



Legislative Bulletin.....April 15, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 5

Total Cost of Discretionary Authorizations: \$686 million in FY 2009

Effect on Revenue: Increased by \$500,000

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: 1

H.R. 4056—Federal Law Enforcement Officers Congressional Badge of Bravery Act of 2007 (*Ellsworth, D-IN*)

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

Summary: H.R. 4056 would create the Congressional Badge of Bravery which would be presented to a federal law officer for sustaining a physical injury while in the line of duty. The badge would be presented by a Member of Congress or the Attorney General.

The bill would establish a nomination process by which federal officers may be nominated for the badge by their respective federal agency. The bill would require that each nominee:

- Receive physical injury while carrying out their duty;
- Put themselves at risk while performing their duty; and
- Injure themselves during “some form of conduct characterized as bravery by the agency head making the nomination.”

H.R. 4056 would also create a Congressional Badge of Bravery Board (CBBB) to design and produce the badge and make recommendations regarding nominees. The CBBB would be responsible for presenting badges annually. Four of the seven members of the board would be members of the [Federal Law Enforcement Officers Association](#), appointed by their Executive Board. The final three would be individually selected by the House, the Senate, and the Attorney General respectively. The CBBB would be granted the power to hold hearings, call witnesses, keep information, and travel to carry out the purposes of the bill. H.R. 4056 would also establish the Congressional Badge of Bravery Office within the Department of Justice (DOJ) to provide staff support for the CBBB.

Finally, the bill would authorize “such sums as are necessary” for the Attorney General to establish the Congressional Badge of Bravery Board.

Additional Background: According to the DOJ, there are an average of 150 federal law officers injured by suspects annually. There is currently no congressionally recognized award given specifically to federal officers who are injured in the live of duty. H.R. 4056 is supported by the Federal Law Enforcement Officers Association, a non-profit special interest group which represents more than 25,000 federal officers.

Committee Action: H.R. 4056 was introduced on November 1, 2007, and referred to the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 4056 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 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.

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H.Res. 1053—Supporting the mission and goals of National Crime Victims’ Rights week in order to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States (*Costa, D-CA*)

Order of Business: H.Res. 1053 is scheduled to be considered on Tuesday, April 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1053 would express the sense that the House:

- “Supports the mission and goals of the 2008 National Crime Victims’ Rights Week in order to increase public awareness of the impact of crime on victims and survivors of crime, and of the rights and needs of such victims and survivors; and
- “Directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the Office for Victims of Crime in the Department of Justice.”

The resolution lists a number of findings, including:

- “23,000,000 Americans are victims of crime each year, and of those, 5,200,000 are victims of violent crime;
- “A just society acknowledges crime’s impact on individuals, families, and communities by ensuring that rights, resources, and services are available to help rebuild lives;
- “Victims’ rights are a critical component of the promise of ‘justice for all,’ the foundation for our system of justice in America;
- “Although our Nation has steadily expanded rights, protections, and services for victims of crime, too many victims are still not able to realize the hope and promise of these gains;
- “America recognizes that we make our homes, neighborhoods, and communities safer and stronger by serving victims of crime and ensuring justice for all;
- “Our Nation must strive to protect, expand, and observe crime victims’ rights so that there truly is justice for victims and justice for all; and
- “National Crime Victims’ Rights Week, April 13, 2008 through April 19, 2008, provides an opportunity for us to strive to reach the goal of justice for all by ensuring that all

victims are afforded their legal rights and provided with assistance as they face the financial, physical, and psychological impact of crime.”

Committee Action: H.Res. 1053 was introduced on March 14, 2008, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1095—Recognizing and honoring the 40th anniversary of congressional passage of title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and the 20th anniversary of the Fair Housing Amendments Act of 1988 (*Green, D-TX*)

Order of Business: H.Res. 1095 is scheduled to be considered on Tuesday, April 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1095 would express the sense that the House:

- “Recognizes and honors the 40th anniversary of the enactment of the Fair Housing Act (42 U.S.C. 3601 et seq.) and the 20th anniversary of the enactment of the Fair Housing Amendments Act of 1988;
- “Supports activities to recognize and celebrate the important historical milestones represented by the anniversaries of the enactment of the Fair Housing Act and the enactment of the Fair Housing Amendments Act of 1988; and
- “Encourages all people and levels of government to rededicate themselves to the enforcement and the ideals of fair housing laws.”

The resolution lists a number of findings, including:

- “April 11, 2008, marks the 40th anniversary of congressional passage of the Fair Housing Act;
- “September 13, 2008, marks the 20th anniversary of congressional passage of the Fair Housing Amendments Act of 1988;
- “The Chicago Freedom Movement, led by the Reverend Doctor Martin Luther King, Jr., expanded the fight for civil rights from the South to the North, raised the national consciousness about housing discrimination, and shaped the debate that led to the landmark fair housing legislation, the Fair Housing Act;

- “The Fair Housing Act prohibits discrimination in housing and housing-related transactions on the basis of race, color, national origin, and religion;
- “In section 808 of the Housing and Community Development Act of 1974, Congress amended the Fair Housing Act to include protection on the basis of sex;
- “The Fair Housing Amendments Act of 1988, passed by overwhelming margins in Congress, included protection on the basis of familial status and disability, created an important enforcement mechanism, and expanded the definition of ‘discriminatory housing practices’ to include interference and intimidation, requiring the Department of Housing and Urban Development to issue regulations to implement and interpret the Fair Housing Act and report annually to Congress on the nature and extent of housing discrimination;
- “More than 4,000,000 violations of fair housing laws still occur each year against people of all protected classes, and testing of the enforcement of fair housing laws continues to uncover a high rate of discrimination in the rental, sales, mortgage lending, and insurance markets;
- “Less than 1 percent of violations of fair housing laws are reported each year;
- “In 2006, approximately 27,000 housing discrimination complaints were filed, of which 18,000 complaints were resolved by fair housing centers;
- “Fair housing education and enforcement play a pivotal role in increasing housing choice and minority homeownership and combating predatory lending; and
- “The Fair Housing Act is an essential component of our Nation’s civil rights legislation.”

Committee Action: H.Res. 1095 was introduced on April 9, 2008, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.R. 5570—Religious Worker Visa Extension Act of 2008 (*Lofgren, D-CA*)

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

Summary: H.R. 5570 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.

H.R. 5570 would also require the Secretary of Homeland Security to issue regulations to eliminate or reduce fraud and abuse in the religious visa program. The bill would initially extend R-1 visa authority through January 1, 2010. However, if the Secretary has issued fraud-reduction regulations by March 1, 2009, R-1 visa authority would be automatically extended through January 1, 2016.

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. H.R. 5570 would attempt to eliminate or reduce future fraud by requiring the Secretary of Homeland Security to issue new regulations and procedures.

Committee Action: H.R. 5570 was introduced on March 10, 2008, and referred to the Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. On March 12, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee by a roll call vote of 8-1. On April 2, 2008, a full committee mark-up was held and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 5570 would have no significant cost and would likely increase revenue by \$500,000 annually.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to [House Report 110-589](#), “H.R. 5570 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.”

Constitutional Authority: The Committee on the Judiciary, in [House Report 110-589](#), cites constitutional authority in Article I, Section 8, Clause 4 (granting Congress the power to “establish an uniform Rule of Naturalization”).

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H.R. 5036—Emergency Assistance for Secure Elections Act of 2008 *(Holt, D-NJ)*

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

Summary: H.R. 5036 would require the Election Assistance Commission (EAC) to make reimbursement payments to states for the cost of replacing voting systems that do not produce a paper ballot. The bill would also require the EAC to reimburse states for conducting manual audits or hand counts of the results from the 2008 general elections in November. Finally, the bill would require the National Institute of Standards and Technology (NIST) to study products and practices to ensure the future accessibility of paper ballots for certain individuals. CBO estimates that the total cost of paper ballot programs under H.R. 5036 would be \$685 million in FY 2009.

Reimbursement for Conversion to Paper Ballot Voting System

- Directs the EAC to fully reimburse states for the cost of replacing any paperless voting machines with new voting machines that produce a paper ballot which can be verified by the voter at the time the vote is cast.

Reimbursement for Retrofitting of Direct Recording Electronic Voting Systems to Produce Voter Verifiable Paper Records

- Directs the EAC to reimburse states for the cost of retrofitting direct recording electronic (DRE) voting systems so the systems will produce a paper ballot which can be verified by the voter at the time the vote is cast.

Reimbursement for Provision of Backup Paper Ballots by Jurisdictions Using Direct Recording Electronic Voting Systems

- Directs the EAC to fully reimburse states for the cost of obtaining, deploying, and tabulating backup paper ballots that could be used in the event of a DRE voting system failure.

Payments for Conducting Manual Audits of Results of 2008 General Elections

- Directs the EAC to make full reimbursement payments to any state that conducts manual audits of the results of any regularly scheduled general election for federal office in November 2008. Payments must be made within 30 days of receiving a form certifying that a state undertook a manual audit.

Payments for Conducting Hand Counts of Results of 2008 General Election

- Directs the EAC to make full reimbursement payments to any state that hand counts paper ballot results of any regularly scheduled general election for federal office in 2008. States reimbursed by this section must certify that a hand count included any early or absentee voting.

Study, Testing and Development of Products and Practices to Ensure Accessibility of Paper Ballot Verification and Casting for Certain Individuals

- Requires the Director of the National Institute of Standards and Technology (NIST) to study any products or practices that could ensure accessibility of paper ballot verification for individuals with disabilities, individuals who are illiterate, or individuals whose primary language is not English.

Additional Background: The Help America Vote Act of 2002 (HAVA), required states to improve voting systems by switching from traditional punch-vote machines to direct recording electronic (DRE) voting machines. These machines have been found by the Government Accountability Office (GAO) to be reliable, accurate, and easy to use. However, some have expressed a concern that the only available output from these machines in the case of a recount is a digital readout of the votes the machine has recorded. Because there is no actual paper trail, some have expressed a concern that the system is too dependent on electronic software and have promoted a return to a paper ballot. H.R. 5036 would authorize an estimated \$685 million in FY 2009 to reimburse states that retrofit and replace paperless voting systems (which are compliant with HAVA) for the 2008 general election in November.

According to the Minority views in [Committee Report 110-582](#),

When contemplating Federal election reform, the Committee should be mindful not to roll back the progress made through the enactment of the Help America Vote Act (HAVA), and at the same time, not to jeopardize the successful administration of our 2008 General Election. Providing a grant program to induce states and local jurisdictions to make widespread changes to the electoral process, especially in such a short time frame, may have unintended consequences.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 5036 would obligate the federal government to reimburse states to retrofit direct recording electronic (DRE) voting systems that were purchased in compliance with the Help America Vote Act of 2002 (HAVA). Past GAO reports have found the DRE system has operated properly and accurately. Some conservatives may be concerned that H.R. 5036 would result in the appropriation of millions of dollars to retrofit a voting system that has functioned properly and in compliance with HAVA.

In addition, some conservatives may be concerned that the bill would require voting officials to replace their systems by the November, 2008 elections in order to receive federal reimbursements. Conservatives may be concerned that, even with the promise of federal funds, states may not be fully prepared to make massive replacements of voting systems in such a brief period of time. Some conservatives may be concerned that H.R. 5036 would prompt states to hastily replace entire voting systems and could result in unintended difficulties with voting equipment in a Presidential election year.

Some conservatives may also be concerned that H.R. 5036 would provide reimbursements to states that conduct manual audits of any federal elections. This would remove most of the threshold for the use of manual audits. Some conservatives may be concerned that without more criteria for conducting a federally reimbursed manual audit, audits could be prescribed for every federal election (whether or not the outcome was in doubt) and delay federal election processes.

Furthermore, conservatives may be concerned that the bill will reimburse any state for conducting hand counting of paper ballots. Some conservatives may be concerned that H.R. 5036 may encourage more jurisdictions to conduct hand counts, which are traditionally less reliable than scanned counts and more susceptible to human error and fraud.

Finally, some conservatives may be concerned that H.R. 5036 would authorize the appropriation of an estimated \$685 million in order to replace and retrofit state voting machine systems that were recently replaced to meet the standards of HAVA.

Committee Action: H.R. 5036 was introduced on January 17, 2008, and referred to the Committee on House Administration and the Committee on Science and Technology. On April 2, 2008, the Committee on House Administration held a mark-up and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 5036 would authorize \$685 million in FY 2009.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to [Committee Report 110-582](#), “H.R. 5036, the Emergency Assistance for Secure Elections Act of 2008, does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.”

Constitutional Authority: The Committee on House Administration, in [Committee Report 110-582](#), states that “Article I, Section 4 of the U.S. Constitution grants Congress the authority to make laws governing the time, place and manner of holding Federal elections.”

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H.R. 5493—To provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration (*Brady, D-PA*)

Order of Business: H.R. 5493 is scheduled to be considered on Tuesday, April 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5493 would amend the Legislative Branch Appropriations Act of 2002 to authorize the Committee on House Administration to provide for the payment of salaries each month on a date other than the current payment date, as may be necessary to conform to generally accepted accounting practices.

Currently, the usual day for paying salaries in the House is the last day of each month; except when the last day of a month falls on a Saturday, Sunday, or a legal public holiday, the Chief Administrative Officer of the House pays salaries on the first weekday proceeding the last day of the month. H.R. 5493 would remove this payment requirement and begin the process of altering House employees' payment schedule. The bill would not affect Members of the House.

Committee Action: H.R. 5493 was introduced February 26, 2008, and referred to the Committee on House Administration. On April 2, 2008, a mark-up was held in Committee, and the bill was reported by voice vote.

Cost to Taxpayers: According to CBO, "assuming that the committee would promulgate regulations to pay some or all House staff members, who are currently paid on a monthly basis, on some other schedule (most likely bi-weekly or semi-monthly), CBO estimates that one-time costs to purchase required computer systems would total about \$1 million over the next two years, subject to the availability of appropriations. Paying staff salaries more often than monthly also could result in a one-time shift in outlays from one fiscal year to the next, but CBO estimates that any such change would be small and would not affect spending significantly in fiscal year 2008. Enacting H.R. 5493 would not affect direct spending or revenues. The bill would only apply to employees paid by the House; payments to Members would not be affected."

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? Currently, no House Report exists.

Constitutional Authority: Currently, no House Report exists.

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H.Res. 1068— Permitting active duty members of the Armed Forces who are assigned to a Congressional liaison office of the Department of Defense at the House of Representatives to obtain membership in the exercise facility established for employees of the House of Representatives (*Brady, D-PA*)

Order of Business: H.Res. 1068 is scheduled to be considered on Tuesday, April 15, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1068 would express the sense of the House that any active duty member of the Armed Forces who is assigned to a Congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative

Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives.

Committee Action: H.Res. 1068 was introduced April 1, 2008, and referred to the Committee on House Administration. On April 2, 2008, a mark-up was held in Committee, and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: This information 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.

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