



Legislative Bulletin.....September 27, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: at least 5

Total Cost of Discretionary Authorizations: at least \$309.2 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates:

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 7

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 3

H.R. 6115 — Mark-to-Market Extension Act of 2006 — *as introduced (Pryce, R-OH)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

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. H.R. 6115, which extends a sunset authorization, received such a waiver from the elected Leadership.

Note: The text of H.R. 6115 is identical to the reported version of H.R. 5527.

Summary: H.R. 6115 would reauthorize two sections in the Multifamily Assisted Housing Reform and Affordability Act (MAHRA) of 1997 through October 1, 2011: the Mark-to-Market program, and provisions of the FHA-insured Multifamily Housing Mortgage and Housing Assistance Restructuring program regarding projects and programs for which binding commitments have been entered into. According to CBO, MAHRA, “authorizes the so-called mark-to-market approach for renewing Section 8 Housing Assistance Payment (HAP) contracts and for the restructuring of certain mortgages insured

by the Federal Housing Administration (FHA). Under the mark-to-market approach, HAP contracts are renewed at market rents for FHA-insured projects that currently receive above-market rents and, if necessary, the mortgages for those projects are written down to levels that could be supported by the lower rents.”

Additional provisions of the bill are as follows:

- Amends MAHRA to increase to 9% (up from 5%), the rent level limits for all units subject to restructured mortgages in any fiscal year, based on need. According to the sponsor’s office, “The first [provision] raises the limit on high-cost restructurings, those with Exception Rents above 120% of Fair Market Rents. Currently, nationwide, only 5 percent of the properties in the program may have exception rents. This [provision] raises the cap to up to 9% of the properties closed in any given year.”
- Extends eligibility for projects that sustain substantial damage in areas declared by the president to be disaster areas. According to the Committee, “Damaged properties in disaster areas will benefit from the rehabilitation and debt restructuring tools available to Mark-to-Marking. This inclusion will erase the question of eligibility, making Mark-to-Market tools quickly available to rebuilding efforts.”
- Extends from 3 to 5 years, the period during which a community-approved non-profit may purchase a Mark-to-Market property after the closing. According to the sponsor’s office, “The current 3-year rule limits the options available to a property owner who may consider transferring the property to a non-profit. Today, if an owner who closed a Mark-to-Market deal 4 years ago wants to sell to a non-profit it is not feasible; without the debt forgiveness or debt reassignment provided by HUD a non-profit simply can’t take over the property.”

Additional Information: According to the sponsor’s office, “the Mark-to-Market program was enacted by Congress in 1997 to reduce the cost to the federal government of renewing section 8 contracts. By restructuring mortgages and lowering rents, the Mark-to-Market program preserves and improves affordable housing and reduces the cost to taxpayers.”

Committee Action: H.R. 6115 was introduced in the House on September 20, 2006, and referred to the House Committee on Financial Services, which took no official action. However, as previously noted, the text of H.R. 6115 is identical to that of the reported version of H.R. 5527. H.R. 5527 was introduced on June 6, 2006, and referred to the House Financial Services Committee, which considered it, held a mark-up and reported the bill, as amended, by voice vote on July 17, 2006.

Cost to Taxpayers: A CBO review of H.R. 5527 (see committee action section), estimated that “enacting H.R. 5527 would prevent some projects from defaulting on FHA-insured mortgages and thus **reduce direct spending** by \$188 million over the 2006-2011” (emphasis added). Regarding spending subject to appropriations, CBO estimates that the bill would “allow for savings of \$35 million in discretionary spending over the 2007-2011 period, assuming that future appropriations are reduced to reflect the lower costs of Section 8 contracts.”

However, in a study requested by Congressman Jeb Hensarling, CBO stated that current budget rules understate the cost of federal credit programs, such as FHA loan programs, in part by failing to account for market risk and separately listing administrative expenses.

[Current budget rules] understate the cost of FHA guarantees relative to that of other federal spending programs....For example, a proposal to spend \$2 billion per year for vouchers to permit high-risk first-time home buyers to purchase private mortgage insurance would have a budget cost of \$10 billion over a five-year period, whereas the fiscally equivalent alternative of operating the [FHA] program under current policy would be shown in the budget as having net savings of \$1.8 billion for that same period.

Source: <http://www.cbo.gov/ftpdocs/74xx/doc7412/07-17-FHA.pdf>

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 for H.R. 5527 cites constitutional authority in Article 1, Section 8, Clause 1 (relating to the general welfare of the United States) and Clause 3 (relating to the power to regulate interstate commerce) of the Constitution.

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S. 362—Marine Debris Research, Prevention, and Reduction Act—*as reported* (Sen. Inouye, D-HI)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill. The Senate passed S. 362 by unanimous consent on July 1, 2005.

Summary: S. 362, as amended by the House, would consolidate existing efforts by the National Oceanic and Atmospheric Administration (NOAA) to reduce the amount of marine debris (such as garbage, lost fishing gear, and abandoned vessels) in oceans and coastal areas into a new umbrella program. NOAA would conduct projects to identify and catalogue debris hazards, determine the sources of such debris, and develop methods for removing existing—and preventing new—debris, with the goals of reducing and preventing the occurrence and adverse impacts of such debris on the environment and on navigation safety. The centralized program would coordinate the mapping, identification, impact assessment, removal, and prevention efforts related to marine debris.

Under this new program, NOAA would provide grants to nonfederal entities (e.g. state, local, and tribal governments, universities, and nonprofits involved with marine debris removal) for marine debris identification, removal, reduction, and prevention activities and outreach and education programs to prevent and address marine debris with recreational boaters, the fishing industry, and commercial stakeholders. The federal share of a project funded with a grant could not exceed 50% (subject to waiver).

The bill would also instruct the Coast Guard to strengthen the enforcement of existing laws and treaties that address ocean pollution and waste disposal at sea. Additionally, the Coast Guard would be directed to create a voluntary reporting program that will provide a central location at which to receive

information from commercial vessel operators, recreational boaters, and the general public about marine debris.

The existing Interagency Marine Debris Coordinating Committee (33 U.S.C. 1914) would be revised to improve the coordination of marine debris research and activities throughout the federal government (through increased reporting requirements and the creation of a federal information clearinghouse on marine debris).

Additional Background: Transportation and Infrastructure Committee staff provided this background information:

Over the past two decades, NOAA has conducted marine debris research and management under the Marine Entanglement Research Program and under debris assessment and removal programs in the Northwest Hawaiian Islands and other regions. From 1985 to 1996, NOAA administered the Marine Entanglement Research Program, a marine debris research and management program that was created in response to growing public concern over the impacts of marine debris on wildlife. Beginning in 1996, NOAA has carried out marine debris-related activities through the NOAA Community-Based Restoration Program, NOAA Sea Grant (state-by-state efforts), NOAA Office of Ocean and Coastal Resource Management (state-by-state efforts), and NOAA Coral Reef Conservation Program. In 2005, Congress provided direct appropriations to NOAA to re-establish a centralized marine debris capability within NOAA to organize, strengthen, and increase the visibility of the marine debris efforts within the agency.

Additionally, NOAA has a number of mandates that require the agency to address marine debris. These include, but are not limited to, the Coral Reef Conservation Act of 2000 (section which states that NOAA must “provide assistance to States in removing abandoned fishing gear, marine debris, and abandoned vessels from coral reefs to conserve living marine resources,”); and the Marine Protection, Research, and Sanctuaries Act, which regulates ocean dumping and monitoring and takes into account the aesthetic properties of the National Marine Sanctuaries in regards to marine debris. Other mandates for NOAA Marine Debris include the Coastal Zone Management Act of 1972 (section 309) and the Marine Plastic Pollution Research Control Act, which deals with outreach and education and pollution from ships.

Committee Action: On July 11, 2005, the Senate-passed bill was referred to the House Transportation and Infrastructure Committee, as well as the House Resources Committee. On November 16, 2005, the Resources Committee marked up the bill, amended it, and by unanimous consent ordered it reported to the full House. On June 28, 2006, the Transportation and Infrastructure Committee marked up the Resources-amended bill, amended it further, and by voice vote ordered it reported to the full House. The version of the bill on the floor today is the Transportation and Infrastructure Committee version.

Cost to Taxpayers: CBO confirms that the bill would authorize \$12 million for each of fiscal years 2006 through 2010 (for a total of \$60 million).

Does the Bill Expand the Size and Scope of the Federal Government?: Although the bill would create two new programs and one subprogram, these would largely embody activities already conducted by NOAA and the Coast Guard (though not entirely).

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 House Leadership. S. 362 received such a waiver.

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

Constitutional Authority: The Resources Committee, in House Report 109-332 Part 1, cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. The Transportation and Infrastructure Committee, in House Report 109-332 Part 2, cites constitutional authority in Article 1, Section 8, but also 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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H.R. 5946 — Stevens-Inouye International Fisheries Monitoring and Compliance Legacy Act of 2006 — *as amended* (Pombo, R-CA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 5946 would amend the Magnuson-Stevens Fishery Conservation and Management Act, to authorized activities to promote improved monitoring and compliance for high seas fisheries. The specific provisions of the bill are as follows, summarized by title.

Title I

- Authorizes the Secretary of the Commerce to promote improved monitoring and compliance for high seas fisheries or fisheries governed by international or regional fishery management agreements. To accomplish these goals, the provision would authorize the Secretary to, among other things:
 - share information on harvesting and processing capacity and illegal, unreported and unregulated (IUU) fishing on the high seas with relevant enforcement organizations of foreign nations and international organizations;
 - further develop real time information sharing capabilities, on IUU fishing;
 - participate in global and regional efforts to build an international network for monitoring;
 - support efforts to create an international registry of fishing vessels; and
 - enhance regional enforcement capabilities through the use of remote sensing technology.

- Directs the Secretary to improve the effectiveness of international fishery management organizations (IFMOs) by urging those organizations to incorporate multilateral sanctions

against member or nonmember governments with vessels engaging in IUU fishing, and implement other reforms.

- Directs the Secretary to identify nations whose vessels participate in IUU fishing, to take certain measures to address the nation's violations, to notify the President of the nation in question, and to establish a procedure for certifying that the nation is taking corrective actions.
- Directs the Secretary to take similar actions against nations that do not end or reduce bycatch (fish that are accidentally caught along with the targeted catch) of protected living marine resources.
- Reauthorizes at \$32.97 million (current authorization level according to the Committee) over six years (\$5.49 million each year from FY07 to FY12), the Atlantic Tunas Convention Act (ATCA). Of the total amount, \$160,000 is allocated each year to the advisory committee established under ATCA, and \$4.2 million is allocated each year for research activities.

Title II

- According to the Committee, "This title contains provisions to implement the Convention on the Conservation and Management of Highly Migratory Stocks in the Western and Central Pacific Ocean (Convention), adopted on September 5, 2000 in Honolulu, Hawaii. The Convention, which the United States signed in 2000, became effective on June 19, 2004 prior to U.S. ratification. . . . The objective of the Convention is to ensure the long-term conservation and sustainable use of tuna and other highly migratory stocks in the Western and Central Pacific Ocean, and also will be an important tool in helping to reduce the impact of fishing for such stocks on non-target species."
- Provides that the U.S. is to be represented on the Commission for the conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission), by five U.S. Commissioners, appointed by the President.
- Establishes an advisory committee to be composed from between 15 and 20 individuals appointed by the U.S. Commissioners to the Commission.
- Authorizes the Secretary of State, in consultation with the Secretary of Commerce and the U.S. Commissioners, to approve or disapprove recommendations of the Commission.
- Prohibits the violation of certain acts (similar to those activities prohibited under the Magnuson-Stevens Act), including the importation of fish caught in violation of the international agreement.
- Authorizes \$6 million over six years (\$1 million each year for FY07 through FY12), for the Secretary of Commerce to carry out the provisions in this title.

Title III

- According to the Committee, this title "implements the terms of the Agreement on Pacific Hake/Whiting as signed by the United States and Canada in November, 2003."

- Directs the Secretary of Commerce to appoint four individuals to represent the U.S. on the joint management committee established by the Agreement.
- Directs the Secretary to appoint not more than two scientific experts to the scientific review group established by the Agreement.
- Directs the Secretary to appoint between six and 12 individuals to serve as members of the Advisory Panel on Pacific Hake/Whiting established by the Agreement.
- Directs the Secretary to establish a catch level for Pacific whiting according to the standards and procedures of the Agreement.
- Authorizes \$6 million over six years (\$1 million each year from FY07 through FY12) for the Secretary of Commerce to carry out this title.

Committee Action: H.R. 5946 was introduced in the House on July 27, 06, and referred to the House Resources Committee, which took no official action.

Cost to Taxpayers: No official CBO estimate for H.R. 5946 is available. However, according to the Committee, H.R. 5946 is “almost identical to title 4, 5, and 6 of S. 2012 (except that the Senate bill had “such sums” for titles 5 and 6 and we authorize \$1 million per year for each title). CBO had estimated the Senate bill’s title 5 at \$1 million per year and they scored title 6 at \$2 million per year.”

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. 6014—To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to improve California’s Sacramento-San Joaquin Delta and water supply—as introduced (Pombo, R-CA)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6014 would authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to deposit \$10 million for each of six years into the Delta Flood Protection Fund to be used for the Sacramento-San Joaquin Delta project in California.

Additional Background: For more information on the Sacramento-San Joaquin Delta, visit this website: http://www.water.ca.gov/nav.cfm?topic=Environment&subtopic=Sacramento-San_Joaquin_Delta.

Committee Action: On July 28, 2006, the bill was referred to the Resources Committee, which, about a week later, referred it to its Subcommittee on Water and Power. On September 7th, the Subcommittee held a hearing on the bill, but no further official action has been taken at the subcommittee or committee level.

Cost to Taxpayers: The bill would authorize \$10 million for each of fiscal years 2007-2012.

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.

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H.R. 1711—New Mexico Water Planning Assistance Act—as introduced (Wilson, R-NM)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1711 would authorize \$3 million for each of fiscal years 2006 through 2010 for the Secretary of the Interior, upon request of a state governor, to:

- provide non-reimbursable technical assistance and non-reimbursable grants for the development of comprehensive state water plans;
- conduct water resources mapping in the requesting state; and
- conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the requesting state to assess the quantity, quality, and interaction of groundwater and surface water resources.

The authorizations would be allocated as follows:

- \$5 million to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;
- \$1.5 million to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;
- \$1 million to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;
- \$4.5 million for statewide digital orthophotography mapping; and
- such sums as are necessary to carry out additional projects.

The federal share for any project authorized by this legislation would be 50%. The non-federal share could be in monetary or non-monetary format.

Committee Action: On April 19, 2005, the bill was referred to the Resources Committee, which, on April 25, 2005, referred it to its Subcommittee on Water and Power. The Subcommittee held hearings on the bill on April 26, 2005. No further committee action on this bill occurred.

Possible Conservative Concerns: Some conservatives might be concerned about creating a new, non-offset grant-and-assistance program in which non-reimbursable cash payments are made to one particular state.

Cost to Taxpayers: The bill would authorize \$3 million for each of fiscal years 2006 through 2010. (CBO confirms this for an identical Senate bill—S. 178.)

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create a new grant-and-assistance program.

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.

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H.R. 5160—Long Island Sound Stewardship Act—*as amended* (Simmons, R-CT)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5160 would establish the Long Island Sound Stewardship Initiative to identify, protect, and enhance sites within the Long Island Sound ecosystem (in the coastal areas of Connecticut and New York) with significant ecological, educational, open space, public access, or recreational value. The bill would authorize \$125 million over five years for the Initiative.

The bill would also establish the Long Island Sound Stewardship Advisory Committee (the membership and operations of which are detailed in the bill), which would:

- review applications to become, and then recommend, 20 initial Long Island Sound stewardship sites;
- recommend an equal distribution of funds between Connecticut and New York for the initial sites (upon requests from property owners to be identified as stewardship sites);
- identify additional recreation areas and natural areas with ecological value as potential stewardship sites (as long as the property owners can decline identification as such);
- use scientific modeling and predicting for updating the list of potential sites; and
- report annually on recommended sites and recommended grants for securing and improving sites.

The Advisory Committee would affirmatively terminate on December 31, 2011.

Stewardship areas should be selected based on the natural ecological value they have to the region and based on such factors as ease of public access, cultural and historic significance, and proximity to areas with high population density. A stewardship site could not be designated without notice to the property owner (and his receipt of such notice) of his responsibilities as a result of such designation.

The Administrator of the Environmental Protection Agency would have to review the Advisory Committee's recommendations, approve the stewardship sites, award grants for the purchase or maintenance of the sites (from willing sellers only), post all related information on the site selection and grant awards on the Internet, and report annually on the Initiative.

The federal share of an activity conducted using a grant under this legislation could not exceed 60%.

The bill affirmatively states that nothing in this legislation would require any private property owner to allow public or government access to the private property or would modify the application of current law with regard to public access to or use of private property, except as entered into by voluntary agreement of the owner or custodian of the property. The participation of a private property owner within the region affected by this bill would NOT be required. Nothing in this legislation would alter liability for injuries on the private property.

The Administrator would be allowed to accept and use gifts to further the goals of this bill. Not more than 8% of appropriated funds in any year could be used for administrative purposes.

Committee Action: On April 6, 2006, the bill was referred concurrently to the Resources Committee and the Transportation and Infrastructure Committee. Neither committee took official action on the bill.

Possible Conservative Concerns: Some conservatives may be concerned about the creation of an expensive new federal program without offsets.

Cost to Taxpayers: The bill would authorize \$25 million for each of fiscal years 2007 through 2011.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create a new federal program.

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.

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**H.R. 2069 — Utah Recreational Land Exchange Act of 2005 — *as reported*
(Cannon, R-UT)**

Order of Business: The bill is scheduled for consideration on Wednesday, September 6, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2069 directs the Secretary of the Interior, upon request of the state of Utah, to accept an offer from Utah to convey to the U.S., a parcel of non-federal land in Grand County, Utah. Upon accepting this land, the bill directs the Secretary to convey to Utah, a parcel of federal land located in Grand and Uintah Counties. The value of the two lands conveyed is to be approximately equal, or made equal by removing parcels of the non-federal land until the exchange value is equal.

H.R. 2069 also sets forth provisions regarding the administration of non-federal land after the exchange, including mineral revenues, grazing permits, hazardous materials, and historic properties.

The bill lists a number of findings, including the following:

- “the area surrounding the Colorado River in Grand County, Utah, and Dinosaur National Monument and the Book Cliffs in Uintah County, Utah, contains nationally recognized scenic vistas, significant archaeological and historic resources, valuable wildlife habitat, and outstanding opportunities for public recreation that are enjoyed by hundreds of thousands of people annually;
- “the State of Utah owns multiple parcels of land in the area that were granted to the State under the Act of July 16, 1894 (28 Stat. 107, chapter 138), to be held in trust for the benefit of the public school system and other public institutions of the State;
- “the parcels of State trust land are largely scattered in checkerboard fashion amid the Federal land comprising the area of the Colorado River corridor, the Dinosaur National Monument, and the Book Cliffs;
- “the State trust land in the area of the Colorado River corridor, Dinosaur National Monument, and the Book Cliffs includes significant natural and recreational features, including--
 - portions of Westwater Canyon of the Colorado River;
 - the nationally recognized Kokopelli and Slickrock trails;
 - several of the largest natural rock arches in the United States;
 - multiple wilderness study areas and proposed wilderness areas; and
 - viewsheds for Arches National Park and Dinosaur National Monument;
- “the large presence of State trust land located in the Colorado River corridor, Dinosaur National Monument, and the Book Cliffs area makes land and resource management in the area more difficult, costly, and controversial for the United States and the State of Utah; and
- “it is in the public interest to exchange federally owned land in the State for the Utah State trust land located in the Colorado River Corridor, Dinosaur National Monument, and the Book Cliffs area, on terms that are fair to the United States and the State of Utah.”

Additional Information: According to Committee Report [109-623](#), “The intent of the legislation is to place valuable recreation lands into public ownership while also benefiting public school funding in Utah. The exchange will also continue the process of consolidating State and federal ownership patterns in Utah.”

Committee Action: H.R. 2069 was introduced on May 4, 2005, and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill by voice vote on September 6, 2006.

Cost to Taxpayers: An unofficial CBO estimate determined that implementation of this bill would not affect federal 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: Committee Report 109-623 cites constitutional authority in Article I, Section 8, Clause 3 (interstate commerce), and Article IV, Section 3, Clause 2 (regulating federal property) of the Constitution.

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H.R. 5842 — Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006— *as reported* (Pearce, R-NM)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

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. Although the Conference rule may be waived, S. 3525, which creates one new program, did not received a waiver from the elected Leadership.

Summary: H.R. 5842 establishes at the U.S. Treasury, a trust fund, to be known as the Pueblo of Isleta Natural Resources Restoration Fund, consisting of:

- \$32.8 million from a settlement of the claims of the Pueblo of Isleta (a federally recognized tribe);
- \$7.2 million as authorized by this bill; and
- the acquisition, restoration, improvement, development, and protection of land, natural resources, and cultural resources within the exterior boundaries of the Pueblo.

Directs the Secretary of the Interior to allocate assistance from the Fund, as follows:

- \$7.1 million for drainage and remediation of the agricultural land;
- \$5.7 million to the Pueblo of Isleta for use in carrying out drainage and remediation of waterlogged land; and
- \$1.5 million for the Pueblo of Isleta to carry out the rehabilitation and remediation of forest and range land.

The bill authorizes \$7.2 million for the Fund, and directs the Pueblo of Isleta to submit to the Secretary, an annual report describing expenditures from the Restoration Fund.

Committee Action: H.R. 5842 was introduced on July 19, 2006 and was referred to the Committee on Resources, which requested executive comment from the Department of Interior.

Cost to Taxpayers: There is no CBO estimate available for H.R. 5842. However, the bill authorizes at least \$7.2 million in discretionary 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: There is no committee report citing constitutional authority available. 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. 4789 — To require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district — as reported (Hastings, R-WA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4789 would require the Secretary of the Interior, at the request of Public Utility District (PUD) No. 1 of Douglas County, Washington, to convey to PUD eight parcels of public land (622 acres) that are located entirely or partially within the boundaries of the Wells Hydroelectric PUD and that are administered by the Secretary through the Bureau of Land Management (BLM). The bill requires that the Interior Department complete a land appraisal, and that within 30 days of the land transfer PUD must pay the Interior Department the appraisal amount for the land.

Committee Action: H.R. 4789 was introduced on February 16, 2006, and referred to the Committee on Resources’ Subcommittee on Forests and Forest Health. The bill was marked-up on July 19, 2006, and it was reported, amended, to the House by unanimous consent the same day (House Report [109-634](#)).

Cost to Taxpayers: A CBO score of H.R. 4789 is unavailable, but the bill does not authorize new expenditures. According to the bill language, the government will be paid for the land to be transferred, and as a result federal land holdings will decrease.

Does the Bill Expand the Size and Scope of the Federal Government?: No. It will decrease the size of federal land holdings.

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

Constitutional Authority: The Resources Committee, in House Report [109-634](#), cites constitutional authority in Article I, Section 8, Clause 3 (to power of Congress to regulate commerce), and Article IV, Section 3, Clause 2 (regarding U.S. territories).

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

H.R. 3626 — Arthur V. Watkins Dam Enlargement Act of 2005— *as reported* (Bishop, R-UT)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3626 would authorize the Secretary of the Interior (through the Bureau of Reclamation) to conduct a feasibility study on raising the height of the Arthur V. Watkins Dam to provide additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front, Utah. The study must include an environmental evaluation and a cost allocation. The bill limits the federal share to 50 percent of the study's cost, and allows the Interior Department to accept in-kind contributions of goods or services from the Weber Basin Water Conservancy District. It terminates the Secretary's authority for the Act ten years after enactment, and authorizes appropriations of \$1 million for the federal share.

Committee Action: H.R. 3626 was introduced on July 29, 2005, and referred to the Committee on Resources' Subcommittee on Water and Power. The Committee held hearings, held a mark-up session on November 16, 2005, and reported the bill to the House by unanimous consent on the same day (House Report [109-339](#)).

Cost to Taxpayers: CBO estimates that, "assuming appropriation of the specified amount, **implementing H.R. 3626 would cost \$1 million over the 2006-2007 period.** Enacting H.R. 3626 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 Resources Committee, in House Report [109-339](#), cites constitutional authority in Article I, Section 8, 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*]

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

H.R. 4750 — Lower Republican River Basin Study Act — *as amended* (Osborne, R-NE)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4750 permits the Secretary of the Interior to share up to 50% of the cost of a feasibility study for a water supply and conservation project in Nebraska and Kansas. The study should determine if a water project can improve water supply reliability, increase water storage capacity, and improve water management efficiency in the Republican River Basin.

The Secretary must finish the study and submit a report to Congress within three years of enactment. The Secretary's authority to conduct the study sunsets 10 years after enactment of the bill.

Additional Information: This bill arises from a lawsuit between Kansas and Nebraska and the rulings of the Supreme Court's Special Master in the case.

Committee Action: H.R. 4750 was introduced on February 14, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House, as amended, by unanimous consent on September 6, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 4750 would cost \$0.75 million over the 2007-2011 period, subject to appropriations.

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 109-632, cites constitutional authority for this legislation in Article I, Section 8, and Clause 3 (the interstate commerce clause).

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

H.R. 5016 — Las Cienegas Enhancement Act — *as reported* (Kolbe, R-AZ)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5016 requires the Secretary of the Interior to accept an offer of 2,392 acres of land located 50 miles south of Tucson Arizona in the Las Cienegas National Conservation Area from Las Cienegas Conservation, LLC in exchange for 1,280 acres owned by the Arizona Bureau of Land Management (BLM). The lands exchanged are to be subject to all existing easements and rights-of-way. As a condition of the exchange, Las Cienegas Conservation, LLC must convey, without consideration, to Pima County, Arizona, 98 acres. Las Cienegas Conservation, LLC is required to bear all the costs associated with the conveyance. The Secretary of the Interior is directed to include all acquired acres into the Las Cienegas National Conservation Area. Finally, H.R. 5016 allows the redrawing of the boundaries of the Las Cienegas National Conservation Area to exclude 40 acres

inadvertently included in the Area that is being used by Elgin, Arizona as a landfill. The exchange must be completed within one year of enactment.

The value of the properties to be exchanged is to be equal, so H.R. 5016 requires an appraisal by an independent third party. In order for the exchange to be equal, the bill allows for either cash equalization payments, which may be in excess of 25% of the value of the federally owned 1,280 acres notwithstanding the Federal Land Policy and Management Act of 1976, or a reduction in the acreage exchanged.

Committee Action: H.R. 5016 was introduced on March 28, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by voice vote on September 6, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 5016 would have no significant impact on the federal budget. Additionally, CBO has estimated any change in direct spending and offsetting receipts should result in an insignificant impact on the federal budget. Last, CBO states revenues would not be affected by H.R. 5016.

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 109-635, cites constitutional authority for this legislation in Article I, Section 8, and Clause 3, (the interstate commerce clause) and Article IV, Section 3, Clause 2 (the property clause).

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

H.R. 5692 —Columbia Space Shuttle Memorial Study Act — *as reported* (Gohmert, R-TX)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5692 directs the Secretary of the Interior to conduct a feasibility study to add at least four parcels of land in Texas to the National Park System as memorials to the Space Shuttle Columbia disaster. The study may consider only lands which would be donated for the purpose of memorializing the disaster. The bill includes a description of four sites that may be donated for memorials. The Secretary is allowed to make suggestions for other sites for National Park System memorials.

Additional Information: The four parcels of land listed in the bill had debris from the disintegration of the Space Shuttle Columbia fall on them.

Committee Action: H.R. 5692 was introduced on June 27, 2006, and referred to the Committee on Resources' Subcommittee on National Parks, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 5692 is unavailable, but studies of this kind have cost between \$250,000-300,000, subject to appropriation.

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.

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

S. 56 — Rio Grande Natural Area Act — *as amended* (Sen. Allard, R-CO)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill, as amended

Summary: S. 56 would establish the Rio Grande Natural Area (Area) in Colorado along a 33-mile stretch of the Rio Grande River to be administered by the Bureau of Land Management, to “promote the protection and restoration of the riparian zone of the Rio Grande.” The specific provisions of the bill are as follows:

- defines the Area’s boundaries as including the river from the Alamosa National Wildlife Refuge to the Colorado-New Mexico State line and extending 1/4 mile on either side of the river;
- defines the powers of the Commission, including authorizing the Commission to enter into cooperative agreements to carry out the management plan on nonfederal land in the Area, and *prohibits the Commission from acquiring any real property or interest in real property*;
- encourages the Secretary to negotiate with the state, the Rio Grande Water Conservation District, and affected water users concerning changes in the streamflow;
- applies the management plan for the nonfederal land to private land in the Area only if the private landowner agrees to be bound by such plan.
- permits the Secretary to acquire land or an interest in land within the Area from willing sellers.
- **authorizes appropriations of such sums to carry out the provisions of this Act; and**
- terminates the Commission ten years after the enactment of this Act.

Committee Action: S. 56 was introduced in the Senate on January 24, 2005, and passed the Senate by unanimous consent on July 26, 2005. The bill was referred to the House Committee on Resources’ Subcommittee on Forests and Forest Health, which held hearings on March 9, 2006.

Cost to Taxpayers: CBO estimates that “S. 56 would not significantly affect the federal budget. The bill could affect direct spending, but we estimate that any such effects would be negligible. Enacting S. 56 would not affect 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: 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. 2430 — Great Lakes Fish and Wildlife Restoration Act of 2006 — *as amended*
(Sen. DeWine, R-OH)**

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

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 House Leadership. This legislation, which creates a new committee and a new Great Lakes coordination office under FWS, received such a waiver from the elected Leadership.

Summary: S. 2430 directs the U.S. Fish and Wildlife Service (FWS) Director to implement fish and wildlife restoration proposals and regional projects (by amending the Great Lakes Fish and Wildlife Restoration Act of 1990), subject to the availability of appropriations. The bill defines “regional projects” as authorized activities of FWS related to fish and wildlife resource protection, restoration, maintenance, and enhancement that benefit the Great Lakes basin. Additional provisions of the bill are as follows:

- establishes a new Great Lakes Fish and Wildlife Restoration Proposal Review Committee (operating under the guidance of FWS), and defines committee members and functions;
- requires the FWS Director, based on Committee recommendations, select proposals and regional projects to be implemented (assuming funds are available), and defines selection criteria and cost sharing provisions requiring at least 25 percent of a project cost must come from non-federal funds;
- establishes a new Great Lakes Coordination Office, to coordinate all FWS activities in the Great Lakes Basin;
- requires the Great Lakes Coordination Office to: 1) ensure that information acquired under the Act is made available to the public; and 2) report to the FWS Director of Region Three, Great Lakes Big Rivers; and
- authorizes appropriations of \$14 million for each of the fiscal years FY2007 – FY2012, for a total of \$84 million over six years. Of those funds:
 - a) no more than 33.3% may be allocated to implement regional projects by FWS as selected by the Director;

- b) the lesser of 5% or \$600,000 must be allocated to FWS to cover costs to administer the proposals by any entity; and
- c) \$2 million must be allocated for Great Lakes Coordination Office activities in East Lansing, MI, of the Upper Great Lakes Fishery Resources Office, and the Lower Great Lakes Fishery Resources Office.

Possible Conservative Concern: This bill creates a Great Lakes Coordination Office under FWS, creates a new Review Committee to propose future FWS projects, and authorizes \$84 million over six years. Further, as noted above, this bill is being considered under Suspension of the Rules and as such violates House Republican Conference Rules regarding consideration of bills that create new programs.

Committee Action: S. 2430 was introduced in the Senate on March 16, 2006, and passed the Senate on July 11, 2006 by unanimous consent. It was referred to the House Committee on Resources' Subcommittee on Fisheries and Oceans, which held hearings on September 14, 2006.

Cost to Taxpayers: CBO estimates that, assuming appropriation of the authorized amounts, **implementing S. 2430 would cost \$14 million in 2007 and \$84 million over the 2007-2012 period.**

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]*

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

H.R. 5690 — Ouachita National Forest Boundary Adjustment Act of 2006 — as introduced (Boren, D-OK)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5690 alters the boundaries of the Ouachita National Forest in Oklahoma and Arkansas as depicted in four maps listed in the bill. The bill allows the Secretary of Agriculture to make minor adjustments to the boundaries as depicted on the maps.

Additional Information: [S. 33](#), which passed the House by voice vote on October 5, 2004, allowed the Secretary of Agriculture to sell or exchange various lands in the Ouachita National Forest. Under S. 33, the proceeds are available for expenditure, without further Act of appropriation, for the acquisition, construction, or improvement of administrative facilities, land, or interests in land for the national forests in Arkansas and Oklahoma.

Committee Action: H.R. 5690 was introduced on June 27, 2006, and referred to the Committee on Resources' Subcommittee on Forests and Forest Health, which held hearings, but took no other official action.

Cost to Taxpayers: A CBO score of H.R. 5690 is unavailable, but it does not appear that the bill will have any 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.

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

H.R. 4876 — To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes — *as introduced (Udall, D-NM)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4876 would ratify a Jicarilla Apache Nation's quitclaim deed for land identified in a settlement agreement to Rio Arriba County, New Mexico. The bill directs the Secretary to issue a patent to Rio Arriba County for the land it receives from the Apache nation. The Secretary is also directed, in the patent, to restrict the use of the land so that a jail or prison may not be built adjacent to the Apache reservation. The boundaries of the Jicarilla Apache Reservation would be changed to match the loss of land to Rio Arriba County.

For H.R. 4876 to take effect, the Secretary of the Interior must find that the Board of Commissioners of Rio Arriba County has enacted a resolution permanently abandoning a disputed county road and has submitted a copy of the resolution to the Secretary, and that the Jicarilla Apache Nation has executed a quitclaim deed to Rio Arriba County for land identified in a settlement agreement and has submitted a copy of the quitclaim deed to the Secretary.

The bill lists a number of findings, including the following:

- “The lands constituting the 1988 Reservation Addition to the Jicarilla Apache Reservation were purchased by the Jicarilla Apache Nation in June 1985 and were conveyed to the United States by a trust deed accepted by the Secretary of the Interior in March 1988 pursuant to authority granted by section 5 of the Act of June 18, 1934 (25 U.S.C. 465; popularly known as the Indian Reorganization Act);

- “The lands constituting the 1988 Reservation Addition were added to the Jicarilla Apache Reservation in September 1988 by proclamation of the Secretary of the Interior pursuant to authority granted by section 7 of the Act of June 18, 1934 (25 U.S.C. 467; popularly known as the Indian Reorganization Act);
- “There is pending before the Court of Appeals of the State of New Mexico a lawsuit, filed in October 1987, that involves a claim that a county road passing through the 1988 Reservation Addition had been established by prescription prior to acquisition of the land by the Jicarilla Apache Nation in 1985;
- “The parties to that lawsuit, the Jicarilla Apache Nation and the County of Rio Arriba, have executed a Settlement Agreement, approved by the Secretary of the Interior, to resolve all claims relating to the disputed county road, which agreement requires ratifying legislation by the Congress of the United States; and
- “The parties to the Settlement Agreement desire to settle the claims relating to the disputed county road on the terms agreed to by the parties, and it is in the best interests of the parties to resolve the claims through the Settlement Agreement and this implementing legislation.”

Committee Action: H.R. 4876 was introduced on March 2, 2006, and referred to the Committee on Resources, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 4876 is unavailable, but it does not appear that the bill will have any 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.

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H.R. 5516 — To allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District — *as introduced (Thompson, D-CA)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5516 allows the Redwood Valley County Water District to enter into finance agreements to finance new water improvements. Once the Secretary of the Interior and the Redwood Valley County Water District renegotiate a schedule of payments for debts owed by the Redwood District to the U.S., the schedule will commence when the Redwood District’s new obligations have been repaid. The due date of the first payment owed by the District to the United States will be the date when interest will start to accrue.

Committee Action: H.R. 5516 was introduced on May 25, 2006, and referred to the Committee on Resources’ Subcommittee on Water and Power, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 5516 is unavailable, but Committee on Resources staff confirms that the stream of revenue from the Redwood District may be slowed or delayed, but the bill would not result in a loss of revenue to the district. Additionally, Committee on Resources staff states that the Bureau of Reclamation staff has asserted that H.R. 5516 would not result in a significant budget impact.

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.

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

H.R. 3606 — To modify a land grant patent issued by the Secretary of the Interior — as introduced (Stupak, D-MI)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3606 would modify a land grant patent (number 61-2000-0007) issued by the Secretary of the Interior to the Great Lakes Shipwreck Historical Society in Chippewa County, Michigan, allowing the Society to fully utilize the property (which was conveyed to the Historical Society by the Interior Department in 1996).

Committee Action: H.R. 3606 was introduced on July 28, 2005, and referred to the Committee on Resources' Subcommittee on Fisheries and Oceans, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 3606 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]*

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

H.R. 2134 — Commission to Study the Potential Creation of a National Museum of the American Latino Community Act of 2005— *as amended (Becerra, D-CA)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

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 House Leadership. This legislation, which creates a new commission and paid position, received such a waiver from the elected Leadership.

Summary: H.R. 2134 would establish a new commission to study the potential creation of a National Museum of the American Latino Heritage to develop a plan of action for the establishment and maintenance of this museum in Washington, D.C. The specific provisions of the bill are as follows:

- **creates a new commission to study the creation of a National Museum of the American Latino Heritage**, and provides that the Commission must consist of 23 members (appointed within 6 months of enactment) and appointed by the President (7 members) and House and Senate majority and minority leadership;
- requires the Commission to develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community;
- directs the Commission to examine and report on: (1) the availability and cost of collections to be acquired and housed in the Museum; (2) the impact of the Museum on regional Hispanic- and Latino-related museums; (3) possible locations for the Museum in Washington, D.C.; (4) whether the Museum should be located within the Smithsonian Institution; (5) the governance and organizational structure from which the Museum should operate; and (6) how to engage the American Latino community in the development and design of the Museum;
- **allows the Commission to convene a national conference on the Museum** (within 18 months after the Commission members are selected) comprised of individuals committed to the advancement of American Latino life, art, history, and culture;
- requires the Interior Department to provide the necessary funds for the Commission's administrative services, facilities, and functions, **allows Commission members to be compensated for each day they are engaged in working for the Commission (at a daily rate determined by the Interior Secretary)**;
- **Provides that Commission members are entitled to travel expenses, including per diem for their work on the Commission**;
- Requires the Commission to submit final reports and plans regarding the creation of the Museum within two year of the Commission's first meeting, and terminates the Commission's authority 30 days after submission of the final report; and
- Authorizes appropriations of \$2.1 million for the first year after enactment, and \$1.1 million for the second year, totaling \$3.2 million to carry out this Act.

Possible Conservative Concerns: Outside organization, such as the National Coalition to Save Our Mall, have opposed recent additions on the National Mall, arguing that the Mall is becoming overcrowded with museums and memorials and confusing to navigate. The Native-American History

Museum was recently completed and opened, and the National Museum of African-American History (P.L. 108-184) was passed in 2003 and is slated for construction.

In addition, the Mall has two upcoming construction projects that have also been approved: a memorial to Dr. Martin Luther King, Jr., (to be located near the Jefferson Memorial), and a new visitor's center linked to the Vietnam Veteran's Memorial (P.L. 108-126). In addition, several other projects are being proposed or pushed in Congress for inclusion on the National Mall, including a monument for President Eisenhower.

In 2003, Congress declared a moratorium on future construction on the National Mall, and based this on a 2001 report by the NCPD that declared the Mall "a finished work of civic art."

Committee Action: H.R. 2134 was introduced on May 5, 2005, and referred to the Committee on the Resources' Subcommittee on National Parks. The bill was marked-up on June 21, 2006, and subsequently referred to the House Administration Committee, which also marked-up the bill on July 27, 2006, and reported it to the House by voice vote the same day (House Report [109-584](#)).

Cost to Taxpayers: CBO estimates that, if H.R. 2134 were enacted, "*the federal government would spend about \$3 million over the next three years to establish the commission and to develop a plan for the proposed museum*" (*emphasis added*).

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 Resources Committee, in House Report [109-561](#), cites constitutional authority in Article I, Section 8, Clause 3 (the power of Congress to regulate commerce). 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: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 5340 — Upper Mississippi River Basin Protection Act — *as reported (Kind, D-WI)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

An almost identical bill, H.R. 961, passed the House during the 108th Congress by a vote of [411 - 13](#) on March 25, 2003.

Summary: H.R. 5340 would require the Interior Secretary, acting through the U.S. Geological Survey, to establish a nutrient and sediment monitoring network for the Upper Mississippi River Basin. Additional provisions of the bill are as follows:

- directs the Secretary to: 1) establish guidelines for related data collection and storage activities; 2) inventory the sediment and monitoring efforts of governmental and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps, and redundancies; and 3) collaborate with other public and private monitoring efforts in establishing the monitoring program;
- directs the National Research Council of the National Academy of Sciences to conduct a water resources assessment of the Basin;
- requires the Director of the U.S. Geological Survey to establish: 1) a computer modeling program of nutrient and sediment sources in the Basin; and 2) an Internet-based system to distribute information about nutrient and sediment loss reduction projects and nutrient and sediment levels in the Upper Mississippi River and its tributaries; and
- ***Authorizes appropriations of \$6.25 million each fiscal year to carry out this Act. (emphasis added)***

Committee Action: H.R. 5340 was introduced on May 10, 2006, and referred to the Committee on Resources' Subcommittee on Water and Power. The bill was considered, marked-up on June 21, 2006, and was reported to the House by unanimous consent the same day (House Report [109-561](#)).

Cost to Taxpayers: CBO estimates that, “assuming appropriations of the authorized amounts, ***implementing H.R. 5340 would cost \$31 million over the 2007-2011 period and about \$6 million annually thereafter through 2016.***” *(emphasis added)*.

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 Resources Committee, in House Report [109-561](#), cites constitutional authority in Article I, Section 8, Clause 3 (the power of Congress to regulate commerce). 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: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

S. 213—Rio Arriba County Land Conveyance Act—as received (Sen. Bingaman, D-NM)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on November 16, 2005.

Summary: S. 213 would direct the Secretary of the Interior to convey to the County of Rio Arriba, New Mexico, 171 acres of land located on the Sebastian Martin Land Grant in the vicinity of Alcalde, New Mexico. The County would have to absorb any costs associated with the conveyance. If the County sells any portion of the land conveyed to it under this bill, the price would have to reflect fair market value (as determined by an appraisal) and the County would have to pay the federal

government an amount equal to the gross proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of New Mexico, without further appropriation.

Committee Action: On November 17, 2005, the Senate-passed bill was referred to the House Resources Committee, which took no official action on it.

Cost to Taxpayers: CBO confirms that this bill would have no significant budgetary effects.

Does the Bill Expand the Size and Scope of the Federal Government?: No, it would reduce federal landholdings by 171 acres.

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

Constitutional Authority: Senate committee reports are not required to contain statements of constitutional authority, and this bill was not reported from a House committee.

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H.R. 2110—Colorado Northern Front Range Mountain Backdrop Protection Study Act—*as reported (Udall, D-CO)*

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2110 would direct the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the state and local officials and agencies, to study specified lands in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado (i.e. certain lands in and adjacent to the Arapaho and Roosevelt National Forests), and report to such officials and to Congress on the following:

- The present ownership of such lands;
- Which undeveloped land may be “at risk of development;” and
- Actions that could be taken by the United States, the State of Colorado, or any other parties to preserve the open and undeveloped character of such lands.

The bill defines “undeveloped” as land that is free or primarily free of structures, the development of which is likely to adversely affect its scenic, wildlife, or recreational value.

The bill affirmatively states that, “Nothing in this Act shall be construed as authorizing the Secretary of Agriculture to take any action that would affect the use of any lands not owned by the United States.”

Committee Action: On May 4, 2005, the bill was referred to the Resources Committee, which forwarded it to its Subcommittee on Forests and Forest Health one week later. On March 9, 2006, the Subcommittee held hearings on the bill but did not mark it up. On July 19th, the full Committee marked up the bill and by unanimous consent ordered it reported to the full House.

Administration Position: The Forest Service expressed support of this legislation, given the inclusion of their requested changes.

Cost to Taxpayers: CBO confirms that this bill 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: The Resources Committee, in House Report 109-624, cites constitutional authority in Article I, Section 8, Clause 3 (the congressional power to regulate interstate commerce).

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H.R. 5644 — Green Energy Education Act of 2006— *as introduced* (McCaul, R-TX)

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5644 authorizes the Secretary of Energy, in carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, to contribute funds to the National Science Foundation (NSF) for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

The bill would also authorize the Secretary, in carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, to contribute funds to curriculum development activities at the NSF for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this bill is to improve the ability of engineers, architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings. H.R. 5644 directs the NSF Director, in awarding grants with respect to which the Secretary has contributed funds under this section, to give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, and city, regional, or urban planning.

Committee Action: H.R. 5644 was introduced on June 20, 2006, and was referred to the Committee on Science, which took no official action.

Cost to Taxpayers: There is no official CBO estimate for H.R. 5644. An unofficial estimate suggests that the bill will not 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: There is no committee report citing constitutional authority available. 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. 5658 — To facilitate the development of markets for alternative fuels and Ultra Low Sulfur Diesel fuel through research, development, and demonstration and data collection — *as introduced (Gordon, D-TN)*

Order of Business: The bill is scheduled for consideration on Wednesday, September 27, 2006, under a motion to suspend the rules and pass the bill.

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. Although the Conference rule may be waived, H.R. 5658, which creates two new programs, did not receive a waiver from the elected Leadership.

Summary: H.R. 5658 directs the Secretary of Energy, in consultation with the National Institute of Standards and Technology (NIST), **to carry out a program** of research, development, demonstration, and commercial application of materials to be added to alternative biobased fuels and Ultra Low Sulfur Diesel fuels to make them more compatible with existing infrastructure used to store and deliver petroleum-based fuels to the point of final sale. The program is to address the following:

- materials to prevent or mitigate:
 - corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;
 - dissolving of storage tank sediments;
 - clogging of filters;
 - contamination from water or other adulterants or pollutants;
 - poor flow properties related to low temperatures;
 - oxidative and thermal instability in long-term storage and use;
 - increased volatile emissions;
 - microbial contamination;
 - problems associated with electrical conductivity; and
 - increased nitrogen oxide emissions;
- alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications; and
- other problems as identified by the Secretary in consultation with the National Institute of Standards and Technology.

The bill also directs the Secretary, in consultation with NIST, **to carry out a research, development, and demonstration program** on portable, low-cost, and accurate methods and technologies for testing of sulfur content in fuel, including Ultra Low Sulfur Diesel and Low Sulfur Diesel.

H.R. 5658 directs NIST to develop a physical properties database and standard reference materials for alternative fuels. The database and standard reference materials is to be maintained and updated as appropriate as additional alternative fuels become available.

H.R. 5658 lists a number of findings, including the following:

- “in order to lessen United States dependence on foreign sources of petroleum, and decrease demand for petroleum in the transportation sector, the Nation must diversify its fuel supply to include domestically produced alternative biobased fuels;
- “introduction of alternative biobased fuels presents a unique set of problems that may render the fuels incompatible with the current fuel transportation and delivery infrastructure, placing the burden of costly refurbishment and construction on fuel distributors and retailers;
- “in order to mitigate air pollution and comply with Federal mandates, Ultra Low Sulfur Diesel fuel is being introduced into the marketplace in 2006;
- “fuel labeled Ultra Low Sulfur Diesel can accumulate more than the statutory limit of 15 parts per million of sulfur when transported through multiple pipelines, tanks, and trucks to the final point of sale; and
- “fuel distributors and retailers may inadvertently take delivery of fuel labeled Ultra Low Sulfur Diesel with more than 15 parts per million of sulfur without a practical means of verifying sulfur content.”

Committee Action: H.R. 5658 was introduced on June 21, 2006, and was referred to the Committee on Science, which took no official action.

Cost to Taxpayers: There is no CBO estimate available for H.R. 5658

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates two new programs.

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

Constitutional Authority: There is no committee report citing constitutional authority available. 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. 4846 — To authorize a grant for contributions toward the establishment of the Woodrow Wilson Presidential Library— *as reported* (Goodlatte, R-VA)

Order of Business: The bill is scheduled for consideration on Wednesday, September 6, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4846 authorizes the Archivist of the National Archives and Records Administration to make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson. This grant may not be made to the Library until the Library certifies to the Archivist that funds have been raised from non-federal sources for use to establish the library in an amount equal to at least double the amount of the grant. Funds provided from the federal government may not be used for the maintenance or operation of the Library. H.R. 4846 terminates this new grant authority of the Secretary on September 30, 2011.

Additional Information: Although this legislation authorizes grants to be made for the “establishment in Staunton, Virginia, of a library” honoring President Woodrow Wilson, currently, the city of Staunton, Virginia already maintains and operates a Woodrow Wilson Library. The Wilson Library and adjoining property currently includes The Mance (the birthplace of the former President), the Wilson Museum, the Pierce Arrow Limousine (Wilson’s limousine), and the Wilson Library, which offers opportunities for students and teachers to research the life of the President. In addition, according to the Wilson Library’s own [website](#), “Woodrow Wilson Presidential Library houses a unique collection of Woodrow Wilson materials from during and immediately after his life, including many works by those who knew him best such as Edith Bolling Wilson, John Randolph Bolling, Stockton Axson, and his daughter Eleanor, to name but a few. In addition, the Library contains many memoirs of those who worked with Wilson in an official capacity. The Library also houses an array of official and non-official governmental volumes concerning World War I.”

The Wilson Library is currently launching a new campaign to significantly overhaul the current property and buildings. According to its website, the Library plans to build a new library and provide “interactive, multi-media installations and special effects will go far beyond the typical flat-case “books on a wall” displays of traditional museums.”

Committee Action: H.R. 4846 was introduced on March 2, 2006, and was referred to the Committee on Government Reform, which considered it, held a mark-up, and reported the bill by unanimous consent on July 20, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 4846 will authorize \$6 million in FY07, and \$16 million over five years. CBO also states, “According to NARA and the library, the estimated cost of the library expansion is about \$50 million, including a federal grant of about \$16 million (the library estimates that it will collect \$32 million from nonfederal sources).”

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: There is no committee report citing constitutional authority available. 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*)

S. 2146—A bill to extend relocation expenses test programs for Federal employees—as received (Sen. Collins, R-ME)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: S. 2146 would reinstitute the General Services Administration's (GSA) relocation expenses test program through October 20, 2009. With GSA's approval, federal agencies had been able to test alternative methods of reimbursing their employees for travel and relocation expenses without seeking a waiver of current rules or law, but this authority (originally enacted as part of the Travel and Transportation Reform Act of 1998—Public Law 105-264) expired on October 20, 2005.

Additional Background: CBO provides the following background information:

Under existing Federal Travel Regulation requirements, certain relocation expenses must be reimbursed, including transportation and per diem for travel to the employee's new duty station, real estate sales and settlement expenses, and the transportation and storage of household goods. Other expenses that may be reimbursed at an agency's discretion are costs associated with finding a home, securing temporary quarters, and the use of a relocation service company.

Before authority to operate a relocation expenses test program expired, the U.S. Customs and Border Protection and the Federal Bureau of Investigation each initiated a voluntary relocation program. Those programs allowed employees being transferred to arrange and pay for their own moves using a predetermined lump-sum payment rather than submitting expense reports to obtain reimbursement.

Committee Action: On August 2, 2006, the Senate-passed bill was referred to the House Government Reform Committee, which took no official action on it.

Cost to Taxpayers: CBO estimates that this bill would REDUCE spending subject to appropriation by about \$15 million a year.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill would reauthorize a program that had been sunset.

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 House Leadership. S. 2146 received such a waiver.

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

Constitutional Authority: Senate committee reports are not required to contain statements of constitutional authority, and this bill was not reported from a House committee.

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H.R. 5418—To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges—as reported (Issa, R-CA)

Order of Business: The bill is scheduled to be considered on Wednesday, September 27th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5418 would authorize the appropriation of \$5 million per year (for ten years) to create a new pilot program within the federal court system to increase the expertise of district judges presiding over patent and plant variety protection cases. Specifically, the program funds would be used for educational and professional development of participating district judges in matters relating to patents and plant variety protection and for compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases.

The program, administered by the Administrative Office of the U.S. Courts, would have to operate in at least five U.S. district courts in at least three circuits. The Administrative Office would have to periodically report to Congress on the progress made by this program.

Additional Background: For information on plant variety protection, as an alternative to patents, visit this website: http://www.ams.usda.gov/science/PVPO/PVPO_Act/PVPA.htm.

Committee Action: On May 18, 2006, the bill was referred to the Judiciary Committee, which on June 5th, referred it to its Subcommittee on Courts, the Internet, and Intellectual Property. On July 27, 2006, the Subcommittee marked up the bill and by voice vote forwarded it to the full Committee. On September 13, 2006, the full Committee marked up the bill, amended it, and by voice vote ordered it reported to the full House.

Cost to Taxpayers: CBO confirms that the bill would authorize \$5 million a year for ten years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create a new pilot program.

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 House Leadership. H.R. 5418 received such a waiver.

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

Constitutional Authority: The Judiciary Committee, in House Report 109-673, cites constitutional authority in Article I, Section 8, 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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