



**Legislative Bulletin.....July 8, 2008**

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**H.R. 5741—Shark Conservation Act of 2008**  
*(Bordallo, D-GU)*

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5741 would amend the High Seas Driftnet Fishing Moratorium Protection Act to direct the National Oceanic and Atmospheric Administration (NOAA) to identify a nation whose fishing vessels are or have been engaged in activities that target or incidentally catch sharks if the nation has not adopted a shark conservation program similar to that of the U.S. This would include any nation whose measures do not to prohibit the removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea. In addition, H.R. 5741 would prohibit certain activities that may involve shark finning in the U.S. (the practice of removing a shark’s fins and discarding its carcass).

**Additional Information:** According to [NOAA’s Shark Management website](#), the following regulations are in place for the East Coast of the U.S.;

The Magnuson-Stevens Fishery Conservation and Management Act requires overfished shark stocks to be rebuilt and requires healthy shark populations to be maintained. Many shark stocks, particularly in the Atlantic, are overfished and must be rebuilt.

Nationally, the United States recently enacted a ban on shark finning that prohibits any person under U.S. jurisdiction from engaging in shark finning and possessing shark fins harvested on board a U.S. fishing vessel without the corresponding carcasses. Finning is defined as the practice of removing the fin(s) from a shark and discarding the remainder of the shark at sea.

The United States is a conservation leader internationally and was a key player in developing the Food and Agriculture Organization's International Plan of Action for the Conservation and Management of Sharks. The United States is one of two nations (out of 87 shark fishing nations) to develop a National Plan of Action for the Conservation and Management of Sharks.

The United States has participated or plans on participating in bilateral meetings regarding shark management with Japan, Spain, Taiwan, the European Union, Canada, China, and Mexico.

However, a recent court case revealed that a vessel was taking fins from another vessel—exploiting a loophole where fisherman could cut off the sharks fins, transfer them to another boat, and leave the carcasses on the other vessel. This bill intends to address this loophole.

**Possible Conservative Concerns:** Some conservatives may be concerned that H.R. 5741 imposes a private-sector mandate by requiring that shark fins aboard fishing vessels, shark fins transferred or received at sea, and shark fins landed at a U.S. port be naturally attached to the carcass. In addition, some conservatives may be concerned that this bill circumvents NOAA's ability to issue regulations—such as those already in place for the East Coast—for the entire country.

**Committee Action:** H.R. 5741 was introduced on April 9, 2008, and referred to the House Committee on Natural Resources. The Subcommittee on Fisheries, Wildlife, and Oceans held a mark-up of the bill on June 4, 2008 and forwarded the bill to the full Committee, as amended, by voice vote. On June 11, 2008, the full Committee held a mark-up of H.R. 5741 and ordered the bill reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, “Based on information provided by NOAA and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 5741 would cost \$5 million over the 2009-2013 period. Enacting the legislation would not affect revenues or direct spending. CBO estimates that the cost of complying with the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$136 million in 2008, adjusted annually for inflation).”

**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, H.R. 5741 imposes a private-sector mandate by requiring that shark fins aboard fishing vessels, shark fins transferred or received at sea, and shark fins landed at a U.S. port be naturally attached to the carcass.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report for H.R. 5741 was not available.

**Constitutional Authority:** A Committee Report for H.R. 5741 was not available.

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## **H.R. 3981— Preserve America and Save America’s Treasures Act (Miller, D-NC)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3981 would establish the Preserve America Program in order to provide competitive grants to specified entities to support preservation efforts through tourism, education, and historic preservation planning activities.

The bill also sets forth provisions regarding the designation of communities, tribal areas, and neighborhoods as Preserve America Communities. The bill also requires that the non-Federal share of the cost of carrying out a project provided a grant under this program be no less than 50 percent of the total cost of the project.

H.R. 3981 also authorizes the Save America’s Treasures Program to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

A collection or historic property would only be provided a competitive grant if such collection or property is: (1) nationally significant; and (2) threatened or endangered. The non-Federal share of the cost of carrying out a project provided under this program must be no less than 50 percent of the total cost of the project.

The bill would also require historic properties be: (1) listed in the National Register of Historic Places; or (2) designated as a National Historic Landmark. The bill sets certain criteria for how grants can be provided to projects for eligible collections and historic properties.

The bill authorizes such sums as may be necessary to carry out these two new programs.

**Additional Information:** Preserve America has been an Administration initiative that encourages and supports community efforts to preserve and enjoy our priceless cultural and natural heritage. According to the [Preserve America website](#), “The goals of the initiative include a greater shared knowledge about the nation’s past, strengthened regional identities and local pride, increased local participation in preserving the country’s cultural and natural heritage assets, and support for the economic vitality of our communities. Mrs. Laura Bush, First Lady of the United States, is the Honorary Chair of Preserve America.”

The Save America's Treasures program provides grants aimed at preserving certain historic sites and collections. As the homepage of the program states, "Save America's Treasures is dedicated to identifying and rescuing the enduring symbols of American tradition that define us as a nation." President Clinton proposed the creation of this program in his State of the Union Address of 1998, and he created the program in [Executive Order 13072](#) on February 2, 1998.

The Executive Order focuses mostly on the creation of a White House Millennium Council, and only one paragraph (regarding the duties of the Council) addresses the Save America's Treasure's program:

Make recommendations to the Secretary of the Interior regarding the provision of assistance from funds made available for Save America's Treasures in the Historic Preservation Fund to public and private entities that are protecting America's threatened cultural treasures. These treasures include significant documents, works of art, maps, journals, and historic structures that document and illuminate the history and culture of the United States;

The program was initially aimed at restoring major items like the Star-Spangled Banner, with the Council making recommendations. In recent years, the program has expanded its reach to less significant projects, and Members of Congress have bypassed the established recommendation process by just designating projects directly.

Funds for Save America's Treasures were first appropriated in FY1999 and used to restore such historic documents as the Star Spangled Banner, the Declaration of Independence, and the U.S. Constitution.

However, the program has also funded certain projects that some Members may find questionable and may view as diverting resources from projects of broader national significance, including:

- Electrical problems at the model stock farm and horse breeding service property of a wealthy industrialist from Vermont;
- Foundation problems with an old carousel in Rhode Island;
- Preservation of the Hearst Metrotone Newsreel Collection, UCLA Film and Television Archive, Hollywood;
- Preservation of certain paintings in the Clyfford Still Collection, Clyfford Still Museum, Denver;
- Preservation of Video Archives, The Joffrey Ballet, Chicago;
- Preservation of select sculptures in the Boston Commons, Boston; and
- Preservation of the Permanent Collection of Drawings, New York Historical Society, New York.

For more examples of funded projects from 1999-2006, go here:  
<http://www.saveamericastreasures.org/funding.htm>.

Some conservatives may be concerned that this legislation authorizes a program that has expanded beyond its original purpose, and that the program has been heavily earmarked in the past.

**Committee Action:** H.R. 3981 was introduced on October 29, 2007, and referred to the House Committee on Natural Resources. On June 11, 2008, the full Committee held a mark-up of H.R. 3981, and ordered the bill reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, “H.R. 3981 would authorize appropriations totaling \$75 million annually for two grant programs administered by the National Park Service (NPS). Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 3981 would cost \$300 million over the 2009-2013 period.”

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, this bill authorizes two new federal government programs.

**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 for H.R. 3981 was not available.

**Constitutional Authority:** A Committee Report for H.R. 3981 was not available.

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## **H.R. 1423— Dorothy Buell Memorial Visitor Center Lease Act (*Visclosky, D-IN*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1423 would authorize the Secretary of the Interior to enter into a memorandum of understanding to establish a joint partnership with the Porter County Convention, Recreation and Visitor Commission and in order to lease space in the Dorothy Buell Memorial Visitor Center for use as a visitor center for the Indiana Dunes National Lakeshore.

The bill allows the Secretary to: (1) plan, design, construct, and install exhibits in the leased space related to the use and management of the resources at the Lakeshore, at a cost under \$1.2 million; and (2) utilize park staff from the Lakeshore in the leased space to provide visitor information and education.

**Committee Action:** H.R. 1423 was introduced on March 8, 2007, and referred to the House Committee on Natural Resources. On June 11, 2008, the full Committee held a mark-up of H.R. 1423 and ordered the bill reported, as amended, by unanimous consent.

**Cost to Taxpayers:** According to CBO, “Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend \$1.5 million over the 2009-2013 period for exhibits in the new visitor facility. CBO also estimates that the leasing provisions of the bill would create budget authority of about \$2 million in 2009 for a capital lease that would be executed with the Porter County Convention, Recreation, and Visitor Commission (PCCRVA, the owner of the visitor center). We estimate that annual lease payments under the new contract would increase direct spending by about \$1 million over the 2009-2018 period. Enacting the bill would not affect revenues.” The direct spending cost would make the bill subject to the House PAYGO rule if this bill were being covered under regular order.

**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 for H.R. 1423 was not available.

**Constitutional Authority:** A Committee Report for H.R. 1423 was not available.

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**H.R. 4199— To amend the Dayton Aviation Heritage Preservation Act of 1992 to add sites to the Dayton Aviation Heritage National Historical Park, and for other purposes  
(Turner, R-OH)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4199 would amend the Dayton Aviation Heritage Preservation Act of 1992 to provide for the acquisition and inclusion of additional sites to the Dayton Aviation Heritage National Historical Park including Hawthorn Hill, Oakwood, Ohio, and the Wright Company factory and associated land and buildings, Dayton, Ohio.

The bill removes the Neil Armstrong Air & Space Museum, Wapakoneta, Ohio, from inclusion in the boundaries of the National Aviation Heritage Area.

In addition, the bill would authorize the National Park Service (NPS) to make grants to local organizations for construction projects on private property within park boundaries. The bill authorizes the Secretary to provide financial assistance to the parks’ partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants will be limited to construction and

development on non-Federal property within the boundaries of the park. Any project funded by such a grant must support the purposes of the park; be consistent with the park's general management plan; and enhance public use and enjoyment of the park.

**Committee Action:** H.R. 4199 was introduced on November 15, 2007, and referred to the House Committee on Natural Resources. On June 11, 2008, the full Committee held a mark-up of H.R. 4199 and ordered the bill reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, "Based on information obtained from NPS and assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4199 would cost \$15 million over the 2009-2013 period and \$1 million annually thereafter for ongoing operations. Enacting the legislation 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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report for H.R. 4199 was not available.

**Constitutional Authority:** A Committee Report for H.R. 4199 was not available.

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## **H.R. 802— Maritime Pollution Prevention Act of 2008** *(Oberstar, D-MN)*

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 802 would amend the Prevent Pollution from Ships Act by applying the provisions (relating to vessel air emissions standards) of the Protocol of 1997 to the International Convention for the Prevention of Pollution from Ships (MARPOL). These provisions would apply to certain marine diesel engines, and other classes of public vessels. The bill would give the Environmental Protection Agency (EPA) significant authority over enforcing these regulations, which typically is an authority held by the Coast Guard. This would result in a large expansion of the EPA's authority over domestic and international waters. In addition, the requirements could impact owners of recreational watercraft (such as fishing boats).

The bill directs the EPA to establish regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances and other substances. H.R. 802 would allow the Secretary of Energy and Commerce to deny the entry of a ship to a port required by the MARPOL Protocol or other regulations required by this Act.



When the bill was considered by the Senate, the bill was amended to remove a provision that the Navy and Coast Guard opposed in the House bill. The amendment would allow pollution prevention standards to expand out to the 200 mile exclusive economic zone (EEZ), in so much as “customary law” would currently allow.

**Committee Action:** H.R. 802 was introduced on February 5, 2007, and referred to the House Committee on Transportation and Infrastructure. On February 7, 2007, the full Committee held a mark-up of H.R. 802 and ordered the bill reported, as amended, by voice vote. On March 26, 2007, the bill passed the House by a vote of [358-49](#). On June 26, 2008, the Senate passed H.R. 802, with an amendment, by unanimous consent.

**Cost to Taxpayers:** According to CBO, “Based on information provided by the U.S. Coast Guard (USCG) and the Environmental Protection Agency (EPA), CBO estimates that implementing H.R. 802 would cost about \$4 million over the next five years, subject to the availability of appropriated funds. Enacting the legislation would not affect direct spending or revenues. Under H.R. 802, EPA and the USCG would establish regulations to implement MARPOL Annex VI, which addresses air pollution from ships. Both EPA and the USCG would be authorized to enforce those regulations, which would affect pollution from marine fuels. CBO estimates that developing new regulations would cost EPA \$2 million over the next three years and that ongoing enforcement activities would cost \$1 million annually thereafter.” Implementing the legislation would have no significant effect on the Coast Guard’s operating budget because that agency already has enforcement responsibilities under MARPOL that would probably not change significantly.

**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. According to CBO, “CBO has not reviewed H.R. 802 for the presence of intergovernmental or private-sector mandates. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the ratification or implementation of international treaty obligations. CBO has determined that the legislation falls within that exclusion because it would implement Annex VI of the MARPOL Convention.”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to House [Committee on Transportation and Infrastructure Report 110-054](#), “Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 802, the Maritime Pollution Prevention Act of 2007, 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:** According to House [Committee on Transportation and Infrastructure Report 110-054](#), cites constitutional authority in Article 1, Section 8 of the Constitution, but fails to cite a specific clause. 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.R. 5975—To designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the “Cpl. John P. Sigsbee Post Office” (Arcuri, D-NY)**

**Order of Business:** H.R. 5975 is scheduled for consideration on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5975 would designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the “Cpl. John P. Sigsbee Post Office”.

**Additional Information:** Cpl. John P. Sigsbee, 21, of Waterville, N.Y. was assigned to the 1st Squadron, 32nd Cavalry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY. He died January 16, 2008, in Balad, Iraq, of wounds sustained from grenade and small-arms fire during combat operations.

**Committee Action:** H.R. 5975 was introduced on May 6, 2008, and referred to the Committee on Oversight and Government Reform, which ordered the bill reported by voice vote.

**Cost to Taxpayers:** A CBO score for H.R. 5975 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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**H.R. 6061—To designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the “Kenneth James Gray Post Office Building” (Costello, D-IL)**

**Order of Business:** H.R. 6061 is scheduled for consideration on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6061 would designate the facility of the United States Postal Service located at 219 East Main Street in West Frankfort, Illinois, as the “Kenneth James Gray Post Office Building”.

**Additional Information:** Kenneth James Gray was a Democratic Representative from Illinois. During the Second World War he served from January 1943 as a crew chief with the Twelfth Air Force in North Africa; served with the combat engineers of the Fifth Army in Italy; returned to the Twelfth Air Force and participated in combat over southern France and central Europe until discharged as a first sergeant in December 1945. He was elected as a Democrat and served from 1955—1974.

**Committee Action:** H.R. 6061 was introduced on May 14, 2008, and referred to the Committee on Oversight and Government Reform, which ordered the bill reported by voice vote.

**Cost to Taxpayers:** A CBO score for H.R. 6061 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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**H.R. 6092—To designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Sergeant**

## **Paul Saylor Post Office Building” (Gingrey, R-GA)**

**Order of Business:** H.R. 6092 is scheduled for consideration on Tuesday, July 8, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6092 would designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the “Sergeant Paul Saylor Post Office Building”.

**Additional Information:** According to the Sponsor’s office:

“A brave young man from my district, Sergeant Paul Saylor of Bremen, Georgia, bravely served our nation in Iraq as a member of the Georgia National Guard’s 48th Infantry Brigade. He heroically gave his life for our country on August 15, 2005 while on patrol in Al Mahmudiyah, Iraq, when the vehicle he was traveling in rolled over into a canal. Sergeant Saylor was 21 years old. Upon being returned to his family, Sergeant Saylor’s remains were in a state of advanced decomposition, and he was not able to be viewed by his family for a final goodbye. His family has since worked tirelessly to improve the treatment of the remains of all fallen soldiers to ensure that no family has to experience a similar fate.”

**Committee Action:** H.R. 6092 was introduced on May 20, 2008, and referred to the Committee on Oversight and Government Reform, which ordered the bill reported by voice vote.

**Cost to Taxpayers:** A CBO score for H.R. 6092 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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