



**Legislative Bulletin.....April 24, 2007**

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**Summary of the Bills Under Consideration Today**

**Total Number of New Government Programs: 0**

**Total Cost of Discretionary Authorizations: \$36 million over 5 years**

**Effect on Revenue: +\$500,000**

**Total Change in Mandatory Spending: 0**

**Total New State & Local Government Mandates: 1**

**Total New Private Sector Mandates: 1**

**Number of Bills Without Committee Reports: 1**

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

**H.R.1675 — Preservation Approval Process Improvement Act of 2007  
(*Bean, D-IL*)**

**Order of Business:** The H.R. 1675 is scheduled for consideration on Tuesday, April 24, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1675 would remove a Department of Housing and Urban Development (HUD) requirement that participants in low-income, multi-family housing programs must

submit Previous Participation Certificates electronically. The bill would permit paper filings of such forms until the Secretary revised the current electronic filing regulations.

**Additional Information:** According to HUD, a policy memo was release in April of 2006 directing multifamily mortgage and subsidy program directors and participants to submit applications through the agency's Active Partner Performance System (APPS). Under APPS, participants in multifamily mortgage and project based subsidy programs, both investors and residents, have to submit applications electronically without exception. The new HUD policy, which became effective on July 1, 2006, applies equally to new and existing participants.

H.R. 1675 would suspend the agency's instruction and allow for a return to paper filing of Previous Participation Certificates. Electronic filing requirement would be permitted only after the Secretary of HUD revised proposed program regulations and, according to the bill, "eliminate the unnecessary burdens and disincentives for program participants."

For more information on APPS see:

<http://www.hud.gov/offices/hsg/mfh/apps/appsmfhm.cfm>

**Committee:** H.R. 1675 was introduced on March 26, 2007, and referred to the Committee on Financial Services, which held a mark-up for the bill on March 29, 2007, and reported it by voice vote.

**Cost to Taxpayers:** CBO estimates that H.R. 1675 would have no significant effect on the federal budget.

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

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

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## **H.R. 1676--Native American Home Ownership Opportunity Act of 2007 (Boren, D-OK)**

**Order of Business:** The H.R. 1676 is scheduled for consideration on Tuesday, April 24, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1676 would extend authorization of **such sums** for the Indian Housing Loan Guarantee Fund through 2012.

**Additional Information:** According to HUD, "Much of the land in Indian country is held in trust by the U.S. Government. Land held in trust for a tribe cannot be mortgaged, and land held in trust for an individual must receive Federal approval before a lien is

placed on the property. As a result, Native Americans historically have had limited access to private mortgage capital.” In response to this problem the Indian Housing Loan Program was established by Section 184 of the Housing and Community Development Act of 1992. The program was created to offer American Indians a variety of subsidized loans for homes, financing, and new construction.

For more information on the Indian Housing Loan Program see:  
<http://www.hud.gov/progdesc/insec184.cfm>

**Committee:** H.R. 1676 was introduced on March 26, 2007, and referred to the Committee on Financial Services, which marked-up the bill on March 29, 2007, and reported it by voice vote.

**Cost to Taxpayers:** According to CBO, assuming continued spending at current levels and adjusting for inflation, H.R. 1676 would cost about \$30 million over five years but would not affect direct spending or revenues.

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

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

**Constitutional Authority:** According to Committee Report [110-102](#) cites constitutional authority in Article I, Section 9, Clause 7, which states that no money will be drawn from the Treasury without appropriation.

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**H.Res. 299 — Expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs  
(McDermott, D-WA)**

**Order of Business:** The H.Res. 299 is scheduled for consideration on Tuesday, April 24, 2007, under a motion to suspend the rules and pass the resolution.

**Summary** H.Res. 299 would express the sense of the House of Representatives that:

- “it is the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs”

The resolution lists a number of findings, including:

- “child abuse and neglect continue to pose a serious threat to our Nation’s children;
- “according to the most recent annual estimates, 3,600,000 children were the subject of child abuse and neglect investigations in 2005, an increase of 462,000 children from 2001;
- “more than 899,000 children were found to be the victims of abuse and neglect in 2005;
- “as of the end of 2005, approximately 513,000 children were unable to live safely with their families and instead were living in foster homes and institutions;
- “an estimated 1,460 children died because of abuse and neglect in 2005;
- “more than 75 percent of the children who died because of abuse and neglect in 2005 were under the age of 4;
- “studies have found that abused and neglected children tend to be at least 25 percent more likely than the general population of children to experience problems such as delinquency, teen pregnancy, low academic achievement, drug use, and mental illness;
- “a National Institute of Justice study indicated abuse or neglect during childhood increased the likelihood of arrest as a juvenile by 59 percent and adult criminal behavior by 28 percent;
- “studies have found that abusive parents often were themselves the victims of child abuse; and
- “it is estimated that approximately 1/3 of abused and neglected children will eventually victimize their own children.

**Committee:** H.Res. was introduced on April 17, 2007, and referred to the Committee Ways and Means, which took no further action.

**Cost to Taxpayers:** H.Res. 299 authorizes no new expenditures.

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

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

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## **H.R. 518 — International Solid Waste Importation and Management Act of 2007 (*Dingell, D-MI*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, April 24, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 518 would amend the Solid Waste Disposal Act to permit the states to enact laws and regulations restricting the receipt and disposal of foreign waste until the implementation of final regulations issued by the Environmental Protection Agency's (EPA) Administrator under the Agreement Concerning the Transboundary Movement of Hazardous Waste between the United States and Canada ("Agreement"). The Agreement governs the movement of hazardous and solid municipal waste between the U.S. and Canada. In addition, if a state chooses to enact any laws or regulations restricting the receipt and disposal of foreign waste, those laws and regulations will remain in effect until they expire.

H.R. 518 provides that no state laws, regulations, or orders enacted in accordance with the above provision is to be considered as imposing an undue burden on foreign and interstate commerce.

The bill explicitly names the EPA Administrator as the "Designated Authority of the United States" under the Agreement and directs the Administrator to implement and enforce the provisions of the Agreement. The Administrator must issue final regulations under the Agreement within two years after enactment of H.R. 518.

H.R. 518 directs the Administrator to consider a number of factors in consenting to import foreign waste, such as the views of the local government in which the waste is to be imported, the impact of importation on local recycling programs, landfill capacity, increased emissions and road deterioration from increased traffic, homeland security, and public health.

The legislation prohibits any individual from importing, transporting, or exporting municipal solid waste for final disposal or incineration in violation of the agreement. The Administrator may issue an order assessing a civil penalty for past or current violations. The bill authorizes civil fines of up to \$25,000 per day for current and past violations, or both, for violation of the Agreement. Additionally, H.R. 518 allows the Administrator to issue civil fines if compliance orders are violated.

**Additional Information:** According to the Committee Report, some states along the United States' northern border with Canada are being inundated with solid waste from Canada. The report estimates that more than 400 trucks cross the border everyday to deliver waste from Toronto to Michigan. Due to the interpretation of the Commerce Clause, states are limited in their ability to regulate commerce between countries, even when there is no federal regulation.

The EPA has not started the rule-making process under the Agreement because it claims it does not have the legal authority to do so. H.R. 518 is intended to explicitly give the EPA that rule-making authority. The committee report asserts that the absence of rules and the states' inability to regulate foreign commerce has led to environmental damage, a reduction in public safety, erosion of support for recycling programs, and a reduction in landfill capacity.

H.R. 2491, a bill identical to H.R. 518, passed the House by voice vote on September 6, 2006.

**Committee Action:** H.R. 518 was introduced on January 17, 2007, and referred to the Committee on Energy and Commerce, which referred the bill to the Subcommittee on Environment and Hazardous Materials on February 23, 2007. The bill was reported by the Energy and Commerce Committee and placed on the union calendar on March 29, 2007.

**Cost to Taxpayers:** CBO estimates that H.R. 518 would authorize \$2 million in 2008 and \$6 million over a five year period. CBO also estimates revenues collected from civil enforcement fines would total less than \$500,000.

**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?:** According to the CBO, H.R. 518 contains intergovernmental mandates because it would “preempt the regulatory authority of state governments and impose requirements on some local governments that own solid waste facilities.” The bill also contains private-sector mandates on “companies involved in the exportation, and disposal of solid waste.”

Because the specific requirements of these mandates would depend on future EPA regulation, CBO cannot determine the cost of these mandates.

**Constitutional Authority:** Committee Report [110-81](#) cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 of the Constitution, the Commerce Clause.

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