



Legislative Bulletin.....January 28, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: 0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 0

H.R. 4240—To designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the “Felix Sparks Post Office Building” (Perlmutter, D-CO)

Order of Business: H.R. 4240 is scheduled for consideration on Monday, January 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4240 would designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the “Felix Sparks Post Office Building.”

Additional Background: According to the Colorado Bar Association, Felix Sparks was a lawyer, judge, and commander of the 3rd Battalion of the Army’s 45th Infantry Division during World War II. As leader of the 3rd Battalion, Sparks commanded the first Americans to enter the concentration camp at Dachau, Germany. After his service, Sparks received a law degree and continued his career in Colorado. On September 25, 2007, Sparks died at the age of 90.

Committee Action: H.R. 4240 was introduced on November 15, 2007, and was referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on December 12, 2007.

Cost to Taxpayers: A CBO score of H.R. 4240 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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

S. 2110—A bill to designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the “Larry S. Pierce Post Office” (Sen. Feinstein, D-CA)

Order of Business: S. 2110 is scheduled for consideration on Monday, January 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2110 would designate the facility of the United States Postal Service located at 427 North Street in Taft, California, as the “Larry S. Pierce Post Office.”

Additional Background: Larry Pierce was a Sergeant in the U.S. Army who posthumously received the Congressional Medal of Honor following his death in Vietnam in 1965. According to U.S. Army, Sergeant Pierce served as squad leader of a platoon of soldiers that was ambushed. Under Pierce’s leadership, his platoon defeated and pursued the enemy. During the chase, Pierce discovered a mine on the road had been tripped and he threw himself directly onto the mine as it exploded to save the lives of his men. Sergeant Pierce was 24 at the time of his death.

Committee Action: S. 2110 was received from the Senate on December 4, 2007, and was referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on December 12, 2007.

Cost to Taxpayers: A CBO score of S. 2110 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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**H.Res. 832—Honoring the Texas Water Development Board on its selection as a recipient of the Environmental Protection Agency’s 2007 Clean Water State Revolving Fund Performance and Innovation Award
(Johnson, D-TX)**

Order of Business: H.Res. 832 is scheduled to be considered on Monday, January 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 832 would express the sense that the House:

- “Honors the Texas Water Development Board on their selection as the Environmental Protection Agency’s 2007 Clean Water State Revolving Fund Performance and Innovation Award recipient; and

- “Recognizes the importance of adequate investment and management of water resources in sustainable development, including environmental integrity and human health and overall quality of life in the United States.”

The resolution lists a number of findings, including:

- “On November 5, 2007, the Texas Water Development Board (TWDB) was honored as a recipient of the Environmental Protection Agency’s 2007 Performance and Innovation in the Clean Water State Revolving Fund (CWSRF) Creating Environmental Success Award at the Council of Infrastructure Financing Authorities annual conference in Denver, Colorado;
- “The CWSRF program in Texas has been a front-runner and precedent-setting program in wastewater management for many years, and the State’s CWSRF leveraging practices as well as other established management practices are used by many other States as examples to enhance the management of their funds;
- “The CWSRF in Texas has successfully awarded communities approximately \$4,300,000,000 in low-interest loans to finance 472 water infrastructure projects across the State of Texas; and
- “These projects, which serve approximately one-half of the population of Texas and treat about 2,100,000,000 gallons per day of wastewater, provide direct environmental and public health benefits.”

Committee Action: H.Res. 832 was introduced on November 15, 2007, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the resolution, by voice vote on January 16, 2008.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 845—Recognizing the 60th anniversary of Everglades National Park (*Hastings, D-FL*)

Order of Business: H.Res. 845 is scheduled to be considered on Monday, January 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 845 would express the sense that the House:

- “Recognizes the 60th anniversary of Everglades National Park; and

- “Dedicates itself to the success of the Comprehensive Everglades Restoration Plan.”

The resolution lists a number of findings, including:

- “Everglades National Park will celebrate its 60th anniversary on December 6, 2007;
- “When President Harry S. Truman dedicated Everglades National Park on December 6, 1947, he stated: ‘Here is land, tranquil in its quiet beauty, serving not as the source of water, but as the last receiver of it. To its natural abundance we owe the spectacular plant and animal life that distinguishes this place from all others in our country’;
- “The Everglades ecosystem encompasses 3,000,000 acres of wetlands and is the largest subtropical wilderness in the United States featuring slow-moving freshwater that flows south from Lake Okeechobee through sawgrass and tree islands to the mangroves and seagrasses of Florida Bay;
- “Everglades National Park is the subject of the most extensive ecosystem restoration plan in the history of mankind, the Comprehensive Everglades Restoration Plan; and
- “This restoration plan must succeed in order for the treasures of Everglades National Park to be passed on to our children and grandchildren.”

Committee Action: H.Res. 845 was introduced on December 5, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Water Resources and Environment. On January 16, 2008, the full committee held a mark-up and reported the resolution, as amended, 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. 3712—To designate the Federal building and United States courthouse located at 1716 Spielbusch Avenue in Toledo, Ohio, as the “James M. & Thomas W.L. Ashley Customs Building and United States Courthouse” (Kaptur, D-OH)

Order of Business: H.R. 3712 is scheduled for consideration on Monday, January 28, 2008, under a motion to suspend the rules and pass the bill.

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

Additional Background: According to [House Report 110—445](#), James M. Ashley was an abolitionist Congressman from Ohio. James Ashley was elected to Congress in 1858 and served in the House for five terms. During his time in Congress, James Ashley was the first Member to call for a constitutional amendment to outlaw slavery. Following his career in Congress Ashley went on to serve as the Governor of the Montana Territory, where he served until 1870.

Thomas W.L. Ashley, James Ashley’s great grandson, served in Congress as a representative from Ohio for 13 terms. During his time in office Thomas Ashley served as the Chairman of the Select Committee on Energy, Chairman of the Committee on Merchant Marine and Fisheries, and the Assistant Majority Whip.

Committee Action: H.R. 3712 was introduced on October 1, 2007, and was referred to the Committee on Transportation and Infrastructure’s Subcommittee on Economic Development, Public Buildings and Emergency Management. On October 30, 2007, the subcommittee held a mark-up and forwarded the bill, as amended, to the full committee. The full committee held a mark-up and reported the bill by voice vote on October 31, 2007.

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

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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**H.R. 4140—To designate the Port Angeles Federal Building in Port Angeles, Washington, as the “Richard B. Anderson Federal Building”
(Dicks, D-WA)**

Order of Business: H.R. 4140 is scheduled for consideration on Monday, January 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4140 would designate the Port Angeles Federal Building in Port Angeles, Washington, as the “Richard B. Anderson Federal Building.”

Additional Background: According to the U.S. Marine Corps, Richard B. Anderson was born in Tacoma, Washington, on June 26, 1921. Anderson joined the Marine Corps in July of 1942 and was sent to fight in the Pacific Theatre. On February 1, 1944, Anderson was engaged in battle on Roi Island, Kwajalein Atoll, Marshall Islands, when he threw himself on a live grenade in order to save the men he was with. Anderson died of his wounds and was buried at sea with full military honors. For his bravery and heroism, Anderson was posthumously awarded the Medal of Honor.

Committee Action: H.R. 4140 was introduced on November 9, 2007, and was referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill by voice vote on January 16, 2007.

Cost to Taxpayers: A CBO score of H.R. 4140 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 3913—To amend the International Center Act to authorize the lease or sublease of certain property described in such Act to an entity other than a foreign government or international organization if certain conditions are met (Ros-Lehtinen, R-FL)

Order of Business: H.R. 3913 is expected to be considered on Monday, January 28, 2008, on a motion to suspend the rules and pass the bill.

Summary: H.R. 3913 would amend current law to allow certain parcels of federal property in the District of Columbia to be leased or subleased to any entity or organization with the consent of the Secretary of State. Under current law, the specific property may not be leased to a group or entity that is not a foreign government or international organization.

Additional Information: According to the CBO, the specific parcel of land referred to in H.R. 3912 has been leased since 1982 by Intelsat, a provider of fixed satellite technology that is used by media, telecom and government service providers. Intelsat was initially created in 1964 as an international organization, but was privatized in 2001. Under current law the property, located at the International Chancery Center in Washington, D.C., may only be leased by foreign governments and international organizations. H.R. 3912 would clarify language to allow for Intelsat to continue leasing the property.

Committee Action: H.R. 3913 was introduced on October 22, 2007, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill by voice vote on January 16, 2008.

Cost to Taxpayer: According to CBO, H.R. 3913 would have no budgetary effect.

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 unavailable. 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]*

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H.Res. 933—Commending the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game (Baker, R-LA)

Order of Business: H.Res. 933 is scheduled to be considered on Monday, January 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 933 would express the sense that the House:

- “Commends the Louisiana State University Tigers football team for winning the 2007 Bowl Championship Series national championship game;
- “Recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Louisiana State University football team during the 2007 football season;
- “Congratulates the citizens of Louisiana, the Louisiana State University community and fans of Tiger football; and

- “Directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Louisiana State University for appropriate display and distribution to the coaches and members of the 2007 Louisiana State University football team.”

The resolution lists a number of findings, including:

- “The Louisiana State University Tigers football team won the 2007 Bowl Championship Series national championship game, defeating the Ohio State University by a score of 38 to 24 at the Louisiana Superdome in New Orleans, Louisiana, on January 7, 2008;
- “The Louisiana State University football team won the Southeastern Conference Championship, on December 1, 2007, defeating the University of Tennessee by a score of 21 to 14 in the Southeastern Conference championship game at the Georgia Dome in Atlanta, Georgia;
- “The Louisiana State University football team won 12 games during the 2007 season;
- “The Louisiana State University football team won 7 games against nationally ranked opponents during the 2007 season;
- “Louisiana State University head coach Les Miles has led the Tiger football program to 34 wins, 20 Southeastern Conference victories, 14 wins over nationally ranked opponents, and three double-digit win seasons as head coach; and
- “Louisiana State University is the first team to win two Bowl Championship Series national championship titles, having won two titles in 5 years.”

Committee Action: H.Res. 933 was introduced on January 18, 2008, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

H.Res. 938—Commending the West Virginia University Mountaineer football team for exemplifying the pride, determination, and spirit of the Mountain State and overcoming adversity with skill, commitment, and teamwork to win the 2008 Tostitos Fiesta Bowl (*Mollohan, D-WV*)

Order of Business: H.Res. 938 is scheduled to be considered on Monday, January 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 938 would express the sense that the House:

- “Congratulates the West Virginia University Mountaineer football team for winning the 2008 Tostitos Fiesta Bowl; and
- “Commends the team for demonstrating throughout the season the best qualities of teamwork, dedication, and sportsmanship.”

The resolution lists a number of findings, including:

- “The West Virginia University Mountaineer football team won the 2008 Tostitos Fiesta Bowl, defeating the University of Oklahoma Sooners by a score of 48 to 28 in Glendale, Arizona, on January 2, 2008;
- “The Mountaineer football team has been a source of great pride for West Virginians throughout the years;
- “The people of West Virginia take their team’s triumphs and setbacks as their own, in times of hardship and prosperity;
- “The Mountaineers displayed uncommon intensity and determination in preparing for the challenge of meeting one of the best teams in the country in the Tostitos Fiesta Bowl;
- “Mountaineer athletic director Ed Pastilong has instilled in the athletic department of West Virginia University the highest standards of ethics and performance throughout his many years of leadership; and
- “The Mountaineers and their new head coach Bill Stewart have brought great honor to themselves, their university, and the State of West Virginia.”

Committee Action: H.Res. 938 was introduced on January 18, 2008, and referred to the Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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**H.R. 5104—To extend the Protect America Act of 2007 for 30 days
(Conyers, D-MI)**

Order of Business: H.R. 5104 is expected to be considered on Monday, January 28, 2008, on a motion to suspend the rules and pass the bill.

Summary: H.R. 5104 would extend the provisions of the Protect America Act of 2007 (PAA), which defines certain procedures to request and initiate foreign electronic surveillance, for thirty days. Under current law, the PAA is set to expire on February 1, 2008.

While the Senate debates possible long-term amendments to the Foreign Intelligence Surveillance Act (FISA), the PAA allows the U.S. intelligence community to conduct foreign electronic surveillance. The specific provisions of the PAA, which passed the House by a vote of [227—183](#) on August 4, 2007, are listed below.

Additional Procedures for Authorizing Certain Electronic Surveillance.

- States that nothing in the definition of electronic surveillance (section 101(f) of FISA) may be construed to encompass surveillance directed at a person reasonably believed to be outside the U.S. In other words, if the person under surveillance is outside the U.S., it does not qualify as “electronic surveillance” and therefore is not subject to the same restrictions, court orders, etc.

- Authorizes Director of National Intelligence (DNI) and the Attorney General (AG) to authorize the acquisition of foreign intelligence information for up to one year on persons believed to be outside the U.S., if:
 - “reasonable procedures” are in place to determine that the information acquired concerns persons reasonably believed to be outside the U.S. (and such procedures are subject to court review);
 - the acquisition does not constitute electronic surveillance;
 - the acquisition involves obtaining the foreign intelligence information from or with the assistance of a communications service provider (or related person or agent) who has access to communications;
 - a significant purpose of the acquisition is to obtain foreign intelligence information; and
 - the minimization procedures to be used adhere to current law.

Foreign intelligence information is defined in U.S. Code to mean information necessary to protect the United States against actual or potential grave attack, sabotage, or international terrorism.

Electronic surveillance means the acquisition (using a surveillance device) of any wire, radio, or related electronic communication sent or received by a known U.S. person where the person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

Minimization procedures means specific procedures that must be adopted by the AG designed to minimize the acquisition and retention – and to prohibit the dissemination – of non-publicly available information concerning nonconsenting U.S. persons.

Source: 50 U.S.C 1801(e).

- Requires the determination by the DNI or the AG of the above-noted provisions to be in the form of a written certification, under oath, supported as appropriate by affidavit of appropriate officials in senior positions in the national security field.
- States that the certification is not required to identify the specific facilities, places, premises, or property where the acquisition of foreign intelligence information is being directed.
- Requires the AG to transmit “as soon as practicable” a copy of a certification (under seal) to the applicable court.
- Allows an acquisition to be conducted based on oral instructions by the AG or NDI if time does not permit the preparation of a certification, and requires the AG and NDI to ensure that minimization and other relevant procedures are adhered to.
- Authorizes the DNI or AG, regarding an authorized acquisition, to direct a person to:
 - immediately provide the government with all information and assistance necessary to accomplish the acquisition, and in a way that will protect the secrecy of the acquisition and produce minimum interference with any services the person may be providing;
 - maintain, under security procedures approved by the AG, any applicable records regarding the acquisition or aid furnished.
- Requires that the government compensate, at a prevailing rate, a person for providing information and assistance pursuant to the above provision.
- Authorizes the AG, in the case of a failure to comply with a directive to comply with an acquisition, to invoke the aid of the relevant court, and directs the court to issue an order requiring the person to comply (if the directive is found to comply with regulations). Failure to obey the court’s order may be punished by the court as contempt of court.
- Allows any person receiving a directive (regarding an acquisition) to challenge the legality of that directive by filing a petition under procedures set forth in current law (section 103(e)(1) of FISA), and requires the court to conduct an initial review within 48 hours, among other stipulations.
- Requires the AG, within 120 days of enactment, to submit to the applicable court the procedures by which the government determines that acquisitions (section 105b, regarding foreign intelligence) do not constitute electronic surveillance (i.e. – does not involve surveillance on U.S persons). These procedures must be updated and resubmitted to the court annually. Unless the court concludes that the determination used is “clearly erroneous,” it must enter an order approving the continued use of the procedures. If the court finds the determination to be clearly erroneous, the government must submit new procedures within 30 days.

- Requires the AG, on a semi-annual basis, to inform the relevant congressional committees concerning acquisitions during the previous 6-month period. The report must include incidents of non-compliance by the intelligence community of the established guidelines, and the number of certifications and directives issued during the reporting period.
- **Sunset:** All of the above-mentioned provisions expire 30 days after enactment

Additional Information: FISA was created in 1978 to establish a process for obtaining a court order to conduct foreign intelligence surveillance within the United States. Due to dramatic changes in telecommunications technology since then, FISA now frequently requires government officials to obtain a court order to gather information on suspected terrorists and various other foreign intelligence targets located overseas. Federal law has not historically restricted law enforcement officials or intelligence agents from monitoring overseas communications, and this bill is intended to address these concerns. The PAA is supported by Intelligence Committee Affairs Ranking Member Pete Hoekstra and Judiciary Committee Ranking Member Lamar Smith.

Committee Action: H.R. 5104 was introduced on January 23, 2007, and was referred to the House Judiciary Committee and the Intelligence Permanent Select Committee, neither of which took official action.

Cost to Taxpayer: A CBO score of H.R. 5104 was not 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.

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

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