mark-up, and reported the bill to the full House by voice vote on July 19, 2006.

Cost to Taxpayers: According to CBO, “enacting H.R. 4653 *by itself* would have no cost to the federal government” (emphasis added). However, CBO acknowledges that “Enacting H.R. 4653 would lift the prohibition, making future proposals involving tunneling in the region eligible for federal funding. Any such funding would be dependent on future Congressional actions.”

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: Committee Report [109-610](#) cites constitutional authority in Article I, Section 8 of the Constitution, but failed to cite a specific 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. 3858 — Pets Evacuation and Transportation Standards Act of 2006 — *as received* (Lantos, D-CA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 20, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3858 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5196b) to require states to consider the needs of individuals with household pets and service animals in their emergency preparedness plans. Specifically, the Federal Emergency Management Agency (FEMA) Director would be required to “ensure” state and local emergency preparedness operational plans take into account the “needs of individuals with household pets and service animals following a major disaster or emergency” when approving the standards of these plans.

The bill permits the FEMA Director to make financial contributions to the states and local authorities for animal emergency preparedness purposes, including the procurement, construction, leasing, or renovating of emergency shelter facilities and materials that will accommodate people with pets and service animals. **Finally, H.R. 3858 would permit FEMA to provide for the rescue, care, shelter, and essential needs to individuals with household pets and service animals and to the actual pets and animals.**

Additional Information: FEMA's authority and powers during emergencies are governed by the Stafford Act. FEMA currently provides financial assistance to states for emergency preparedness personnel and administrative expenses (up to 50 percent of the total cost of such emergency preparedness expenses). In turn, states must submit emergency preparedness plans for approval by the FEMA director. For additional information on the Stafford Act, see this RSC Policy Brief: http://www.house.gov/pence/rsc/doc/FEMA_Disaster_Response.pdf.

Committee Action: H.R. 3858 was introduced on September 22, 2005, and referred to the Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings and Emergency Management. The bill was marked-up on April 5, 2006, and it was reported to the House by voice vote the same day. The House passed H.R. 3858 on May 22, 2006 ([349 - 24](#)). The Senate passed the bill by unanimous consent on August 3, 2006, with an amendment.

Cost to Taxpayers: CBO estimates that implementing H.R. 3858 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: 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.R. 5450 — National Oceanic and Atmospheric Administration Act— *as reported* (Ehlers, R-MI)

Order of Business: The bill is scheduled for consideration on Tuesday, September 19, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5450 would reestablish the National Oceanic and Atmospheric Administration (NOAA) at the Department of Commerce (DoC). Originally established in the DoC by executive order 1970, NOAA includes the National Ocean Service, the National Weather Service, the Office of Oceanic and Atmospheric Research, the National Marine Fisheries Service and several other offices. According to Committee Report [109-545](#), "The plan [establishing NOAA], however, did not provide an overall mission for the agency, and neither has Congress in the years since. Instead, Congress has

enacted laws on specific issues. Since that time NOAA has evolved into the central civilian Federal agency for oceans and atmospheric issues.” The Committee outlines that the purpose of this legislation is to establish NOAA in law and to describe its mission and function. The bill does not provide for any new authorizations.

The specific provisions of H.R. 5450 are as follows:

- Establishes this mission for NOAA: “to understand the systems of the Earth’s oceans and atmosphere and predict changes in the Earth’s oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems to meet national economic, social, and environmental needs, and to educate the public about these topics.”
- Outlines 12 specific functions of NOAA, including the following:
 - “collecting, through observation and other means, communicating, analyzing, processing, and disseminating comprehensive scientific data and information about weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;
 - “operating and maintaining a system for the storage, retrieval, and dissemination of data relating to weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;
 - “using observational data and technologies developed by other Federal agencies to improve the NOAA’s operations;
 - “issuing weather, water, climate, space weather, tsunami, and other forecasts and warnings related to Earth’s oceans and atmosphere; and
 - “administering public outreach and education programs and services to increase scientific and environmental literacy about weather and climate, solar and geophysical events on the Sun and in the space environment, and the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems.”
- Establishes at NOAA, an Under Secretary of Commerce for Oceans and Atmosphere, to be appointed by the President (with Senate consent), and to be paid at a basic level III on the Executive Schedule (\$152,000 annually).
- Establishes at NOAA, a Deputy Administrator, to be appointed by the President (with Senate consent), and to be paid at a basic level IV on the Executive Schedule (\$143,000 annually).
- Also establishes a Deputy Assistant Secretary for Science and Education, up to two additional Deputy Assistant Secretaries, and a General Counsel.
- Reestablishes at NOAA, the Administration the National Weather Service (NWS), and defines its mission as, “to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy.”
- Directs the NWS Administrator to ensure that the Service:

- “provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and
 - “provides timely and accurate warnings of natural hazards related to weather, water, climate, and tsunamis, and of space weather hazards.”
- Establishes at NOAA, a Science Advisory Board (not currently in existence), which would provide scientific advice on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction.
 - Requires NOAA to submit a report to Congress, within 18 months of enactment, on an assessment by the National Academy of Sciences on the adequacy of the environmental data and information systems of NOAA.
 - Directs the NOAA Administrator to, at least once every five years, develop and submit to Congress a policy that defines processes for making decisions about the roles of the NOAA, the private sector, and the academic community in providing environmental information, products, technologies, and services.
 - Directs the Administrator to develop a reorganization plan for NOAA publish the plan in the Federal Register. The Administrator is also directed to establish a plan for strategic research and development.

Committee Action: H.R. 5450 was introduced on May 22, 2006, and referred to the Committees on Science and Resources. The Science Committee considered it, held a mark-up, and reported the bill, as amended, on June 29, 2006.

Cost to Taxpayers: According to CBO, implementing H.R. 5450 would have no significant impact on the federal budget and no effect on direct spending or revenues. However, CBO estimates that “complying with the additional reporting requirements and making the minor changes to personnel authorized by the bill would cost less than \$500,000 annually.”

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: Committee Report 109-545 cites constitutional authority in Article I, Section 8 of the Constitution, but fails to cite a specific 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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