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H. Res. 1224—Commending the Tennessee Valley Authority on its 75th anniversary (Cramer, D-AL)

Order of Business: H. Res. 1224 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1224 would express the sense of Congress that:

- "Commends the Tennessee Valley Authority on its 75th anniversary;
- "Recognizes the Tennessee Valley Authority for its long and proud history of service in the areas of energy, the environment, and economic development in a service area that includes 7 States;
- "Honors the Board of Directors, retirees, staff, and supporters of the Tennessee Valley Authority who were instrumental during the Tennessee Valley Authority's first 75 years; and
- "Directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Chairman of the Board of the Tennessee Valley Authority, Bill Sansom, and the Chief Executive Officer of the Tennessee Valley Authority, Tom Kilgore, for appropriate display."

The resolution lists a number of findings, including:

- "May 18, 2008, marks the 75th anniversary of the Tennessee Valley Authority;
- "The Tennessee Valley Authority was created by Congress in 1933 to improve navigation along the Tennessee River, reduce the risk of flood damage, provide electric power, and promote agricultural and industrial development in the region;
- "The Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) was signed into law by President Franklin D. Roosevelt on May 18, 1933;
- "The Tennessee Valley Authority continues to serve the Tennessee Valley, providing reliable and affordable electricity, managing the Tennessee River system, and stimulating economic growth;
- "The Tennessee Valley Authority provides more electricity than any other public utility in the Nation and has competitive rates and reliable transmission;

- "The Tennessee Valley Authority is expanding its environmental policy to increase its renewable energy sources, improve energy efficiency, and provide clean energy in the Tennessee Valley region;
- "The Tennessee Valley Authority continues to reduce power plant emissions and is working to further improve air quality for the health of individuals in the Tennessee Valley region;
- "The Tennessee Valley Authority is a leader in the nuclear power industry, with multi-site nuclear power operations that provide approximately 30 percent of the Tennessee Valley Authority's power supply;
- "As part of NuStart Energy Consortium, the Tennessee Valley Authority submitted one of the first combined operating license applications for a new nuclear power plant in 30 years;
- "The Tennessee Valley Authority's integrated management of the Tennessee River system provides a wide range of benefits that include providing electrical power, reducing floods, facilitating freight transportation, improving water quality and supply, enhancing recreation, and protecting public land;
- "The Tennessee Valley Authority builds business and community partnerships that foster economic prosperity, helping companies and communities attract investments that bring jobs to the Tennessee Valley region and keep them there; and
- "The Tennessee Valley Authority no longer receives appropriation to help fund its activities in navigation, flood control, environmental research, and land management, because the Tennessee Valley Authority pays for all its activities through power sales and issuing bonds."

Committee Action: H. Res. 1224 was introduced on May 22, 2008, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill 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.

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

H.R. 3068 — Federal Protective Service Guard Contracting Reform Act of 2007 *(Del. Norton, DC)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3068 (as originally passed by the House) would prohibit the Secretary of Homeland Security from awarding Federal Protective Service contracts to private security firms

that are owned, operated, or controlled by a convicted felon. The bill would also require the secretary to issue regulations to carry out this section within six months.

H.R. 3068 was originally passed in the House on October 2, 2007, by voice vote. The bill was then considered in the Senate, with an amendment, and passed by unanimous consent on September 23, 2008. The amended version of the bill would require the Secretary of Homeland Security, through the Assistant Secretary of U.S. Immigration and Customs Enforcement, to promulgate regulations establishing guidelines for the prohibition of contract awards for guard services to any businesses owned, controlled or operated by an individual convicted of a felony.

Additional Information: The Federal Protective Service (FPS) is administered by the Department of Homeland Security (DHS) in order to provide law enforcement and security services to tenants and visitors to federally owned and leased facilities across the nation. FPS delivers security services to all federal buildings including offices, courthouses, border stations, and warehouses. The specific services provided by the FPS include:

- Providing a visible uniformed presence in our major Federal buildings
- Responding to criminal incidents and other emergencies.
- Installing and monitoring security devices and systems.
- Investigating criminal incidents.
- Conducting physical security surveys.
- Coordinating a comprehensive program for occupants' emergency plans.
- Presenting formal crime prevention and security awareness programs.
- Providing police emergency and special security services during natural disasters such as earthquakes, hurricanes, and major civil disturbances-as well as during man-made disasters, such as bomb explosions and riots.

According to Committee Report 110-328, H.R. 3068 was drafted in response to Congressional hearings that took place in April and June of this year. One report, entitled "The Responsibility of the Department of Homeland Security and the Federal Protective Service to Ensure Contract Guards Protect Federal Employees and Their Workplaces," found that a company, which was run by an individual convicted of fraud, was contracted and paid by FPS to provide security services for a federal building. The company later failed to pay security guards, which could have potentially caused a security risk within a federal building.

For more information on FPS and the services they provide, click here.

Committee Action: H.R. 3068 was introduced on July 17, 2007, and referred to the Committee on Transportation and Infrastructure. On August 1, 2007, and referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management, which held a mark-up and forwarded the bill to the full committee by voice vote on the same day. The bill was reported by the full committee, as amended, on September 14, 2007.

Cost to Taxpayers: According to CBO, "implementing this legislation would have no significant cost and would not affect direct spending or revenues."

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: The Transportation and Infrastructure Committee, in House Report 110-328, cites constitutional authority in Article 1, 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]*

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

S. 2482—A bill to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida *(Nelson, D-FL)*

Order of Business: S. 2482 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2482 would repeal section 80102 of title 46, United States Code, which imposes a licensing requirement on the marine assistance and towing industry.

Additional Background: According to Senate Report 110-340, Section 80102 was initially added to U.S. Code in 1847 to regulate ship "wrecking" which at the time was associated with piracy. In 2006 the statute was altered to apply to "salvaging" instead of "wrecking." As result of this change, the provision applied a licensing requirement on the marine assistance and towing industry. As the result of the change, a petitioner tried to obtain a license in a Florida court. The court was than contacted by the Department of Justice (DOJ), which stated that the law is unconstitutional on the grounds that it charges judges with a licensing function, which is a responsibility of the Executive Branch. Thus, the petitioner was unable to obtain a license to conduct towing operations and salvaging. S. 2482 would repeal the provision requiring marine assistance and towing operations to obtain a license from federal courts.

Committee Action: S. 2482 passed the Senate on June 6, 2008, and was referred to the House Committee on Transportation and Infrastructure, which took no official action.

Cost to Taxpayers: A CBO score for S. 2482 is not currently 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? Senate Report 110-340 does not cite compliance with House rules regarding earmarks/limited tax benefits/limited tariff benefits.

Constitutional Authority: Senate Report 110-340 does not cite constitutional authority.

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

H.R. 4131— To designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway" *(Richardson, D-CA)*

Order of Business: The bill is scheduled for consideration on Friday, September 26 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4131 would designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway"

Additional Background: According to findings listed in the text of the bill:

> Juanita Millender-McDonald was born on September 7, 1938, in Birmingham, Alabama, to the Reverend Shelly and Everlina Dortch Millender. Juanita Millender-McDonald earned her bachelor's degree from the University of Redlands in 1981, and her master's degree from California State University, Los Angeles, in 1987. Juanita Millender-McDonald was a true trailblazer, entering public service in 1990 as a member of the Carson City Council and becoming the first African-American woman to serve on the Carson City Council. Continuing as a pioneer, Juanita Millender-McDonald served in the California State Assembly from 1992 to 1996, and in her first term, she became the first assembly member to hold the position of chairwoman of two powerful California State Assembly committees (Insurance and Revenue and Taxation). Continuing to make history, Juanita Millender-McDonald served in the United States House of Representatives from 1996-2007, becoming the first African-American woman to chair any full House Committee when on December 19, 2006, she was named Chairwoman of the House Committee on House Administration.

Committee Action: H.R. 4131 was introduced on November 9, 2007, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill on July 31, 2008.

Cost to Taxpayers: A CBO score for H.R. 4131.

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: A committee report citing constitutional authority is not available. However, 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. 6999—To restructure the Coast Guard Integrated Deepwater Program, and for other purposes *(Cummings, D-MD)*

Order of Business: The bill is scheduled for consideration on Friday, September 26 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6999 would overhaul and place new requirements on the U.S. Coast Guard's Integrated Deepwater Program. The $25 billion program was designed to upgrade and replace dilapidated Coast Guard ships, aircraft, and equipment that is specifically designed for deepwater use.

The bill would ban the use of a private sector Lead System Integrator (LSI) for the program within 180 days of enactment. The bill would provide some exceptions to this ban to allow private-sector entities already operating to continue their projects and make delivers of ordered equipment through fiscal year 2011.

H.R. 6999 would require the Department of Homeland Security (DHS), in coordination with the LSI, to conduct a "full and open" competition in any acquisition that uses a private sector contractor. Under certain circumstances, the Secretary may forego competition if it is in the best interest of the government. The bill would prohibit the LSI from having any financial interest in a subcontractor that was selected for a contract if the subcontractor received their contract without going through a full and open competition.

The bill would require DHS to ensure that every contract is certified for procurement by the department or by an independent third party. Private contractors would be barred from certifying subcontractors and self-certification would be prohibited. In addition, H.R. 6999 would set testing and verification standards for assets that are acquired through the Deepwater program. The bill would prohibit a contract of more than $10 million from being executed until DHS certifies certain standards.

H.R. 6999 would establish the Agency Chief Acquisition Officer and require the Commandant of the Coast Guard to appoint a person to the position. This individual would be responsible for monitoring the Deepwater Program and ensuring the use of detailed performance specifications and performance based contracts. H.R. 6999 also requires DHS to alter and update the

Integrated Deepwater Program's project management plan within 180 days of enactment.

The bill would require the DHS to work with the Department of Defense while obtain contracts for the Integrated Deepwater Program and to leverage DOD contracts to get the best possible price. The bill would also require the Integrated Deepwater Program's Executive office to submit a report to Congress as soon as the program experiences an 8% cost overrun, a delay of 180 days or longer, or an anticipated project failure. The bill would also require the Secretary to submit to Congress reports regarding various Coast Guard security and technology programs.

Additional Information: In 1998, the Coast Guard unveiled the Integrated Deepwater Program for replacing and refurbishing aging and decrepit ships, aircraft, and other deepwater equipment (50 miles offshore). The project was initially slated to be complete in 2018 and cost an estimated $17 billion. In 2002 Integrated Coast Guard Systems (ICGS), a joint venture of Northrop Grumman and Lockheed Martin was awarded the contract as the Lead System Integrator (LSI) for the program. Since that time the costs and timetables for the program have grown. In 2005, an estimate stated that the project would be completed in 2028 and now cost $28 billion. During that same time period the GAO has released a number of reports critical of the projects handling and Congress has passed two bills (H.R. 2722 and S. 924) to overhaul the project. Neither body has appointed conferees to resolve the bills' differences.

On September 23, 2008, the Commandant of the Coast Guard, Admiral Thad W. Allen, sent a letter to Transportation and Infrastructure Committee Chairman Oberstar, stating his opposition to H.R. 6999. Admiral Allen points out that H.R. 2722, as passed by the House, would have given the Coast Guard until 2011 to phase out the use of a private sector LSI, while H.R. 6999 gives them only 90 days. The Admiral's letter states:

> That bill terminated the use of a private sector Lead System Integrator (LSI) for the Integrated Deepwater Program (Deepwater) on September 30, 2011, or an earlier date on which the Commandant certifies that the Coast Guard has and can retain the expertise to carry out the functions and responsibilities of the LSI in an efficient and cost-effective manner. We felt this was a fair compromise that allowed the service time to make a smooth transition from the LSI process to a fully developed in-house acquisition directorate. We cannot support a bill that terminates the LSI within 90 days.
>
> Like you, we understand that Deepwater has been plagued by start up problems, many of which stem from allowing the LSI to make asset choices that should have been made by the Coast Guard, and by inadequate oversight of the LSI. However, the Coast Guard chose the unusual LSI approach because the service acknowledged that it lacked the in-house expertise to carry out a 25-year, $24 billion acquisition system. The Coast Guard is now developing that expertise, but for the foreseeable future will need to rely on contractors to keep Deepwater on time and on budget. However desirable a goal it might be, eliminating the LSI contractors within 90-days is not a practical solution.

Committee Action: H.R. 6999 was introduced on September 23, 2008, and referred to the Committee on Transportation and Infrastructure, which took no further action.

Cost to Taxpayers: A CBO score for H.R. 6999.

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: A committee report citing constitutional authority is not available. However, 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. 6460—Great Lakes Legacy Reauthorization Act of 2008 (Ehlers, R-MI)

Order of Business: H.R. 6460 is scheduled to be considered under suspension of the rules on Saturday, September 27, 2008.

Summary: H.R. 6460 would reauthorize programs contained in the Great Lakes Legacy Act of 2002 for five years, through FY 2013. The bill would authorize the appropriation of $300 million through FY 2013 ($50 million annually) to carry out projects to reduce sediment contamination in areas of concern and $15 million over the same period ($3 million annually) for research and development projects.

Under the bill the Environmental Protection Agency (EPA) would be authorized to fund projects to evaluate, remediate, and prevent contaminated sentiment in the Great Lakes through FY 2013. H.R. 6460 authorize funds to be used for projects aimed at restoring aquatic habitats if such projects are conducted in a manner that also addresses contaminated sediment. The bill would also authorize the EPA to conduct "initial site characterization" to assess the extent of sediment contamination in a particular area. In addition, the legislation would expand the types of in-kind contributions that could be considered as the non-federal share of the project and would require the EPA provide assurance that non-federal partners are "responsible parties."

H.R. 6460 would authorize $5 million annually through FY 2013 to carry out research and development projects in coordination with federal, state, and local officials.

Additional Background: The Great Lakes Legacy Act was passed in 2002 in order to provide federal funding to combat toxic substances that contaminate the sediment in the bottom of rivers and bays that feed in the Great Lakes. According to the EPA, "These contaminants have the potential to cause harm to humans, aquatic organisms, and wildlife, and there are advisories against consuming the fish from most water bodies around the Great Lakes. These problem

harbor and tributary areas in the Great Lakes basin have been identified and labeled as "areas of concern (AOCs)" with 31 of the 43 AOCs located on the U.S. side of the Great Lakes. The Great Lakes Legacy Act is specifically tailored to address contaminated sediment in these AOCs that are located entirely, or partially in the U.S. Projects conducted under the legislation are carried out by the EPA's Great Lakes National Program Office.

When it was passed, the Great Lakes Legacy Act provided $395 million over five years for the EPA to conduct its contaminated sediment remediation programs. The Act also stipulates that local government and non-government sponsors must fund at least 35% of the costs of initial clean-up projects and 100% of maintenance costs after the clean-up is complete. H.R. 6460 would authorize a total of $775 million to conduct sediment contamination remediation and research and development projects, which is nearly double the funding level authorized by the Great Lakes Legacy Act of 2002.

For more information on the Great Lakes Legacy Act, please see this Website: http://www.epa.gov/glla/index.html.

Committee Action: H.R. 6460 was introduced July 10, 2008, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill, as amended, by voice vote on July 31, 2008.

Cost to Taxpayers: According to preliminary estimates by CBO, H.R. 6460 would authorize $155 million in FY 2009 and $315 million over the FY 2009 through FY 2013 period.

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? An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

Constitutional Authority: A committee report citing constitutional authority is unavailable. 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."

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

H.R. 6707—Taking Responsible Action for Community Safety Act
(Oberstar, R-MN)

Order of Business: H.R. 6707 is scheduled to be considered under suspension of the rules on Saturday, September 27, 2008.

Summary: H.R. 6707 retroactively increases the regulatory burden on railroad mergers. Specifically, the legislation would expand the regulatory authority of the Transportation Surface Board to mergers involving at least one Class I railroad. Under current law, the Transportation Surface Board only reviews mergers involving two Class I railroads.

The bill further adds a new environmental review process through the Surface Transportation Board, which would be in addition to the current process under the National Environmental Policy Act. The legislation's requirements would apply *retroactive* to August 1, 2008.

Additional Background: Canadian National Railway Co. is currently in negotiations to purchase the Elgin, Joliet & Eastern Railway Co. in Chicago from U.S. Steel Corp. Under current law, purchases of small rail carriers are not subject to community assessments by the Surface Transportation Board. The bill is opposed by the Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association because the bill may result in the disapproval of mergers based on what the AAR calls "'nimby'ism."

Possible Conservative Concerns: Some conservatives may be concerned that this legislation imposes duplicative regulatory burdens on railroads, since the bill adds a new environmental review process to the existing requirements under the National Environmental Policy Act. Some conservatives may also be concerned that expanding the duties of the Surface Transportation review requirements will require an increase in the federal bureaucracy.

In addition, some conservatives may believe that the new regulatory burdens imposed on rail mergers will hurt the country's rail system. Many opponents of the legislation argue that mergers and acquisitions can increase railroad capacity, which can be particularly beneficial to rural areas.

Finally, some conservatives may also be concerned that the requirements of the legislation are applied *retroactively* to August 1, 2008.

Committee Action: H.R. 6707 was introduced July 10, 2008, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill, as amended, by voice vote on July 31, 2008 (though many Republican Members of the Transportation and Infrastructure Committee will oppose the bill on the floor).

Cost to Taxpayers: A CBO score for H.R. 6707 is not currently available.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it increases regulatory burdens on reviews of mergers involving Class I railroads, including a new environmental review process.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No CBO score is available, but the bill does create an added regulatory burden for railroad mergers.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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: Brad Watson; brad.watson@mail.house.gov; 202-226-9719.

H.R. 1283—Arthritis Prevention, Control, and Cure Act
(Eshoo, D-CA)

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1283 as amended would amend the Public Health Service Act to include several provisions regarding arthritis research and treatment. The bill would permit the Department of Health and Human Services, working with the Centers for Disease Control (CDC), to establish a National Arthritis Action Plan. Among other things, the Plan may include grants to outside entities engaging in arthritis research, training and technical assistance to state, local, or non-profit entities, additional grants to support CDC research, and educational and outreach activities. The bill also authorizes grants to states or Indian tribes for arthritis control and prevention programs. The bill authorizes $32 million in FY09, and $180 million through FY13, for purposes of carrying out the Plan.

The bill would create a new juvenile arthritis initiative through NIH to expand and intensify research, and authorize planning grants and contracts for such purposes. H.R. 1283 also authorizes the Centers for Disease Control (CDC) to award grants to non-profit entities for juvenile arthritis data reporting, and creates a national juvenile arthritis patient registry to collect data for research studies, authorizing $25 million annually from FY09 through FY13 for both purposes.

Finally, H.R. 1283 would create new programs within the Health Resources and Services Administration (HRSA) regarding pediatric rheumatology training, including grants to institutions to support training, programs providing **up to $25,000 annually in tax-free student loan forgiveness** for service provided by pediatric rheumatologists to underserved communities, and career development awards. The bill authorizes $19 million through FY13 for the institutional grants, and permits general HRSA funding to be reserved for purposes of financing the loan forgiveness program.

Committee Action: H.R. 1283 was introduced on March 1, 2007 and referred to the Committee on Energy and Commerce, which took no formal action.

Cost to Taxpayers: A CBO score for H.R. 1283 was unavailable; however, the amended bill text would authorize at least $324 million from FY09 through FY13.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would authorize the creation of several new programs related to arthritis and rheumatology.

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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S. 3560—A bill to amend Title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program *(Baucus, D-MT)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3560 would provide additional funding for the qualifying individual (QI) program, which provides assistance through Medicaid for low-income seniors in paying their Medicare premiums. Specifically, the bill increases funding for the QI program by $15 million in 2008 and $30 million in 2009. This increase is intended to correct a problem related to Medicare legislation (P.L. 110-275) enacted into law in July, which failed to provide adequate additional funding for the QI program, leading some states to un-enroll their participants due to lack of funds.

S. 3560 would finance this additional spending by mandating that states participate in the Public Assistance Reporting Information System (PARIS)—which uses electronic data matching to compare enrollments in Temporary Assistance for Needy Families (TANF), food stamps, and Medicaid—as a condition of receiving federal Medicaid matching funds. According to the Congressional Budget Office, this change would save $145 million over ten years. The bill would place most of the resulting net savings into the Medicare Improvement Fund, which was created in P.L. 110-275.

S. 3560 also includes provisions amending the Federal Food, Drug, and Cosmetic Act to incentivize the development of certain antibiotics. The bill states that antibiotics submitted to, but not approved by, the Food and Drug Administration (FDA) prior to the enactment of the Food and Drug Administration Modernization Act of 1997 (P.L. 105-115) are eligible for a three

or five-year period of exclusivity under the Hatch-Waxman Act (P.L. 98-417) or a patent term extension, but not both.

Finally, the bill would make certain technical changes to the Medicaid Integrity Program created by Section 6034 of the Deficit Reduction Act (DRA, P.L. 109-171), permitting funds from this audit and anti-fraud program to be used for educational and training conferences, subject to certain reporting and public disclosure requirements.

Committee Action: S. 3560 was introduced on September 24, 2008, passed the Senate by unanimous consent on September 25, 2008, and was on the same day referred to the Energy and Commerce Committee, where no further action was taken.

Cost to Taxpayers: According to the Congressional Budget Office, S. 3560 would increase direct spending on the QI program by $45 million over ten years. The bill would pay for this increased spending by mandating state use of Medicaid information technology reporting systems, saving $145 million over ten years, with the resulting net savings being deposited into the Medicare Improvement Fund.

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

S. 906—Mercury Market Minimization Act of 2007 *(Obama, D-IL)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 906 would prohibit the federal government from selling or distributing elemental mercury to any government or private entity. The bill would also prohibit the export of elemental mercury beginning January 1, 2010.

The prohibition would allow the government to grant exemptions to the mercury ban for "essential use" in foreign facilities if:

- No non-mercury alternatives are available in the country;
- No domestic source of mercury is available;
- The mercury will be exported in a way that ensures it goes to the proper facility;

- The country where the mercury is being exported to certifies its support for exempting the facility;
- The mercury will be used in a way that does not harm humans or the environment; and
- The export would not be inconsistent with any current U.S. obligations overseas.

H.R. 1534 would also require the Department of Energy (DOE) to establish a long-term mercury storage facility that would be prepared to accept mercury deliveries by January 1, 2010. Government agencies would be exempt from the prohibition against transfers of mercury if the purpose of the transfer was for storage in the facility. After the mercury was stored, the DOE would take full responsibility for the mercury and no legal action could be taken by an entity that delivered the mercury in the event of a hazardous release.

Finally, S. 906 would require the Environmental Protection Agency (EPA) to conduct a study on the international supply and trade of mercury and report the findings within one year.

Additional Background: According to Senate Report 110-477, as many as 10% of childbearing age women in the U.S. have mercury levels in their blood that could present a risk to a child and as many as 630,000 children born annually face a possible risk of neurological disorders as a result of exposure to mercury. The main source of mercury exposure in the U.S. is through contact with contaminated fish. H.R. 1534 seeks to curb mercury contamination by ceasing all exports, thus limiting the international availability of mercury and encouraging alternatives. The European Commission has suggested that Europe prohibit the export of mercury by 2011.

The Bush Administration released a Statement of Administration Policy (SAP) against H.R. 1534, a similar bill that was considered by the House and passed by voice vote on November 13, 2007. According to the SAP, "it is not clear that such a ban would lead to the reduction in high-mercury release uses, such as artisanal gold mining, in developing countries. The Administration urges the Congress not to legislate until potential impacts are better understood and efforts have progressed to reduce mercury demand and improve mercury management in key countries."

Committee Action: S. 906 was passed in the Senate on September 26, 2008, and reported to the House, which took no official action.

Cost to Taxpayers: According to CBO, enacting S. 906 would authorize $8 million over the FY 2009 – FY 2013 period. In addition, S. 906 would reduce direct spending by $4 million over the FY 2008 – FY 2017 period by increasing offsetting receipts from the one-time fee that would be paid by firms transferring mercury to DOE.

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?: Yes. According to CBO, S. 906 would impose private sector mandates because "it would prohibit the export of elemental mercury from the United States beginning in 2010." The mandate would not be above the UMRA threshold.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time

Constitutional Authority: A committee report citing constitutional authority was not available at press time.

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

H.R. 5265—Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments *(Engel, D-NY)*

Order of Business: An amended version of the bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: As amended, H.R. 5265 would amend the Public Health Service Act with respect to research into various forms of muscular dystrophy. The bill would include the National Heart, Lung, and Blood Institute among the National Institutes of Health (NIH) directed to conduct research into various forms of muscular dystrophy, and would name entities receiving federal grants provided under such auspices as "Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers," after the late Minnesota Senator.
With respect to the Centers for Disease Control (CDC), H.R. 5265 would require new annual epidemiological reports analyzing data compiled by CDC with respect to the condition of muscular dystrophy patients and their health outcomes. The bill would also permit the Department of Health and Human Services to partner with leaders in the muscular dystrophy community to accomplish its objectives.

Committee Action: H.R. 5265 was introduced on February 7, 2008, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 5265 was unavailable; however, the bill as amended 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.

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

H.R. 6063—National Aeronautics and Space Administration Authorization Act of 2008 (*Udall, D-CO*)

Order of Business: H.R. 6063 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill. H.R. 6063 was originally considered and passed by the House on June 12, 2008, by a vote of 409-15. The version of H.R. 6063 under consideration today was considered, amended, and passed by the Senate. If the legislation were to pass it would go to the President.

Summary: H.R. 6063 authorizes $19.2 billion for space travel and scientific research programs conducted by the National Aeronautic and Space Administration (NASA) in FY 2009 and an additional $1 billion to speed up the date of the first flight of NASA's new Orion Crew Exploration Vehicle, which will replace the Space Shuttle. **The total FY 2009 authorization of $20.2 billion is $2.6 billion over the Administration's request of $17.6 billion.** The authorization is a $2.9 billion increase from the FY 2008 authorization of $17.3 billion. Below are summarized highlights of the legislation.

Authorized Discretionary Spending Levels: In FY 2009, NASA will begin budgeting for its incidental overhead expenses through the Cross-Agency Support program account. In previous years, overhead costs were accounted for in each program's budget. The FY 2009 authorization reflects this accounting change by drastically increasing funding for the Cross-Agency Support program and reducing overhead costs from the other program's budgets. Since overhead funds are authorized for indirect costs, the accounting change has no effect on NASA's budgeting formula.

H.R. 6063 Discretionary Authorizations as Compared to the FY 2008 Authorization and the Administration's Request
(Millions of Dollars)

Program		FY 2008 Enacted	FY 2009 Requested	H.R. 6063
Science		**$5,546**	**$4,441**	**$4,932**
	Earth Science	$1,524	$1,367	$1,518
	Planetary Science	$1,387	$1,334	$1,483
	Astrophysics	$1,578	$1,162	$1,290
	Heliophysics	$1,056	$577	$640
Aeronautics		**$621**	**$446**	**$853**
Exploration		**$3,821**	**$3,500**	**$4,886**
	Constellation Systems	$2,991	$3,048	$4,148
	Advanced Capabilities	$830	$452	$737
Space Operations		**$6,733**	**$5,774**	**$6,074**
Education		**$177**	**$115**	**$128**

Cross-Agency Support		**$375**	**$3,299**	**$3,299**
Inspector General		**$32**	**$35**	**$35**
Accelerating the Orion Space Flight		----	----	**$1,000**
Total		**$17,309**	**$17,614**	**$20,210**

Earth Sciences:

- The bill requires the Office of Science and Technology Policy (OSTP) to conduct a study to determine the best governance structure for NASA's earth observation and research programs. The bill also requires NASA to develop a plan to ensure the continued use of Landsat, a satellite system used to study the earth.

- H.R. 6063 requires NASA report on how aerosols and solar energy affect the earth's climate. The bill also requires NASA to develop a plan for creating a Deep Space Climate Observatory to monitor the earth's climate from space.

Aeronautics:

- The legislation requires NASA, in conjunction with universities, industries, and other research organizations, to research and develop technology to reduce the amount of noise and greenhouse gas emissions produced by commercial aircraft. The bill also requires NASA to engage in a cooperative research program to determine the environmental effect of sonic booms and supersonic flight.

- The bill requires NASA, in coordination with the U.S. Climate Change Science Program, to establish a research initiative to determine the impact of aviation on the environment.

- H.R. 6063 requires NASA to arrange an outside independent review of NASA's safety-related research programs to determine their effectiveness.

- The measure would establish a joint Aeronautics Research and Development (R&D) Advisory Committee to coordinate R&D activities carried out between NASA and the Federal Aviation Administration (FAA).

International Exploration Initiative:

- H.R. 6063 would express the sense that the president should invite America's allies to participate in future NASA space projects, including trips to the moon, and eventually Mars. The bill stipulates that any lunar outpost made by NASA must not require full-time occupation to be viable. This section also requires that any preparations made to travel to the moon be done in such a way that would facilitate using the same equipment to explore beyond the moon.

- H.R. 6063 requires NASA to identify the risks in carrying out deep space exploration and develop a plan to mitigate those risks. In addition, the bill requires NASA to discuss the

development of a standard orbital docking system with other nations to enable spacecraft to dock with crews from other nations that may be stranded in space.

Space Science:

- The legislation establishes a long-term space and earth science technology development program within NASA's Science Mission Directorate. The bill stipulates that the program would be independent of any other current space programs and should receive 5% of the Science Mission Directorate's annual budget and include a competitive grant program.

- H.R. 6063 reaffirms Congress' continued support of exploration on Mars. The bill also expresses the sense of Congress that NASA should pursue a balanced set of activities that includes small, medium, and large sized space science missions.

- The measure requires NASA to arrange for independent studies of impediments to interagency cooperation on NASA's missions and the primary costs associated with the growth of spacecraft mission classes. This section would also express the sense of Congress that NASA should move forward with an outer-solar system mission to either the Europa-Jupiter or Titan-Saturn systems.

International Space Station:

- H.R. 6063 requires the president to take steps to ensure that the International Space Station (ISS) is operational for the U.S. through 2020. The bill also prohibits the president from taking any steps that would interrupt the continued use of the ISS after 2016. According to President Bush's "Vision for Space Exploration," U.S. involvement in the ISS would end in 2017.

- The measure requires NASA to develop an ISS research management plan in order to select ISS research priorities. This section also requires NASA to develop a contingency plan for transporting cargo to the ISS after the retirement of the Space Shuttle in 2010.

Space Shuttle:

- The bill mandates that NASA fly every Space Shuttle mission that is authorized in NASA's 2008 baseline manifest, including two optional "contingency missions" to make repairs on the ISS and a mission to take the Alpha Magnetic Spectrometer to the ISS. These additional missions would have to be carried out prior to 2010, when the Space Shuttle is scheduled to be retired. NASA already plans to launch ten shuttle flights in 2008-2010. H.R. 6063 would raise the total number of shuttle flights over the next two years to 13.

- H.R. 6063 establishes the shuttle transition liaison office within NASA's Office of Human Capital Management to help communities affected by the termination of the

Space Shuttle program. The bill also requires NASA to develop a plan for disposing of Space Shuttle hardware and components after the Space Shuttle program is terminated.

- The bill requires that NASA develop a plan for awarding contracts for small and medium sized mission launch services.

Education:

- The legislation requires NASA to develop a plan to respond to the National Academies' report, "NASA's Elementary and Secondary Education Program: Review and Critique." The bill would also require NASA to arrange an independent audit of the Explorer Schools program.

Near-Earth Objects:

- H.R. 6063 reaffirms Congress' established policy requiring NASA to detect, track, and catalogue near-earth objects (asteroids, comets, etc.) that are more than 140 meters in diameter. The bill also requires NASA to seek information on a potential mission to rendezvous with a near-earth object.

- The bill requires the Office of Science and Technology Policy (OSTP) to develop a policy for notifying appropriate federal agencies in the event of an impending near-earth object collision. This section also requires the OSTP to recommend which agencies would be best suited to protect the nation in the event of a near-earth object collision.

Commercial Initiatives:

- The legislation expresses the sense of Congress that the commercial sector can make significant contributions to NASA's programs and that some activities (namely, shipments of cargo to low-earth orbit and communications services) could be effectively carried out by the private sector.

- H.R. 6063 authorizes NASA to transfer certain duties on small and medium sized missions to commercial service providers.

NASA Institutional Capabilities and Other Provisions:

- The bill requires NASA to conduct surveys and reviews, and submit reports, regarding:
  - NASA's information security controls that protect information from inadvertent or deliberate misuse;
  - The timeliness of maintenance and upgrading at NASA facilities;
  - The level of maintenance and upgrading at NASA laboratories, including laboratory equipment, facilities, and support services;
  - The impact of space weather and solar wind on the present and future of U.S. aviation;
  - Space traffic management;

- The issues and challenges associated with commercial space flight; and
- The relationship between astronauts and flight surgeons and the effectiveness of astronaut health care policies.

- H.R. 6063 establishes a program for NASA to transfer space technology and technical assistance to small businesses through joint partnerships with industry, academia, and government agencies. The bill authorizes $4 million for the program.

Background: The National Aeronautic and Space Administration (NASA) was created in 1958 by the National Aeronautics and Space Act. NASA initially grew out of the National Advisory Committee on Aeronautics (NACA), which had carried out the Nation's aviation technology research since World War I. NASA began operating almost exactly one year after Russia launched Sputnik, the world's first orbital satellite. NASA's main duties include conducting manned and unmanned spaceflight, developing aeronautic and space technology, and conducting scientific research in space and on earth. According to NASA, the agency's mission is to "pioneer the future in space exploration, scientific discovery and aeronautics research."

In 2004, NASA's priorities turned in a new direction when President Bush announced his "Vision for Space Exploration." The plan set a new agenda for NASA in the coming decades, which includes the retirement of the Space Shuttle, the development of a new spacecraft, new manned trips to the moon by 2020, and the goal of someday sending a manned flight to Mars. In order to meet the goals set by the Administrations new vision, NASA is scheduled to permanently retire the Space Shuttle in 2010 and end its use of the International Space Station (ISS) by 2017. NASA's new spacecrafts, the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle are planned to be operational by 2015. According to CRS, the total estimated cost of the Vision for Space Exploration is $230 billion over a span of approximately 20 years.

Over the next two years, NASA faces a number of challenges, including fazing out the Space Shuttle program and preparing for a five year gap in manned mission capacity between 2010 and 2015. NASA is still responsible to 13 other countries for completing work on the ISS that was delayed after the Columbia disaster in 2003. In order to carry out this operation NASA is planning ten Space Shuttle flights between 2008 and 2010, when the shuttle program is terminated. NASA also has the choice to fly three optional contingency flights to continue work on the ISS. Though these flights are not currently planned by NASA, H.R. 6063 would statutorily require that the agency undertake them, presumably before the end of 2010.

In addition, concerns have been raised that NASA may not be able to complete the Orion and Ares I spacecraft projects by 2015. Some have expressed concerns with delaying the project because the U.S. will be dependent on Russia to send astronauts to the ISS in the interim time between the retirement of the Space Shuttle and the launch of Orion. In a statement given to the Science and Technology Committee, NASA Administrator Michael Griffin testified that the project could be moved forward if additional funds were available. For that purpose, H.R. 6063 would include an additional authorization of $1 billion in FY 2009 specifically for Orion and Ares I project development.

Committee Action: H.R. 6063 was introduced on May 15, 2008, and referred to the Committee on Science and Technology Subcommittee on Space and Aeronautics. On May 20, 2008, the subcommittee held a mark-up and forwarded the bill to the full committee by voice vote. On June 4, 2008, the full committee held a mark-up and reported the bill, as amended, by voice vote.

Administration Position: According to a Statement of Administration Policy (SAP) released on June 10, "the Administration strongly opposes H.R. 6063 because it mandates specific Space Shuttle flights that greatly threaten NASA's ability to retire the Shuttle in 2010, an action that is critical to implementing the President's Vision for Space Exploration."

Cost to Taxpayers: According to CBO, H.R. 6063 authorizes $20.2 billion in discretionary spending in FY 2009.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it authorizes several new NASA programs, new offices within NASA, and new reporting requirements to Congress.

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 Committee on Science and Technology, in House Report 110-702, states that "H.R. 6063 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 of the Rules of the House of Representatives."

Constitutional Authority: The Committee on Science and Technology, in House Report 110-702, 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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H.R. 7083—To amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration *(Lewis, D-GA)*

Order of Business: H.R. 7083 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 7083 would amend current tax law to provide certain tax benefits to charitable organizations and charitable supporting organizations. The specific provisions and their effect on revenue follow below.

- The bill stipulates that charity funds that are supplied and advised by certain public organizations would not be treated as donor advised funds for tax purposes. This would result in $1 million reduction in revenue over the FY 2009 through FY 2013 period.

- Section 3 of the bill states that certain scholarship distributions from donor advised charitable funds would not be treated as taxable distributions. This would result in $3 million reduction in revenue over the FY 2009 through FY 2013 period.

- The legislation repeals a special written acknowledgement requirement for charitable contributions to donor advised charitable funds. This provision would have a negligible effect on revenue.

- The bill would allow donors to receive "reasonable compensation" for services performed for a tax exempt charitable organization. This provision would result in a $4 million reduction in revenue over the FY 2009 through FY 2013 period.

- Section 6 of the bill would exempt certain supporting organizations from excess business holdings rules that require supporting organizations to payout 5% of their assets every year. Qualifying organizations must (1) have been established before 1970, (2) not accepted a substantial contribution after 1970, and (3) must not have a living donor. This narrow definition of a "qualifying organization" would limit the benefit to a very small number of supporting organizations. This provision would result in a $5 million reduction in revenue over the FY 2009 through FY 2013 period.

- The legislation would treat Indian tribes as governmental units for purposes of exempting private charitable foundations funded by Indian tribes from the rules pertaining to private foundations. Organizations that receive more than one-third of their support from a governmental unit are not subject to private foundation rules. This provision would result in a $1 million reduction in revenue over the FY 2009 through FY 2013 period.

- H.R. 7083 would require tax exempt organizations that file five or more returns a year to file their returns in an electronic or machine-readable format. This provision would have a negligible effect on revenue.

- The bill would expand penalties for providing the IRS with a bad check or money order to apply to insufficient electronic payments. The penalty for providing the IRS with a bad check or money order is generally the greater of $25 or 2% of the check amount. This provision would increase revenue by an estimated $52 million over five years.

Additional Background: According to the Republican staff on the Ways and Means Committee, section 6 of H.R. 7083 (which was introduced just last night) would grant a special benefit for five specific charitable supporting organizations. Under newly promulgated rules, supporting organizations are required to payout at least 5% of their funds annually to maintain their tax-exempt status. Section 6 of H.R. 7083 would allow a very small number of charities to be exempt from the payout requirement. The bill would narrowly define eligibility for the exemption, so that only the Evans and Whitehead Foundations in Atlanta, GA, the Doyle Trust in

Santa Rosa, CA, the Sealy and Smith Foundation in Galveston, TX, the Unidel Foundation in Wilmington, DE, and part of the Chapman Trusts in Tulsa, OK, would meet the requirement.

According to the Ways and Means Committee Republican staff, "There are more than 70,000 private foundations and other organizations subject to these requirements. Why would we let a select few walk away from their charitable obligations? The provision is designed for five organizations who have lobbied on this issue, though the manner in which the bill is drafted could allow a few other organizations to benefit."

In a statement release today by Sen. Chuck Grassley, ranking member of the Committee on Finance, urged his fellow Senators to oppose the bill. Sen. Grassley's stated:

> Private foundations and supporting organizations enjoy tax-exempt status on their money. In exchange for that special status, they have to comply with a few requirements. One is that they pay out 5 percent of their assets each year. This pay-out requirement is meant to make sure the organization offers some public benefit in exchange for tax exemption and doesn't exist simply to invest its money and pay a staff and a board of directors – often family members – in perpetuity. Another requirement is that private foundations and certain supporting organizations are subject to a tax on excess business holdings. In general, the tax applies to substantial interests these organizations may hold in corporations and other businesses. The tax is designed to make sure tax-exempt organizations don't shelter oil refineries and yacht clubs from paying taxes.
>
> A handful of organizations argue that these requirements are onerous or that they should be exempt because they were created before 1969. There may be legitimate reasons to look at some of these issues, but the House bill as written is much too broad. Thousands of organizations could be carved out of the payout requirement and business holdings prohibition. The bill would unwind regulations implementing the 2006 reforms before the regulations are even finished. It contains several provisions that need much more study before being enacted. For all of these reasons, the House bill needs more work. I would vote against it if I had to vote and urge my House colleagues to vote no."

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 7083 would exempt a small number of tax-exempt charitable supporting organizations from a requirement that such entities pay out 5% of their assets annually.

Committee Action: H.R. 7083 was introduced on September 25, 2008, and referred to the Committee on Ways and Means, which took no official action.

Cost to Taxpayers: According to the Committee on Ways and Means, H.R. 7083 would increase revenue by $38 million over five years.

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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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. 7082—To amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons (Ramstad, R-MN)

Order of Business: H.R. 7082 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 7082 would permit disclosure of tax return information to officers and employees of the Federal Bureau of Prisons with respect to prisoners whom the Secretary of Treasury has determined may have filed or facilitated the filing of false or fraudulent tax returns. The Secretary of Treasury may only disclose such information as is necessary to permit effective tax administration with respect to prisoners. According to the Ways and Means Committee, H.R. 7082 would raise revenues by $1 million over a ten year period.

Committee Action: H.R. 7082 was introduced on September 25, 2008, and referred to the Committee on Ways and Means, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 7082 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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. 6600—Medicare Identity Theft Prevention Act *(Doggett, D-TX)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6600 would amend the Social Security Act to instruct the Secretary of Health and Human Services, in consultation with the Social Security Administration, to "establish cost-effective procedures to ensure that a Social Security account number (or any derivative thereof) is not displayed, coded, or embedded" on cards issued to Medicare beneficiaries. The bill would require the Centers for Medicare and Medicaid Services (CMS) to issue cards without Social Security numbers visible to new beneficiaries within 30 months of the bill's enactment, and reissue Medicare cards to existing beneficiaries within an additional three years.

Committee Action: H.R. 6600 was introduced on July 24, 2008, and referred to the Committee on Ways and Means, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 6600 was unavailable.

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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S. 3477—Presidential Historical Records Preservation Act of 2008 (Warner, R-VA)

Order of Business: S. 3477 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3477 would establish a program to promote the historical preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential Library. Grants would be made to state and local governments and non-profit organizations. Use of grant funds would be limited to the historical preservation of historical

records or historical documents relating to any President that does not have a Presidential Library.

Additional Background: Congress passed the Presidential Libraries Act (PLA) in 1955. The PLA established a system of privately erected and federally maintained libraries. The bill specifically encouraged Presidents to donate their historical materials to the government and ensured the preservation of Presidential papers and their availability to the American people. Every President since Herbert Hoover has a Presidential library established in their name for the purpose of collecting and preserving historic information about that President for exhibition to the American people. S. 3477 make grants available to public and private entities that collect and preserve historical information regarding Presidents that do not have a library dedicated in their honor.

Committee Action: S. 3477 was introduced on September 1, 2008, and referred to the Senate Committee on Homeland Security and Governmental Affairs, which order the bill to be reported, with an amendment, on September 23, 2008.

Cost to Taxpayers: A CBO score for S. 3477 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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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S. 3350— A bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances (*Schumer, D-NJ)*

Order of Business: S. 3350 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3350 stipulates that the government relinquishes its claim to any documents, papers, and memorabilia relating to Franklin Delano Roosevelt from the estate of Grace Tully if it is donated to the National Archives and the Records Administration.

Additional Background: Grace Tully was the private secretary for Franklin Delano Roosevelt from 1941 to 1945. Tully went on to serve as the executive secretary for the FDR Foundation and published the book *FDR: My Boss*. Tully died in 1984.

Committee Action: S. 3350 was introduced on July 28, 2008, and referred to the Senate Committee on Homeland Security and Governmental Affairs, which order the bill to be reported on September 24, 2008.

Cost to Taxpayers: A CBO score for S. 3350 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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. 2786—Native American Housing Assistance and Self Determination Act Reauthorization *(Frank, D-MA)*

Order of Business: H.R. 2786 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill. H.R. 2786 was originally considered and passed by the House on September 6, 2007, by a vote of 333-79. The version of H.R. 2786 under consideration today was considered, amended, and passed by the Senate. If this legislation were to pass in the House today it would go to the President for his signature.

Summary: H.R. 2786 would reauthorize NAHASDA—the American Indian and **not** the Native Hawaiian elements—through fiscal year 2012 (currently expiring at the end of FY2007).

The bill would also amend IHBG in the following ways:

Supply Discounts. Allows tribes to be eligible for federal discounts on supplies in the same manner as are executive branch agencies.

Tribal Contracting and Employment Preferences. Allows the tribal employment or contract preference laws adopted by a tribe to govern with respect to the administration of a grant, irrespective of any other provision of law, with respect to any grant made on behalf of an Indian tribe that is intended to benefit just one tribe.

Unspent Funds. Directs recipient tribes to report on any unobligated or unspent funds from the previous fiscal year.

Developers Fees. Excludes from NAHASDA program income the developers fee paid to tribes in connection with a low income housing tax credit project.

Essential Families. Expands the definition of "essential families" (regarding who may receive grants) to include non-Indian individuals and families.

Local Law Enforcement Officers. Clarifies that local law enforcement officers could be covered by NAHASDA grants.

Operation and Maintenance. Provides that NAHASDA grants may be used to support operational costs of units built with NAHASDA funds, such as rental assistance.

Reserve Account. Allows tribes to establish a reserve account consisting of 20% of their NAHASDA grants.

Carryovers. Allows a tribe to carry over its NAHASDA grant from year to year.

Competitive Bidding. Removes the competitive bid requirement for tribal purchases of goods and services under $5000.

Criminal Background Checks. Expands the pool of individuals on whom tribes could run criminal background checks.

H.R. 2786 would also create a **new** five-year "self-determined activities" program under which tribes could set aside the lesser of 15% percent or $1 million of their NAHASDA grant for housing activities (construction, acquisition or rehabilitation) that are not approved or directly regulated by HUD. During calendar year 2011, HUD would review the program and report its findings and recommendations to Congress. Tribes would be prohibited from using this money for infrastructure, commercial and economic development, or operating costs.

H.R. 2786 explicitly stipulates that NAHASDA would not prohibit tribes from competing for funds under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.) and clarifies that a state may not prohibit such competition for HOME funds based on NAHASDA.

The Government Accountability Office would be tasked with studying the effectiveness of NAHASDA for tribes of different sizes and reporting its findings to Congress.

HUD would have to conduct educational seminars with tribes on how to utilize the loan guarantee program reauthorized by this legislation.

Lastly, H.R. 2786 would reauthorize such sums as necessary for an unspecified national organization that represents the housing needs of tribes to provide training and technical assistance to tribes regarding housing. According to the Republican staff of the Financial Service Committee, the entity that has historically received these funds has been the National American Indian Housing Council (NAIHC). NAIHC was founded in 1974 as a 501(c)(3) to "promote, support, and uphold tribes and tribal housing agencies in their efforts to provide safe, sanitary, and affordable housing for Native people in American Indian communities and Alaska Native villages. To this end, NAIHC provides training, technical assistance, research, communications, and advocacy."

NAIHC had been receiving approximately $2 million a year in earmarked THUD appropriations. However, the Bush Administration did not recommend funding for this organization in its FY2008 budget proposal, stating that over the past several fiscal years, sufficient funding has been provided to allow NAIHC to perform training and technical assistance for tribes. No funding specifically for NAIHC was provided in the FY2008 THUD appropriations bill.

Background: The Native American Housing Assistance and Self Determination Act of 1996 ("NAHASDA"; 25 U.S.C. 4101 et seq.) reorganized the system of housing assistance provided to Native Americans through the Department of Housing and Urban Development (HUD) by eliminating several separate housing assistance programs and replacing them with a block grant program. The two programs authorized for Indian tribes under NAHASDA are the formula-based Indian Housing Block Grant (IHBG) and the Title VI Loan Guarantee Program, which provides financing guarantees to Indian tribes for private-market loans to develop affordable housing. NAHASDA was amended in 2000 to add similar programs for Native Hawaiians who reside on Hawaiian Home Lands.

In FY2006 and FY2007, the IHBG was funded at $624 million each year (which is divided among more than 550 tribes by formula). The President's FY2008 budget requests $627 million for the block grant. The FY2008 Transportation-Housing and Urban Development Appropriations Act (H.R. 3074), as passed by the House this year, would appropriate $626,965,000 for IHBG and $7,450,000 for the Indian loan guarantee program (available to subsidize total loan principal, any part of which is to be guaranteed, up to $367,000,000).

In FY2006 and FY2007, the Native Hawaiian block grant was $9 million. The President's budget requests $6 million for FY2008. The FY2008 Transportation-Housing and Urban Development Appropriations Act (H.R. 3074), as passed by the House this year, would appropriate $8,727,000 for the Native Hawaiian housing block grant program and $1,044,000 for the Native Hawaiian loan guarantee program (available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255).

The Administration's Program Assessment Ratings Tool (PART) rated the Native American Housing Block Grants (in 2002—most recent year available) as "not performing—results not demonstrated". The assessment continued that, "The program does not have a history of

establishing quantifiable performance goals, targets, and timelines. It, therefore, cannot currently demonstrate what level of impact it has on providing housing to those who need it." http://www.whitehouse.gov/omb/expectmore/summary/10000318.2002.html

PART rated the Indian Housing Loan Guarantee Program (in 2006) as "performing—effective." The report notes that, "The annual growth of this program have been outstanding, exceeding its lending target by over 11% in 2006, and the program is making steady progress toward achieving its long-term performance goals." Additionally, "defaults to date have been low." http://www.whitehouse.gov/omb/expectmore/summary/10006235.2006.html

A PART report specifically for the Native Hawaiian portions of NAHASDA is not available.

For more background information, visit this website: http://www.hud.gov/offices/pih/ih/codetalk/nahasda/.

Possible Conservative Concerns: Some conservatives may be concerned about reauthorizing separate housing programs for American Indians, rather than having one housing program that would apply to all qualified Americans. Furthermore, some conservatives may be concerned about reauthorizing a grant program that has been deemed ineffective by the Office of Management and Budget.

Committee Action: On June 20, 2007, the bill was referred to the Financial Services Committee, which, six days later, marked up the bill and ordered it reported to the full House by voice vote.

Cost to Taxpayers: A CBO score for H.R. 2786 with Senate amendment is not available. The initial CBO score reported that the bill would authorize $646.0 million in FY2008 and a total of $3.349 billion over the FY2008-FY2012 period.

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: A Committee Report citing constitutional authority was not available as of press time.

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

S. 3325—Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act *(Leahy, D-VT)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3325 would make several changes regarding violations of intellectual property (IP) laws. The bill provides for the Attorney General to bring actions seeking civil damages in United States district court for certain IP and copyright infringement activities. The bill would also enhance civil IP laws, increasing damages for instances of counterfeiting claims, and providing for treble damages in intentional cases.

S. 3325 includes provisions regarding criminal IP enforcement, creating new forfeiture penalties in copyright and IP violation cases. The bill also creates criminal penalties of up to 20 years in prison for counterfeiting offenses which "knowingly or recklessly" cause or attempt to cause serious bodily injury, or life imprisonment in cases where the offense causes or attempts to cause death.

S. 3325 would establish an Intellectual Property Enforcement Coordinator within the Executive Office of the President, and an interagency coordinating committee, to organize federal IP enforcement efforts. The bill would require the creation of a Joint Strategic Plan to combat counterfeiting and IP infringement.

The bill also establishes an FBI operational unit with at least ten FBI agents to engage in IP crime enforcement, and creates a government organized crime task force related to copyright enforcement. S. 2325 authorizes $12 million annually from FY2009 through FY2013 for the task force, and $25 million annually for a grant program to state and local agencies to coordinate efforts with the federal government. The bill also authorizes $20 million annually—$10 million to the Department of Justice, and $10 million to the FBI—from FY09 through FY 13 to investigate and prosecute criminal activity involving computers.

Committee Action: S. 3325 was introduced on July 24, 2008, and passed the Senate on September 25, 2008.

Cost to Taxpayers: A CBO score for S. 3325 was unavailable. However, the bill authorizes at least $57 million annually through the FY09 through FY13 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new Intellectual Property Enforcement Coordinator, and establishes new grant programs related to IP enforcement.

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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S. 1738—Combating Child Exploitation Act
(Biden, D-DE)

Order of Business: The bill, as amended, is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 1738 would create a new National Strategy for Child Exploitation Prevention and Interdiction. The bill places "a senior official at the Department of Justice" as the coordinator for the National Strategy, charged with serving as a liaison with all federal agencies.

The bill would also establish a national Internet Crimes Against Children Task Force (ICAC) program consisting of state and local law enforcement task forces directed to respond to online sexual predators. The Task Force would be responsible for:

- "Increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;
- "Conducting proactive and reactive Internet crimes against children investigations;
- "Providing training and technical assistance to ICAC Task Forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;
- "Increasing the number of Internet crimes against children offenses being prosecuted in both Federal and State courts;
- "Creating a multiagency task force response to Internet crimes against children offenses within each State;
- "Enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;
- "Developing and delivering Internet crimes against children public awareness and prevention programs; and
- "Participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children."

S. 1738 would also create a National Internet Crimes Against Children Data System to assist and support federal, state, and local law enforcement agencies by including real-time incident reporting and a list of high-priority suspects. The bill also includes certain security requirements

for the data network, and authorizes $2 million annually from FY09 through FY16 for its maintenance and operations.

S. 1738 establishes authority for the Department of Justice to award grants to state and local ICAC task forces to support their law enforcement efforts. The bill includes a funding formula providing minimum grant levels to each state and local task force, subject to a matching requirement, and authorizes $300 million ($60 million annually from FY09 through FY13) for the grant program.

S. 1738 requires the Justice Department to establish additional computer forensic capacity, including new forensic labs, and authorizes $10 million ($2 million annually from FY09 through FY13) for such purposes.

The bill includes provisions establishing criminal penalties for the online transmission of live images of child abuse, and creating a new criminal offense of adapting or modifying the image of an identifiable minor for the purpose of creating child pornography.

S. 1738 includes language requiring the National Institute of Justice to prepare a report identifying the risk factors for assessing the danger of child pornography suspects, and authorizes $500,000 for such purposes.

S. 1738 would reauthorize the Missing and Exploited Children's program, as well as modernize and expand the reporting requirements relating to child pornography to expand cooperation in combating child pornography.

S. 1738 would amend the federal criminal code to expand the reporting requirements of electronic communication and remote computing service providers (CSP) with respect to violations of child sexual exploitation and pornography laws. The bill requires that CSPs who are reporting violations of such laws to the CyberTipline of the National Center for Missing and Exploited Children provide the following information:

- Information on the Internet identity of a suspected sex offender, including the e-mail address, website address, uniform resource locator, or other identifying information;
- The time child pornography was uploaded or discovered;
- Geographic location information for the offender; and
- Images of such child pornography, including any other communication or data included with such images.

The bill includes language requiring the Justice Department, in consultation with the State Department, to create a process delineating foreign law enforcement agencies eligible to receive reports from the National Center. If a CSP knowingly and willingly fails to provide reports to the National Center, the bill provides for fines of $150,000 for the first offense, and $300,000 for second and subsequent offenses. The bill also includes privacy protections related to the permissible disclosure of CSP data by law enforcement agencies and the National Center, as well as requirements on CSPs to preserve relevant data.

S. 1738 sets liability protections for the involved CSP, and for the National Center, against civil claims or criminal charges. Specifically, these protections afforded to the CSP in instances of intentionally or recklessly mishandling evidence. Furthermore, S. 1738 permits the National Center for Missing and Exploited Children to provide CSPs with "elements relating to any image reported to its CyberTipline … for the sole and exclusive purpose of permitting that electronic CSP or remote computing service provider to stop the further transmission of images."

Additional Background: According to the Republican staff of the Senate Judiciary Committee, the process that resulted in the amended version of S. 1738 combined two pieces of legislation (H.R. 3845; H.R. 3791) that had previously passed the House. The discussions reduced total authorizations in the bill from over $1 billion to approximately $325 million, and incorporated changes requested by the Justice Department. Law enforcement agencies, the National Center for Missing and Exploited Children, as well as Internet Service Providers were involved in the discussions that led to the compromise product.

Committee Action: S. 1738 was introduced on June 28, 2007 and passed the Senate with an amendment by unanimous consent on September 25, 2008.

Cost to Taxpayers: A final CBO score for S. 1738 was unavailable. However, according to the Republican staff of the Senate Judiciary Committee, the amended bill authorizes $325 million in appropriations over ten years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, S. 1738 would create a new office of counsel in the DOJ, create a new federal task force, and expand resources for the FBI.

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. 7084—Webcaster Settlement Act
(Oberstar, D-MN)

Order of Business: H.R. 7084 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 7084 would make a series of technical changes to the Small Webcasting Settlement Act of 2002 in order to allow all internet radio webcasters to negotiate rates and terms

other than those determined by a May, 2007, ruling by the Copyright Royalty Board (CRB). Under current law, only "small webcasters" are allowed to negotiate royalty rates directly with SoundExchange—the recording industries' non-profit organization that collects and distributes royalties on digital transmissions.

Additional Background: Companies that provide digital transmission radio services (satellite and internet radio) have a different structure for paying royalties to artists and copyright holders than traditional radio broadcasters. Royalties from digital transmissions are collected by a non-profit organization known as SoundExchange and royalty rates are determined by the Library of Congress' Copyright Royalty Board (CRB).

In March 2, 2007, the CRB issued new royalty rates for digital radio providers. Rates for webcasters instantly increased across the board from 300% to 1200%. As a result, many large internet radio providers have suffered. In the year and a half since the ruling was issued AOL Radio, Yahoo! Radio, and Pandora, three of the largest internet radio providers, have either left the business or dramatically scaled back their services for listeners. The effects of this situation have hurt both customers who use these services and artists who receive fewer royalties when large providers scale back.

Under current law, only small webcasters are authorized to negotiate directly with the SoundExchange and other royalty collection organizations. H.R. 7084 would allow all webcasters, regardless of size, to negotiate royalty fees and terms with collection organizations. Once the parties reach a settlement, the terms would be printed in the Congressional Record by the CRB and become an additional option for webcasters.

Committee Action: H.R. 7084 was introduced on September 25, 2008, and was referred to the Committee on the Judiciary, which took no official.

Cost to Taxpayers: A CBO score for H.R. 7084 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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.

S. 3296—A bill to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice *(Berman, D-CA)*

Order of Business: S. 3296 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3296 would reauthorize the United States Supreme Court Police and give them the authority to protect court officials off of the Supreme Court grounds through 2013. The bill would also change the title of the Administrative Assistant to the Chief Justice to Counselor to the Chief Justice

Committee Action: S. 3296 passed the Senate with an amendment on September 25, 2008. The same day the bill was reported in the House, which took no official action.

Cost to Taxpayers: A CBO score for S. 3296 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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. 5057— Debbie Smith Reauthorization Act of 2008 *(Maloney, D-NY)*

Order of Business: H.R. 5057 scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5057 amends the DNA Analysis Backlog Elimination Act of 2000 to authorize appropriations for DNA analysis grant programs through FY 2014.

The bill authorizes $151 million for each of the FY 2009 through 2014.

Additional Information: The DNA Analysis Backlog Elimination Act of 2000 authorized the Attorney General to make grants available to states to carry out DNA analyses. As a requirement to receive grant funding, recipients must enter the DNA samples taken from individuals convicted of certain crimes and crime scenes into the Combined DNA Identification System (CODIS). Under the act, the grants could be used to increase the capacity of laboratories to carry out DNA analyses. It also provided for the collection and use of DNA identification information from certain federal, District of Columbia, and armed forces offenders in custody or under federal supervision, and established submission of a DNA sample as a condition of probation, supervised release, or parole.

According to the website for the President's DNA initiative, Debbie Smith was a rape victim whose assailant was identified after his DNA information was processed through the Virginia's DNA databank.

Committee Action: H.R. 5057 was introduced on January 17, 2008, and referred to the Committee on Judiciary. The Subcommittee on Crime, Terrorism, and Homeland Security held a mark-up of the bill on May 6, 2008, and on May 14, 2007, the full Committee held a markup and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to a CBO estimate, "the bill would authorize the appropriation of about $75 million over the 2009-2013 period for other DOJ programs. Assuming appropriation of the necessary amounts, we estimate that implementing H.R. 5057 would cost about $875 million over the 2009-2013 period, with remaining amounts spent in subsequent years. Enacting the bill would not affect direct spending or revenues."

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would authorize $151 million for each of the fiscal years 2009 through 2014.

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: A Committee Report citing constitutional authority was not available.

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

S. 2840—Military Personnel Citizenship Processing Act *(Schumer, D-NY)*

Order of Business: S. 2840 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2840 would require the Secretary of the Department of Homeland Security (DHS) to establish an Office of the FBI Liaison in the Department of Homeland Security to monitor communication gaps between U.S. Citizenship and Immigration Services (USCIS) and the FBI that result in delays in processing naturalization applications submitted by foreign-born members of the U.S. military. The bill would also require DHS to adjudicate naturalization applications submitted by foreign-born members of the U.S. military within six months of receiving them.

Committee Action: S. 2840 passed the Senate with an amendment on September 24, 2008. The same day the bill was reported in the House, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: According to CBO, "S. 2840 would cost less than $1 million in fiscal year 2009 and less than $500,000 in each year thereafter"

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? Senate Report 110-440 does not cite compliance with House rules regarding earmarks/limited tax benefits/limited tariff benefits.

Constitutional Authority: Senate Report 110-440 does not cite constitutional authority.

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H.R. 6146—To amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments *(Cohen, D-TN)*

Order of Business: H.R. 6146 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6146 would prohibit domestic courts from recognizing or enforcing a foreign judgment regarding defamation, unless the domestic court determines that the foreign judgment is consistent with the First Amendment to the Constitution.

Committee Action: H.R. 6146 was introduced on May 22, 2008, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 6146 is not currently 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.

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

H.R. 3174—Equal Justice For Our Military Act *(Davis, D-CA)*

Order of Business: H.R. 3174 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3174 would amend Section 1259 of title 28 to allow for review of certain cases regarding members of the armed forces that have been denied for review by the U.S. Court of Appeals. Under current law, members of the armed forces do not have the authority to seek Supreme Court reviews of court martial convictions. H.R. 3174 would grant members of the armed forces the ability to appeal to the Supreme Court for review of court marital decisions by way of a writ of certiorari.

Committee Action: H.R. 3174 was introduced on July 25, 2007, and referred to the Committee on the Judiciary.

Cost to Taxpayers: A CBO score for H.R. 3174 is not currently 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.

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

H.R. 1777—Need-Based Educational Aid Act of 2008
(Delahunt, D-CA)

Order of Business: H.R. 1777 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1777 would permanently exempt colleges and universities from antitrust laws that obstruct institutions of higher learning from establishing common standards and practices for awarding non-federal, institutional financial aid. The current exemption, which was passed by Congress in 2001, will expire on September 30, 2008.

Additional Background: According to House Report 110-577, certain Ivy League colleges and universities made an agreement in the 1950s to establish common practices for awarding institutional (non-federal) aid to students with financial needs. These schools continued to coordinate their internal financial aid programs through 1989, when the Justice Department filed an antitrust suit against nine Ivy League colleges and universities that engaged in the practice. In response to the suit, Congress passed a temporary antitrust exemption (known as Section 568) that allowed colleges to establish common standards for awarding need-based, non-federal financial aid. The purpose of the provision is to enhance access to colleges and universities by allowing schools to coordinate practices for distributing non-federal aid in a manner that helps the largest number of financially disadvantaged students. In 2007, colleges and universities provided students with $26 billion in non-federal institutional aid, compared to the $15 billion in aid that came from federal grant programs.

Committee Action: H.R. 1777 was introduced on March 29, 2007, and referred to the Committee on the Judiciary, which held a mark-up on April 2, 2008, and reported the bill by voice vote. On April 30, 2008, the House passed H.R. 1777 by voice vote. On September 25, 2008, the Senate passed H.R. 1777, with an amendment, by voice vote.

Cost to Taxpayers: No CBO score for an updated H.R. 1777 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.

S. 431—Keeping the Internet Devoid of Sexual Predators Act
(Schumer, D-NY)

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 431 would require certain sex offenders to register their e-mail address "or other designation the sex offender uses or will use for self-identification or routing in Internet communication or posting." The bill establishes penalties for knowing failures to register the appropriate online identifiers, including fines and up to 10 years in prison.

The bill permits social networking Web sites to participate in a system created by the Justice Department that allows registered sex offenders to be identified as registered users of the site. The Web site would reserve the right to charge a fee to access the information. The bill defines a social networking site as a site that "allows users to create web pages or profiles that provide information about themselves and are available publicly or to other users and offers a mechanism for communication with other users." The bill includes certain privacy provisions on information released to the new database, and prohibits lawsuits against social networking sites related to their participation in the database, except in cases of negligence or malicious misconduct.

Finally, the bill would make it a federal crime, punishable by up to 20 years in prison, for a person 18 years or older to knowingly misrepresent their age on the Internet in order to "engage in criminal sexual conduct involving a minor, or to facilitate or attempt such conduct," and makes other technical changes related to the criminal penalties associated with possession and distribution of child pornography.

Committee Action: S. 431 was introduced on January 30, 2007, and passed the Senate with amendments by unanimous consent on May 20, 2008.

Cost to Taxpayers: A final CBO score for S. 431 was unavailable; however, an earlier score for the Committee-passed bill noted negligible effects on both mandatory spending and discretionary spending subject to appropriations.

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? Yes, the bill would impose new reporting requirements on certain sex offenders that constitute private-sector mandates; however, a previous Congressional Budget Office estimate noted that these mandates would not exceed the threshold levels established in the Unfunded Mandates Reform Act ($136 million annually in 2008, adjusted for inflation).

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

S. 3606—A bill to extend the special immigrant nonminister religious worker program and for other purposes (Hatch, R-UT)

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3606 would extend the ability of religious organizations to sponsor R-1 visas, which are given to foreign religious workers from a recognized denomination that come to the U.S. to practice a religious vocation. Recipients of R-1 visas must be continually engaged in a religious occupation and may stay in the U.S. for up to five years. The bill would extend R-1 visa authority through March 6, 2009. The program is set to expire on October 1, 2008.

Additional Background: R-1 visas for foreign religious workers were first created in the Immigration Act of 1990 (PL 101-649). According to the State Department, "a religious vocation means a calling to religious life, evidenced by the demonstration of a lifelong commitment, such as taking vows." The Department uses monks and nuns as examples of lifelong religious worker who may receive R-1 visas to conduct a religious vocation in the U.S. Religious workers in the program must be employed in a "habitual engagement" that relates to their religion. Examples of a religious vocation given by the Department include religious teachers, employees of religious hospitals, translators, and missionaries. However, the Department admits that R-1 visa status is often difficult to verify and fraud has occurred in the past.

Committee Action: S. 3606 was passed in the Senate on September 26, 2006, and reported to the House, which took no official action.

Cost to Taxpayers: A final CBO score for S. 3606 was unavailable.

Cost to Taxpayers: No CBO score for an updated S. 3606 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: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 5571—To extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates *(Lofgren, D-CA)*

Order of Business: The bill is scheduled to be considered on September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5571 would amend the Immigration and Nationality Technical Corrections Act of 1994 to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates. The program allows state governments to sponsor special three year visas for foreign medical professionals who work in underserved areas in the U.S.

Committee Action: H.R. 5571 was introduced on March 10, 2008, and referred to the House Committee on Judiciary, which held a mark-up of the bill on April 2, 2008 and ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 5571 was not available at press time.

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

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.R. 6863—CAMPUS Safety Act of 2008 *(Scott, D-VA)*

Order of Business: The bill is scheduled to be considered on September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6863 would establish a National Center for Campus Public Safety within the Office of Community Oriented Policing Services. The Director would be authorized to make grants to higher education and non-profit agencies to carryout the center's functions. The bill would authorize $2.7 million annually through FY 2013 to fund the program.

Grants would be awarded to entities that:

- "Provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;
- "Foster quality research to strengthen the safety and security of the institutions of higher education in the United States;
- "Serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;
- "Develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;
- "Promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;
- "Coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;
- "Increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States; and
- "Develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies."

Committee Action: H.R. 6863 was introduced on September 8. 2008, and referred to the House Committee on Judiciary, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 6863 was not available at press time.

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

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

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

S. 2304—Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act (Domenici, R-NM)

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2304 would reauthorize the adult and juvenile justice grant collaboration program at $50 million annually through FY14. The bill would also limit administrative overhead by the Department of Justice to no more than 3% of authorized levels, and includes language prioritizing applications meeting certain conditions, including use of mental health courts and other objectives. The bill permits that grants authorized under the program may be awarded to states, local governments, or tribal organizations for relevant law enforcement programs, provided the federal government contributes no more than half the program's total costs.

Finally, S. 2304 would require a study by the Justice Department on the prevalence of mentally ill offenders, and authorizes $2 million for such purposes.

Additional Background: According to the DOJ, mental health programs in courts and correctional facilities are administered by the Bureau of Justice Assistance to support projects that "seek to mobilize communities to implement innovative, collaborative efforts that bring systemwide improvements to the way the needs of adult offenders with mental disabilities or illnesses are addressed." The Mental Health Courts Program was initially created by America's Law Enforcement and Mental Health Project, which was enacted in 2000. Mental health programs for offenders were increased with the enactment of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004, which authorized $50 million annually through FY 2009 for mental treatment geared toward offenders. Currently, there are 150 mental health courts in operation with more being planned.

Committee Action: S. 2304 was introduced on November 5, 2007, and passed the Senate with an amendment by unanimous consent on September 26, 2008. The bill is being held at the desk.

Cost to Taxpayers: A final CBO score for S. 2304 was unavailable; however, the final bill text would authorize $250 million ($50 million in each of Fiscal Years 2009 through 2014) for adult and juvenile justice grants, and $2 million for the Justice Department study.

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

S. 2816—To provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security (Voinovich, R-OH)

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2816 would remove the authority to appoint the Department of Homeland Security's Chief Human Capital Officer from the President, permitting the Secretary of Homeland Security to appoint the officer instead.

Committee Action: S. 2816 was introduced on April 3, 2008, and passed the Senate without amendment by unanimous consent on September 23, 2008. In the House, the bill was referred to the Committee on Homeland Security, which did not take formal action.

Cost to Taxpayers: According to the Congressional Budget Office, S. 2816 would not have a significant impact on either mandatory spending or discretionary spending subject to appropriations.

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

H.Res. 1429—Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism *(Clarke, D-NY)*

Order of Business: H.Res. 1429 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1429 would express the sense that the House:

- "Commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;
- "Salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;
- "Expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;
- "Supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and
- "Urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism."

The resolution lists a number of findings, including:

- "It has been 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;
- "Terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies;
- "As evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta,

Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, citizens across the country and in the world should remain vigilant, prepared, and informed;

- "During the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;
- "Acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;
- "In response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;
- "Since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of Government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;
- "Our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies; and
- "All people of the United States should take the opportunity during National Preparedness Month in September 2008 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism."

Committee Action: H.Res. 1429 was introduced on September 11, 2008, and referred to the Committee on Homeland Security, 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: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

S. 3536— Air Carriage of International Mail Act *(Carper, D-DE)*

Order of Business: S. 3536 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3536 makes changes to U.S. Postal Service contract authority for international mail. Specifically, the legislation requires the U.S. Postal Service to contract for the transportation of international mail by aircraft only with certificated air carriers, but creates an exception if it has not received offers at a "fair and reasonable price" from at least 2 certificated air carriers. In that case S. 3536 allows the U.S. Postal Service to contract with foreign air carriers. The legislation requires the Postal Service to use a methodology for what constitutes a "fair and reasonable" price. The bill further requires the Postal Service to contract through an open procurement process. Finally, S. 3536 allows the U.S. Postal Service to disregard the requirements of this legislation in the case of an emergency

Committee Action: S. 3536 was introduced on September 22, 2008, and referred to the Senate Committee on Homeland Security and Governmental Affairs. It passed the Senate by unanimous consent on September 26, 2008.

Cost to Taxpayers: A CBO score for S. 3536 is not currently 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 is not available.

Constitutional Authority: A committee report citing constitutional authority is not available. However, 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: Brad Watson; brad.watson@mail.house.gov; 202-226-9719.

H.R. 6849—To amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes ***(Etheridge, D-NC)***

Order of Business: H.R. 6849 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6849 would suspend section 1101(d) of the Farm Bill (P.L. 110-246) for two years, through 2010. Section 1101(d) of the Food, Conservation, and Energy Act of 2008 states: "a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less." By suspending this provision H.R. 6849 would allow agricultural producers on farms with less than 10 acres of land to receive payments under the Farm Bill.

In addition, the bill would extend the period for farmers to sign up for USDA programs in the 2008 season for 45 days or until November 14, 2008, whichever is first. This would allow producers with less than 10 acres to sign up for USDA farm programs and receive payments for 2008, even though the sign up period has expired.

Additional Background: The Food, Conservation, and Energy Act of 2008 stipulates that producers on a farm with 10 acres or less may not receive USDA farm subsidy payments unless that farmer is a socially disadvantaged or limited resource farmer (as determined by the Secretary of Agriculture). However, the Manager's Joint Explanatory Statement of the bill indicated that it was the Manager's goal to eventually allow agricultural produces to combine the aggregate total of all their farms to meet the 10 acre requirement to receive direct payments, counter-cyclical payments, or average crop revenue election payments. According to the Statement, "The Managers intend for the Department to allow for aggregation of farms for purposes of determining the suspension of payments on farms with 10 base acres or less." Because this provision would increase eligibility for subsidies under the bill, it would increase the total cost of the legislation. To avoid a possible PAYGO violation, the farm bill banned aggregation of farms to meet the 10 acre requirement. H.R. 6849 would suspend that ban for two years and allow produces on farms smaller than 10 acres to receive farm subsidy payments during that time period.

Possible Conservative Concerns: Some conservatives may be concerned that the cost of increased farm program eligibility for small farmers would not be offset by reducing subsidies to large-scale farming operations that receive the vast majority of federal subsidies.

Committee Action: H.R. 6849 was introduced on September 9, 2008, and was referred to the Committee on Agriculture, which held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6849 is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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.

S. 3597—To provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009 *(Harkin, D-IA)*

Order of Business: The bill is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3597 would make a clerical change to the farm bill (P.L. 110-234) enacted in May, and would provide that funds for community food projects shall remain available through the fiscal year ending September 30, 2009 for proposals solicited during fiscal year 2008.

Committee Action: S. 3597 was introduced and passed the Senate by unanimous consent on September 25, 2008. The bill was referred to the Committee on Agriculture on September 26, 2008, which took no official action.

Cost to Taxpayers: A CBO score for S. 3597 was unavailable.

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.

RSC Staff Contact: Chris Jacobs, christopher.jacobs@mail.house.gov, (202) 226-8585

H.R. __—To authorize the transfer of naval vessels to certain foreign recipients, and for other purposes *(Berman, D-CA)*

Order of Business: H.R. ___ is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. ___ would authorize the transfer of surplus naval vessels to Chile, Greece, Pakistan, and Peru. The bill would also require the President to carryout an assessment of Israel's qualitative military edge over nations that may present a military threat to Israel. In addition the bill would implement the 2007 U.S.-Israel memorandum on military assistance by authorizing an increase in Foreign Military Financing for Israel by $150 million for FY 2009. Finally the bill would upgrade the Foreign Military Sales status of the Republic of Korea, granting South Korea the same military trade status as NATO nations as well as Australia, New Zealand, and Japan.

Committee Action: H.R. ___ is expected to be introduced today.

Cost to Taxpayers: A CBO score for H.R. ___ is not currently 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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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.Res. 875—Honoring and supporting the Hadley School for the Blind (Kirk, R-IL)

Order of Business: H.Res. 875 is scheduled to be considered on Saturday, September 27, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 875 would express the sense that the House:

- "Honors the important and positive impact the Hadley School for the Blind has had on the lives of thousands of visually impaired people across the globe; and
- "Supports their mission to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers.

The resolution lists a number of findings, including:

- "Mr. William A. Hadley, a high school teacher who lost his vision at the age of 55, and ophthalmologist Dr. E.V.L. Brown first welcomed students to the Hadley School for the Blind in 1920;
- "The Hadley School for the Blind's mission is to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers;
- "Over the past 87 years, the Hadley School has grown to have an annual enrollment of more than 10,000 students from all 50 states and 100 countries;
- "The Hadley School for the Blind has a high school degree program, an adult continuing study program, and in 2008 will be launching the Hadley School for Professional Studies;
- "The Hadley School for the Blind offers a wide range of distance education courses for blind or visually impaired individuals who are at least 14 years of age, relatives of blind or visually impaired children, family members of blind or visually impaired adults, and professionals in the blindness field; and
- "There are more than 90 courses offered in Braille, large print, audiocassette, and online and students study in their own homes, at their own pace, completely free of charge."

Committee Action: H.Res. 875 was introduced on December 13, 2007, 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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