



Legislative Bulletin.....September 15, 2008

Contents:

- H.R. 5350**—To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia
- H.R. 3437**—To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project
- H.R. 2535**—To direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California
- H.R. 5293**—To approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement
- H.Res. 1200**—Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families
- H.Res. 1255**—Honoring Toby Keith's commitment to members of the Armed Forces
- H.Con.Res. 390**—Honoring the 28th Infantry Division for serving and protecting the United States
- H.Res. 1335**—Celebrating the 120-year partnership between Government and State veterans homes
- S. 2339**—Lt. Col. Clement C. Van Wagoner VA Clinic
- H.R. 5736**—To designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic
- H.R.1594**—The Michael A. Marzano Department of Veterans Affairs Outpatient Clinic Designation Act
- H.R. 5938**—Former Vice President Protection Act/Identity Theft Enforcement and Restitution Act
- H.R. 6064**—National Silver Alert Act
- H.R. 6503**—Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008
- H.R. 2352**—School Safety Enhancements Act of 2007
- H.R. 6855**—To extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds
- H.Con.Res. 410**—Recognizing the FBI's 100th Anniversary
- H.Res. 1425**—Honoring the life and music of the late Isaac Hayes
- H.R. 5167**—Justice for Victims of Torture and Terrorism Act
- H.Con.Res. __**—Celebrating 75 years of effective State-based alcohol regulation
- H.R. __**—To extend the authority of the Secretary of Education to ensure continued access to federal student loans, for one-year
- H.R. __**—To extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief
- H.Res. 1372**—Celebrating the 100th anniversary of the University of Nebraska at Omaha

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Several

Total Cost of Discretionary Authorizations: \$31 million in FY 2009 and \$170 million over the FY 2009 through FY 2013 period

Effect on Revenue: Increased negligibly

Total Change in Mandatory Spending: \$4.5 million over the FY 2009 through FY 2012 Period

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 8

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 4

H.R. 5350 —To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia (*Scott, D-VA*)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5350 would authorize the Secretary of Commerce to sell a 3.78 acre parcel of land in Norfolk, VA, to the city of Norfolk. The land is currently home to a 7,000 square foot building which houses the National Oceanic and Atmospheric Administration's (NOAA) National Geodetic Survey (NGS) Norfolk Field Operations office. The Secretary's authority to sell the land would expire if the sale has not occurred within two years of passage of the bill. In addition, the Secretary would only be authorized to sell the land and the building for an appraised market value.

Additional Background: According to [House Report 110-882](#), the city of Norfolk has grown considerably and the city approached NOAA with an unsolicited offer to purchase the parcel of land in order to complete its downtown redevelopment strategy. NOAA rejected the city's initial offer because the agency stated that it did not have explicit authority to sell the land. H.R. 5350 would give the Secretary clear authority to negotiate a deal to sell the land to the city of Norfolk if the two parties reach an amicable agreement and selling price.

Committee Action: H.R. 5350 was introduced on February 12, 2008, and referred to the Committee on Natural Resources, which held a mark-up on July 16, 2008, and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, the cost of the sale authorized by H.R. 5350 would be insignificant. In addition, CBO states that “The legislation stipulates that proceeds of the sale, estimated to total \$1.5 million, would be available to the Secretary only if provided in a future appropriation act. Thus, enacting the legislation would reduce direct spending by that amount.”

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? According to [House Report 110-882](#), “H.R. 5350 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: [House Report 110-882](#), cites constitutional authority in Article IV, Section 3 of the Constitution, 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]*

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 3437—To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project (*Salazar, D-CO*)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3437 would authorize the Secretary of Interior to provide up to \$8.25 million for the Mancos Water Conservancy District to rehabilitate the Mancos Project canal and the Jackson Gulch Dam. The assessment and rehabilitation project would be conducted by providing funds to federal, state, and local agencies, as well as the district. The bill would require the Mancos Water Conservancy District to reimburse the federal government the lesser of \$2.9 million or 35% percent of the total project cost. The district would be required to provide the reimbursement (which CBO expects to be approximately \$2.5 million) within 15 years.

Additional Information: According to [House Report 110-813](#), the Mancos Water Conservancy District operates the Mancos Project canal, which provides water from the Jackson Gulch Dam to residents of Montezuma County, Colorado, and the surrounding area. The project, which was completed in 1950, supplies irrigation water to 8,650 acres and delivers drinking water to 500

members of the Mancos Rural Water Company. In 1963, the Bureau of Reclamation (BOR) turned over operation of the facility to the local water district, but BOR still holds the title to the project. Since that time, the project has deteriorated and is now in need of repairs. According to the Committee on Natural Resources, the district has already completed a study plan to determine the level of rehabilitation necessary.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 3437 authorizes \$8 million in new federal spending for a local canal and dam rehabilitation project.

Committee Action: H.R. 3437 was introduced on August 3, 2007, and referred to the Committee on Natural Resources' Subcommittee on Water and Power. On July 15, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee. On July 16, 2008, a full committee mark-up was held and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO score for H.R. 3437 would authorize the appropriation \$2 million in FY 2009 and \$8 million over the FY 2009 through FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it authorizes the Secretary of Interior to provide up to \$8.25 million for the Mancos Water Conservancy District to rehabilitate the Mancos Project canal and the Jackson Gulch Dam.

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? According to [House Report 110-813](#), "H.R. 3437 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: [House Report 110-813](#), cites constitutional authority in Article I, Section 8 of the Constitution, 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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H.R. 2535—Tule River Tribe Water Development Act (Nunes, D-CA)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2535 would authorize \$3 million for the Secretary of Interior to carry out a feasibility study to investigate possible future construction of a domestic, commercial, municipal,

industrial, and irrigation water supply facility for the Tule River Tribe of the Tule River Reservation. The bill would require that the study be completed within two years of the enactment of the bill and its results be transmitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate. The bill would stipulate that no water provided as a result of the feasibility study may be used to supply water to any Tribal casino, except for non-gaming purposes (lodging, dining, entertainment, etc.).

Additional Information: According to [House Report 110-812](#), The Tule River Indian Reservation is located 75 miles north of Fresno, California, in Tulare County. The Tule Tribe consists of approximately 1,500 individuals and their reservation covers nearly roughly 58,000 acres. The Tribe has requested that a federal study be conducted in order to look at options for increasing the access to water on the reservation.

Committee Action: H.R. 2535 was introduced on May 24, 2007, and referred to the Committee on Natural Resources' Subcommittee on Water and Power. On July 15, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee. On July 16, 2008, a full committee mark-up was held and the bill was reported, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 2535 would authorize the appropriation \$3 million over the FY 2009 through FY 2011 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it would require the Secretary of Interior to carry out a new feasibility study to investigate the future construction of a water development system.

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? According to [House Report 110-812](#), "H.R. 3437 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: [House Report 110-812](#), cites constitutional authority in Article I, Section 8 of the Constitution, 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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H.R. 5293—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act (Heller, R-NV)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5293 would approve and ratify a water rights agreement signed by the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, regarding water from the East Fork of the Owyhee River. The bill would also establish two new federally funded trust funds—the Shoshone-Paiute Tribes Water Rights Development Fund and the Shoshone-Paiute Tribes Operation and Maintenance Fund—to supply money for the Tribes to develop water resources and rehabilitate the Duck Valley Irrigation Project. The bill would require the Shoshone-Paiute Tribes to create a water code to administer tribal water rights before the Tribes are granted access to either of the trust funds in 2012.

H.R. 5293 would authorize \$9 million annually over the FY 2009 through FY 2012 period for the Paiute Tribes Water Rights Development Fund, which would be used to rehabilitate the Duck Valley Irrigation Project. In addition, the bill would authorize \$3 million of the FY 2009 through FY 2012 period for the Shoshone-Paiute Tribes Water Rights Operation and Maintenance Fund, for the continued operation of the Duck Valley Irrigation Project, as well as the operation of other tribal water projects.

Additional Information: According to [House Report 110-815](#), the Shoshone-Paiute Tribes live on the Duck Valley Reservation, which runs along the East Fork of the Owyhee River on the Idaho-Nevada border. The Owyhee Water Project on the Owyhee River is a Bureau of Reclamation (BOR) water project that supplies irrigation to 100,000 acres of land in Oregon and Idaho. The Shoshone-Paiute Tribes' water is primarily delivered through the Duck Valley Irrigation Project, which is located on the Owyhee River, owned by the Bureau of Indian Affairs, and operated by the Tribes under a self-governance packed.

For more than a decade, the Tribes have been involved in an internal dispute regarding federal water rights on their reservation lands in both Idaho and Nevada. The dispute was resolved in Idaho by a consent decree entered into by the Tribes in 2006. Since that time a settlement agreement has been reached between the Tribes in the Nevada portion of the reservation, but requires Congressional ratification to take effect. The settlement would require the state of Nevada to give the tribes 111,000 acre-feet of surface water on the Owyhee River and the rights to all flowing water that originates from springs and creeks on the reservation. H.R. 5293 would ratify the agreement between the Shoshone-Paiute Tribes and establish two trust funds for the Tribes to rehabilitate and maintain their water facilities once the agreement has been finalized.

Committee Action: H.R. 5293 was introduced on February 7, 2007, and referred to the Committee on Natural Resources' Subcommittee on Water and Power. On July 15, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee, as amended. On July 16, 2008, a full committee mark-up was held and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO score for H.R. 5293 would authorize the appropriation \$12 million in FY 2009 and \$48 million over the FY 2009 through FY 2012 period. In addition, CBO states that “The Secretary of the Interior would be required to invest the amounts appropriated to the trust funds until those funds are expended. CBO estimates that interest earnings over the 2009-2012 period would total \$6 million and would be recorded as a federal outlay in 2012. Such outlays would be direct spending.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 5293 would establish two new trust funds—the Shoshone-Paiute Tribes Water Rights Development Fund and the Shoshone-Paiute Tribes Operation and Maintenance Fund—for the tribes to develop water resources and rehabilitate the Duck Valley Irrigation Project.

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? According to [House Report 110-815](#), “H.R. 3437 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: [House Report 110-815](#), cites constitutional authority in Article I, Section 8 of the Constitution, 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]*

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 1200—Honoring the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families (*Sutton, D-OH*)

Order of Business: H.Res. 1200 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1200 would express the sense that the House of Representatives “honors the dedication and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families.”

The resolution lists a number of findings, including:

- “More than 1,700,000 members of the Armed Forces have been deployed to Iraq and Afghanistan since September 2001, and nearly 611,000 have been deployed more than once;

- “More than 782,000 members of our Armed Forces deployed to Iraq and Afghanistan are parents with 1 or more children, and nearly 35,000 troops have been separated from their children for 4 or more deployments;
- “As of May 3, 2008, 4,059 members of our Armed Forces have died and 30,004 have been wounded in action in Iraq, while deployed in support of Operation Iraqi Freedom;
- “As of May 3, 2008, 491 members of our Armed Forces have died and 1,944 have been wounded in action in Afghanistan, while deployed in support of Operation Enduring Freedom;
- “Members of our Armed Forces and their families deserve all the medical, financial, education, and moral support that our Nation can provide;
- “The spouses, children, family, friends, coworkers, and neighbors of members of our Armed Forces play a key role in the success of our Nation’s troops;
- “Secretary of Defense Robert Gates has recognized the families and community members who support America's troops as ‘the power behind the power’;
- “Military support groups play a crucial role in supporting every family member and loved one of members of our Armed Forces; and
- “Military support groups provide a compassionate community and incalculable moral support to the hundreds of thousands of military families with loved ones at home and deployed overseas.”

Committee Action: H.Res. 1200 was introduced on May 14, 2008, and referred to the Committee on Armed Services, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 1255—Honoring Toby Keith’s commitment to members of the Armed Forces (Cole, R-OK)

Order of Business: H.Res. 1255 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1255 would express the sense that the House of Representatives:

- “Honors Toby Keith’s commitment to our country’s Armed Forces overseas;
- “Encourages other entertainers to take into consideration Toby Keith’s deep commitment to boosting the morale of our Nation’s Armed Forces when supporting USO operations; and
- “A copy of this Resolution, suitably engrossed, be transmitted to Toby Keith.”

The resolution lists a number of findings, including:

- “Thousands of celebrities have donated their time to entertain members of the Armed Forces both in the United States and abroad through the United Service Organizations (hereafter known as the ‘USO’);
- “Since the USO’s founding in 1941, country music personalities have been an essential element of the USO’s entertainment;
- “Oklahoma native Toby Keith made six USO tours around the world, performing in such locations as Cuba, Germany, Belgium, Kosovo, Italy, and Africa; and entertaining more than 135,000 members of the Armed Forces in Middle East Operations Iraqi Freedom and Enduring Freedom;
- “Toby Keith has volunteered to perform at some of the most dangerous and remote locations in the Persian Gulf, which require Apache escorts and include Forward Operating Bases with total populations of not more than 50 members of the Armed Forces;
- “In April 24, 2008, while performing in Kandahar, Afghanistan mortar fire disrupted his concert;
- “Few, if any, performers have traveled to such remote and dangerous military bases with Toby Keith’s frequency;
- “Toby Keith has acted as a valuable liaison between forward deployed troops, the USO, and the American public;
- “Toby Keith makes it a priority to give tickets to members of the Armed Forces here in the United State; and
- “Toby Keith co-wrote and performed the hit song ‘American Solider’ honoring the sacrifices that America’s soldiers make on a daily basis.”

Committee Action: H.Res. 1255 was introduced on June 10, 2008, and referred to the Committee on Armed Services, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Con.Res. 390—Honoring the 28th Infantry Division for serving and protecting the United States (*Carney, D-PA*)

Order of Business: H.Con.Res. 390 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 390 would express the sense that the Congress “honors the 28th Infantry Division for serving and protecting the United States and directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Adjutant General of the Pennsylvania National Guard for appropriate display.”

The resolution lists a number of findings, including:

- “The 28th Infantry Division was established on October 11, 1879, and is recognized as the oldest, continuously serving division in the Army;
- “Units of the 28th Infantry Division date back to 1747, when Benjamin Franklin organized a battalion in Philadelphia;
- “Units of the 28th Infantry Division served in the Revolutionary War, including units that served with distinction in the Continental Army under General George Washington;
- “The 28th Infantry Division was integral to the success of World War I campaigns in the European theater, including those in Champagne, Champagne-Marne, Aisne-Marne, Oise Marne, Lorraine, and Mesuse-Argone;
- “The 28th Infantry Division earned the title of ‘Iron Division’ by General John J. Pershing for its valiant efforts during World War I;
- “The 28th Infantry Division contributed to military operations in Normandy, Northern France, Rhineland, Ardennes-Alsace, and Central Europe during World War II;
- “The 28th Infantry Division has over 2,600 soldiers who are missing in action from World War I and World War II;
- “The 28th Infantry Division has 127 units in 90 armories in 75 cities across the Commonwealth of Pennsylvania;
- “The 28th Infantry Division has been sent to aid portions of our Nation affected by harsh winter storms, flooding, violent windstorms, and other severe weather emergencies; and
- “10 recipients of the Medal of Honor, 4 recipients of the Legion of Merit, and 258 recipients of the Silver Star have been members of the 28th Infantry Division.”

Committee Action: H.Con.Res. 390 was introduced on July 17, 2008, and referred to the Committee on Armed Services, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 1335—Celebrating the 120-year partnership between the Government and State veterans homes (*Hodes, D-NH*)

Order of Business: H.Res. 1335 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1335 would express the sense that the House of Representatives:

- “Commends the extraordinary contributions of those who have served in the Armed Forces of the Nation;
- “Recognizes that the Nation has an affirmative duty to care for the men and women of the Armed Forces who have served their country faithfully;
- “Recognizes the efforts made by the National Association of State Veterans Homes to aid the States in providing veterans with high-quality care; and
- “Commends the efforts made by State veterans homes for the past 120 years in ensuring that the honorable veterans of the Armed Forces of this Nation receive the highest quality of care worthy of the great sacrifices they have made.”

The resolution lists a number of findings, including:

- “The primary mission of the National Association of State Veterans Homes is to ensure that each veteran receives the benefits, services, long-term health care, and respect each veteran deserves;
- “Other goals of the National Association of State Veterans Homes are to ensure that no veteran is in need or distress and that the level of care and services provided by State homes is of the highest quality;
- “The year 2008 marks the 120th anniversary of the first time the Federal Government granted aid to States that had established State veterans homes;
- “Following the Civil War, a large number of indigent and disabled veterans were no longer able to earn their own livelihood and were in need of assistance;
- “After the Civil War, because the Government was unable to completely meet the needs of this class of veterans, a number of States established State veterans homes;
- “The first State home was established in Rocky Hill, Connecticut, in 1864;
- “On August 7, 1888, Federal aid was authorized for the first time to alleviate the burden of States in operating these homes;
- “The Veterans Administration was established in 1930, which led to an expansion of State programs to include three levels of care and increased per diem payments;
- “State veterans homes are currently one of the largest long-term care providers in the United States;
- “In a typical year, State homes will provide veterans with nearly 7 million days of nursing home care and about 1.5 million days of domiciliary care;
- “Currently, there are 135 State homes throughout the United States with more than 30,000 beds, which will only increase in the coming years; and
- “A total of \$165,000,000 has been appropriated for State homes capital projects in 2008.”

Committee Action: H.Res. 1335 was introduced on July 10, 2008, and referred to the Committee on Veterans’ Affairs, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

S. 2339—Lt. Col. Clement C. Van Wagoner VA Clinic (*Stabenow, D-MI*)

Order of Business: S. 2339 is scheduled for consideration on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2339 would designate the Department of Veterans Affairs clinic located in Alpena, Michigan, as the “Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic.”

Additional Background: According to the sponsor’s office, Lieutenant Colonel Clement C. Van Wagoner was the most decorated American soldier from the State of Michigan to serve during WWII. Van Wagoner served as a member of the 1st Infantry Division for 600 combat days. Van Wagoner was also one of only 32 of 1,800 men from the 1st Infantry Division to survive the division’s landing on Omaha Beach on D-Day. Lt. Col. Van Wagoner remained in the Armed Forces following the war, and served as the head of the Michigan National Guard until he retired in 1967, after receiving the combat infantry badge, seven bronze stars, four silver stars and five purple hearts.

Committee Action: S. 2339 was introduced on November 11, 2007, and referred to the Senate Committee on Veterans’ Affairs, which discharged the bill by unanimous consent on December 13, 2007. On December 17, 2007, S. 2339 passed the Senate by unanimous consent and was received in the House, where no further official action was taken.

Cost to Taxpayers: A CBO score for S. 2339 is unavailable, but the only costs associated with a U.S. post office 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.

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. Such a report is not required because the bill is being considered under a suspension of the rules.

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 Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 5736—To designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic (Aderholt, R-AL)

Order of Business: H.R. 5736 is scheduled for consideration on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5736 would designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the “Colonel Ola Lee Mize Veterans Clinic.”

Additional Background: Colonel Ola Lee Mize is a Medal of Honor Recipient who fought in the Korean and Vietnam wars. Mize earned his Medal of Honor for distinguishing himself in battle on June 10 and 11, 1953. According to his [Medal of Honor citation](#), Mize defended “Outpost Harry” in the midst of a relentless enemy attack and continuous artillery and grenade fire. According to the citation:

When enemy onslaughts ceased he took his few men and moved from bunker to bunker, firing through apertures and throwing grenades at the foe, neutralizing their positions. When an enemy soldier stepped out behind a comrade, prepared to fire, M/Sgt. Mize killed him, saving the life of his fellow soldier. After rejoining the platoon, moving from man to man, distributing ammunition, and shouting words of encouragement he observed a friendly machine gun position overrun. He immediately fought his way to the position, killing 10 of the enemy and dispersing the remainder.

Mize survived the attack and was awarded the Medal of Honor on September 24, 1954.

Committee Action: H.R. 5736 was introduced on April 9, 2008, and referred to the Committee on Veterans’ Affairs, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 5736 is unavailable, but the only costs associated with a U.S. post office 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.

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. Such a report is not required because the bill is being considered under a suspension of the rules.

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 Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 1594—To designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic (English, R-PA)

Order of Business: H.R. 1594 is scheduled for consideration on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1594 would designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the “Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.”

Additional Background: According to the Associated Press, Michael A. Marzano was born in Greenville, Pennsylvania, in 1977, and graduated from Sharon High School in 1995. Although Marzano desperately wanted to follow in his father’s footsteps and join the Marines after high school, he was denied by the Marines because of a torn ligament he suffered in a wrestling match. After having surgery and rehabbing his leg, Marzano was admitted into the Marines and served in active duty from 1999 to 2003. Following his active duty service, Marzano remained in the Marine Reserve Force, and volunteered to serve in Iraq with the 3rd Battalion, 25th Regiment of the 4th Marine Division. In 2005, while serving with his unit in Hadithah, Iraq, Marzano was killed by a suicide bomb attack.

Committee Action: H.R. 1594 was introduced on March 20, 2007, and referred to the senate Committee on Veterans’ Affairs. On March 23, 2007, the bill was referred to the Subcommittee on Health, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 1594 is unavailable, but the only costs associated with a U.S. post office 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.

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. Such a report is not required because the bill is being considered under a suspension of the rules.

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 Post Offices and post roads.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 5938—To amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes (*Conyers, D-MI*)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: The Senate amendment to H.R. 5938 would replace the text of the House-passed version of the bill with the text of S. 2168, the Identity Theft Enforcement and Restitution Act of 2007. As originally passed in the House on June 9, 2008, the bill would have directed the Department of Homeland Security to supply former Vice Presidents with Secret Service protection for six months after their departure from office.

Under the Senate amendment to H.R. 5938, any language regarding the protection of the Vice President has been removed from the bill. The new text would expand laws against identity theft and increase the punishments for individuals convicted of identity theft crimes. Specifically the bill:

- Allows courts to require individuals convicted of identity theft crimes to pay restitution to their victims for time spent in an attempt to remediate the damage done by the crimes.
- Grants protection from identity theft to organizations as well as individuals.
- Adds crimes (such as mail fraud) to the list of crimes that can be prosecuted as identity theft.
- Adds protections of material on computers owned by the federal government or financial institutions.
- Establishes the crime of “cyber-extortion” if an individual attempts to extort with information obtained from a computer.
- Makes “conspiracy to commit computer fraud” a crime.
- Authorizes the court to seize computers that are used to commit identity theft or cyber crime.

Additional Information: H.R. 5938 was originally passed in the House by voice vote on June 9, 2008. The text of the bill as passed would have given Secret Service protection to former Vice Presidents, their wives and any children under the age of 16 for six months after their departure from office. Under current law, such protection is not mandatory, but it has been extended legislatively to Vice Presidents in the past, including Al Gore and Dan Quayle.

The Senate amendment to H.R. 5938 removes any reference to vice presidential protection and inserts the text of S. 2168, the Identity Theft Enforcement and Restitution Act of 2007, which passed the Senate by unanimous consent in December of 2007. The bill was scheduled to be considered by the House on May 19, 2008, but was taken off of the floor.

Committee Action: H.R. 5938 introduced on May 1, 2008, and referred to the Committee on the Judiciary Subcommittee Crime, Terrorism, and Homeland Security. On May 6, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee by voice vote. On May 14, 2008, the full committee held a mark-up and reported the bill by voice vote. On June 9, 2008, the bill passed the House by voice vote. On July 30, 2008, the bill passed the Senate with amendments by unanimous consent.

Cost to Taxpayers: According to a CBO score for S. 2168, the legislation would have no significant effect on the federal budget. Enacting the bill could increase revenues and direct spending, but CBO estimates that any such impact would be insignificant.

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? According to the Committee on the Judiciary, in [Committee Report 110-696](#), “H.R. 5680 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.” However, a House Report with information pertaining to the Senate amendment to H.R. 5938 was not available.

Constitutional Authority: The Committee on the Judiciary, in [Committee Report 110-696](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. However, a House Report with information pertaining to the Senate amendment to H.R. 5938 was not available. 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]*

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6064—To encourage, enhance, and integrate Silver Alert plans throughout the United States. (Doggett, D-TX)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6064 directs the Attorney General to establish a National Silver communications network to provide assistance to regional and local research efforts for missing

seniors and directs the Attorney General to designate a Silver Alert Coordinator within the Department of Justice. H.R. 6064 requires the Coordinator to submit a report to Congress within one year of enactment “on the activities of the Coordinator and the effectiveness and status of the Silver Act plans of each State that has established or is in the process of establishing such a plan.” The legislation also requires the Coordinator to establish minimum standards for the issuance and dissemination of alerts through silver alert communications.

H.R. 6064 authorizes \$10 million a year from 2009-2013 for a grant program to states to support the Silver Alert plans. The bill authorizes \$2 million a year from 2009-2014 for the Sammy Kirk Voluntary Electronic Monitoring Program, a voluntary electronic monitoring services program to elderly monitoring services to elderly individuals. H.R. 6064 further authorizes \$4 million a year from 2009-2019 for the Kristen’s Act, which provides grants to assist organizations in finding missing adults.

Additional Background: According to the Committee Report [110-825](#), “Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play, or other unusual circumstances. The Alzheimer’s Foundation of America estimates that over five million Americans suffer from Alzheimer’s disease, and that sixty percent of these are likely to wander from their homes. Alzheimer’s disease and other dementia-related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimer’s Association, up to 50% of wanderers risk serious illness, injury, or death if not found within 24 hours.”

Committee Action: H.R. 6064 was introduced on May 15, 2008, and referred to the House Committee on the Judiciary, which held a mark-up on July 30, 2008 and reported the bill by voice vote.

Cost to Taxpayers: According to CBO, H.R. 6064 would authorize \$17 million in FY 2009 and \$85 million from FY 2009-FY 2013 period (subject to appropriation).

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it authorizes \$85 million of spending over five year (subject to appropriation).

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? The Judiciary Committee, in Committee Report [110-825](#), cites that “In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 6064 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 Judiciary Committee, in Committee Report [110-825](#), cites constitutional authority in Article I, Section 8 of the Constitution.

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**H.R. 6503—Missing Alzheimer’s Disease Patient Alert Program
Reauthorization of 2008 (*Waters, D-CA*)**

Order of Business: H.R. 6503 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6503 would reauthorize the Missing Alzheimer’s Disease Patient Alert Program, which provides grants to locally based organizations to protect and locate missing patients with Alzheimer’s disease and dementia. The bill would also create a new competitive grant program to nonprofit organizations to assist in the planning, designing, establishing, and operating of currently existing programs. The bill specifies that national nonprofit organizations shall be given preference for such grant funds. The bill authorizes \$5 million for each fiscal year through FY 2015 to fund this new grant program.

Background Information: According to CRS, the Violent Crime Control and Law Enforcement Act of 1994 authorized the Missing Alzheimer’s Disease Patient Alert program and funding was authorized at \$900,000 for each of FY 1996, FY 1997, and FY 1998. Congress has appropriated funding for the program from FY 1996 through FY 2008. These funds, administered by DOJ’s Office of Justice Programs, have been awarded to the Alzheimer’s Association of America.

Committee Action: H.R. 6503 was introduced on June 15, 2008, and referred to the House Committee on the Judiciary, which held a mark-up of the bill on July 30, 2008 and ordered the bill reported by voice vote.

Cost to Taxpayers: According to CBO, implementing the bill would cost \$17 million over the 2009-2013 period, and enacting H.R. 6503 would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new grant program.

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 is not available.
RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 2352— School Safety Enhancements Act of 2007 *(Rothman, D-NJ)*

Order of Business: H.R. 2352 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2352 amends the Omnibus Crime Control and Safe Streets Act of 1968 in the following ways:

- allows the placement and use of surveillance equipment in schools under the matching grant program for public elementary and secondary school security;
- allows the use of grant funds to establish hotlines or tip lines for reporting potentially dangerous students and situations and for enhancing facility security;
- sets the federal matching share of program costs at 80%;
- requires the Secretary of Education establish an interagency task force to develop and promulgate advisory school safety guidelines; and
- increases the authorization for the Crime Control and Safe Streets Act of 1968 from \$30 million to \$50 million for FY 2010.

Background Information: This provision was included in the Higher Education Reauthorization Act (HEA), which passed prior to the August recess. The RSC legislative bulletin on the HEA can be found [here](#).

Committee Action: H.R. 2352 was introduced on May 16, 2007, and referred to the Committee on the Judiciary, and the Committee on Education and Labor. On June 11, 2008, the Committee on the Judiciary held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, H.R. 2352 would authorize the appropriation of \$50 million for each of fiscal years 2009 and 2010 for the Department of Justice to make grants to state, local, and tribal governments for programs to improve school security. Current law authorizes funding for this program through fiscal year 2009; the existing 2009 authorization is for \$30 million. CBO estimates that implementing H.R. 2352 would cost \$63 million over the 2009-2013 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill authorizes \$115 million of federal spending (subject to appropriation).

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? According to [House Report 110-821](#), “H.R. 2352 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits.”

Constitutional Authority: [House Report 110-821](#) cites constitutional authority in Article I, Section 8 of the Constitution.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6855— To extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes (Smith, R-TX)

Order of Business: H.R. 6855 is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6855 would extend the existing authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds. According to the House Judiciary Republican staff, this legislation is completely noncontroversial, and needs to be approved for the safety of the Court personnel.

Committee Action: H.R. 6855 was introduced on September 10, 2008, and referred to the House Committee on the Judiciary where no official action was taken.

Cost to Taxpayers: No CBO score for this legislation is available.

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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H. Con. Res. 410— Recognizing the FBI on their 100th anniversary (Gohmert, R-TX)

Order of Business: The resolution is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 410 would express the sense that the House of Representatives

- “congratulates the men and women of the Federal Bureau of Investigation (FBI) on the occasion of its 100th Anniversary;
- “honors the heroic sacrifice of the Bureau’s employees who have given their lives, or have been wounded or injured, in the service of our Nation; and
- “gives heartfelt thanks to all the men and women of the FBI for their past and continued efforts to protect and defend the American people from threats both domestic and foreign, and their dedication to the pursuit of justice through the rule of law.”

The resolution lists a number of findings, including:

- “the Federal Bureau of Investigation (FBI) was founded by President Theodore Roosevelt and United States Attorney General Charles Bonaparte on July 26, 1908, as a Federal investigative agency;
- “it was first named the Bureau of Investigation to provide a force of Special Agents to investigate crimes across State lines and Federal crimes in its initial days, and later expanded to the Federal Bureau of Investigation reflecting the growth our Nation’s need to protect its people;
- “in the face of foreign threats during two World Wars and the Cold War, the FBI’s jurisdiction was expanded to investigate espionage and sabotage against the United States of America;
- “when over the course of our Nation’s history the civil rights of Americans have been challenged, the FBI has been called upon to protect those civil rights and has brought violators to justice, and remains the primary Federal law enforcement agency for investigating civil rights violations;
- “the men and women of the FBI have come to meet the challenges of violent criminal elements and gangs, working in partnership with State, local, and tribal law enforcement to provide safe streets in our communities around the country;
- “when the Nation’s financial markets were threatened by white collar criminals, organized criminal enterprises, and international fraud schemes, the FBI’s efforts to protect our economy were reflected in major investigative achievements;
- “the world has expanded through the creation of the World Wide Web, the FBI has been called to protect against cyber-based attacks and high-technology crimes through investigations of computer fraud, child exploitation, theft of intellectual property, and worldwide computer intrusions;
- “the threat to public safety posed by extremists groups, both domestic and international has grown, and the FBI has tirelessly worked to prevent acts of terrorism against Americans at home and abroad;
- “the FBI provides law enforcement services through its disaster response team, identification services and Laboratory to further the cause of justice through science throughout the United States;
- “since its inception, 34 FBI special agents have given their full measure of duty in laying down their lives in the service of their country; and

- “for a century the men and women of the FBI have pledged to preserve, protect, and defend the Constitution of the United States and, with such, exemplified their motto ‘Fidelity, Bravery and Integrity.’”

Committee Action: H. Con. Res. 410 was introduced on September 11, 2008, and referred to the House Committee on the Judiciary, 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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.Res. 1425— Honoring the life and music of the late Isaac Hayes, a passionate humanitarian, whose music laid the foundation for many musical styles, including R&B, disco, and rap (Blackburn, R-TN)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1425 would express the sense that the House or Representatives

- “honors the life of Isaac Hayes;
- “recognizes Isaac Hayes for his invaluable contributions to American culture;
- “recommits itself to ensuring that artists such as Isaac Hayes receive fair protection under the copyright laws for their creative endeavors; and
- “extends condolences to his family on the death of this talented and beloved man.”

The resolution lists a number of findings, including:

- “Isaac Hayes was a true renaissance man who achieved success in vocal performances, songwriting, humanitarian work, and television and motion picture endeavors, and as a radio show host, pianist, saxophone player, restaurateur, and cookbook author;
- “Isaac Hayes greatly influenced contemporary music, and his style still resounds in the music of today;
- “Isaac Hayes was born on August 20, 1942, in Covington, Tennessee, and, orphaned in infancy, was raised by his maternal grandparents;
- “Isaac Hayes spent his childhood and formative years in Memphis, Tennessee, years that shaped his future success as a songwriter, singer, and actor, working in cotton fields while going to school, and even shining shoes on the famous Beale Street;
- “Isaac Hayes was inducted into the Songwriters Hall of Fame on June 9, 2005;

- “Isaac Hayes was strongly devoted to promoting literacy through the world and was named the international spokesman for the Applied Scholastics' World Literacy Crusade; and
- “with the passing of Isaac Hayes on August 10, 2008, at his Memphis, Tennessee home, the Nation has lost a talented and influential humanitarian, actor, artist, radio show host, and singer-songwriter.”

Committee Action: H.Res. 1425 was introduced on September 11, 2008, and referred to the House Committee on the Judiciary, 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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 5167— Justice for Victims of Torture and Terrorism Act (*Braley, D-IA*)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5167 would amend the National Defense Authorization Act to remove the authority of the President to grant the government of Iraq immunity from actions by victims of terror seeking compensation for injuries caused by officials, employees, or agents of the government of Iraq during the time that Iraq was classified as a state sponsor of terrorism if:

- It is the interest of national security;
- It promotes the reconstruction of, the growth of democracy, and the relations of the U.S. with Iraq; and
- Iraq continues to be a reliable ally of the U.S. and partner in fighting international terrorism.

The bill also deems ineffective any immunity granted to the government of Iraq by the Act.

Committee Action: H.R. 5167 was introduced on January 29, 2008 and was referred to the House Committee on the Judiciary, which held a mark-up on July 30, 2008 and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: CBO estimates that enacting H.R. 5167 would have no significant effects on 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.

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.

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

H. Con. Res. — Celebrating 75 years of effective state-based alcohol regulations (Coble, R-NC)

Order of Business: The resolution is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: At this time, the text of this legislation is not available.

Committee Action: H. Con. Res. ____ was introduced on September 15, 2008, and referred to the House Committee on the Judiciary, 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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. __—To extend the authority of the Secretary of Education to ensure continued access to federal student loans, for one year (*George Miller, D-CA*)

Order of Business: The bill is scheduled to be considered on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. __ would extend until July 1, 2010 the temporary authority to the Secretary of Education to purchase federal student loans issued by private lenders under the Federal Family Education Loan (FFEL) program. This authority was first granted in Section 7(b) of H.R. 5715,

the Ensuring Continued Access to Student Loans Act of 2008, which was signed into law on May 7, 2008. The bill would also extend provisions associated with the purchasing authority that require the Departments of Education and Treasury, along with the Office of Management and Budget, to ensure that the purchase of the loans results in no net cost to the federal government.

Additional Background: The federal government provides subsidized and unsubsidized loans to parents and students for higher education (both undergraduate and graduate) using two major programs: the Federal Family Education Loan (FFEL) program and the Direct Loan (DL) program. The FFEL loan program offers subsidized loans provided to students from private lenders. Conversely, in the DL program, the federal government acts as the lender itself and provides the capital for all loans. In FY 2007, these programs provided \$63.9 billion in new loans to students and their parents. In that year, the FFEL program provided 11,359,000 new loans averaging approximately \$4,494 each, and the DL program provided 2,791,000 new loans averaging approximately \$4,603 each.

The FFEL program has been extremely successful in efficiently providing students with access to college loans. According to a report by America's Student Loan Providers, as of 2004, 83% of schools exclusively used the FFEL program to provide financial assistance to students. At that same time, only 11% of schools used only the DL program, while the remaining 6% utilized both. In addition, [another report](#) by American's Student Loan Providers shows that FFEL loans cost taxpayers significantly less than DL.

In September, the President signed H.R. 2669, the College Cost Reduction and Access Act (CCRA), into law. The CCRA passed as financial markets were undergoing a "credit crunch" that raised the cost of borrowing for financial institutions, and the legislation itself exacerbated the difficulties in the student loan market. By reducing subsidies to lenders—in order to pay for large increases in mandatory spending—at a time when interest rates were rising, the CCRA has made lenders' participation in the program less attractive, causing some to pull out of the program and creating access difficulties for students and institutions.

According to a [National Review article](#) published after CCRA passed, the legislation's effects were easily foreseen:

Loan providers will certainly feel the pain of a \$20 billion subsidy cut. If lots of lenders do leave the field, which they may, future student borrowers will also feel the pain. Unfortunately, CCRA doesn't justify those risks.

The excessive interest cuts and stingy grant-award raises [in CCRA] add up to, essentially, an expensive handout for the middle class. And it continues Congress's trend in reforming higher education aid: more for middle-class voters, and not nearly enough for the poor students for whom federal aid was designed.

Financial aid administrators and school officials have been expressing concern that the cuts to the FFEL program enacted as part of CCRA will significantly increase the cost of college for students and families and will greatly diminish services to those students and families. School

officials are also worried that participation in the cumbersome and costly government-run DL program will continue to cost students, families and taxpayers billions.

Committee Action: H.R. __ is expected to be introduced on September 15, 2008.

Cost to Taxpayers: A CBO score for H.R. __ was unavailable; however, in its score of H.R. 5715, CBO said that the bill's extending authority to purchase federal student loans in a budget-neutral manner "would have a negligible impact on direct spending."

Conservative Concerns: Some conservatives may be concerned that H.R. __ would extend the Secretary's authority to purchase and transfer major portions of the FFEL program to be serviced directly by the Department, representing a continued expansion of the federal government's scope and role in the student loan marketplace.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would extend the Secretary of Education's ability to purchase federal student loans.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. __— To extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109-148, relating to elementary and secondary education hurricane recovery relief (Melancon, D-LA)

Order of Business: The bill is scheduled for consideration on Monday, September 15, 2008, under a motion to suspend the rules and pass the bill.

Summary: Following Hurricane Katrina, Congress enacted legislation authorizing the Secretary of Education to waive certain requirements placed on states receiving funding through most federal education programs. Specifically, the Secretary was authorized to waive non-federal matching fund requirements and condition that federal funds should supplement, not supplant, non-federal funds, as well as other provisions that require states to financially contribute to these programs in addition to federal funding. This waiver authority, which expires at the end of FY06 (September 30, 2006), was granted to the Secretary for purposes of relieving

states affected by Hurricane Katrina from their financial responsibilities for most education programs. H.R. 6106 would extend the Secretary's waiver authority through FY 2007.

Committee Action: H.R. __ is expected to be introduced on Monday, September 15, 2008.

Cost to Taxpayers: There is no CBO cost estimate available.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.Res. 1372—Celebrating the 100th anniversary of the University of Nebraska at Omaha and recognizing the partnership between the City of Omaha, its citizens, and the University to build a vibrant and diverse community (Terry, R-NE)

Order of Business: H.Res. 1372 is scheduled to be considered on Monday September 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1372 would express the sense that the House:

- “Requests that the President issue a proclamation recognizing the 100th anniversary of the founding of the University of Nebraska at Omaha and calls upon citizens to observe such an anniversary with appropriate ceremonies and activities; and
- “Encourages State and local governments to recognize the partnership among the City of Omaha, its citizens, and the University of Nebraska at Omaha to build a vibrant and dynamic community.”

The resolution lists a number of findings, including:

- “The citizens of Bellevue and Omaha, Nebraska, worked together with vigor and determination during the early years of the 20th century to create a nonsectarian university where local high school graduates could receive a college education;
- “Due to the fortitude of the Board of Trustees and the generosity of donors, the first student body consisting of 26 students gathered on September 19, 1909, in what was

formerly the old Redick mansion at 24th and Pratt Streets to begin their college education at the University of Omaha;

- “In spite of numerous financial challenges, the University of Omaha never wavered from its commitment to its founders to produce well-rounded and informed students by offering coursework in foreign languages, history, ethics, sacred history, science, and other traditional subjects;
- “The University continued to increase program offerings to students, including the development of doctoral programs such as a cooperative program in psychology and joint program in educational administration with the University of Nebraska at Lincoln, independent programs in public administration and criminal justice, and through the generous support of individual donors, the Alumni Association, and the NU Foundation, the creation of numerous named professorships;
- “The University of Nebraska at Omaha provides valuable resources and expertise to the State of Nebraska through the Nebraska Business Development Center, which produces an annual economic impact of \$303,000,000 and serves 375 communities;
- “The Peter Kiewit Institute of Information Science, Technology, and Engineering has received accolades from many organizations, including the National Science Foundation and Carnegie Mellon; and
- “2008 is the 100th anniversary of the founding of the University of Nebraska at Omaha, with commemorations beginning October 8, 2008.”

Committee Action: H.Res. 1372 was introduced on July 23, 2008, and referred to the Committee on Education and Labor, 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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