



Legislative Bulletin.....December 6, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$847 over the 2007-2011 period, & such sums

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 5

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

S. 4044 — Religious Liberty and Charitable Donation Clarification Act of 2006 — *as received* (Sen. Hatch, R-UT)

Order of Business: The bill is scheduled for consideration on Wednesday, December 06, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 4044 would amend federal bankruptcy law to make it consistent with the requirements of the Religious Liberty and Charitable Contribution Protection Act of 1998. Specifically, it removes charitable contributions from the formula (defined in statute) used to determine what portion of contributions are reasonably necessary to be expended for such purposes from a debtor's current monthly income. This will allow for the full deduction of

charitable contributions from currently monthly income to arrive at a debtor's disposable income.

Committee Action: S. 4044 was introduced in the Senate on September 29, 2006, and passed the Senate by unanimous consent the next day. It received no committee action in the House.

Cost to Taxpayers: A CBO score of S. 4044 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

**S. 1785 — Vessel Hull Design Protection Amendments of 2005 — *as received*
(Sen. Cornyn, R-TX)**

Order of Business: The bill is scheduled for consideration on Wednesday, December 06, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 1785 would amend current law to stipulate that the design of a vessel hull or deck are protected under federal copyright law. The bill also defines the term "deck." According to CRS, only the design of the vessel hull is protected, and the definition of the hull includes the deck.

Committee Action: S. 1785 passed the Senate by unanimous consent on November 18, 2005. It was referred to the House Committee on the Judiciary's Subcommittee on Courts, the Internet, and Intellectual Property, which considered, held a mark-up, and forwarded the bill to the full committee by voice vote on March 1, 2006.

Cost to Taxpayers: A CBO score of S. 1785 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

S. 1346 — Michigan Lighthouse and Maritime Heritage Act — *as received*
(Sen. Stabenow, D-MI)

Order of Business: The bill is scheduled for consideration on Wednesday, December 06, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 1346 would direct the Interior Secretary, in consultation with the state and other appropriate public and private entities, to conduct a maritime heritage study of Michigan, to determine: 1) suitable and feasible options for the long-term protection of significant maritime heritage resources in Michigan; and 2) the manner in which the public can best learn about and experience such resources.

The bill requires that the report be submitted to Congress within three years after funds are made available. The bill authorizes such sums as necessary to carry out the provisions of this Act.

Committee Action: S. 1346 passed the Senate (amended) by unanimous consent on September 29, 2006. The bill received no committee action in the House.

Cost to Taxpayers: CBO estimates that S. 1346 “would cost about \$500,000 over the next three years to complete the required study and report, assuming appropriation of the necessary amounts. Enacting S. 1346 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: 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

S. 1829 — A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands — *as amended* (Sen. Domenici, R-NM)

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

Summary: S. 1829 was amended to include H.R. 6014, H.R. 5861, and H.R. 5978.

S. 1829 —repealing certain law pertaining to the Virgin Islands

The repeals certain provisions of the Act of May 26, 1936, relating to state property taxation in the Virgin Island.

H.R. 6014 — Authorizing the Secretary of the Interior to improve California’s Sacramento-San Joaquin Delta and water supply

The bill 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.

H.R. 5861 — National Historic Preservation Act Amendments of 2006

The bill would amend the National Historic Preservation Act (NHPA), reauthorizing the National Historic Fund through 2015.

Specific provisions are as follows:

- Provides that the State Historic Preservation Officer has no authority to require an applicant for federal assistance, permit, or license to identify historic properties outside the undertaking’s area of potential effects as determined by the federal agency.
- Provides that if the State Historic Preservation Officer or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of “no historic properties affected” or “no adverse effect,” the federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding.
- Reauthorizes the National Historic Preservation Fund through 2015 (expired in 2005), at the current authorization of \$150 million each year. The \$150 million deposited annually into the Fund is derived from revenues from the Outer Continental Shelf Lands Act.
- Reauthorizes at such sums as necessary (currently \$4 million each year), the Advisory Council on Historic Preservation. The Council’s authorization expired in 2005.
- Expands the Advisory Council to include the Secretary of Agriculture and the heads of seven federal agencies (currently four).
- Adds a new section to NHPA, authorizing the Advisory Council to enter into a cooperative agreement with any federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of that program in meeting the purposes and policies of the NHPA. As such, the Council may:
 - review the operation of any federal grant or assistance program to evaluate the effectiveness of such program in meeting NHPA purposes and policies;

- make recommendations to the head of the federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and
- make recommendations to the president and the Congress regarding the effectiveness of federal grant and assistance programs in meeting NHPA objectives.

H.R. 5978 – feasibility study on including the First and Second Battles of Newtonia, Missouri as a unit of the National Park System

H.R. 5978 directs the Secretary of the Interior to conduct a resource study relating to the First and Second Battles of Newtonia in Missouri to determine the feasibility of adding the battlefields and related sites as part of Wilson’s Creek National Battlefield or the National Park System. The battles took place during the Civil War.

Additional Information:

S. 1829 —repealing certain law pertaining to the Virgin Islands

According to Committee Report [109-236](#), the bill was prompted by a 2004 Third Circuit Court of Appeals Federal court decision, reviving the 1936 law, which requires that all real property be taxed at the same rate without regard to classification or use. The committee report further states the decision, struck down a local law capping the amount of any tax increase on residential real property in any assessment period. S. 1829 would restore local authority to set its own tax rates.

H.R. 6014 — Authorizing the Secretary of the Interior to improve California’s Sacramento-San Joaquin Delta and water supply

Since the bill deals with local tax rates, federal revenue would not be affected. 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.

H.R. 5861 — National Historic Preservation Act Amendments of 2006

According to its [website](#), “The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation’s historic resources, and advises the President and Congress on national historic preservation policy. The goal of the [National Historic Preservation Act](#) (NHPA), which established ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation’s resources when their actions affect historic properties. ACHP is the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements.”

Committee Action: S. 1829 was received on November 17, 2005, and referred to the House Committee on Resources’ Subcommittee on Water and Power. The subcommittee held hearings on July 27, 2006, but took no further official action.

H.R. 6014 passed the House on the suspension calendar by voice vote on September 27, 2006.

H.R. 5861 passed the House on the suspension calendar by voice vote on September 25, 2006.

H.R. 5978 was introduced on July 28, 2006, and referred to the House Committee on Resources' Subcommittee on National Parks. The subcommittee held a hearing on September 7, 2006, but took no further official action.

Cost to Taxpayers: CBO estimates that enacting S. 1829 would have no impact on the federal budget.

H.R. 6014 would authorize \$10 million in 2007, and \$50 over the 2007-2012 period.

CBO estimates that enacting H.R. 5861 will authorize \$155 million in FY07, and \$777 million over the 2007-2011 period.

H.R. 5978 has no cost estimate.

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: Senate Committee Report [109-236](#) does not cite constitutional authority for S. 1829.

H.R. 6014 has no committee report to cite constitutional authority.

The committee report for H.R. 5861, Committee Report [109-641](#), cites constitutional authority for this legislation in Article I, section 8, Clause 3 of the Constitution, the commerce clause.

H.R. 5978 has no committee report to cite constitutional authority.

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

S. 214 — United States-Mexico Transboundary Aquifer Assessment Act — *as received* (Sen. Bingaman, R-NM)

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

Note: Conference Rule 28 requires that no bill be scheduled on the suspension calendar which creates a new program, without a waiver from Leadership. S. 214 was granted a waiver.

Summary: S. 214 directs the Secretary of the Interior to **establish a new program** to United States-Mexico transboundary aquifer assessment program to provide the scientific foundation for State and local officials to address the water resource challenges in the United States-Mexico

border region. The program is to characterize, map, and model transboundary groundwater resources along the United States-Mexico border.

S. 214 authorizes appropriations of \$50 million for the 2006-2015 period.

Committee Action: S. 214 was received from the Senate on July 27, 2005, and referred to the Committee on Resources' Subcommittee on Water and Power. The subcommittee held a hearing on May 10, 2006, but took no further additional action.

Cost to Taxpayers: CBO estimates that S. 214 authorizes appropriations of \$5 in 2007; \$20 over the 2007-2010 period.

Possible Conservative Concerns: Some conservatives may be concerned that this bill creates a new program.

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

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

Constitutional Authority: The Senate report, Committee Report [109-17](#), cites no constitutional authority.

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

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