



**Legislative Bulletin.....May 21, 2001**

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**H.Con.Res 56— Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day. (Weller)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** The resolution states that Congress, on the 60<sup>th</sup> anniversary of the Japanese bombing of Pearl Harbor on December 7, 1941, pays tribute to the Americans who were killed in the attack and to the members of the Pearl Harbor Survivors Association.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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**H.Con.Res. 76— Authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts. (Young, Don)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** The resolution authorizes the Kennedy Center to sponsor free, public performances on the east front of the U.S. Capitol before September 30, 2001 (actual dates approved by the Speaker of the House and the Senate Committee on Rules and Administration).

**Cost to Taxpayers:** All liabilities for such events are the responsibility of the Kennedy Center and the National Park Service. The Architect of the Capitol is authorized to provide staging, audio, and other support equipment, while the Capitol Police are authorized to provide whatever security may be necessary. However, this bill authorizes no new funds.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.Con.Res. 79—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby. (Hoyer)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** The resolution authorizes the Greater Washington Soap Box Derby Association to hold soap box derby races (open at no charge to the public) on the Capitol grounds on June 23, 2001 (or other date agreed to by the Speaker of the House and the Senate Committee on Rules and Administration).

**Cost to Taxpayers:** The Architect of the Capitol and the Capitol Police are authorized to make necessary arrangements that may be required to carry out the event. However, no new funds are authorized.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.Con.Res. 87—Authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds. (LaTourette)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** The resolution authorizes the torch for the District of Columbia Special Olympics summer games to be run across Capitol grounds on June 1, 2001 (or other date agreed to by the Speaker of the House and the Senate Committee on Rules and Administration), as part of its journey to Gallaudet University.

**Cost to Taxpayers:** The Architect of the Capitol may prescribe physical preparations for the event, and the Capitol Police are authorized to provide security. The resolution contains no statement of liabilities. No new funds are authorized.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.Con.Res 109—Honoring the services and sacrifices of the United States Merchant Marine. (LaTourette)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** The resolution states that Congress honors the service and sacrifices of the members of the U.S. Merchant Marine, recognizes the important role the Merchant Marine has in defending the United States, notes the significance of May 22<sup>nd</sup> as National Maritime Day (commemorating the first transoceanic voyage by a steam-powered vessel), encourages citizens and government agencies to honor National Maritime Day by participating in appropriate ceremonies, and asks that all ships flying under the U.S. flag display the Merchant Marine flag on National Maritime Day.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.R. 1831--Small Business Liability Protection Act (Gillmor)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** This bill would provide some relief from liability for small businesses by creating exemptions to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). A small business would be exempt from liability in regard to environmental hazards if the total amount of the material containing hazardous substances for which the business arranged disposal, transport, or treatment (prior to April 1, 2001) were less than 110 gallons (of liquid) or 200 pounds (of solids). [The EPA Administrator may adjust these thresholds by regulation.] However, this exemption from liability would not apply if the small business owner has been convicted of a criminal violation related to the given environmental hazard, if the owner failed to comply with an information request or administrative subpoena, if the owner has otherwise impeded a “response action” by the EPA regarding the business, or if the materials containing the hazardous substances could contribute significantly to EPA response costs. Small businesses would also be relieved of liability regarding its “municipal solid waste” (i.e. generic, household-like waste), with the same conditions for nonapplicability as described above.

If a nongovernmental third party brings action against an individual or small business regarding the above violations, the burden of proof would be on that third party to demonstrate that the conditions for exemption from CERCLA were not met.

Provisions for reductions in settlement amounts and alternative payment methods are established for certain entities that demonstrate an inability to pay.

**Additional Background:** A similar bill, H.R. 5175 (sponsored by Rep. Oxley) failed to pass the House on September 26, 2000. The vote was 253-161, but a two-thirds majority necessary to suspend the rules and pass the bill was not achieved.

**Cost to Taxpayers:** Though the taxpayer is likely to incur no cost as a result of this legislation, no CBO analysis is available.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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## **H.R. 1885--Section 245(i) Extension Act of 2001 (Gekas)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Monday, May 21st.

**Summary:** This bill would extend by four months the cut-off for resident aliens' eligibility for adjustment of immigrant status in applying for labor certification papers. The original cut-off was April 30<sup>th</sup>. [*The Bush Administration supports this legislation.*]

**Cost to Taxpayers:** Though the taxpayer is likely to incur no cost as a result of this legislation, no CBO analysis is available.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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