



## Legislative Bulletin.....June 4, 2008

### Contents:

- H.Con.Res.311**—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby
- H.Con.Res.335**—Authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated
- H. R. 3712**—To designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley Customs Building and United States Courthouse”
- H. R. 5599**—To designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the “Thomas Jefferson Census Bureau Headquarters Building”
- H.R. 1343**—Health Centers Renewal Act of 2007
- H.R. 5669**—Poison Center Support, Enhancement, and Awareness Act of 2008
- H.R. 5940**—National Nanotechnology Initiative Amendments Act of 2008
- H.Con.Res. 366**—Expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority
- H.Res. 1180**—Recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother’s Day, 2008
- H.R. 5893**—Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008
- H.R. 5972**—United States Capitol Police Administrative Technical Corrections Act of 2008
- H.R. 3058**—Public Land Communities Transition Act of 2007

### **Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** \$2.44 billion in FY 2009 and \$14.21 billion over the FY 2009—FY 2013 period

**Effect on Revenue:** Increased \$2.87 billion over the FY 2009—FY 2013 period and \$7.45 billion over the FY 2009—FY 2017 period

**Total Change in Mandatory Spending:** Increased \$400 million in FY 2009 and \$1.94 billion over the FY 2009—FY 2013 period

**Total New State & Local Government Mandates:** \$0

**Total New Private Sector Mandates:** \$275 million in FY 2009

**Number of Bills Without Committee Reports:** 7

**Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority:** 1

## **H.Con.Res.311—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (*Hoyer, D-MD*)**

**Order of Business:** H.Con.Res. 311 is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 311 would authorize the Greater Washington Soap Box Derby Association to sponsor a public soap box derby race on the Capitol Grounds on June 21, 2008, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

According to H.Con.Res. 311, the event must be free of admission charge to the public and must be arranged not to interfere with the needs of Congress. Further, the Association must assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

The resolution provides that the Capitol Police Board would provide enforcement of the restrictions concerning sales, advertisements, displays, and solicitations on the Capitol Grounds.

**RSC Bonus Fact:** In the 109<sup>th</sup> Congress, H. Con. Res. 86, which authorized use of the Capitol Grounds to the Greater Washington Soap Box Derby Association, passed the House and the Senate unanimously. The following concurrent resolutions reflect the results of an LIS search for concurrent resolutions in the 109<sup>th</sup> Congress that passed the House and authorized use of the Capitol Grounds:

- H.Con.Res 135—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run
- H.Con.Res. 136—Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service
- H.Con.Res. 161—Authorizing the use of the Capitol Grounds for an event to commemorate the 10th Anniversary of the Million Man March
- H.Con.Res. 349—Authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby
- H.Con.Res. 359—Authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run
- H.Con.Res. 360—Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service
- H.Con.Res. 265—Authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts (from the 105<sup>th</sup> Congress)

**Committee Action:** H. Con. Res. 311 was introduced on March 6, 2008, and referred to the House Committee on Transportation and Infrastructure. The resolution was referred to the

Subcommittee on Economic Development, Public Buildings and Emergency Management and on May 15, 2008, the Subcommittee held a mark-up and reported the resolution by voice vote.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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**H.Con.Res.335—Authorizing the use of the Capitol Grounds for a celebration of the 100th anniversary of Alpha Kappa Alpha Sorority, Incorporated (Watson, D-CA)**

**Order of Business:** H.Con.Res. 335 is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 335 would allow Alpha Kappa Alpha Sorority (AKA) to sponsor a public event on the Capitol Grounds to celebrate the 100<sup>th</sup> anniversary of AKA.

Under the resolution, the event is prohibited from charging admission to the public, and may not interfere with the needs of Congress.

The resolution provides that the Capitol Police Board would provide enforcement of the restrictions concerning sales, advertisements, displays, and solicitations on the Capitol Grounds.

**RSC Bonus Fact:** The only precedent for authorizing use of the Capitol Grounds by a sorority or fraternity was in the 97<sup>th</sup> Congress, when Congress passed [S. Con. Res. 64](#), which allowed the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States.

**Committee Action:** H.Con.Res. 335 was introduced on April 24, 2008, and referred to the House Committee on Transportation and Infrastructure. The resolution was referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management and on May 15, 2008, the Subcommittee held a mark-up and reported the resolution by voice vote.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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**H. R. 3712—To designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley Customs Building and United States Courthouse”(Captor, D-OH)**

**Order of Business:** H.R. 3712 is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3712 would designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley Customs Building and United States Courthouse.”

**Additional Background:** James Ashley and his great-grandson Thomas Ashley both represented served the State of Ohio in Congress. James Ashley was a native resident of Pittsburgh who moved to Toledo, Ohio and worked as a wholesale drug salesman. He served as a Republican in the House from 1859 to 1869. His great-grandson, Thomas Ashley, also from the Toledo area, served in World War II and served in as a Democrat in the House from 1955 to 1981.

**Committee Action:** H.R. 3712 was introduced on October 1, 2007, and was referred to the House Committee on Transportation and Infrastructure. On October 31, 2007, the committee held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** A CBO score of H.R. 3712 is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Federal buildings.

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**H. R. 5599—To designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the “Thomas Jefferson Census Bureau Headquarters Building” (Maloney, D-NY)**

**Order of Business:** H. R. 5599 is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5599 would designate the Federal building located at 4600 Silver Hill Road in Suitland, Maryland, as the “Thomas Jefferson Census Bureau Headquarters Building.”

**Committee Action:** H.R. 5599 was introduced on March 12, 2008, and was referred to the House Committee on Transportation and Infrastructure. The bill was referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management and on May 15, 2008, the Subcommittee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** A CBO score of H.R. 5599 is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Federal buildings.

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**H.R. 1343—Health Centers Renewal Act of 2007 (Green, D-TX)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1343 would reauthorize the Health Centers Program through FY 2012. The program, which is administered by the Health Resources and Services Administration, awards grants to Health Centers that provide treatment to traditionally underserved communities. H.R. 1343 authorizes annual funds for the Health Center Program as follows:

- \$2.188 billion in FY 2008
- \$2.451 billion in FY 2009
- \$2.757 billion in FY 2010
- \$3.116 billion in FY 2011

- \$3.537 billion in FY 2012

The bill authorizes a total of \$14 billion in spending over the next five fiscal years, subject to annual appropriations. In addition, the bill would expand the scope of an existing government program to extend federal liability protection under the Public Health Service Act to volunteer medical practitioners working at community health centers.

**Additional Information:** According to findings listed in the bill, there are over 1,000 federally-aided health centers in the U.S., which serve 16 million people annually. Among those facilities there are many different types of Health Centers, serving a varied group of the population. *Community Health Centers* receive funds to serve an assortment of people in historically underserved geographic areas across the county. *Migrant Health Centers* receive grants for serving seasonal agricultural workers. *Healthcare for the Homeless Health Centers* are given grant awards for providing primary and substance abuse care to the homeless. Finally, *Public Housing Primary Care Programs* are located near public housing and serve the residents who live there. All four of these programs are funded through the Health Centers Program.

In 2002, President Bush unveiled a new Health Center initiative, which aimed to utilize the Health Center Program to increase access to primary care. According to HRSA, “Through this Initiative, investments in the Health Center Program have nearly doubled—growing from a little more than \$1 billion in FY2000 to the nearly \$2 billion it is today—and Health Centers have experienced an unprecedented period of sustained expansion and quality improvement.” Despite the apparent success of the President’s earlier initiative and the increased investment in the program, H.R. 1343 drastically increases authorized funding for the Health Centers Program. Legislation that passed the House in 2006 would have reauthorized the health centers program at \$10.1 billion over five years; H.R. 1343 would provide a \$14 billion, five-year reauthorization for the Health Centers Program—increasing authorization levels by 40% from two years ago.

**Possible Conservative Concerns:** Some conservatives may have several concerns regarding this legislation, including but not limited to:

- **Funding for Illegal Aliens:** According to the Congressional Research Service, Migrant Health Centers are not required to check a patient’s immigration status prior to providing medical care. Some conservatives may be concerned that Migrant Health Centers may be using taxpayer funds to provide illegal immigrants with free health care through the Health Center Program.
- **Funding Levels.** Some conservatives concerned that the amount of spending contemplated by this legislation—which would provide a 40% increase in funding over a bill the House passed in 2006, and authorize 15% more funding for FY2009 than the White House budget request. Some conservatives may believe that the significant increases in funding to community health centers provided under the current Administration mean that additional increases in authorization and appropriation levels are not warranted at this time.
- **Congressional Findings.** Some conservatives may also be concerned that the legislation’s stated goal of doubling the number of patients treated at community health centers by 2015 may be used as a justification for further spending increases in future years.

- Process. Some conservatives may believe that a \$14 billion authorization measure should not be considered under expedited House procedures normally reserved for matters such as the naming of post offices.
- Expansion of Government Liability Program: Some conservatives may be concerned with a proposed expansion of a federal liability program for health center workers that has its roots in the flaws of the current medical liability system. Some conservatives may instead champion the comprehensive liability reform that all medical practitioners—private and public, volunteer and paid—need in order to restore the integrity of the doctor-patient relationship and reduce the amount of harmful litigation.
- Native Hawaiians: Some conservatives may be concerned that the bill funds health care services specifically for Native Hawaiians. Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in federal courts. Providing additional assistance to this group is not only duplicative of numerous current federal education programs, but is also likely unconstitutional.

**Committee Action**: H.R. 1343 was introduced on March 6, 2007, and referred to the Committee on Energy and Commerce Subcommittee on Health. The Subcommittee held a mark-up on April 23, 2008, and reported the bill to the full committee by voice vote. On May 7, 2008, the full committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers**: A CBO score for H.R. 1343 was not available at press time.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill would expand access to a federal liability protection program under the Public Health Service Act for volunteer practitioners at community health centers.

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

**Constitutional Authority**: A Committee Report citing constitutional authority was not available.

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## **H.R. 5669—Poison Center Support, Enhancement, and Awareness Act of 2008 (*Towns, D-NY*)**

**Order of Business**: The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5669 would reauthorize the Poison Control Enhancement and Awareness Act from FY 2010—FY 2014. Under current law, the program is set to expire in FY 2009.

The bill would authorize \$38 million annually for the poison control program. Of those funds, \$35 million would be authorized annually to provide grants to poison control centers and poison control programs; \$1 million would be authorized to maintain the poison control program's toll-free phone number; and \$1.5 million would be authorized annually to support the poison control media outreach campaign.

Poison centers or professional poison organizations may be awarded grants for any of the following purposes:

- Establish best practices for poison prevention and emergency programs.
- Research, develop, and implement patient management guidelines for common toxic exposure.
- Improve national toxic exposure surveillance.
- Develop and enhance technology and capabilities of organizations in the poison control field.
- Collect data on poisoning and toxic occurrences.
- Support toxicological expertise.
- Improve capacity of poison centers.

Programs under the Poison Control Enhancement and Awareness Act were last reauthorized in 2003 at a level of \$30 million annually from FY 2004—FY 2009.

**Additional Information:** The Poison Control Enhancement and Awareness Act authorizes funds for the Poison Control Program, which is operated by the Health Resources and Services Administration (HRSA), a division of the Department of Health and Human Services. The Poison Control Program makes grants available to poison control centers, which operate in all 50 states, the District of Columbia, and four U.S. territories. The centers provide treatment counseling and poison information. In addition, the centers collect data and work to detect potential poisoning or biological outbreaks. According to HRSA, "For every dollar spent on Poison Control Center services, \$7 is saved in medical spending."

**Committee Action:** H.R. 5669 was introduced on April 1, 2008, and referred to the Committee on Energy and Commerce Subcommittee on Health. The Subcommittee held a mark-up on April 23, 2008, and reported the bill to the full committee by voice vote. On May 7, 2008, the full committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5669 would authorize \$38 million in FY 2010 and \$188 million over the FY 2010—FY2014 period, subject to appropriation.

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



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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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## **H.R. 5940—National Nanotechnology Initiative Amendments Act of 2008 (Gordon, D-TN)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5940 would amend the 21st Century Nanotechnology Research and Development Act to change certain research, education, and business transfer guidelines of the National Nanotechnology Initiative (NNI). The NNI was established in 2001 as an inter-agency program designated to coordinate federal nanotechnology research. The NNI engages in a variety of research, education, and product development activities. H.R. 5940 would modify the NNI as follows.

### ***National Nanotechnology Program Amendments***

- Requires the Office of Science and Technology Policy (OSTP) to develop a strategic plan to guide the NNI's inter-agency coordination activities. Requires that the plan specify near and long-term objectives and the metrics for assessing progress towards those objectives.
- Requires the National Nanotechnology Coordination Office (NNCO) to develop an agency-wide database of projects funded under the Environmental, Health, Safety, and Education Societal Dimensions, and the Nanomanufacturing programs within the NNI. The bill would require that the database be searchable by the public.
- Requires the NNCO to develop and maintain publicized information on nanotechnology facilities funded through the NNI.

### ***Review of National Nanotechnology Program***

- Requires the Director of the NNCO to conduct triennial reviews of NNI's research priorities, effectiveness, and accomplishments.
- Requires that the results of the review are presented to Congress and made available to the public.
- Provides \$500,000 annually from FY 2009—FY 2011 to fund the reviews.

### ***Societal Dimensions of Nanotechnology***

- Requires the Director of the Office of Science and Technology Policy to designate an Associate Director of Science and Technology as the Coordinator for Societal Dimensions of Nanotechnology. The Coordinator would be responsible for coordinating planning within the Environmental, Health, Safety, and Education Societal Dimensions component of the NNI.
- Requires the Coordinator for Societal Dimensions of Nanotechnology to convene and chair a panel to periodically update a research plan for coordinating the Environmental, Health, Safety, and Education Societal Dimensions component of the NNI.
- Provides that, as a part of the Educational component of the Societal Dimensions program, the NNI should support efforts to introduce nanoscale science, engineering, and technology into undergraduate science and engineering education. The bill would authorize \$10 million in both FY 2009 and FY 2010 to support nanoscience in undergraduate education.

### ***Technology Transfers***

- Requires agencies that operate nanotechnology facilities through the NNI to provide access to their facilities for companies to develop and test prototype nanoscale products, devices, or processes. The agencies would also be required to publicize the availability of any nanotechnology facilities.
- Requires each agency that participates in the NNI to publicly encourage small businesses to submit applications (through the Small Business Administration science programs) for support in developing nanotechnology related products.

### ***Research in Areas of National Importance***

- Requires the NNI to provide support for nanotechnology projects that have significant potential to contribute to national economic competitiveness and for other “significant social benefits.”

### ***Nanomanufacturing Research***

- Requires the NNI’s nanomanufacturing component to conduct research that focuses on the development of tools for the rapid characterization of nanoscale materials and uses nanoscale materials to achieve industry-level production rates.
- Requires interdisciplinary research centers supported by the NNI to conduct research on environmentally neutral nanoscale manufacturing.

**Additional Information:** Nanotechnology is the scientific study of how to effectively and commercially use materials on a molecular and atomic level. The National Nanotechnology Initiative was established as an inter-agency program to coordinate federal nanotechnology research in 2001. According to their [Website](#), the NNI operates nano-level technology research and activities that is being conducted throughout 25 agencies.

The program’s budget is comprised of the R&D funds of the 13 participating companies with authorized R&D budgets. The NNI received roughly \$1.5 billion from these agencies in FY 2007. The stated goals of the NNI are to advance the world’s foremost nanotechnology R&D program, to transfer new technologies for the benefit of the public and U.S. competitiveness, and to support education resources involving nanotechnology.

**Committee Action:** H.R. 5940 was introduced on May 1, 2008, and referred to the Committee on Science and Technology, which held a mark-up on May 7, 2008, and reported the bill by voice vote.

**Cost to Taxpayers:** H.R. 5940 would authorize \$10.5 million in FY 2009 and \$21.5 million over the FY 2008—FY2011 period, subject to appropriation.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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**H.Con.Res. 366—Expressing the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority (*Eddie Bernice Johnson, D-TX*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 366 would express the sense of Congress that increasing American capabilities in science, mathematics, and technology education should be a national priority. However, the complete text of the resolution was not available at press time.

**Committee Action:** H.Con.Res. 366 was introduced on June 3, 2008, and referred to the Committee on Science and Technology, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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**H.Res. 1180—Recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother’s Day, 2008 (Reichert, R-WA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1180 would express the sense that the House or Representatives:

- “Recognizes the important contributions of women and mothers to science, technology, engineering, mathematics, and the health of many industries that have created new jobs, boosted economic growth, and improved the Nation’s competitiveness and standard of living;
- “Recognizes the need to increase the number of women participating in science, technology, engineering, and mathematics;
- “Supports the role of women and mothers in science, technology, engineering, and mathematics; and
- “Encourages the people of the United States to use this Mother’s Day to give appropriate recognition not only to our mothers but also to women scientists, technologists, engineers, and mathematicians who have made important contributions to our everyday lives.”

The resolution lists a number of findings, including:

- “Women have been vitally important to the fields of science, technology, engineering, and mathematics and have transformed the world and enhanced and improved the quality of life around the globe;
- “The contributions of women and mothers are central to progress and to the development of knowledge in many areas, including chemistry, physics, biology, geology, engineering, mathematics, and astronomy, and these contributions boost economic growth, create new jobs, and improve our knowledge and standard of living;
- “It is important to emphasize the extensive variety of careers available in the world of science, technology, engineering, and mathematics and to honor the tremendous women that have contributed and will contribute to the advancement of knowledge in these disciplines;
- “In order to ensure our Nation’s global competitiveness, our schools must continue to cultivate female scientists, technologists, engineers, and mathematicians from every background and neighborhood in our society to create the innovations of tomorrow that will keep our Nation strong;
- “A disproportionately low number of female students are pursuing careers in science, technology, engineering, and mathematics, and it is crucial that we focus attention on increasing the participation of women; and

- “Mother’s Day presents a great opportunity to encourage industry, government, and academia to reach and educate millions of children on the important contributions women have made to science, technology, engineering, and mathematics.”

**Committee Action:** H.Res. 1180 was introduced on May, 7, 2008, and referred to the Committee on Science and Technology, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 5893—Library of Congress Sound Recording and Film Preservation Programs Reauthorization Act of 2008 (*Brady, D-PA*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5893 would reauthorize the National Recording Preservation Board, the National Recording Preservation Foundation, the National Film Preservation Board, and the National Film Preservation Foundation through FY 2017. The bill would authorize \$750,000 each fiscal year from FY 2009—FY 2010 to fund all four programs. From FY 2012—FY 2017, the bill would authorize \$1 million each year to fund all four programs.

**Additional Information:** The National Recording Preservation Board and the National Recording Preservation Foundation were each established by the National Recording Preservation Act of 2000. Each group is administered by the Library of Congress for the purpose of preserving and increasing the availability of historic and rare American audio recordings. The National Recording Preservation Board is responsible for selecting which recorded sounds are included in the Library of Congress’ National Recording Registry. The National Recording Preservation Foundation is the nonprofit fundraising entity that is concerned with preserving “America’s sound recording heritage.” The two entities work simultaneously and often in tandem, but are essentially separate wings of the same organization.

The National Film Preservation Board was established by the National Film Preservation Act of 1988. The National Film Preservation Foundation was created by Congress in 1996 at the behest of the Library of Congress. The two entities function in the same manner as the National Recording Preservation Board and the National Recording Preservation Foundation.

**Committee Action:** H.R. 5893 was introduced on April 24, 2008, and referred to the Committee on House Administration and the Committee on the Judiciary. On May 7, 2007, the Committee

on House Administration held a mark-up and reported the bill, as amended, by voice vote. The Committee on the Judiciary took no official action on the legislation.

**Cost to Taxpayers:** According to CBO, H.R. 5893 would cost \$1 million in FY 2009 and \$6 million over the FY 2009—FY2013 period, subject to appropriation.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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### **H.R. 5972—United States Capitol Police Administrative Technical Corrections Act of 2008 (*Brady, D-PA*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5972 would clarify a number of the administrative authorities of the Chief of the Capitol Police, including the Chief's role in determining compensation, approving hiring and terminations, and appointing police officials. CBO estimates that the bill would have no impact on mandatory or discretionary spending.

The bill would establish the position of Chief Administrative Officer, who would be appointed by the Chief of the Capitol Police and be paid \$1,000 less than the Chief annually. The bill would also require the Chief of the Capitol Police to give notice to the House and Senate Committees on Administration before hiring, firing, or promoting an officer. In addition, the Chief would be required to notify the House and Senate Committees on Administration prior to making advance payments to Capitol Police Officers for subscription services. The bill would also repeal a requirement that officers must buy their own uniforms.

**Additional Information:** According to the Office of Personnel Management (OPM), the Capitol Police were established in Congress in 1828 for the sole purpose of protecting the U.S. Capitol Building. Today, the mission of the Capitol Police has grown to “provide the Congressional community and its visitors with the highest quality of a full range of police services.” The Capitol Police are funded through the annual Legislative Branch Appropriation

bill, and they are regulated by Congress directly. Therefore, a federal law must be passed to change an aspect of Capitol Police administration.

**Committee Action:** H.R. 5972 was introduced on May 6, 2008, and referred to the Committee on House Administration. On May 7, 2007, the Committee on House Administration held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5972 would have no impact on mandatory or discretionary spending.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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## **H.R. 3058—Public Land Communities Transition Act of 2007** *(DeFazio, D-OR)*

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 4, 2008, under a motion to suspend the rules and pass the bill.

**Note:** The legislation under consideration today is likely to be an amended version of H.R. 3058 which does not include funding for payments in lieu of taxes (PILT). PILT payments are made to states and counties with large tracts of federal land to supplement property tax revenue that cannot be collected from the federal government. A section reauthorizing PILT was included in the reported version of the bill, but is not contained in the amended version considered today.

**Summary:** H.R. 3058 would require the Department of Interior to make direct payments to certain states and counties that contain federally owned forest land in order to offset decreasing profit-sharing funds from federal logging and mining activities on the land. According to CBO, the mandatory cost of direct payments under H.R. 3058 would be \$1.9 billion over five years.

Any state, county, or territory that received payments under the Secure Rural Schools and Community Self-Determination Act of 2000 would be eligible to receiving funding. Payments provided to states and counties under this program would be required to go towards funding for schools and roads.

The bill would allow eligible states and counties to choose between receiving direct payments from the federal government or a share of federal revenue derived from the commercial use of the federal land. Counties that choose to opt out of direct payments would receive 25% of revenues from activities on National Forest lands and 50% of revenues from activities on Bureau of Land Management (BLM) lands in lieu of direct payments. Direct payments given by the Department of Interior would be mandatory spending, and not subject to appropriation. The Committee on Natural Resources estimates that since federal revenues from activities on public lands have dramatically decreased, most counties would choose to receive direct payments rather than share revenue.

H.R. 3058 would stipulate that the amount of funding allocated to a specific county would be determined by three criteria: 1) past payments under the Secure Rural Schools and Community Self-Determination Act of 2000, 2) the acres of federal lands in the county, and 3) the overall economic circumstances of the county.

Direct payments to counties would be reduced annually through FY 2011. The bill would provide payments to California, Louisiana, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, and Washington under the same reduction formula. Payments to these states in FY 2008 would be equal to payments made under the Secure Rural Schools and Community Self-Determination Act in FY 2006. In FY 2009, payments would be 90% of the FY 2006 level. In FY 2010, payments would be 81% of the FY 2006 level. In FY 2011, payments would be 73% of the FY 2006 level.

In order to pay for the estimated \$1.9 billion mandatory cost of payments made under this program, H.R. 3058 would retroactively apply a “conservation of resources fee” on companies that hold certain royalty free federal oil and gas leases in the Gulf of Mexico. The fee would affect leases that were initially negotiated by the Clinton Administration in 1998 and 1999 and would be applied retroactively starting from the first day of FY 2006. Each lessee would be given the option to renegotiate their 1998 or 1999 contract to include the fee. However, if a lessee does not request to have its 1998 or 1999 lease renegotiated to include royalty price thresholds, it could opt to instead pay a fee of \$9 per barrel of oil or \$1.25 per million British thermal units (BTUs) of natural gas (in 2005 dollars), for producing leases when the price of oil exceeds \$34.73 per oil or the price of natural gas exceeds \$4.34 per million BTUs (retroactively effective on production beginning October 1, 2006). Non-producing leases would be subject to a \$3.75-per-acre annual fee. According to CBO, imposing the fees on oil and gas companies would increase revenue by \$2.8 billion over the FY 2008—FY2012 period and \$7.4 billion over the FY2008—FY2017 period.

**Additional Information:** Since 1908, the federal government has been required to share 25% of its profits from economic activities on federal land with counties in which the federal land exists. The arrangement is meant to assist counties that contain a large amount of federal land—which cannot be taxed by state and local governments. The 1908 revenue sharing law required that all of the federal funds that counties received had to go to local schools and roads. Therefore, the main sources of revenue for many of these county’s public schools and roads were their share of federal logging and mining operations. In recent years, however, increased environmental



restrictions and an increase in the amount of imported minerals have led to a significant decrease in the amount of revenues from economic activities on federal land.

In an effort to compensate states for their loss of revenue, Congress passed the Secure Rural Schools and Community Self-Determination Act of 2000, which made payments to states and counties that wished to move from the revenue sharing system to the newly created direct payment system. According to Committee Report 110-505, the average annual cost of these payments was \$400 million, the vast majority of which went exclusively to counties in Oregon, Washington, and California. The program, which was intended to be a temporary program to help transition counties from a revenue structure dependent on economic activity on federal land, expired in FY 2006. Efforts to pass a long-term extension of the program failed in the 109<sup>th</sup> Congress, and a one year extension of the program was included in the Emergency Supplemental Appropriations Act of 2007.

During debate of reauthorization of the payment program, the Bush Administration proposed extending funding for payments by selling approximately 300,000 of National Forest System lands. While this idea appealed to many western residents who would prefer that the federal land was returned to local control rather than have payments made to local counties, environmental groups and Congress opposed the plan and it was abandoned.

In a continuing effort to fund the rural schools payment program, the Committee on Natural Resources reported H.R. 3058, using the disputed “conservation of resources fee” as a pay-for. The fee, which has been considered numerous times in Congress, is a controversial provision that requires the government to reverse contracts made with oil and natural gas companies drilling in the Gulf of Mexico. The leases were originally made in 1990s and allow companies to conduct drilling on the Outer Continental Shelf (OCS) without paying royalties. The original purpose of the leases was to encourage companies to drill for valuable resources in the deepwater of the OCS. The initial intent was for royalties to be applied at a certain price trigger, that is, when the price of oil and gas reached a certain level. However, leases made in 1999 and 1998 did not include price triggers, and those lease holders are exempted from royalty fees regardless of fuel prices.

H.R. 3058 would retroactively apply conservation royalty fees to oil and gas companies now drilling on the OCS. The imposition of fees is highly controversial, as many argue that the provision rewrites contracts entered into in good faith by oil and gas companies. In addition, many industry experts argue that the huge costs imposed on oil and gas companies by the retroactive fees would discourage further exploration and production of energy resources on the OCS, increase the already skyrocketing cost of energy in the U.S., and add to our nation’s dependence on foreign sources of energy. According to the Independent Petroleum Association of America (IPPA), which opposes H.R. 3058, “Punitive taxes and fees on the U.S. oil and natural gas industry are ultimately anti-consumer and contrary to the goal of providing stable and cost-effective supplies of energy. This legislation will discourage new domestic oil and gas production by discouraging the tremendous capital investments needed to find and produce these American energy resources.” The bill is also opposed by the National Association of Manufacturers (NAM).

Democrats on the Natural Resources Committee initially indicated that the provision would merely be a place holder and that a new pay-for would be inserted before the bill was considered on the floor. The bill was forwarded from the Committee with understanding that it would not be considered on the floor with the retroactive fees on offshore oil and gas production. However, negotiations on other offsets stalled and H.R. 3058 is being considered with the retroactive conservation fees as the pay-for.

**Possible Conservative Concerns:** Some conservatives may have numerous concerns with H.R. 3058, including:

*Retroactive Fees on Oil and Gas Producers:* Some conservatives may be concerned that mandatory federal spending in H.R. 3058 will be paid for by retroactively increasing fees on oil and gas companies with leases that allow them to operate on the Outer Continental Shelf (OCS). Some conservatives may be concerned that these lease holders entered into good-faith leases with the federal government that did not include “conservation of resources fees” and did not provide for a trigger mechanism to impose such fees. Some conservatives may be concerned that the retroactive imposition of the fees would be an attempt by the federal government to re-write the terms of OCS leases because some in Congress now find them unfavorable.

Some conservatives may also be concerned that the imposition of “conservation of resources fees” may set back attempts to boost domestic production of oil and natural gas. At a time when the U.S. imports 61% of its oil, some conservatives may be concerned that the country is not developing enough of its own energy resources and that these fees on companies producing on the OCS may hinder that effort. In addition, some conservatives may be concerned that re-writing federal OCS leases may discourage oil and gas companies from making future energy production leases with the U.S. government. As Americans face the highest energy prices on record and our growing dependence on foreign energy threatens the security of our nation, some conservatives may believe that the Congress should encourage increased domestic energy production rather than punish domestic energy producers with billions in new fees.

*Increased Mandatory Spending on Domestic Programs:* Some conservatives may be concerned that H.R. 3058 would increase mandatory spending to provide payments to counties that receive reduced shares of profits from commercial activities on federal land as a result of environmental restrictions. Some conservatives may argue that funding for rural schools could be obtained through local utilization of federal land, rather than increasing mandatory spending. As the federal government has accumulated its highest debt in history and a \$52.7 trillion unfunded liability that must be met by future generations—amounting to over \$450,000 in debt for every American family—some conservatives may be concerned that H.R. 3058 increases mandatory spending rather than exploring federal land-use options to raise revenue.

**Committee Action:** H.R. 3058 was introduced on July 17, 2007, and referred to the Committee on Natural Resources and the Committee on Agriculture. On September 26, 2007, the Committee on Natural Resources held a markup and reported the bill, as amended, by voice vote. On January 15, 2008, the Committee on Agriculture discharged the bill.

**Cost to Taxpayers:** A CBO score for the amended version of H.R. 3058 was not available at press time. However, a score for the original version of the bill estimated that the extension of payments for schools and roads in counties eligible for federal land revenue sharing programs would result in an increase in direct spending of \$1.942 billion over the FY 2008—FY 2012 period. CBO estimates the revenue increase from the retroactive imposition of conservation fees on oil and gas companies with Gulf of Mexico drilling leases from 1998 and 1999 would increase revenues by \$2.875 billion over the FY 2008—FY 2009 period.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, H.R. 3058 would provide mandatory payments for local governments that received payments the Secure Rural Schools and Community Self-Determination Act of 2000.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** Yes, according to CBO, “H.R. 3058 would impose fees on certain holders of federal oil and gas leases in the Gulf of Mexico.” CBO estimates those fees would be approximately \$275 million in FY 2008 and would exceed the Unfunded Mandates Reform Act of 1995 annual threshold for private-sector mandates (\$131 million in 2007, adjusted annually for inflation).”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on Agriculture, in [House Report 110-505](#), “H.R. 3058 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

**Constitutional Authority:** The Committee on Agriculture, in [House Report 110-505](#), cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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