

Tuesday, March 27, 2007

House Meets At...	Votes Predicted At...
10:30 a.m. For Morning Hour 12:00 p.m. For Legislative Business Unlimited "One-Minutes"	Last Vote: 7:00-8:00 p.m.

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Res. 269-Rule providing for consideration H.R.835 - Hawaiian Homeownership Opportunity Act of 2007 (Hastings-Rules)**: The closed rule provides one hour of general debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule provides that the bill shall be considered as read. The rule also provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Hastings (D-FL), and will proceed in the following order:
 - One hour of debate on the rule.
 - Possible vote on the Democratic motion to move the previous question. **Democrats are urged to vote YES.**
 - Vote on adoption of the rule. **Democrats are urged to vote YES**

- **H.Res.270-Rule providing for consideration of H.R. 1401, Rail and Public Transportation Security Act of 2007 (Hastings-Rules)**: The structured rule provides one hour and twenty minutes of general debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Finally, the rule provides one motion to recommit with or without instructions. Debate on the rule will be managed by Rep. Hastings (D-FL) and will proceed in the following order:

- One hour of debate on the rule.
 - Possible vote on the Democratic motion to move the previous question. **Democrats are urged to vote YES.**
 - Vote on adoption of the rule. **Democrats are urged to vote YES**
- **Postponed Suspension Vote:** At some point today, a roll call vote will be taken on the following suspension bill, which was debated on Monday:
 1. H. Res. 299--Supporting the goals and ideals of Professional Social Work Month and the World Social Work Day (Rep. Shea-Porter – Education and Labor)
 - **H.R. 1401- Rail and Public Transportation Security Act of 2007 (Rep. Thompson (MS) – Homeland Security):** One hour of debate will be managed by Homeland Security Committee Chair Bennie Thompson or his designee, twenty minutes of debate will be managed by Transportation and Infrastructure Committee Chair James Oberstar, or his designee, and consideration will proceed in the following order:
 - One hour and twenty minutes of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote YES on final passage.**
 - **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage. If a recorded vote is requested, it will be postponed.
 1. **H.R. 1562** - Katrina Housing Tax Relief Act of 2007 (*Rep. Rangel – Ways and Means*)
 2. **H.R. 1132** - National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007 (*Rep. Baldwin – Energy and Commerce*)
 3. **H.R. 477** - Stroke Treatment and Ongoing Prevention Act (*Rep. Capps – Energy and Commerce*)
 4. **H.R. 727** - Trauma Care Systems Planning and Development Act of 2007 (*Rep. Gene Green – Energy and Commerce*)

- **H.R.835 - Hawaiian Homeownership Opportunity Act of 2007**
(Abercrombie-Financial Services): Debate on the bill will be managed by Financial Services Chair Barney Frank, or his designee, and consideration will proceed in the following order:
 - One hour of debate on the bill.
 - Debate and votes on amendments to the bill.
 - Possible debate and vote on a Republican motion to recommit the bill.
 - Vote on final passage of the bill. **Democrats are urged to vote YES on final passage.**

Bill Summary and Key Issues

Anticipated Amendments to H.R. 1401, Rail and Public Transportation Security Act of 2007

Thompson, Bennie (MS) - Manager's Amendment. The amendment makes technical and clerical changes to H.R. 1401, as reported by the Committee on Homeland Security. It also clarifies the relationship between the Department of Homeland Security and Transportation in carrying out certain portions of the bill, and modifies the whistleblower protections for federal employees and contractors to make them more similar to those granted in H.R. 985. - 10 minutes

Arcuri (NY) - The amendment requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct an assessment of the safety and security vulnerabilities of placing high voltage direct current electric transmission lines along active railroad rights-of-way. The Amendment requires the Secretary to report the findings of this assessment to Congress within 6 months of enactment of the Act. – 10 minutes

Cohen (TN) - Establishes a program to coordinate with state and local governments to enable minimize the need for transportation of toxic inhalation hazardous materials by rail. – 10 minutes

Castle (DE) - This amendment requires the Secretary of Homeland Security to study foreign rail security practices that are not currently used in the U.S. and submit a report on recommendations for implementing such practices. – 10 minutes

Sessions (TX) - Prohibits funds in this act, except those noted in Section 108, from being used by Amtrak for any of the Top 10 worst revenue losing long-distance routes as noted by its September 2006 monthly performance report. This amendment provides a waiver from this provision should the Secretary deem a route or a portion of a route as critical to homeland security.–10 minutes

Flake (AZ) - This amendment would strike section 203, “Transportation Security Administration Breeding Program Increase” which authorizes an increase in the number of domestically bred canines under the Transportation Security Administration’s Puppy Program. –10 minutes

Flake (AZ) - This amendment would strike the section of the bill that provides a new Homeland Security grant program, "Over-The-Road Bus Security Assistance." - 10 minutes

Lynch (MA) - The Amendment provides that not later than 1 year after the Secretary issues the detailed worker training guidance required under Section 109, the Secretary must submit a report to Congress on the progress of providers of covered transportation in meeting the Section's worker training requirements. The report must include the results of a survey, conducted by the Secretary, of covered workers regarding the effectiveness and adequacy of the training programs. – 10 minutes

Summary of H.R. 1401

Bipartisan – H.R. 1401 was introduced by Reps. Thompson, King, Jackson-Lee, and 15 original cosponsors on March 8, 2007. Moreover, it was reported out of the Committee unanimously.

National Security Plan – H.R. 1401 would require the Homeland Security Department, in consultation with the Transportation Department, to develop a national strategy for securing rail and public transportation systems, and would require those systems considered to be of greatest risk to assess their risks and develop security plans for approval by the Homeland Security Department.

Grant Programs – H.R. 1401 would authorize nearly \$6 billion over four years for grant programs for railroads, public transportation providers and over-the-road bus operators.

Training, Exercise & Research – H.R. 1401 would require training for all rail, transit and bus employees on how to prevent, prepare for, and respond to a terrorist attack. H.R. 1401 would establish an Exercise Program to test the preparedness of rail and public transportation systems for a terrorist attack. H.R. 1401 would also authorize \$200 million over the next 4 years for advanced research and development on security threats.

Rail Security Provisions – H.R. 1401 would require the development of regulations for rail transportation of sensitive materials and requires operators to assess alternative routes. H.R. 1401 would also require that DHS increase the number of full time surface transportation inspectors to 600 by 2010. There are only 100 rail security inspectors at the present time.

Whistleblower Protections – H.R. 1401 would provide protection from retaliation for employees of DHS, DOT, and rail and public transportation employees who report security risks or violations.

Personnel Provisions – H.R. 1401 would require the Department to implement a threat assessment screening program that would include name-based checks against terrorist watch lists for all employees of covered transportation. This legislation would establish guidelines for background checks, including a system of redress for employees who believe they have been wrongly fired based on the results of the background check.

Penalties – H.R. 1401 would provide the Transportation Security Administration with general administrative, civil, and criminal penalty authority. TSA already possesses specific authority to enforce aviation security measures under 49 USC 46301, but lacks such authority in other modes of transportation.

HR 835, Hawaiian Homeownership Opportunity Act of 2007

HR 835 reauthorizes Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) for FY 2008 through FY 2012. Native Hawaiians were not covered when NAHASDA was originally enacted by Congress in 1996. In 2000, Congress enacted Title VIII to authorize Federal block grant funding for five years for the State of Hawaii's Department of Hawaiian Home Lands (DHHL) so that they could provide housing services to low-income Native Hawaiian families. Title VIII of the statute expired in 2005 but the appropriators have continued to fund the program since then -- \$9 million in FY 2006 (the President's FY 2008 request is for \$6 million).

In addition to reauthorizing Title VIII, HR 835 also makes it easier for Native Hawaiians to gain access to two NAHASDA loan guarantee programs: Section 184(a) and NAHASDA Title VI. Section 184(a): H.R. 835 would allow Native Hawaiians currently using the section 184(a) loan guarantee program to refinance their mortgages, and would no longer require prospective applicants to demonstrate that they have been previously turned down for a loan. Title VI: H.R. 835 would allow DHHL to become eligible for loan guarantees authorized under Title VI of NAHASDA. This would allow this state agency to borrow or issue bonds using CDBG funds as collateral.

A nearly identical version of HR 835 was marked up in Committee last Congress, and was reported to the House un-amended by voice vote, but the bill was not considered on the House the floor due to RSC opposition. In the 110th, the Financial Services Committee marked up the bill, and ordered the bill reported to the House by a voice vote.

Being an indigenous people is an element of the requirement for Native Hawaiians to be a Federally recognized tribe, which would give them the status to negotiate treaties with the U.S. government. H.R. 835 addresses the housing needs of low-income Native Hawaiians but does not in any way address the issue of Hawaiian sovereignty.

Contrary to assertions of the bill's opponents, accepting Federal housing assistance is not a step towards Federal recognition as a Native American tribe. H.R. 835 was considered in the House by suspension of the rules on March 21, 2007, and did not muster a two-thirds vote for passage (262-162).

Quote of the Day

Never give up, for that is just the place and time that the tide will turn. -Harriet Beecher Stowe
