



SENATE REPUBLICAN

POLICY COMMITTEE

Legislative Notice

No. 69

July 28, 2008

S. 3297—the Reid Omnibus

Calendar No. 894

S. 3297 was read twice and placed on the Senate Calendar on July 23, 2008.

Noteworthy

- S. 3297, legislation sponsored by the Majority Leader titled “Advancing America’s Priorities Act,” consists of nearly three dozen bills, a number of which have had holds placed on them by a Republican Senator at some point during the 110th Congress. These bills cover a variety of programs and issues, and some include new spending provisions. While a portion of these bills are being held by Senator Coburn, some are not.
- According to *CQ Today*, “with the election months away, Majority Leader Harry Reid and other Democratic leaders included bills that have a local impact for a variety of rank-and-file Republican colleagues who are on the ballot.”¹
- Throughout this Congress, Senate Republicans have argued that the Senate should be permitted to fully debate and amend legislation. In offering S. 3297, the Majority Leader has exercised his ability to overlook holds and bring the bills to the floor, in this circumstance as a large package under one bill number to expedite the process.
- Although the Congressional Budget Office (CBO) did not complete a comprehensive review of S. 3297, based on previously prepared cost estimates for legislation that are similar or identical to most of the major provisions in this bill, CBO estimates that, in total, the bill would authorize the appropriation of approximately \$10 billion over the 2009-2013 period.
- A vote is scheduled for Monday, July 28 at 4:00 p.m. on the motion to invoke cloture on the motion to proceed to S. 3297. Of note, passage of the motion to invoke cloture on the motion to proceed to S. 3297 would take the Senate off its current debate on gasoline prices.

¹ *CQ Today*, “Senate Democrats Target Electorally Vulnerable Republicans in Megabill,” July 24, 2008.

Background

S. 3297 consists of nearly three dozen bills, a number of which have had holds placed on them by a Republican Senator at some point during the 110th Congress. These bills cover a variety of programs and issues, and some include new spending provisions. While a portion of these bills are being held by Senator Coburn, some are not. Rather, as speculated by *CQ Today*, “with the election months away, Majority Leader Harry Reid and other Democratic leaders included bills that have a local impact for a variety of rank-and-file Republican colleagues who are on the ballot.”²

Throughout this Congress, Senate Republicans have argued that the Senate should be permitted to fully debate and amend legislation. In offering S. 3297, the Majority Leader has exercised his ability to overlook holds and bring the bills to the floor, in this circumstance as a large package under one bill number to expedite the process.

Of the holds that have been placed on the pieces of legislation included in this bill, none have been noticed in the *Congressional Record*. While a few are House-passed bills, most are Senate bills, and the majority of those have been reported by committee. Of the Senate bills, eight are sponsored by Republicans, and of the bills sponsored by Democrats, each has at least one Republican co-sponsor. Many of the Senate bills have House companions which have been passed by the House.

One of the hallmarks of the Senate is the practice of unanimous consent. Although the Senate has majority and minority parties, a single Senator can wield significant power over what gets considered, and how floor business is conducted. In particular, a Senator may wish to delay consideration of a matter, negotiate agreement as to consideration of a measure or its content, or seek to block it entirely. Over the years, a tradition evolved which allowed a Senator to place a “hold” on a bill, nomination, or other matter. In placing a hold, the Senator makes known to his or her leadership that he or she will object to the measure or matter being brought to the floor.

Prior to the 110th Congress, most holds remained anonymous, unless the Senator placing the hold made it publicly known or personally objected to a motion to proceed. With the passage of S. 1, the Honest Leadership and Open Government Act (P.L. 110-81, often referred to as the “ethics bill”), some holds must now be made public. This happens when a motion to proceed to a measure or matter is made on the floor and a Senator objects on behalf of another Senator. The Senator for whom the objection was made must then submit written notice of the intent to object to his or her leader or designee. Within six session days of that notice, the Senator must submit to the *Congressional Record* his or her name, the measure he or she wishes to object to, and the reason(s) why. If a hold is dropped within six days of the leader being informed of the hold, the Senator does not have to submit it for the *Record*. In addition, the name of the measure and the Senator, as well as the date, will be printed in the *Senate Calendar of Business* or *Executive Calendar*.³

² *CQ Today*, “Senate Democrats Target Electorally Vulnerable Republicans in Megabill,” July 24, 2008.

³ See Section 512 of P.L. 110-81, “Notice of Objecting to Proceeding.” It should be noted that Section 512 does not change the Standing Rules of the Senate nor is it a Senate order. The provision also lacks an enforcement provision,

Senators can avoid this process if they make public their intent to object, object to a motion to proceed themselves, or inform their leader privately that they will object if the motion is made and the measure is never brought up. If the latter is the case, the hold can remain anonymous. If the Senator objects publicly, he or she can submit a letter of notice and also make a statement in the *Record* if so desired.

Holds can last indefinitely. For the most part, holds are honored, although there is no rule which stipulates that a motion to proceed to a held item may not be brought forward by the Majority Leader. If a motion to proceed is made, then the Senator who is holding the bill may use other parliamentary tactics to prevent the bill from moving forward.

Bill Provisions

TITLE I – HEALTHCARE PROVISIONS

Subtitle A – ALS Registry Act

S. 1382 authorizes \$75 million for the establishment of a national registry for the collection and storage of data on amyotrophic lateral sclerosis (ALS). The Centers for Disease Control and Prevention (CDC) will develop a system to collect data on ALS and establish a national registry, which will include information on other motor neuron disorders that can be confused with, or misdiagnosed as, ALS. The registry is designed to collect information on the prevalence of ALS, examine factors that may be linked to the disease, examine demographic factors associated with the disease, and establish connections between ALS and other motor neuron disorders. S. 1382 will establish the Advisory Committee on the National ALS Registry to oversee the registry. \$75 million in authorizations are appropriated at the following levels: \$2 million for FY 2009; \$25 million for FY 2010; and \$16 million in FYs 2011-2013.

The Congressional Budget Office (CBO) estimates that implementing S. 1382 would cost \$71 million. The bill was reported out of the Committee on Health, Education, Labor, and Pensions on December 4, 2007.

Subtitle B – Christopher and Dana Reeve Paralysis Act

S. 1183 authorizes \$25 million a year for FYs 2008-2011 to undertake activities designed to improve the quality of life of those with paralysis, and to establish a database to be used for paralysis research. The bill authorizes the Director of the National Institutes of Health (NIH) to coordinate paralysis research and activities, award grants to support consortia focused on paralysis research, and to support multicenter networks of clinical sites focused on paralysis rehabilitation. The Secretary of Health and Human Services (HHS) may also award grants or contracts to improve the quality of life for persons with paralysis and other physical disabilities.

beyond the stipulation that the hold will not be honored if the procedures are not followed. For more information, see Congressional Research Service, "Senate Policy on 'Holds': Action in the 110th Congress," March 14, 2008, RL34255.

CBO estimates that implementing S. 1183 would cost \$10 million in 2008 and \$93 million over the 2008-2012 period. The bill was reported out of the Committee on Health, Education, Labor, and Pensions on August 3, 2007.

Subtitle C – Stroke Prevention Treatment and Ongoing Prevention Act

S. 999 is designed to provide a system to assist in the prevention, early intervention, and treatment of stroke. The bill amends the Public Health Service Act to authorize the Centers for Disease Control (CDC) to carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment. The bill authorizes \$5 million in each year between FY 2009-2013 to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse. In addition, S. 999 authorizes \$4 million in each year between FY 2009-2013 for medical professional development in advanced stroke and traumatic injury treatment and prevention. Funds can go towards residency training and education of health care professionals on new diagnostic approaches, technologies, and therapies to prevent, diagnose, and treat stroke or traumatic injury. The bill also creates a telehealth stroke treatment grant program for a 5-year pilot project to improve stroke patient outcomes by coordinating health care delivery through telehealth networks. \$50 million is authorized for the pilot program over the FY 2009-2013 period.

No CBO score is available. S. 999 was reported out of the Committee on Health, Education, Labor, and Pensions on April 16, 2008.

Subtitle D – Melanie Blocker Stokes Mom’s Opportunity to Access Health, Education, Research and Support for Postpartum Depression Act

S. 1375 encourages the Secretary of Health and Human Services (HHS) to “continue activities” at the National Institutes of Health (NIH) and the Health Resources and Services Administration (HRSA) related to research and dissemination of information concerning the causes of, and treatments for, postpartum conditions. The bill includes a sense of Congress resolution that the Director of NIH may conduct a study on the mental health consequences to the mother of having a child, giving up a child for adoption, and having an abortion. The bill also directs the Secretary to provide grants to public or nonprofit entities to establish and operate programs that provide health care and support services to individuals with postpartum depression or postpartum psychosis. The bill provides a limitation that no funds made available may be used to carry out activities or programs that are duplicative of activities or programs that are currently being implemented by HHS. The bill authorizes \$3 million for FY 2009 and “such sums as may be necessary” for FYs 2010-2011.

CBO estimates that implementing H.R. 20, the House companion bill, would cost less than \$500,000 in 2008 and \$18 million over the 2008-2012 period, assuming the appropriation of the authorized amounts. The bill was referred to the Committee on Health, Education, Labor, and Pensions on May 11, 2007. The legislation has not yet been marked up by the committee.

Subtitle E – Vision Care for Kids Act of 2008

H.R. 507 directs the Centers for Disease Control and Prevention (CDC) to administer grants to states to increase examinations of children for vision problems with a priority given for children under 9 years of age. The grants will also be used to provide treatment of any problems detected,

and conduct education to promote detection of vision disorders. States must provide at least a 25 percent match for any federal contribution. The bill authorizes the appropriation of \$65 million over the period of FYs 2009-2013.

CBO found that, based on historical patterns of spending for similar activities, implementing H.R. 507 would cost \$38 million over the 2009-2012 period and \$65 million over the 2009-2017 period, assuming appropriation of the authorized amount. In addition to those discretionary costs, CBO estimates that the additional eye examinations resulting from H.R. 507 would lead to some additional spending for Medicaid, which pays for vision services for eligible children. Any such increase in Medicaid spending would depend upon future appropriations for the CDC grant program.

Note that the Senate version of the legislation, which is not the version included in the package, provides “such sums as necessary” as the authorization.

H.R. 507 passed the House of Representatives by voice vote on October 15, 2007. The Senate version of the bill, S. 1117, was referred to the Committee on Health, Education, Labor, and Pensions on April 16, 2007.

Subtitle F – Prenatally and Postnatally Diagnosed Conditions Awareness Act

S. 1810 would amend the Public Health Service (PHS) Act to authorize the Secretary of Health and Human Services (HHS) to collect and disseminate information regarding Down Syndrome or other prenatally or postnatally diagnosed diseases, and to coordinate the provision of support services and information for those who receive a diagnosis of one of those diseases.

CBO estimates that implementing the bill would cost \$19 million over the 2009-2013 period, subject to the appropriation of the necessary amounts. Enacting S. 1810 would not affect direct spending or federal revenues. Additionally, S. 1810 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) by placing new requirements on health care providers. CBO estimates that the aggregate costs of those mandates would be well below the thresholds established in UMRA (in 2008, \$68 million for intergovernmental mandates and \$136 million for private sector mandates, as adjusted annually for inflation).

S. 1810 was reported out of the Committee on Health, Education, Labor, and Pensions on April 21, 2008.

TITLE II – JUDICIARY PROVISIONS

Subtitle A – Reconnecting Homeless Youth Act of 2008

S. 2982 amends the Runaway and Homeless Youth Act to revise requirements for services provided under grants from the Department of Health and Human Services (HHS) to centers for runaway youth and their families.

Under current law, the Basic Center Program (BCP) provides outreach, crisis intervention, temporary shelter, counseling, and other immediate needs to runaway and homeless youth under age 18 and their families through a formula (based on each jurisdiction's proportion of the nation's youth under age 18) grant to each state. The grant money is then distributed on a competitive basis to community-based organizations. Currently, states receive a minimum of \$100,000 and territories receive a minimum of \$45,000. The bill raises the minimum allocation to \$200,000 to states, and \$70,000 to territories. The bill increases the temporary shelter provided to 21 days; current law is 15 days. The bill also allows the definition of "homeless youth" to be extended beyond age 18 if the state or local law where the center is located permits a higher maximum age for youth-serving facilities.

Under current law, the transitional living project (TLP) supports projects providing homeless youth ages 16-21 with longer term residential services for up to 18 months. The grants are distributed competitively to community-based public and private organizations for 5-year periods. The bill changes the current law to allow youths to stay in the program for 1 year and 9 months (21 months or 635 days). The bill also extends the definition of "homeless youth" for TLP purposes as a person between the ages of 16 and 22, and that if a person enters the program prior to reaching age 22, they are eligible for the maximum 635-day stay.

Under current law, the Street Outreach Program (SOP) provides outreach and education for those who have been subjected to or are at risk of being subjected to sexual abuse and exploitation. Grants are awarded for a 3-year period with a maximum of \$100,000 per year. The bill requires HHS to give priority to public and nonprofit private agencies (which already receive priority under current law) under the SOP.

The bill also requires HHS to submit to Congress and make available to the public a report on: (1) estimates of the incidence and prevalence of runaway and homeless individuals between ages 13 and 26; and (2) an assessment of the individuals' characteristics. It also requires a GAO study on the grant-making process under this Act not later than 1 year after enactment. In addition, the bill creates a program for a national youth awareness campaign, to be conducted directly or through grants or contracts to increase the awareness regarding the issues facing runaway and homeless youth.

The bill authorizes \$183 million for FY 2009 and such sums as necessary for FY 2010-2013. S. 2982 was reported out of the Senate Judiciary Committee on May 22, 2009, and placed on the Senate Legislative Calendar that same day.

Subtitle B – Emmett Till Unsolved Civil Rights Crimes Act of 2007

S. 535 explains that it is the sense of the Congress that all authorities with jurisdiction, including the Federal Bureau of Investigation (FBI) and other entities within the Department of Justice, should expeditiously investigate unsolved civil rights murders, due to the amount of time that has passed since the murders and the age of potential witnesses, and provide all the resources necessary to ensure timely and thorough investigations in the cases involved. The bill requires that the Attorney General must designate two officials – a deputy chief in the Criminal Section of the Civil Rights Division of the Department of Justice (DOJ) and a supervisory special agent in the Civil Rights Unit of the FBI – to investigate, prosecute, and coordinate efforts in cases

involving an alleged violation of a criminal civil rights statute that occurred not later than December 31, 1969 and resulted in death.

The bill authorizes \$135 million for ten years, \$13.5 million per year. Of that \$13.5 million per year, \$10 million is for DOJ to investigate and prosecute the abovementioned crimes, and \$3.5 million is for technical assistance to state and local law enforcement agencies. In addition, a portion of the \$3.5 million will also go towards grants for the state and local agencies for expenses related to the investigation and prosecution of such unsolved civil rights crimes. The bill was reported out of the Judiciary Committee on July 22, 2007.

Subtitle C – Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008

S. 2304 amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for improved mental health treatment and services to offenders with mental illness. It establishes a grant program through FY 2014 (authorizes for a total of \$572 million from FY 2009- 2014) for: (1) reauthorization of adult and juvenile collaboration for access to adequate mental health treatment (\$450 million); (2) authorization of training, technology, receiving centers, cooperative programs, and campus security personnel training for law enforcement response to mentally ill offenders (\$60 million); (3) reauthorization of the mental health court grant program (\$60 million); and (4) authorization of a new, one-time DOJ study on the rate of serious mental illnesses in offenders (\$2 million).

The bill was reported out of the Judiciary Committee on April 1, 2008.

Subtitle D – Effective Child Pornography Prosecution Act of 2007

H.R. 4120 amends the federal crime code to expand the definitions of the crimes of child sexual exploitation and child pornography to include activities constituting such crimes to those that affect interstate or foreign commerce.

The bill passed the House on November 14, 2007 by a vote of 409-0, and was received in the Senate, and read twice, and referred to the Senate Judiciary Committee on November 15, 2007.

Subtitle E – Enhancing the Effective Prosecution of Child Pornography Act of 2007

S. 2869/H.R. 4136 amends the federal criminal code to: (1) include child pornography activities and the production of such pornography for importation in the United States as predicate crimes for money laundering prosecutions; and (2) define “possess” with respect to crimes of child sexual exploitation and child pornography to include assessing by computer visual depictions of child pornography with the intent to view.

H.R. 4136 passed the House on November 15, 2007 by a vote of 416-0. S. 2869 was read twice and referred to the Senate Judiciary Committee on April 16, 2008.

Subtitle F – Drug Endangered Children Act of 2007

H.R. 1199/S. 1210 amends Section 755(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 to extend the grant program for drug-endangered children by striking “fiscal years 2006 and 2007” and inserting “fiscal years 2008 and 2009.”

S. 1210 was introduced in the Senate on April 25, 2007 and passed out of the Senate Judiciary Committee on May 22, 2008. H.R. 1199 passed the House on September 24, 2007 by a vote of 389-4. CBO estimates that implementing H.R. 1199 would cost \$37 million over the 2008-2012 period, assuming appropriations of authorized amounts.

Subtitle G – Star Spangled Banner and War of 1812 Bicentennial Commission Act

S. 1079 establishes a new federal commission to commemorate the bicentennial of the writing of the Star-Spangled Banner, and the War of 1812. The commission’s purpose is to ensure a “suitable national observance of the War of 1812 by complementing, cooperating with, and providing assistance” to states’ programs and activities. The commission will also support and “facilitate marketing efforts for a commemorative coin, stamp, and related activities” and “facilitate international involvement.” Finally, the commission will be tasked with promoting and assisting the “development of heritage tourism and economic benefits” for the nation, while encouraging “War of 1812 observances that provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the various War of 1812 sites.”

The bill authorizes \$4 million in spending: \$500,000 per year for fiscal years 2008 through 2015. CBO estimates that the commission would likely spend the entire \$4 million if appropriated.

S. 1079 was reported out of the Senate Judiciary Committee on May 21, 2007, and placed on the Senate Calendar under on the same day. A similar bill (H.R. 1389) passed the House under suspension of the rules by a voice vote on September 24, 2007.

Subtitle H – PROTECT Our Children Act of 2008

The full bill (H.R. 3845/S. 1738) may be cited as “Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2008.”

Part I of the bill (National Strategy for Child Exploitation, Prevention, and Interdiction) provides resources, officers, and technology to eradicate cyber threats to children, and includes the following: (1) establishes a new special counsel position in the Office of the Deputy Attorney General; (2) establishes the Internet Crimes Against Children (ICAC) Task Forces, setting forth their purposes, duties, and functions; (3) establishes a National ICAC Data Network Center to assist the ICAC Task Forces; (4) establishes an ICAC Data Network Steering Committee; (5) sets forth criteria for distribution of the ICAC grant funds; and (6) requires the Attorney General to report to Congress on the progress of ICAC Task Forces.

Part II of the bill (Addition Resources) requires several things to combat child exploitation: (1) establishes additional computer forensic capacity for both the current backlog and for further child exploitation investigations; (2) requires reports to Congress on the use of the funds; (3) hires additional FBI, Immigration and Customs Enforcement (ICE) and U.S. Postal Service agents to work solely on child exploitation cases; and (4) requires the Attorney General to report annually to Congress on the resources used by federal agencies to investigate and prosecute child exploitation cases.

Part III amends the U.S. Code to prohibit broadcast of live images of child abuse.

The bill authorizes \$1.1 billion over eight years from FY 2009-FY 2016. H.R. 3845 passed the House on November 14, 2007 by a vote of 415-2. S. 1738 passed out of the Senate Judiciary Committee on July 7, 2008.

TITLE III – ENVIRONMENT AND PUBLIC WORKS PROVISIONS

Subtitle A – Captive Primate Safety Act

S. 1498 makes it illegal to import, export, transport, sell, receive, acquire, or purchase nonhuman primates (such as monkeys and apes). Violators of S. 1498 will be subject to federal criminal penalties up to \$20,000 and/or five years in jail and civil penalties up to \$10,000. CBO estimates S. 1498 would cost approximately \$4 million annually and \$17 million over the next five years, assuming appropriation of necessary amounts.

S. 1498 was reported out of the Senate Environment and Public Works Committee on October 29, 2007, and placed on the Senate Calendar on the same day.

Subtitle B – Chesapeake Bay Gateways and Water-trails Network Continuing Authorizations Act

S. 2707 creates a permanent authorization for the Chesapeake Bay Gateways program and eliminates the spending authorization ceiling (\$3 million annually). The program was originally authorized in 1998 and allowed to lapse last year (though it still operates). It is designed to link “gateway” sites around the Chesapeake Bay and offer grants and technical assistance (via the National Park Service) to these sites. These sites include parks, wildlife refuges, and trails that promote and educate visitors on the Bay, and promote access. The primary concern with this reauthorization is the lack of a sunset provision. Additionally, the bill removes the previous \$3 million annual authorization limit and replaces it with “such sums as necessary,” allowing unspecified increases in the program. According to CBO, the bill will cost \$5 million through 2013, and \$1 million annually thereafter, assuming appropriation of necessary amounts.

S. 2707 was reported out of the Senate Environment and Public Works Committee on June 27, 2008, and placed on the Senate Calendar on the same day. A similar bill (H.R. 5540) passed the House by a vote of 321-86 on June 5, 2008.

Subtitle C – Beach Protection Act of 2008

S. 2844 is a reintroduction of the Beach Protection Act of 2007 (S. 1506). A GAO study requested by Senator Voinovich on the effect of the Beach Act on the Great Lakes states led to the introduction of a revised version. S. 2844 reauthorizes and amends an Environmental Protection Agency (EPA) grant program to help states monitor beachwater pollution. The Beach Act expands the authorized uses of these grants, allowing them to be used for “[pollution] source tracking, sanitary surveys, and prevention efforts to address the identified sources of beachwater pollution.” It also allows grants to be used for remediation efforts. The GAO report suggested that the current grant program be amended to allow states to use the awarded funds more flexibly. An additional section authorizes a new GAO study to recreate the current grant distribution formula to ensure that states with a shorter beach season are considered more equally with states that have a longer beach season for grant funding. The GAO

report found that the current grant formula puts cold-weather states at a disadvantage for receiving awarded grants. The bill also requires states that are not in compliance with grant preconditions to address these deficiencies within 1 year. If a state does not address these identified deficiencies within a year, the federal government cannot pay for more than 50 percent of the costs associated with this program. CBO estimates this bill would authorize \$305 million over five years.

S. 2844 also updates the testing methods currently used in monitoring and detecting beach pollution, by requiring the use of rapid testing methods. Rapid testing methods are defined as those that require two hours – from the commencement of the test – for completion.

S. 2844 was reported out of the Senate Committee on Environment and Public Works on July 10, 2008, and was placed on the Senate Calendar. An effort to pass this bill by unanimous consent was made July 14, 2008. A similar bill (H.R. 5540) passed the House by a voice vote on April 16, 2008.

Subtitle D – Appalachian Regional Development Act Amendments of 2007

S. 496 authorizes increased appropriations for the Appalachian Regional Commission (ARC) and creates a new federal grant program to promote energy efficiency and renewable energy in the Appalachian region. S. 496 also allows the ARC to increase the government's share of the cost of projects in counties most at risk of becoming economically distressed. CBO estimates implementing this bill would cost \$294 million in new spending over the 2007-2012 period, assuming appropriation of necessary amounts. In total, the bill would authorize \$575 million over five years.

S. 496 was reported out of the Senate Committee on Environment and Public Works on May 7, 2007, and was passed by the Senate with amendments by unanimous consent on August 3, 2007. On July 15, 2008, the House considered the bill under suspension of the rules and passed the bill with amendment by voice vote. The message on House action was received in the Senate on July 16, 2008.

TITLE IV – FOREIGN RELATIONS PROVISIONS

Subtitle A – Senator Paul Simon Study Abroad Foundation Act of 2008

The Senator Paul Simon Study Abroad Foundation Act of 2008 (H.R. 1469) authorizes the establishment of a study-abroad foundation to encourage U.S. students to study overseas, especially in nontraditional destinations such as China and Middle Eastern countries.

In findings, Congress notes that fully 45 percent of U.S. students who study abroad do so in only four countries: Great Britain, Italy, Spain, and France. The bill's stated purposes are: (1) to enhance the global competitiveness and international knowledge base of the U.S. by ensuring that more U.S. students have the opportunity to acquire foreign language skills; (2) to enhance the foreign policy capacity of the U.S. by expanding and diversifying the talent pool of individuals with nontraditional foreign language skills and cultural knowledge who are available for recruitment by U.S. government organs; and (3) to ensure that an increasing portion of U.S.

students that study abroad do so in nontraditional destinations, and create greater cultural understanding.

H.R. 1469 provides for the foundation's governance and establishes a program of grants for U.S. students, nongovernmental study-abroad institutions, and institutions of higher education for the purposes of (1) increasing the number of U.S. students who study abroad to one million; (2) ensuring that the demographics of the study-abroad population reflect those of the U.S. undergraduate population, including community colleges; and (3) ensuring that an increasing portion will study in non-traditional destinations. It expresses the sense of Congress that the Foundation should: award up to 25 percent of such grants directly to U.S. students and the rest to institutions; but that at least 85 percent of the total awards should be used to award scholarships to students. The bill requires annual reports and provides for a GAO review.

It authorizes appropriations of \$80 million each fiscal year, which is in addition to funds for other educational exchange programs.

As an original bill, H.R. 1469 passed the House on June 5, 2007. It was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar on March 4, 2008.

Subtitle B – Reconstruction and Stabilization Civilian Management Act of 2008

The Reconstruction and Stabilization Civilian Management Act of 2008 (S. 613) creates a Response Readiness Corps inside the Department of State to assist in post-conflict stabilization and reconstruction, and creates a new Senate-confirmed Coordinator for Reconstruction and Stabilization to report directly to the Secretary of State.

The Act's purpose is to provide for the development of a full-spectrum interagency post-conflict stabilization and reconstruction capability as a core mission of the Department of State. In the findings Congress notes the President's request for \$248.6 million for a Civilian Stabilization Initiative "that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations" by creating an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

S. 613 expands the President's authority under the Foreign Assistance Act of 1961, authorizing him to furnish assistance for conflict and post-conflict reconstruction and stabilization. It provides authorization of appropriations through fiscal year 2011, not to exceed \$200 million in any fiscal year.

The bill creates the Office of the Coordinator for Reconstruction and Stabilization by statute (it exists currently under a national security presidential directive). It requires Senate confirmation for the position, provides that it will report to the Secretary of State, and defines its functions.

It authorizes the Secretary of State to create and maintain both a Response Readiness Corps (recruited from the interagency) and a Civilian Reserve Corps (recruited as a volunteer force) and authorizes "such sums as may be necessary" to support, train, and deploy such a force through fiscal year 2010. S. 613 provides that the Response Readiness Corps may have up to

250 personnel and a standby federal component of up to 2000 personnel and that a non-federal Civilian Reserve may have up to 500 personnel.

It amends the Foreign Service Act to authorize the Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College, and provides curriculum content.

As an original bill, S. 613 was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar on April 10, 2007. CBO estimates that enactment of S. 613 would increase spending subject to appropriation by \$85 million in 2008, and \$629 million over the 2008-2012 period, assuming appropriations of the specified and estimated amounts.

Subtitle C – Overseas Private Investment Corporation Reauthorization Act of 2008

The Overseas Private Investment Corporation Reauthorization Act of 2008 (H.R. 2798) extends the authority of the Overseas Private Investment Corporation (OPIC) to make loans and issue related insurance and guarantees to September 30, 2011.

The bill provides that OPIC may insure, reinsure, guaranty, or finance a project only in a country which is eligible under the Generalized System of Preferences (GSP) for developing countries or where the government has taken or is taking steps to afford workers internationally recognized worker rights.

It gives preference to projects in countries where laws protect workers' rights; where governments are receptive to private enterprise; and where governments have agreed to implement Extractive Industries Transparency Initiative principles.

H.R. 2798 requires that OPIC institute a climate change mitigation action plan. It requires prior congressional notification of any project that involves an extractive industry. It provides for increased project transparency; directs OPIC to maintain an Office of Accountability; and requires certain transparency and accountability measures for better oversight of OPIC funds.

The bill prohibits OPIC assistance for any railway connection that connects Azerbaijan and Turkey without traversing or connecting with Armenia. It prohibits OPIC assistance to an applicant who is involved in a "discouraged transaction" with state sponsors of terrorism, which includes investment in the terrorism-sponsor's energy sector; outstanding loans to its government; and the transfer of munitions to such a state within the previous three years. The bill provides for humanitarian exceptions (e.g., southern or western Sudan) and authorizes OPIC programs in Iraq.

It requires a report to Congress on the feasibility of broadening OPIC assistance to projects that provide support to low-income home buyers; and provides such assistance if feasible. It requires that OPIC commit adequate staff and resources to assist small businesses and investors in the United States obtain insurance, reinsurance, financing, and other types of OPIC support.

As an original bill, H.R. 2798 passed the House of Representatives on July 23, 2007. On March 4, 2008 it was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar.

Subtitle D – Tropical Forest and Coral Conservation Reauthorization Act of 2008

The Tropical Forest and Coral Conservation Reauthorization Act of 2008 (S. 2020) authorizes up to \$139 million for a multi-year program of debt-forgiveness in exchange for debtor-country agreements to conserve tropical forests and maritime ecosystems.

This bill expands the protections of the Tropical Forest Conservation Act of 2008 to include coral reefs and associated coastal marine ecosystems, and accordingly renames that Act and a variety of its definitions. It also accordingly expands the countries and projects eligible for assistance.

S. 2020 authorizes U.S. government representation on the administering body that oversees the implementation of grants from a debt-for-nature swap or debt buy-back regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.

As an original bill S. 2020 was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar on October 15, 2007.

Subtitle E – Torture Victims Relief Reauthorization Act of 2008

The Torture Victims Relief Reauthorization Act of 2008 (H.R. 1678) amends the Torture Victims Relief Act of 1998 to authorize appropriations through fiscal year 2009 for: (1) domestic treatment centers for the rehabilitation of victims of torture, social and legal services, and research and training of health care providers outside of treatment centers or programs to enable them to provide such services; (2) grants to treatment centers and programs in foreign countries that carry out projects and activities specifically designed to treat victims of torture for the physical and psychological effects of torture; and (3) the United Nations Voluntary Torture Victims Fund.

As an original bill, H.R. 1678 passed the House on March 25, 2007. It was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar on October 9, 2007.

Subtitle F – Support for the Museum of History of Polish Jews Act of 2008

The Support for the Museum of History of Polish Jews Act of 2008 (H.R. 3320) authorizes \$5 million to support the proposed Museum of the History of Polish Jews in Poland. This Act requires that certain State Department funds be made available to develop and maintain a permanent collection at the Museum of the History of Polish Jews in Warsaw, Poland, across from the memorial to the victims of the Warsaw Ghetto Uprising.

As an original bill, H.R. 3320 was passed by the House on November 14, 2007. It was reported out of the Senate Foreign Relations Committee and placed on the Senate Legislative Calendar on May 19, 2008. CBO estimates that based on historical spending patterns for similar grants for

cultural programs, implementing this legislation would cost \$3 million in 2009 and \$5 million over the 2009-2013 period, subject to the appropriation of the authorized amounts.

TITLE V – COMMERCE, SCIENCE, AND TRANSPORTATION PROVISIONS

Subtitle A – Communications

Part I – Broadband Data Improvement Act

The Broadband Data Improvement Act (S. 1492) is intended to improve the federal government's efforts regarding the surveying of broadband Internet deployment.

The bill requires the Federal Communications Commission (FCC) to revise the definition of advanced telecommunication or broadband, and broadband deployment information; revise provider reporting requirements to permit the FCC to identify broadband connectivity by geographic area; and use the Census Bureau's American Community Survey to gather information on household computer use and Internet access. The bill also requires the Government Accountability Office to evaluate additional broadband metrics that can be used to provide users more accurate information on the cost and capability of their broadband connection. It also requires the Small Business Administration's Office of Advocacy to conduct a study on the impact of broadband speed and price on small businesses.

The legislation creates a State Broadband Data and Development Grant program for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within each state. For each of fiscal years 2008-2012, \$40 million is authorized.

As a standalone bill, S. 1492 was reported out of the Senate Commerce, Science and Transportation Committee on October 24, 2007, and placed on the Senate Calendar on the same day.

Part II – Training for Realtime Writers Act of 2007

The Training for Realtime Writers Act of 2007 (S. 675) creates a new grant program to promote recruitment, training, and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers providing closed captioning in video (television) programming. S. 675 authorizes \$20 million in each of fiscal years 2008-2012, and sunsets after five years. Grants are limited to \$1.5 million for a two-year period.

S. 675 was reported out of the Senate Commerce, Science and Transportation Committee on July 31, 2007, and placed on the Senate Calendar on the same day.

Subtitle B – Oceans

Part I – Hydrographic Services Improvement

S. 1582, the Hydrographic Services Improvement Act of 2007, reauthorizes hydrographic activities carried out by the National Oceanic and Atmospheric Administration (NOAA). The

bill revises the definitions of “hydrographic data” and “hydrographic services” to include shoreline surveying and water level observations. It sets forth the total number of authorized commissioned officers in the NOAA Corps. According to the Congressional Budget Office, the bill authorizes a total of \$1.05 billion over 6 years.

S. 1582 was reported out of the Senate Commerce, Science and Transportation Committee on November 2, 2007, and placed on the Senate Calendar on the same day. A similar bill (H.R. 3352) passed the House on the suspension calendar by a vote of 308-60 on March 31, 2008, and placed on Senate Legislative Calendar on April 14, 2008.

Part II – Ocean Exploration

Subpart A – Exploration

H.R. 1834 authorizes the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration (NOAA). It requires the Administrator of NOAA to conduct a coordinated national ocean exploration program that promotes collaboration with other federal ocean and undersea research and exploration programs. This bill declares that nothing in the Act is to limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act. According to the Congressional Budget Office, the bill would authorize nearly \$300 million over the 2008-2012 period.

H.R. 1834 passed the House on February 14, 2008 under suspension of the rules by a vote of 352-49. It was placed on the Senate Legislative Calendar on February 25, 2008.

Subpart B – NOAA Undersea Research Program Act of 2008

S. 39 authorizes a program to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes. The bill requires the Administrator of NOAA to establish and maintain an undersea research program and to designate a director of the program. The bill authorizes appropriations of \$182.6 million through fiscal year 2015.

S. 39 was reported out of the Senate Commerce, Science and Transportation Committee on March 27, 2007, and placed on the Senate Legislative Calendar on the same day. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 39 would cost about \$40 million in fiscal year 2008 and \$540 million over the 2008-2012 period. It is further estimated that more than \$900 million would be spent after 2012, including nearly \$760 million authorized to be appropriated between 2012 and 2017.

Part III – Ocean and Coastal Mapping Integration Act

S. 39 also contains legislation which requires the President, in coordination with the Interagency Committee on Ocean and Coastal Mapping (established by the bill) and affected coastal states, to establish a program to develop a coordinated and comprehensive federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States. The purpose of the program is to enhance ecosystem approaches in decision-making for conservation and management of marine

resources and habitats, establish research and mapping priorities, support the siting of research and other platforms, and advance ocean and coastal science.

The bill authorizes appropriations of \$372 million for fiscal years 2009-2015.

Part IV – National Sea Grant College Program Amendments Act of 2008

S. 3160/H.R. 5618, the National Sea Grant College Program Amendments Act of 2008, authorizes funding for the National Sea Grant program, to be administered by NOAA. Sea Grant is a nationwide network of 30 university-based programs that conducts research, education, training, and extension projects to foster science-based decisions about the use of conservation of aquatic resources. The bill establishes the National Sea Grant Advisory Board, with reporting requirements.

S. 3160 was ordered to be reported favorably out of the Senate Commerce, Science and Transportation Committee on June 24, 2008. H.R. 5618 passed the House on July 14, 2008 by voice vote on the motion to suspend the rules. Assuming appropriation of the authorized amounts, CBO estimates that spending for S. 3160 would total \$45 million over the 2009-2013 period.

Part V – Integrated Coastal and Ocean Observation System Act of 2008

S. 950 directs the National Ocean Research Leadership Council to establish and maintain an integrated coastal and ocean observation system, including data communication, research, education, and outreach, for the timely detection and prediction of changes occurring in the ocean, coastal, and Great Lakes environments that impact the nation's social, economic, and ecological systems. The bill establishes an Interagency Ocean Observation Committee to coordinate system implementation.

CBO estimates that enactment of S. 950 would cost \$700 million over the 2008-2012 period, assuming appropriation of authorized amounts. S. 950 was reported out of the Senate Commerce, Science and Transportation Committee on November 2, 2007, and placed on the Senate Calendar on the same day.

Part VI – Federal Ocean Acidification Research and Monitoring Act of 2008

S. 1581 establishes the Interagency Committee on Ocean Acidification to oversee the planning, establishment, and coordination of a plan to improve the understanding of ocean acidification. The bill requires strategic research and implementation of a plan by the committee. According to the Congressional Budget Office, assuming appropriation of authorized amounts, S. 1581 would cost \$84 million over the 2008-2013 period.

S. 1581 was reported out of the Senate Commerce, Science and Transportation Committee on May 22, 2008, and placed on the Senate Calendar on the same day.

TITLE VI – HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS **PROVISIONS**

Subtitle A – National Capital Transportation Amendments of 2008

S. 1446 provides additional funding through grants to the Washington Metropolitan Area Transit Authority (WMATA or Metro) to finance in part the capital and preventive maintenance projects, such as repairs to platforms. The bill establishes within WMATA the Office of Inspector General with semiannual reporting requirements. Under current law, the federal government provides annual subsidies to all major rail systems nationwide, including Metro. This bill provides additional funding by creating a new grant program dedicated to the system. The Congressional Budget Office estimates that implementation of S. 1446 would cost \$236 million over the 2010-2012 period.

S. 1446 was reported out of the Senate Homeland Security and Governmental Affairs Committee on October 3, 2007, and placed on the Senate Legislative Calendar on the same day. The bill language included in this omnibus made several changes to the bill, including:

- Strips out a requirement that the Washington Metropolitan Area Transit Authority (WMATA) Inspector General conduct annual audits of the financial statements;
- Strips out a requirement that the WMATA Inspector General provide reports to Congress on its investigations;
- Strips out a requirement for the WMATA Inspector General to investigate employee complaints;
- Strips out a prohibition on retaliation against whistleblower complaints from WMATA employees;
- Strips out a requirement that the WMATA Inspector General be independent from agency management; and
- Strips out a provision that the Government Accountability Office (GAO) conduct an investigation into the use of taxpayer funds by WMATA.

Subtitle B – Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act

H.R. 390 requires the National Archives to establish a national database of historic records relating to slavery, emancipation, and post-Civil War reconstruction held by federal agencies. The legislation also requires the National Historical Publications and Records Commission to provide grants to states, colleges, universities, libraries, and genealogical associations to preserve similar local records. H.R. 390 authorizes the appropriation of \$5 million for the national database, and \$5 million for local preservation grants. The Congressional Budget Office estimates that the National Archives would need \$1 million a year to update and maintain the database after it is established.

H.R. 390 passed the House on January 22, 2007 under suspension of the rules by a vote of 414-1. On November 14, 2007, the Senate Committee on Homeland Security and Governmental Affairs ordered the bill to be reported favorably with an amendment.

Subtitle C – Pre-disaster Hazard Mitigation Act of 2008

S. 3175 reauthorizes the Federal Emergency Management Agency's (FEMA) Pre-disaster Mitigation Program through 2013. It authorizes appropriations for FEMA to provide grants to states and localities for pre-disaster mitigation programs such as constructing levies, relocating homes from flood-prone areas, and retrofitting buildings in areas prone to earthquakes. The Congressional Budget Office estimates that implementing S. 3175 would cost \$735 million over the 2009-2013 period.

S. 3175 was reported with amendments favorably out of the Senate Homeland Security and Governmental Affairs Committee on June 25, 2008.

TITLE VII – RULES AND ADMINISTRATION PROVISIONS

Construction of Greenhouse Facility

H.R. 5492 authorizes the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain its horticultural operations and preserve the orchid collection it holds in trust. The Congressional Budget Office, assuming appropriation of the authorized amounts, estimates that implementing H.R. 5492 would increase outlays by \$12 million over the 2009-2013 period. The bill would not affect direct spending or revenues.

H.R. 5492 passed the House on the suspension calendar by voice vote on March 11, 2008. The bill is now pending before the Senate Committee on Rules and Administration

Administration Position

No Statement of Administration Policy has been issued on S. 3297 as of the release of this notice.

Cost

In a letter to the Majority Leader dated July 25 the Director of the Congressional Budget Office (CBO), Peter Orszag, stated:

Although CBO has not completed a comprehensive review of S. 3297, we have previously prepared cost estimates for numerous pieces of legislation that are similar or identical to most of the major provisions in this bill. Based on those previous estimates and on a preliminary review of S. 3297, CBO estimates that, in total, the bill would authorize the appropriation of approximately \$10 billion over the 2009-2013 period. CBO estimates that, if those sums are appropriated in future legislation, implementing the bill would cost about \$8 billion over the 2009-2013 period.

Possible Amendments

It is uncertain at this time if amendments would be offered should the Senate vote to invoke cloture on the motion to proceed to S. 3297 and therefore proceed to the bill.