



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF JANUARY 14, 2008

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Bill Text and Background for the Week of January 14, 2008

- Disposing of the President's Veto of H.R. 1585 – National Defense Authorization Act for Fiscal Year 2008
- H.R. 2768 – Supplemental Mine Improvement and New Emergency Response Act of 2007
- H.R. 3524 – HOPE VI Improvement and Reauthorization Act of 2007

[DISPOSING OF THE PRESIDENT'S VETO OF H.R. 1585 - NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008](#) (*Rep. Skelton – Armed Services*)

Committee: [Committee on Armed Services](#)
Committee Staff Contact: 5-4151

LEGISLATION AT A GLANCE:

On May 17, 2007, the House passed H.R. 1585 by a recorded vote of 397 – 27. The Senate passed its version on Oct. 1, 2007, by a vote of 92 to 3. The House adopted the conference report December 12 by a vote of 370 to 49. The Senate then cleared the measure by a vote of 90 to 3 on December 14, 2007.

On December 19th, Congress sent H.R. 1585, the fiscal year 2008 National Defense Authorization Act, to the President for his signature. The Bush Administration had worked closely with the Congress in the development of this legislation and gave no indication prior to its passage that the problematic section would be subject to a veto if it were included in its present form.

Subsequently, the government of Iraq raised objections to Section 1083, in which Congress strengthened the ability of victims of state-sponsored terror to seek compensation. The Iraqi government has warned that plaintiffs, including former U.S. POWs who had been held captive during the first Gulf War in the 1990s, might cite this section in seeking compensation from its assets currently in U.S. banks -- reportedly \$25 billion. The Iraqi government has reportedly threatened that, unless Iraq is protected from the applicability of the provision, Iraqi leaders will immediately move their assets out of U.S. banks.

Congress and the White House have been engaged in discussions about reviewing the effect of Section 1083 and considering whether additional action is warranted. Congressional leaders have indicated a willingness to consider technical corrections to resolve the Administration's new objections, if justified.

On December 28, 2007, the President announced that he was withholding his approval from the bill, placing in jeopardy the military pay raise, the Wounded Warrior program, contracting reform, and many other critical initiatives endorsed by the Congress.

Administration Position:

[President Bush Memorandum of Disapproval](#)
Office of the President, December 28, 2007
[Statement by Deputy Press Secretary Scott Stanzel](#)
Office of the President, December 28, 2007

Fact Sheets & Talking Points:

[FY08 National Defense Authorization Act Conference Report Information »](#)
Background Information, Committee on Armed Services
[H.R. 1585, the fiscal year 2008 National Defense Authorization Act »](#)
Background Information, Office of the Speaker

Press Releases, News Articles & Related Information:

[Pelosi and Reid Condemn Bush Plan to Veto of Defense Authorization Bill](#)
Office of the Speaker, December 28, 2007
[Clyburn Urges President not to Abandon Troops in their Time of Need](#)
Office of the Majority Whip, December 28, 2007
[Skelton Disappointed by President's Defense Bill Veto](#)
Committee on Armed Services, December 28, 2007

H.R. 2768 – SUPPLEMENTAL MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2007 (Rep. George Miller (CA) – Education and Labor) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 918 - Rule, Committee Report, and roll call votes, Summary and Text of Amendments Submitted, Special Announcement, Amendment Process Announcement](#)

Committee: [Committee on Education and Labor](#)

Committee Staff Contact: 5-3725

SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

Sponsor: Miller, George (CA)

Debate Time: 10 Minutes

Description

#2 (REVISED) The Manager's amendment would provide the mining industry with more time to install a new generation of fire-resistant conveyor belts. The amendment would also provide funds for MSHA to purchase a new generation of dust monitoring devices to limit black lung disease, and ensure that breathable air requirements of the MINER Act of 2006 are properly implemented. In addition, the amendment requires that the Secretary of Labor conduct a study on substance abuse by miners with recommendations for policy changes, in consultation with all interested parties. The Secretary shall report the findings within six months of the bill's enactment and, if she deems it feasible and effective, shall be authorized to establish a miner substance abuse testing, rehabilitation, and treatment program within MSHA in consultation with the interested parties.

Sponsor: 2. Boucher (VA)

Debate Time: 10 Minutes

Description

#1 (REVISED) The amendment authorizes \$10,000,000 to award grants to provide rehabilitation services to current and former miners suffering from mental health impairments, including drug addiction and substance abuse issues, which may have been caused or exacerbated by their work as miners.

Sponsor: 3. Ellsworth (IN)

Debate Time: 10 Minutes

Description

#3 This amendment offers relief to mine operators that have been assessed penalties and pay them in a timely fashion. It also establishes a trust fund within Treasury, composed of mine safety civil penalties. Funds from the trust fund can be used for mine safety inspections and investigations only.

Sponsor: 4. Wilson, Joe (SC) / Kline (MN)

Debate Time: 30 Minutes

Description

#4 Amendment in the Nature of a Substitute. The substitute amendment promotes the continued robust implementation of the 2006 MINER Act, increases worker safety by providing miners the opportunity to have a voice in mine safety, expands substance abuse programs to all mines to ensure safe working conditions for all miners, and addresses issues raised by the recent Crandall Canyon disaster.

LEGISLATION AT A GLANCE:

MAKING WORK SAFER FOR AMERICA'S MINERS

The Supplementary Mine Improvement and New Emergency Response Act

H.R. 2768, the Supplementary Mine Improvement and New Emergency Response Act (S-MINER), builds on legislation signed into law in 2006 by addressing serious gaps in mine safety and health standards. The S-MINER Act aims to prevent disasters and, in cases where disasters do occur, to improve emergency response. It also aims to reduce long-term health risks facing miners, such as black lung. The S-MINER Act was developed through months of consultation with miners, miners' families and advocates, mining experts, the mining industry and the Department of Labor.

Boosting Disaster Prevention Efforts. The S-MINER Act adds new safeguards for a dangerous practice called "retreat mining." The S-MINER Act strengthens standards to contain explosions and fires inside mines. The measure permits "belt air" (or the practice of using the same passageway to bring air to mines and to take out coal out of the mine on belts) only if it is necessary for safety reasons or it is approved on a case-by-case basis and includes all the protections recommended by the panel appointed to study the "belt air" practice.

New MSHA Authority and Ombudsman. The S-MINER Act strengthens MSHA's enforcement hand by: providing MSHA with subpoena authority; permitting MSHA to stop production in mines that do not pay off delinquent accounts and shut down mines that do not abate violations in a timely way; and increasing certain penalties and modifying the "pattern of violations" authority to make it easier to use. The S-MINER Act would create an office of Miner Ombudsman to process incoming complaints and assist whistleblowers with their cases.

Improving Emergency Response. The S-MINER Act includes a number of common-sense proposals for better equipping MSHA to respond to emergencies. The legislation more clearly defines MSHA's responsibilities and authority at the scene of a disaster and requires MSHA to develop a plan to better coordinate with state and local authorities. It establishes rules for independent investigations of mining disasters. The S-MINER Act improves safety technology in the mines, including better tracking and communications equipment, more reliable air supplies, and the installation of refuge chambers where trapped miners can safely await rescue.

Reducing Long-Term Health Risks. The legislation updates standards to combat black lung disease and to reduce miners' exposure to other deadly health risks, such as asbestos. The S-MINER Act also strengthens rules to better inform miners of the health risks they face.

House Report 110-457:

[HTML Version](#), [PDF Version](#)

Committee on Education and Labor Mark-up:

["Supplemental Mine Improvement and New Emergency Response Act of 2007" »](#)

Full Committee Markup, October 31, 2007

- [National Journal Report](#)
- Opening Statement: [Chairman Miller](#)

Summary of Committee Votes:

- [Rep. Andrews, D-N.J. Energy and Commerce Jurisdiction Amendment to the Miller Substitute](#) — Struck language that would have brought the bill under the jurisdiction of the House Energy and Commerce Committee. **Adopted by Unanimous Consent.**
- [Rep. J. Kline, R-Minn. Mine Operator Rights Amendment to the Miller Substitute](#) — Would have allowed a mine operator, notwithstanding any other provision of law, to establish, assist, maintain or participate in miner organizations that address issues of mine safety. **Rejected 15-25: R 15-0; D 0-25; I 0-0.**
- [Rep. J. Wilson, R-S.C Republican Substitute Amendment to the Miller Substitute](#) — Would have struck the underlying substitute amendment and instead call for the Technical Study Panel to evaluate the risk assessment procedures of deep mine conditions. The amendment also would have required the National Institute for Occupational Safety and Health to study the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1,500 feet. The amendment also would have required all information concerning mining accidents or incidents to be transmitted to the Mine Safety and Health Administration. No information considering the event would be released to any person not a party to the investigation. **Rejected 17-26: R 17-0; D 0-26; I 0-0.**
- [Rep. McKeon, R-Calif. Strike Communications and Safety Provisions Amendment to the Miller Substitute](#) — Would have struck provisions requiring post-accident communication systems within 120 days of the enactment of the measure. The amendment also would have struck the requirement that not later than June 15, 2008, the government would issue design criteria for underground mining refuges and a provision that would require the government to inspect all mining seals after the date of the measure being signed into law. The amendment also would have struck the requirement that the government to establish interim final regulations for underground coal mine conveyor belts and make sure the belts meet flame resistant requirements. **Rejected 17-26: R 17-0; D 0-26; I 0-0.**
- [Chairman Miller Substitute Amendment](#) — Overhauls mine safety regulations. **Adopted by Voice Vote.**
- **Vote to Report:** Reported Favorably to the Full House, as Amended, by **26-18: R 0-18; D 26-0; I 0-0** ([Roll Call](#)).

CRS Reports:

(TBA)

GAO Reports:

[GAO-07-622](#): Better Oversight and Coordination by MSHA and Other Federal Agencies Could Improve Safety for Underground Coal Miners, May 16, 2007

CBO Report:

[Cost Estimate](#): Ordered Reported by the House Committee on Education and Labor

Committee on Education and Labor Hearings:

["The Perspective of the Families at Crandall Canyon" »](#)

Full Committee, October 3, 2007

["The S-MINER Act \(H.R. 2768\) and the Miner Health Enhancement Act of 2007 \(H.R. 2769\)" »](#)

Subcommittee on Workforce Protections, July 26, 2007

["Evaluating the Effectiveness of MSHA's Mine Safety and Health Programs" »](#)

Full Committee, May 16, 2007

["Protecting the Health and Safety of America's Mine Workers" »](#)

Full Committee, March 28, 2007

Organization Statements:

[Letter from Crandall Canyon Families »](#)

[Letter from Kentucky families »](#)

[Letter from the United Mine Workers of America »](#)

[Letter from the United Steelworkers »](#)

[Letter from the AFL-CIO »](#)

[Letter from the United Auto Workers »](#)

[Letter from health experts »](#)

Administration Position:

The President has threatened to veto HR 2768. [Statement of Administration Policy.](#)

Fact Sheets & Talking Points:

[Improving Miner Safety »](#)

Fact Sheet, Office of the Speaker

[Summary of H.R. 2768 »](#)

Fact Sheet, Committee on Education and Labor

[Mine Safety & Health »](#)

Background Information, Committee on Education and Labor

[2007 Mine Health and Safety Initiative »](#)

Background Information, Committee on Education and Labor

[Committee Activities with Respect to Mine Safety and Health »](#)

Background Information, Committee on Education and Labor

[MINER Act Implementation Proceeding Too Slowly »](#)

Committee Report, Committee on Education and Labor

Press Releases, News Articles & Related Information:

[Chairman Miller Statement on White House Veto Threat of Mine Safety and Health Legislation](#)

Committee Press Release, January 15, 2008

[Mining Families, Worker Organizations, Public Health Experts Lend Support to Mine Safety Legislation](#)

Committee Press Release, January 15, 2008

[House Labor Committee Approves Legislation to Make Work Safer for Miners](#)

Committee Press Release, October 31, 2007

[Crandall Canyon Families Testify at House Labor Committee Hearing](#)

Committee Press Release, October 3, 2007

[House Labor Committee Issues Subpoena for Labor Department Communications Regarding Crandall Canyon Mine](#)

Committee Press Release, September 24, 2007

[Chairman Miller to Chao: All Mines Must Have Adequate, Fully Implemented Emergency Response Plans](#)

Committee Press Release, August 24, 2007

[U.S. Reps. Miller and Woolsey Statement on Crandall Mine Tragedy](#)

Committee Press Release, August 17, 2007

[Miller, Rahall, Kennedy, Murray & Woolsey Announce Mine Safety and Health Initiative](#)

Committee Press Release, June 19, 2007

[Chairman Miller Statement for the introduction of the 2007 Mine Safety and Health Bills Statement](#), June 19, 2007

[Chairman Miller Urges Chao to Protect Miners, Not Mine Operators](#)

Committee Press Release, March 7, 2007 ([PDF of letter](#))

[Rep. Miller Expresses Concerns To Chao Over Progress Of MINER Act Implementation](#)

Committee Press Release, February 1, 2007 ([PDF of letter](#))

Other Resources:

[Cosponsors of H.R. 2768](#)

H.R. 3524 – HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007 (Rep. Waters
– Financial Services) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 922: Rule, Committee Report, and roll call votes](#),
[Special Announcement](#), [Amendment Process Announcement](#)

Committee: [Committee on Financial Services](#)

Committee Staff Contact: 5-4247

LEGISLATION AT A GLANCE:

THE HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

The Act reauthorizes and makes a number of changes to the HOPE VI public housing revitalization program to provide for the retention of public housing units, to expand housing opportunities available to relocated residents, to protect displaced residents from discrimination, and to improve the efficiency and expediency of HOPE VI construction:

One-for-One Replacement. The bill requires that all public housing units proposed for demolition or disposition be replaced on a one-for-one basis. A mixed-income housing development must be provided on the site of the original public housing location. At least a third of the units in this development must be public housing units, with limited exceptions. Public housing agencies can build additional units on the site provided the provision of these units does not violate fair housing laws and the number of additional units is determined in consultation with residents, community leaders, and local government officials. Remaining units must be built in the jurisdiction of the public housing agency in low poverty areas and in a manner that affirmatively furthers fair housing. All replacement housing units must be located in a mixed-income community.

Expanded Housing Opportunities. The bill provides displaced residents with three housing choices: a) a revitalized unit on the site of the original public housing location; b) a revitalized unit in the jurisdiction of the public housing agency; or c) a housing choice voucher, which can be used in areas with lower concentrations of poverty.

Unfair Screening Criteria. The bill prohibits housing authorities or resident advisory boards from implementing strict re-entry standards that are only applied to tenants who will be residing in HOPE VI developments. Instead, the bill requires that the same screening criteria that are used for all public housing units be applied to public housing residents of the revitalized developments.

Tenant Protections. The bill requires public housing agencies to monitor and track all households affected by the HOPE VI revitalization plan. In addition, public housing agencies must develop a temporary relocation plan that provides comparable housing for all relocated residents, protects residents in transitioning to the private rental market with housing choice vouchers, provides for housing opportunities in neighborhoods with lower concentrations of poverty, and extends the voucher search time to 150 days.

Resident Involvement. The bill provides for the active involvement and participation of residents in the grant planning process, including public hearings and four notices to residents on a) the intent to apply for a HOPE VI grant, b) grant award and relocation options, c) grant agreement and relocation options, and d) replacement housing.

Improvements to Grant Implementation. The bill includes several provisions designed to increase the rate at which HOPE VI developments are constructed. The bill requires all new housing to be rebuilt within 12 months from the allocation of low-income housing tax credits or, for those grants that do not use tax credits, within 12 months of demolition or disposition. The bill does not penalize housing authorities in states with limited tax credit allocations. The bill waives the grant matching requirement for HOPE VI applicants in areas recovering from natural disasters or emergencies. The bill also provides penalties for grantees that do not meet performance benchmarks. The bill provides additional consideration for applications that are realistic and achievable.

Green Housing. The bill requires all replacement housing and other structures part of the HOPE VI development to be built in accordance with green building standards. The bill requires the Secretary to verify compliance with criteria for Green Communities for residential construction and for LEED for non-residential construction.

Technical Assistance. The bill provides planning and technical assistance grants to public housing agencies.

Anticipated Amendments to H.R. 3524

1. **Waters (CA)/Frank (MA)/Watt (NC):** The amendment makes a number of technical and conforming changes as well as enhancements to the bill, including the following: (1) redefines the scope of the 1 for 1 replacement requirement by requiring the replacement of all units in existence as of January 1, 2005, and provides a limited waiver from the replacement requirement; (2) extends the timeline for rebuilding replacement housing units to 54 months from the date of execution of the grant agreement, consistent with current HUD practice; (3) clarifies procedural requirements for making any significant amendments or changes to a revitalization plan; (4) removes specific references to LEED for non-residential construction and excludes costs associated with green development compliance from HUD's Total Development Cost calculation; (5) clarifies eligibility and occupancy standards; and (6) explicitly states that no person not lawfully permitted to be in, or remain in, the United States is eligible for housing assistance under this bill. (20 minutes)
2. **Neugebauer (TX):** The bill requires that all units torn down through use of HOPE VI grants be replaced on a one for one basis, with a provision for a waiver from this requirement. The amendment waters down this one for one replacement requirement by requiring only units occupied at the time of grant application to be replaced, creating incentives for housing agencies to increase the number of vacant units prior to seeking a HOPE VI grant. (10 minutes)
3. **Mahoney (FL):** The amendment restores the set-aside for the Main Street grant program for smaller communities. (10 minutes)
4. **Sessions (TX):** The amendment restores HUD's authority to issue demolition-only grants. The amendment would undermine the primary bill purpose of one-for-one replacement of affordable housing units by permitting the demolition of affordable housing units without requiring their comparable replacement. (10 minutes)
5. **Lee (CA):** The amendment will safeguard the rights of tenants of HOPE VI housing from eviction based on the criminal activities of others if the tenant is elderly or disabled, and did not or should not have known of the activity, or if they were the victims of a criminal act. (10 minutes)

6. [King, Steve \(IA\)](#): The amendment prohibits any amounts authorized under the bill from being used to pay wages in compliance with Davis-Bacon, which would nullify applicability of Davis-Bacon to the HOPE VI program. (10 minutes)
7. [Capito \(WV\)](#): The amendment eliminates the requirement in the bill that all grants must comply with Green Building requirements, instead replacing this mandatory requirement with compliance as merely one factor among many in grading grant applications. Even as just one factor, amendment would permit HUD to propose much weaker green building standards than the bill requires. (10 minutes)

House Report 110-507:

[HTML Version](#), [PDF Version](#)

Committee on Financial Services Mark-up:

[Full Committee Markup of H.R. 3521, H.R. 2930, H.R. 3355, H.R. 3524 »](#)

September 25-26, 2007

- [National Journal Report](#)
- Member Statements: [Congresswoman Maloney](#) , [Congressman Neugebauer](#)

Summary of Committee Votes:

- [Chairman Waters, D-Calif. Manager's Amendment](#) — Allows public housing agency applications to be evaluated on the extent to they would relieve overcrowding. It also minimizes disruptions to school children by coordinating relocation with school calendars. Additionally, the amendment requires HUD to provide technical assistance to grantees and applicants to work implement one-for-one housing programs and green housing. **Adopted by Voice Vote.**
- [Rep. Miller, R- Calif. Nonprofit Housing Amendment](#) — Would have included nonprofit housing developments. **Withdrawn.**
- [Rep. Cleaver, D-Mo. Tenant-Based Vouchers Amendment](#) — Provides tenant-based vouchers under the housing revitalization plans. **Adopted by Voice Vote.**
- [Rep. Shays, R-Conn. Changes to Revitalization Plans Amendment](#) — Would have struck language defining what constitutes a significant change to a revitalization plan. It would strike the portion of the definition that describes a change as significant if it shifts 10 percent or more of the funds provided under the grant to another activity. **Withdrawn.**
- [Rep. Shays, R-Conn. Demolished Units Amendment](#) — Would have changed the one-for-one replacement requirement for all public housing units proposed for demolition and made it a goal, not a requirement. **Rejected by Voice Vote.**
- [Rep. Capito, R-West Virginia. Green Development Amendment](#) — Would have added language regarding green development compliance. **Withdrawn.**
- [Rep. Hensarling, R-Texas Transfer of Spending Authority Amendment](#) — Would have transferred the budget authority reserved for the HOPE VI program to Section 8 housing programs administered by HUD. **Ruled not Germane.**
- **Vote to Report:** Reported Favorably to the Full House, as Amended, by **Voice Vote.**

CRS Reports:

[RL32236](#): HOPE VI Public Housing Revitalization Program: Background, Funding, and Issues

[RL33879](#): Housing Issues in the 110th Congress

GAO Reports:

[GAO-07-1025T](#): Information on the Financing, Oversight, and Effects of the HOPE VI Program, June 20, 2007

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Financial Services

Committee Hearings:

["Reauthorization of the HOPE VI Program" »](#)

Subcommittee on Housing and Community Opportunity, June 21, 2007

Organization Statements:

(TBA)

Administration Position:

The Administration strongly opposes H.R. 3524. [Statement of Administration Policy](#).

Fact Sheets & Talking Points:

[H.R. 3524, HOPE VI Improvement and Reauthorization Act »](#)

Fact Sheet, Office of the Speaker

[Summary of H.R. 3524 »](#)

Fact Sheet, Committee on Financial Services

Press Releases, News Articles & Related Information:

[Financial Services Committee Passes HOPE VI Improvement and Reauthorization Act](#)

Committee Press Release, September 26, 2007

Other Resources:

[Cosponsors of H.R. 3524](#)