



Legislative Bulletin.....September 20, 2006

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S. 2832 — Appalachian Regional Development Act Amendments of 2006

H.R. 4957 — Tylersville Fish Hatchery Conveyance Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$689 million over five years

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: 0

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

S. 2832 — Appalachian Regional Development Act Amendments of 2006
— as received (Voinovich, R-OH)

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. 2832 would reauthorize the Appalachian Regional Development Act (set to expire in FY 2006) for FY 2007 through FY 2011 at the following amounts:

- \$95.2 million for FY 2007;
- \$98.6 million for FY 2008;
- \$102 million for FY 2009;
- \$105.7 million for FY 2010; and
- \$109.4 million for FY 2011.

In addition, the bill would amend the Act to establish an additional county designation – an “at-risk” designation for counties at risk of qualifying for the distressed designation. The Appalachian Regional Commission (ARC) provides economic development grants to counties located in the Appalachian Region. Counties receiving these grants are currently divided into the following three different designations:

- distressed counties - those that are the most severely and persistently distressed;
- competitive counties - those that are approaching economic parity with the rest of the United States; and
- attainment counties - those that have attained or exceeded economic parity with the rest of the United States.

Counties are required to provide different percentages of matching funds for the grants received, based upon a sliding scale and their county designation. As previously noted, this legislation would add a fourth designation to this list.

Additional Information: According to Committee Report [109-279](#), “ARC’s primary function is to support development of Appalachia’s economy and critical infrastructure to provide a climate for growth in business and industry that will create jobs. ARC administers a variety of programs to aid in the development and advancement of the region including a highway system, education and job training, and water and sewer systems.”

Committee Action: S. 2832 was passed in the Senate by unanimous consent on July 25, 2006. The House received the legislation on the same day and has taken no official action.

Cost to Taxpayers: CBO confirms that S. 2832 authorizes \$95 million for FY 2007, and \$511 million over five years, and 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 did not cite constitutional authority for this legislation. 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. 4957 — Tylersville Fish Hatchery Conveyance Act — *as amended* (Peterson, R-PA)

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. 4957 is a conglomeration of seven bills. At the time of the writing of this summary, no final bill text was available. The summary is based on the text of the underlying bills.

Title I (H.R. 4957 reported)

Directs the Secretary of the Interior to convey, without consideration, all right, title, and interest of the U.S. in the Tylersville division of the Lamar National Fish Hatchery and Fish Technology Center to the Pennsylvania Fish and Boat Commission within 180 days of enactment.

Title II

[H.R. 518](#), the “National Fish and Wildlife Foundation Reauthorization Act of 2005,” which passed the House by voice vote on June 27, 2005, was inserted into Title II of H.R. 4957.

Title II amends the National Fish and Wildlife Foundation Establishment Act to reauthorize appropriations for the National Fish and Wildlife Foundation through FY2010. It would limit congressional notice requirements for Foundation grants to grants of federal funds in excess of \$10,000, and authorize the use of federal funds to match contributions made to Foundation grant recipients. It would repeal the National Fish and Wildlife Foundation Establishment Act after FY2015.

The Foundation is a nonprofit corporation established by federal law to provide grants for activities related to conserving and managing fish, wildlife, plants, and other natural resources.

Title III

[H.R. 518](#), the “Neotropical Migratory Bird Conservation Improvement Act of 2006,” which passed the House by voice vote on May 16, 2006, was inserted into Title III of H.R. 4957. **The FY07 RSC budget proposed the termination of this program.**

Title III reauthorizes appropriations for programs funded through the Neotropical Migratory Bird Conservation Act (NMBCA), as follows:

- \$5 million for FY06
- \$5 million for FY07
- \$6 million for FY08
- \$7 million for FY09
- \$8 million for FY10

Under current law, NMBCA funding expired in 2005, and was authorized at \$5 million annually. In addition, the authorization for this program provides that at least 75% of the funding made available for NMBCA is to be used for projects carried out outside the U.S. The bill would also permit NMBCA funding to subsidize projects in Canada.

Title III would also increase to 50% (up from 25%), the federal share for funding of projects under NMBCA. Under current law, the federal government is limited to covering 25% of the cost of a project, and this bill would increase this limit to 50%, therefore increasing the amount of federal funding permitted to be spent on each project.

The bill would “encourage” the Department of Interior to convene an advisory group to assist in implementation of NMBCA. In addition, the bill would increase to \$150,000 (up from \$80,000), funds available for administrative expenses for the program. Finally, Title III would expand the definition of

Caribbean for the purposes of NMBCA, to include Puerto Rico and the U.S. Virgin Islands. This will allow for the NMBCA funding of projects in these countries.

Title IV

H.R. 4345, the “Ed Fountain Park Expansion Act,” would direct the Secretary of the Interior to convey, without consideration, all right, title, and interest of the U.S. in 7.89 acres to the City of Las Vegas, Nevada, for use as a park or any other non-profit or recreational use. Las Vegas is responsible for all costs related to the conveyance.

Title V

[H.R. 4947](#), the “Cahaba River National Wildlife Refuge Expansion,” which passed the House by voice vote on July 24, 2006, was inserted into Title V of H.R. 4957.

Title V redraws the boundaries of the Cahaba National Wildlife Refuge in Alabama to include new property. In addition, the bill authorizes the Secretary of the Interior to acquire the land and waters within the boundaries of the Refuge. The land may not be acquired by forced taking.

Title VI

[H.R. 5232](#), the “Cherry Valley National Wildlife Refuge Study Act,” which passed the House by voice vote on July 10, 2006, was copied into Title VI of H.R. 4957.

Title VI directs the Secretary of Interior Requires the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service (USFWS), to initiate a study to evaluate fish and wildlife habitat and aquatic and terrestrial communities in northeastern Pennsylvania for potential acquisition and subsequent inclusion in a future Cherry Valley National Wildlife Refuge. **The bill authorizes \$200,000 for the study.**

Title VII

S. 1250, “a bill to reauthorize the Great Ape Conservation Act of 2000,” which passed the Senate by unanimous consent on September 9, 2005, is amended into Title VII in H.R. 4957. Title VII amends the Great Ape Conservation Act of 2000 by allowing the Secretary of the Interior to fund Great Ape conservation programs that address root causes of threats to great apes including the illegal bushmeat trade, disease, the lack of capacity for conservation efforts, and habitat loss. Title VII increases the amount available for administrative costs for the Act to the greater of three percent or \$150,000 of the Great Ape Conservation Fund. Additionally, the bill authorizes appropriations to the Great Ape Conservation Fund in the amount of \$5 million in 2006 and 2007, and \$7 million in 2008 through 2010. **The FY07 RSC budget proposed the termination of this program.**

Committee Action: H.R. 4957 was introduced on March 14, 2006, and referred to the Committee on Resources. The bill was marked-up by the full committee and was reported to the House, as amended, by unanimous consent on July 19, 2006.

Cost to Taxpayers: Adding the CBO estimates for all the bills included in the amended version of H.R. 4957, the bill would cost \$178.2 million over the period from 2007 to 2010.

According to CBO’s estimate of the reported version of H.R. 4957, implementing Title I would have no significant impact on the federal budget.

According to CBO, Title II would authorize \$30 million a year for federal support of the National Fish and Wildlife Foundation (\$150 million for FY2006-FY2010). This represents a \$5 million increase over the current \$25 million annual authorization. According to CBO, of the \$25 million authorized in FY05, \$7 million was actually appropriated.

CBO estimates that, subject to appropriations, implementing Title III will cost \$1 million in FY06, and \$27 million from FY06-FY10.

CBO estimated Title IV as neither having a significant impact on the federal budget, nor affecting direct spending or revenues, nor containing intergovernmental or private sector mandates under UMRA.

CBO estimates that implementing Title V would cost about \$6 million over five to seven years. Enacting the bill would not affect direct spending or revenues.

CBO confirms that Title VI authorizes \$200,000 for a new wildlife refuge study.

CBO previously estimated implementing Title VII would cost \$3 million in 2006 and \$29 million over the 2006-2010 period, assuming appropriation of the authorized amounts. Enacting S. 1250 would not affect direct spending or revenues. S. 1250 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases funding for NMBCA. Specifically, Title III increases the federal share of projects funded through the program, and increase authorizations for administrative costs. Additionally, Title VII expands the type of Great Ape conservation projects which may be funded, and increases the authorizations for administrative costs.

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

Constitutional Authority: 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]*.

Committee Report 109-612 cites constitutional authority for H.R. 4957 in Article 1, Section 8, and Clause 3 of the Constitution, the power to regulate commerce.

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