



Legislative Bulletin.....September 29, 2006

Contents:

- H.Res. 1028** — Supporting the goals and ideals of Red Ribbon Week
- H.R. 6228** — Wright Amendment Reform Act of 2006
- H.R. 6203**—The Energy Research, Development, Demonstration, and Commercial Application Act
- S. 3728**—North Korea Nonproliferation Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 12

Total Cost of Discretionary Authorizations: \$2.25 billion 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: several, as noted below

Number of Bills Without Committee Reports: 1

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

**H.Res. 1028 — Supporting the goals and ideals of Red Ribbon Week
— as introduced (Souder, R-IN)**

Order of Business: The resolution is scheduled for consideration on Friday, September 29, 2006, under a motion to suspend the rules and pass the resolution.

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

This resolution resolves that the House supports the ideals and goals of the day, and encourages citizens to participate in activities with respect to Red Ribbon Week. Because the resolution merely states support for, and urges action on, but does not establish a commemorative week, the parliamentarian's office has ruled that it is allowable under House rules.

Summary: H.Res. 1028 resolves that the House:

- “supports the goals and ideals of Red Ribbon Week;
- “encourages children and teens to choose to live a drug-free life; and
- “encourages the people of the United States to promote drug-free communities and to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.”

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

- “the purpose of the Red Ribbon Campaign is to commemorate the service of Enrique ‘Kiki’ Camarena, a Drug Enforcement Administration Special Agent who died in the line of duty in 1985 while engaged in the battle against illicit drugs;
- “the Red Ribbon Campaign is nationally recognized and is in its twenty-first year of celebration, helping to preserve Special Agent Camarena’s memory and further the cause for which he gave his life;
- “the Governors and Attorneys General of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, and more than 100 other organizations throughout the United States annually cosponsor Red Ribbon Week during the period of October 23 through October 31;
- “although public awareness of illicit drug abuse is increasing, the silent abuse of prescription medication, with over 6,000,000 such abusers, has gone almost unnoticed and demands attention; and
- “parents, youth, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during this weeklong celebration.”

Additional Information: For more information regarding Red Ribbon Week, please visit: <http://www.tcada.state.tx.us/redribbon/>. An almost identical resolution, H.R. 485, passed the House last year by voice vote on October 25, 2005.

Committee Action: H.Res. 1028 was introduced on September 20, 2006, and referred to the Committee on Energy and Commerce’s Subcommittee on Health, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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

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

**H.R. 6228 — Wright Amendment Reform Act of 2006 — *as amended*
(Young, R-AK)**

Order of Business: The bill is scheduled for consideration on Friday, September 29, 2006, under a motion to suspend the rules and pass the bill, as amended

Summary: H.R. 6228 would amend Section 29c the International Air Transportation Competition Act of 1979 (P.L. 96-192; 94 Stat. 35; the “Wright Amendment”) to remove and amend the current restrictions on commercial transportation between Love Field airport in Dallas, Texas and other U.S. and foreign destinations. The specific provisions of the bill are as follows:

- Expands the allowable commercial flights of air carriers operating at Love Field before November 1, 1979 (Southwest Airlines) to provide through-service and ticketing between Love Field, Texas and any U.S. or foreign destination, so long as the flight goes through one of the following destinations: Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, or Alabama. The above provision expires eight years after the date of enactment of this Act.
- Prohibits non-stop commercial flights between Love Field and any point outside the continental U.S., and prohibits the federal government officials from designating Love Field as an initial point of entry or a last point of departure for the U.S.;
- Limits charter flights at Love Field to:
 - 1) only operate within the continental U.S., and
 - 2) no more than 10 per month per air carrier, that are beyond the states of Texas, New Mexico, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Missouri, and Alabama.
- Restricts carriers who lease gates at Love Field to only those gates they are currently leasing (e.g. – carriers may not expand the number of gates being leased at Love Field);
- Requires the City of Dallas (which operates Love Field) to reduce the number of available gates at Love Field to no more than 20 gates, and may not exceed 20 gates in the future.
- Stipulates that nothing in this Act affects general aviation service at Love Field.
- Prohibits the U.S. Transportation Department and the Federal Aviation Administration from making any findings, determinations, orders, or rules, that are inconsistent with the signed contract (dated July 11, 2006) between the city of Dallas, the city of Fort Worth, the DFW International Airport Board, and others regarding Wright Amendment issues. In other words, the provisions of this Act were agreed upon by those parties, and the federal government (by this Act) is codifying the agreement and prohibiting other federal entities from changing the contract terms.

- Stipulates that the provisions of this Act only apply to Love Field, and no other airport in the country.
- Provides that all the provisions of this Act will take effect when FAA notifies Congress that aviation operations in the airspace serving Love Field and the Dallas-Fort Worth area can be in full compliance with FAA safety standards.

Additional Background: The Wright Amendment, as it exists today, is summarized below:

94 Stat. 35; P.L. 96-192

a) All air carriers are prohibited from providing commercial flights between Love Field and points outside of Texas, unless the carrier is a charter air carrier (limited to 10 flights per month), or a commuter airline carrying 56 passengers or less.

b) All air carriers are prohibited, with the exception of Southwest Airlines, from providing commercial flights between Love Field and points outside of Texas (i.e. – it only allows carriers to fly between Love Field and certain locations that were in operation on November 1, 1979, and only Southwest qualifies).

c) Stipulates that the restrictions of Sections a) and b) do not apply to Southwest Airlines as long as Southwest **only** provides commercial flights between Love Field and the following destinations: Louisiana, Arkansas, Oklahoma, New Mexico, Kansas, Alabama, Mississippi, and Texas, **and** if Southwest does not provide through service or ticketing with another airline, **and** the Southwest does not provide service to any point outside these specific states.

The text of the original Wright Amendment (established in 1978), and the Shelby amendment that later modified it (in 1997), may be viewed [here](#) (Southwest Airlines website) and [here](#) (DFW website).

Two bills were introduced earlier this Congress, H.R. 2646 and H.R. 3383, by Rep. Jeb Hensarling, which would have repealed the Wright Amendment outright, allowing Southwest airlines to compete with DFW and provide commercial transportation as they so choose, in accordance with FAA and DOT rules and regulations. Neither bill was considered.

Possible Conservative Concerns: Conservatives and local residents of the Dallas-Fort Worth metropolitan area are mixed on this issue. The Wright Amendment was originally enacted in 1978 to ensure that the newly built DFW International Airport (in 1974) would thrive amidst local competition from neighboring (and much smaller) Love Field airport.

The primary arguments against the Wright Amendment are that it imposes federal restrictions on a local and state issue, that it infringes upon private property and private market interests, and that it hurts competition and artificially inflates commercial transportation costs by restricting the available flights in the DFW market.

The primary arguments for maintaining the Wright Amendment are that it ensures DFW remains a viable and active airport – and is not undercut by a smaller neighboring airport –

and thus creates thousands of local jobs and sustains the local economy. DFW also argues that if Southwest were to move its operations to DFW Airport (which has the available gates), it would increase competition and reduce fares among the other airlines. DFW Airport, one of the largest and busiest airports in the country, and its related affiliates represent one of the top employers in the Dallas-Fort Worth area.

There is significant history and controversy on this issue, particularly in Texas. For additional information, visit either Southwest Airlines' [Set Love Free](#) website or DFW's [Keep DFW Strong](#) website.

Committee Action: H.R. 6228 was introduced on September 28, 2006, and referred to the Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 6228 is unavailable, but the bill does not authorize new expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: As noted above, it alters existing federal restrictions on a locally owned and operated airport.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, as noted above, the bill would alter federal regulations on commercial air transportation, add and gate leasing restrictions at a locally operated airport. It should be noted that the involved players (city of Dallas, city of Fort Worth, DFW International Airport, Love Field, and Southwest Airlines) have all agreed to the above provisions.

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. 6203—The Energy Research, Development, Demonstration, and Commercial Application Act—as introduced (Biggert, R-IL)

NOTE: This bill would create 12 new authorizations for federal programs authorized at \$2.25 billion over five years (including the “such sums”).

Order of Business: The bill is scheduled to be considered on Friday, September 29th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6203 would create a variety of **new federal programs** for alternative energy development. Highlights of the bills are as follows:

- Directs the Secretary of Energy (“the Secretary”) to carry out a program of research, development, demonstration, and commercial application for motor and other fuels from biomass. Not less than 10% of the funds appropriated to this program would have to be competitively awarded to higher education institutions working on biomass fuels. Authorizes \$150 million for FY2007 and “such sums” for FY2008 and FY2009, all from funds already authorized to be appropriated for bioenergy programs in the Energy Policy Act of 2005 (EPACT).
- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for technologies to enable practical onboard storage of hydrogen for use as a fuel for light-duty motor vehicles, with the goal of enabling such vehicles to travel 300 miles before refueling. No specific authorization of funds is provided.
- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for advanced solar photovoltaic technologies, with the goal of making electricity generated by solar power cost-competitive by 2015. Authorizes \$148 million in FY2007 (as requested in the President’s FY2007 Budget Proposal) and “such sums” for FY2008-FY2011.
- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for advanced wind energy technologies. Authorizes \$44 million in FY2007 (as requested in the President’s FY2007 Budget Proposal) and “such sums” for FY2008-FY2011.
- Emphasizes that the Secretary should continue to carry out the research, development, demonstration, and commercial application activities still authorized in EPACT for distributed energy, micro-cogeneration, and geothermal energy, hydropower, and ocean energy. No new authorizations.
- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for technologies needed to develop plug-in hybrid electric vehicles and electric drive transportation. Authorizes \$100 million in FY2008 and “such sums” for FY2009-FY2011.
- Establishes a competitive grant pilot program to provide up to 25 grants annually to state governments, local governments and public entities, metropolitan transportation authorities, or combinations thereof to carry out a projects for the demonstration of plug-in hybrid electric vehicles. No single grantee could receive more than \$10

million under this program for the FY2007-FY2011 period. Authorizes \$50 million in FY2008 and “such sums” for FY2009-FY2011.

- Directs the Secretary to establish a grant program to states for them to award funds to demonstrate advanced photovoltaic solar energy technology. All states that apply and meet the requirements of the program would be eligible to receive funding, proportional to each state’s population. States would be required to award funds in a competitive allocation to eligible recipients and to require a contribution of at least 60% per award from non-federal sources (including the state). No award given by a state could be more than \$1 million, and unexpended funds would have to be returned to the Treasury after three years. The Secretary would have to report to Congress after five years on the results of this program. Authorizes \$50 million in FY2008 and “such sums” for FY2009-FY2011.
- Directs the Secretary to establish a grant program for businesses and organization to construct or renovate energy efficient buildings to demonstrate innovative energy efficiency technologies (as defined in the bill). Grants would be for up to 50% of the design and energy modeling costs, not to exceed \$50,000 per building. 50% of the grant would available to the grantee immediately upon competitive selection, while the remaining 50% would become available only after independent certification that the affected buildings are energy efficient as defined in the bill. The Secretary would have to report to Congress on the success of this program three years after first grant is awarded. Authorizes \$10 million in FY2008 and “such sums” for FY2009-FY2011.
- Updates the types of activities that may be funded, minimum criteria and priorities for qualifying applications, duration of funding, and grantee evaluation requirements for Section 917 of EPACK, which requires the Secretary to distribute grants to establish a network of Advanced Energy Efficiency Technology Transfer Centers. Prohibits these funds from being used for facility construction. No new authorizations.
- Authorizes the Secretary to contribute funds to the National Science Foundation’s (NSF) Integrative Graduate Education and Research Traineeship program in support of graduate education related to energy research and development. Also authorizes the Energy Department’s high performance building technology programs to contribute to NSF’s ongoing curriculum development activities for improving undergraduate and graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings. No new authorizations. NOTE: this section is the same as Rep. McCaul’s Green Energy Education Act (H.R. 5644), which was removed from the House floor schedule yesterday.
- Directs the Secretary to enter into an arrangement with the National Academy of Sciences (NAS) to conduct a detailed study of, and make further recommendations on, the October 2005 NAS recommendation to establish an Advanced Research Projects Agency-Energy (ARPA-E).

- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for facilities that convert coal into pipeline quality gaseous fuels for direct use or subsequent chemical or physical conversion. No specific authorization of funds is provided.
- Directs the Secretary to carry out a program of research, development, demonstration, and commercial application for materials to be added to biobased fuels and ultra low sulfur diesel fuels to make them more compatible with existing fuel storage and delivery infrastructure. Also directs the Secretary to carry out a program of research, development, and demonstration for methods to test sulfur content in fuels. Furthermore, the National Institute of Standards and Technology would be required to develop a physical properties database and standard reference materials for alternative fuels. No specific authorization of funds is provided. NOTE: this section is the same as Rep. Gordon's ultra low sulfur diesel fuel bill (H.R. 5658), which was removed from the House floor schedule yesterday.
- Amends Sections 931 and 932 of EPACT to require the Secretary to carry out certain bioenergy research. Earmarks authorizations of \$75 million over FY2007 to FY2009 from within existing authorizations in EPACT.

Committee Action: H.R. 6203 was referred to the Science Committee on September 27, 2006. Though the committee took no official action on H.R. 6203, it reported a similar bill, H.R. 5656, was marked up by the committee on June 27, 2006, and ordered reported to the full House by voice vote.

Possible Conservative Concerns: Some conservatives may be concerned that the bill would create 12 new federal programs authorized at \$2.25 billion over five years.

Cost to Taxpayers: Although a CBO cost estimate is not available for H.R. 6203, RSC staff calculations using a conservative approximation of typical CBO methods shows this bill as authorizing \$342 million in FY2007, and a total of \$2.25 billion over the FY2007-FY2011 period. The CBO cost estimate for the related bill, H.R. 5656, estimates authorizations of \$692 million in FY2007 and a total of \$3.68 billion over the FY2007-FY2011 period. Thus, the total authorizations in H.R. 6203 are about \$1.4 billion less than those in the original committee-reported bill (H.R. 5656).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create 12 new federal programs.

Note: Under House Republican Conference Rules, "any bill or resolution" 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. 6203 received such a waiver.

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

Constitutional Authority: Although a committee report for H.R. 6203 is unavailable, for H.R. 5656, the Science Committee (in House Report 109-611) 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: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 3728—North Korea Nonproliferation Act—as received (Sen. Frist, R-TN)

Order of Business: The bill is scheduled to be considered on Friday, September 29th, under a motion to suspend the rules and pass the bill. On July 25, 2006, the Senate passed the bill by unanimous consent.

Summary: S. 3728 would amend the Iran and Syria Nonproliferation Act (Public Law 106-178) to extend the provisions of such Act to North Korea after January 1, 2006 (and would retitle the law as the Iran, North Korea, and Syria Nonproliferation Act).

The legislation states that it should be the policy of the United States to “impose sanctions on persons who transfer such weapons, and goods and technology related to such weapons, to and from North Korea in the same manner as persons who transfer such items to and from Iran and Syria currently are sanctioned under United States law.” The bill cites the following facts as justification for such policy:

- “North Korea’s manifest determination to produce missiles, nuclear weapons, and other weapons of mass destruction and to proliferate missiles, in violation of international norms and expectations; and
- “United Nations Security Council Resolution 1695, adopted on July 15, 2006, which requires all Member States, in accordance with their national legal authorities and consistent with international law, to exercise vigilance and prevent--
 - missile and missile-related items, materials, goods, and technology from being transferred to North Korea's missile or weapons of mass destruction programs; and
 - the procurement of missiles or missile-related items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or weapons of mass destruction programs.”

The bill would also express a sense of Congress urging “all governments to comply promptly with United Nations Security Council Resolution 1695 and to impose measures on persons involved in such proliferation that are similar to those imposed by the United States Government pursuant to the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), as amended by this Act.”

Additional Background: The Iran and Syria Nonproliferation Act requires the President to prepare biannual reports identifying any foreign country, corporation, or individual that has transferred sensitive nuclear, chemical, biological, or missile technology, goods, or services to Iran or Syria. The President is required to impose sanctions against those responsible for the transfers or report the reasons for not doing so.

For more information on UN Security Council Resolution 1695, please visit this webpage: <http://www.state.gov/p/eap/rls/prs/69022.htm>.

Committee Action: The Senate-passed bill was not referred to a House committee and is being held at the desk.

Administration Position: The Administration supports this legislation.

Cost to Taxpayers: A CBO cost estimate for a substantively identical bill (H.R. 5805) reported that the 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?: The bill could impose private-sector mandates on foreign persons and corporations involved with prohibited activities with North Korea.

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

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718