



Legislative Bulletin.....July 9, 2008

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H.R. 6382— Pension Protection Technical Corrections Act of 2008
(Rangel, D-NY)

Order of Business: The bill is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6382 would make a number of technical corrections and conforming changes to titles I through XII of the [Pension Protection Act of 2006](#), which amends the Employee Retirement Security Act of 1974 (ERISA). According to the Minority staff on the House Ways and Means Committee, this bill contains two sections. The first section is technical in nature, mirroring [H.R. 3361](#), the Pension Protection Technical Corrections Act of 2007 (Rangel) which passed the House on March 12, 2008 by a voice vote. The second section of the bill contains six “side-car” items, four of which are not considered technical. Those “side-car” items are:

1. **Smoothing**— This provision has been requested by many companies that sponsor pension plans. “Smoothing” refers to allowing pension plans to use averages of interest rates to determine how much money must be contributed by a company to fund its pension plan. Spikes and drops in interest rates cause pension plan funding to be very uncertain and forces short term problems for pension fund managers. By “smoothing” interest rates, plans become more predictable and companies are more likely to be willing to continue to sponsor them. Critics of the provision claim that this undermines the aim of the original bill, while proponents of the provision say that the original bill was too draconian and this change prevents short term

instability. The Treasury has interpreted the Pension Protection Act (PPA) as prohibiting smoothing. According to the Minority staff on Ways and Means, this provision increases revenue by \$72 million over ten years.

2. ADEA / State and Local Plans— This provision allows state and local governments to get the same Age Discrimination in Employment Act (ADEA) clarification that was provided to private sector hybrid pension plans in the original PPA. Private sector hybrid pension plans were deemed to be in compliance with ADEA and that interest rates were not age discriminatory. This change was made in ERISA—the Labor law that governs pensions. Due to state and local pension plans are not being covered by ERISA, this change is being made in the tax code that does apply to them. Critics of this provision would argue that the main purpose is to increase the pensions of state workers and because of the manner in which these benefits are calculated, it is arguably age discriminatory. If the states were limited to using the PPA market interest rate (i.e. a lower interest rate in some cases), distributions would likely be smaller. States are generally not willing to increase the amount of contributions to the pension plans in place of the higher interest crediting rates due to their budget shortfalls.
3. Bankrupt Airlines—This provision would benefit employees (often pilots) of airlines who get a payout in lieu of their projected future benefit accruals (and also possibly in lieu of other compensation) as part of bankruptcy proceedings filed between September 12, 2001 and December 31, 2006. Under current law, the payouts constitute taxable income to the employee. This proposal would waive the AGI and contribution limitations and allow the employees to roll the payments into Roth Individual Retirement Accounts, thus making them taxable on receipt but allowing tax-free build-up in the accounts. According to the Minority staff on Ways and Means, this provision reduces revenue by \$82 million over ten years. This provision is also a stand-alone bill, which enjoys wide bipartisan support.
4. Health Trusts—Minnesota and Michigan have Section 105 health care trusts for their state employees. Funds are contributed by the employees on a tax-free basis and can be used for qualifying medical expenses (including premiums) upon retirement. If the plan participant dies, a surviving spouse or dependent child can use remaining funds in the account for medical expenses on a tax-free basis. If the plan participant dies without a surviving spouse or dependent child, the remainder in the trust can be passed to another designated beneficiary. However, the IRS recently ruled that amounts paid to a non-spouse/non-dependent child beneficiary disqualify the tax-exempt status of the entire trust. This provision would allow plan participants who die without a spouse or dependent child to designate another beneficiary, but the amount received would be taxable. According to Minority staff on Ways and Means, this provision increases revenue by \$3 million over ten years.
5. Lump Sums—This provision would allow certain small employer plans to use a fixed interest rate of 5.5% when making calculations about whether a lump sum distribution violates maximum benefit payout rules instead of using a market rate of return. Sponsors argue this provides needed certainty when making decisions about their plans. American Society of Pension Professionals & Actuaries (ASPPA) stressed the need for small plans to have some certainty in calculating distributions to be made in a year. Critics of this provision are concerned that if a fixed interest rate were below current rates it would be improper to allow lump sums because it could potentially be a massive windfall for employees, resulting in further plan underfunding. ASPPA has been trying to use a fixed, 5.5% rate since the 2002 pension bill, and

each year Congress has determined it to be inappropriate. This provision represents ASPPA's lobbied provision. According to Minority staff on the Ways and Means Committee, this provision reduces revenue by \$59 million over ten years.

6. Failure to File Penalties—The bill increases penalties for failure to file partnership and S corporation tax returns. According to Minority staff on Ways and Means Committee, this provisions increases revenue by \$80 million over ten years.

A comprehensive summary document prepared by the Minority staff on the Committee on Ways and Means is available [online](#).

Additional Information: The Pension Protection Act of 2006 amended ERISA and the Internal Revenue Code of 1986 to reform the funding rules for pensions. The bill was passed in the House on July 28, 2006, by a vote of [279-131](#). On August 17, 2006, the bill was signed by the President and became Public Law No. 109-280. According to the Minority staff on the House Ways and Means Committee, H.R. 6382 would make clerical changes to the Pension Protection Act of 2006 and as well as other substantive changes that would alter the bill's significant provisions. The changes made by H.R. 6382 will be applied as if they were enacted in the original version of the legislation.

Possible Conservative Concerns: Some conservatives may be concerned that there are non-technical provisions in this “technical corrections” bill, which is contrary to how we have historically handled tax technical corrections bills. Generally, non-technical provisions are only allowed in technical corrections bill if there is an overwhelming agreement between both parties to fix a provision. Some conservatives may be concerned that by diverting from this, the tax technical corrections bill becomes another moving revenue vehicle.

Committee Action: H.R. 6382 was introduced on June 26, 2008, and referred to the Committee on Ways and Means, as well as the Committee on Education and Labor, where no official action was taken.

Cost to Taxpayers: No CBO score is available, and the Joint Committee on Taxation has yet to release a review of this legislation's revenue effects.

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.

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

H. Con. Res. 375— To honor the goal of the International Year of Astronomy, and for other purposes (*Giffords, D-AZ*)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 375 would express the sense that the House or Representatives:

- “honors the goal of the International Year of Astronomy to celebrate astronomical discoveries;
- “encourages the public to participate in IYA celebrations and activities and discover more about the Universe and the science of astronomy; and
- “applauds the efforts of the employees, centers, and laboratories of the National Aeronautics and Space Administration and the National Science Foundation in promoting public understanding of the astronomical sciences during the celebration of the International Year of Astronomy.”

The resolution lists a number of findings, including:

- “the year 2009 represents the 400th Anniversary of Galileo’s astronomical use of the telescope;
- “the year 2009 has been designated the International Year of Astronomy (IYA) by the United Nations and UNESCO;
- “astronomical observations and discoveries have profound implications for the development of science, philosophy, culture, and our general conception of our place in the Universe;
- “astronomy is one of the oldest basic sciences and contributes fundamentally to the ultimate context of all other sciences;
- “astronomy and astronomical discoveries continue to capture the imagination of the American people;
- “the United States is the home of the most advanced astronomical research in the world;
- “the many creative programs and activities planned in the United States for IYA 2009 are strongly supported by the staff, missions, and observatories of the National Science Foundation and the National Aeronautics and Space Administration;
- “science and technology awareness and education play a critical role in the economic success of the United States; and
- “the astronomical sciences inspire students to study science, mathematics, engineering, and technology.”

Committee Action: H. Con. Res. 375 was introduced on June 20, 2008, and referred to the House Committee on Science and Technology, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

**H. Res. 1313— Celebrating the 25th anniversary of the first American woman in space, Dr. Sally K. Ride, and honoring her contributions to the space program and to science education
(Lampson, D-TX)**

Order of Business: The resolution is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1313 would express that it is the sense of the United States House of Representatives:

- “celebrates the 25th anniversary of Dr. Sally K. Ride as the first American woman in space; and
- “extends its appreciation and gratitude for Dr. Ride’s excellence in service to the Nation as an astronaut, educator, and advocate for the next generation of women scientists and engineers.”

The resolution lists a number of findings, including:

- “Sally K. Ride of Los Angeles, California, a physicist by training and an accomplished athlete, was selected as a National Aeronautics and Space Administration (NASA) astronaut candidate in 1978, as part of the eighth class of NASA astronauts and one of only six women in the class;
- “on June 18, 1983, Dr. Ride was lofted into space aboard the Space Shuttle Challenger as part of the STS-7 crew, making her the first American woman in space;
- “the STS-7 crew launched two communications satellites from the Shuttle and accomplished many first steps for the United States space program, including the first release and capture of a satellite using the Shuttle’s robotic arm, the first demonstration of a Shuttle’s flight in formation with a free-flying satellite, and the first United States-German cooperative material science experiments aboard the Shuttle, as well as the conduct of other science experiments;
- “on October 5, 1984, Dr. Ride made her second spaceflight as a mission specialist on STS 41-G, a mission that demonstrated the ability to refuel satellites in orbit and launched NASA’s Earth Radiation Budget Satellite, which spent over 20 years providing valuable scientific data on the Earth’s absorption and re-radiation of solar energy;
- “when training for Dr. Ride’s third spaceflight assignment ceased after the tragic loss of the Space Shuttle Challenger and her crew in 1986, Dr. Ride was called to serve on the Presidential Commission on the Space Shuttle Challenger Accident;

- “Dr. Ride has continued to serve the Nation’s space program with distinction, authoring the 1987 report, Leadership and America’s Future in Space, and serving on the Columbia Accident Investigation Board;
- “as an educator, author of children’s books, and advocate for the next generation of women in science, mathematics, and technology, Dr. Ride’s work has contributed to the wellbeing of our youth; and
- “Dr. Ride has worked tirelessly and passionately to encourage young women to follow the sciences, mathematics, and technology by promoting science festivals, camps, and other opportunities through which young women can acquire hands-on learning about science.”

Committee Action: H. Res. 1313 was introduced on June 26, 2008, and referred to the House Committee on Science and Technology, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

H. Res. 1312— Commemorating the 25th anniversary of the Space Foundation (Lamborn, R-CO)

Order of Business: H. Res. 1312 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1312 would express that it is the sense of the United States House of Representatives:

- “recognizes the contributions made by the Space Foundation; and
- “commemorates the Space Foundation’s 25 years of excellence and support to the Nation.”

The resolution lists a number of findings, including:

- “on March 21, 1983, the United States Space Foundation was founded by a small group of pioneering individuals in Colorado Springs, Colorado;
- “2008 marks the 25th year of excellence and service of the Space Foundation;
- “the mission of the Space Foundation is to advance space-related endeavors to inspire, enable, and propel humanity;
- “the Space Foundation has become the leading nonprofit organization advancing the exploration, development, and use of space and space education for the benefit of all humankind;

- “the Space Foundation embraces all aspects of space including commercial, civil, and national security;
- “the current national security environment requires extensive use and advancement of space-based assets;
- “the Space Foundation has contributed to space education programs in all 50 States and also in Europe and Asia;
- “the Space Foundation is regarded internationally as a leading space advocacy organization, and is a member of the United States Delegation to the United Nations Committee on the Peaceful Uses of Outer Space; and
- “the Space Foundation hosts the National Space Symposium and Strategic Space and Defense, 2 of the top conferences for space professionals.”

Committee Action: H. Res. 1312 was introduced on June 26, 2008, and referred to the House Committee on Science and Technology, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

H. Res. 1315— Commemorating the 50th Anniversary of the National Aeronautics and Space Administration (McCaul, R-TX)

Order of Business: H. Res. 1315 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1315 would express that it is the sense of the United States House of Representatives:

- “honors the men and women of the National Aeronautics and Space Administration on the occasion of its 50th Anniversary;
- “acknowledges the value of NASA’s discoveries and accomplishments; and
- “pledges to maintain America’s position as the world leader in aeronautics and space exploration and technology.”

The resolution lists a number of findings, including:

- “the National Aeronautics and Space Administration was established on July 29, 1958;
- “on May 5, 1961, NASA successfully launched America’s first manned spacecraft, Freedom 7, piloted by Alan B. Shepard, Jr.;

- “in July of 1969 President John Kennedy’s vision of landing a man on the moon and returning him safely to Earth was realized with the Apollo 11 mission, commanded by Neil A. Armstrong, Lunar Module Pilot Edwin ‘Buzz’ Aldrin, Jr., and Command Module pilot Michael Collins;
- “on April 12, 1981, NASA began a new era of human space flight and exploration with the launch of the first Space Shuttle Columbia, commanded by John W. Young and piloted by Robert L. ‘Bob’ Crippen;
- “NASA has greatly expanded our knowledge and understanding of our planet and solar system through various unmanned vehicles utilized on numerous missions;
- “during the Cold War, NASA’s achievements served as a source of national pride and captured the imagination of the world by demonstrating a peaceful use of our technological capabilities;
- “NASA now serves as a model for international cooperation and American leadership through the International Space Station and other scientific endeavors;
- “thanks to NASA and the far-reaching gaze of the Hubble Space Telescope, we have seen further into our universe than ever before;
- “NASA space probes have landed on or flown by eight of the planets in our solar system;
- “the aeronautics research by NASA has led to great discoveries and advances in aircraft design and aviation;
- “the work done by NASA has expanded the scope of human knowledge, created new technologies, and inspired young men and women to enter scientific and engineering careers;
- “in the last fifty years, NASA has positively impacted almost every facet of our lives; and
- “thanks to the heroism, courage, and supreme sacrifice of our astronaut corps over the last five decades, we are now able to live and work in space for the benefit of all men.”

Committee Action: H. Res. 1315 was introduced on June 26, 2008, and referred to the House Committee on Science and Technology, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

H.R. 4174— Federal Ocean Acidification Research And Monitoring Act of 2007 (Allen, D-ME)

Order of Business: The bill is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4174 would establish an Interagency Committee on Ocean Acidification to oversee the planning, establishment, and coordination of a plan designed to understand the role of

increased ocean acidification on marine ecosystems and identify and develop techniques to conserve marine ecosystems as they adjust to increased ocean acidification. The bill requires that this Committee report to Congress on their findings.

The bill also requires that the Committee implement a “strategic research and implementation plan for coordinated Federal activities.” The bill would require the Secretary of the National Oceanic and Atmospheric Administration (NOAA) to establish and maintain an ocean acidification program within the NOAA to implement activities consistent with the strategic research and implementation plan developed by the Committee.

The bill authorizes \$6 million for FY 2009, \$8 million for FY 2010, \$11 million for FY 2011, and \$30 million for FY 2012 and each fiscal year thereafter.

Additional Information: Ocean acidification is a term which describes the decrease in the pH (pH is the measure of acidity) of the Earth’s oceans, thought to be caused by the uptake of atmospheric carbon dioxide.

A cursory search for ocean acidification research shows that there are numerous private organizations and networks that are already performing extensive research in this area. In addition, NOAA has already developed a five year interdisciplinary program on ocean acidification, which includes establishing coral reef monitoring stations, research on the physiological responses of various organisms to increasing ocean acidity, modeling of ocean acidification and its socioeconomic effect, and development of technology for measuring and monitoring carbon dioxide in the oceans. NOAA is also already funding research programs on ocean acidification.

Possible Conservative Concerns: H.R. 4174 authorizes a new Interagency Committee within NOAA, as well as numerous new programs to be implemented by the Committee. Furthermore, much of the research that would be done by the Interagency Committee would be duplicative of current efforts at NOAA.

Committee Action: H.R. 4174 was introduced on November 14, 2008, and referred to the House Committee on Science and Technology. On June 25, 2008, the Committee held a mark-up and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: While no CBO score is available, the bill would authorize \$55 million for FY 2009—2012 and \$30 million per year thereafter.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 4174 authorizes a new Interagency Committee within NOAA, as well numerous new programs to be implemented by the Committee.

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.

H.R. 6216—Asset Management Improvement Act (*Sires, D-NJ*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 9th, under a motion to suspend the rules and pass the bill.

Major Changes Since the Last Time This Legislation Was Before the House: On February 26, 2008, the House considered (under a rule) [H.R. 3521](#), the [Public Housing Asset Management Improvement Act](#), which was pulled from the House floor after Rep. Michele Bachmann (R-MN) offered a motion to recommit the bill back to the Financial Services Committee with instructions that the committee report the bill back to the House floor promptly with the following amendment:

- Prohibits the Housing and Urban Development (HUD) Secretary from accepting as reasonable any Public Housing Authority (PHA) fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration, or prohibits the possession, of any firearm:
 - ✓ That an individual has for his or her personal protection or for sport; and
 - ✓ The possession of which is not prohibited, or the registration of which is not required, by existing law.

Democrats claimed that this motion would “kill the bill,” which is false. If passed, the “promptly” directive in the motion would have sent the bill back to committee along with the instructions (the amendment). Though the motion would not have instantaneously amended the bill, as would a “forthwith” directive, the committee could have convened a special meeting that same day, the following day, or any day of its choosing to consider the bill and potentially send it back to the House. The Rules Committee would just have to meet and report another rule for consideration of the newly amended bill.

Instead, the Democrats pulled H.R. 3521 from the floor.

One significant change in H.R. 6216, as compared to H.R. 3521, is language allowing a public housing agency or an owner of federally assisted housing to terminate the tenancy or assistance for any household with a member:

- “Who the public housing agency or owner determines is illegally using a firearm; or
- “Whose illegal use of a firearm is determined by the public housing authority or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.”

Some conservatives may be concerned with allowing determinations of illegal firearms use to be made by housing authorities and owners.

A second significant change in H.R. 6216 is language allowing a public housing agency that elects to be exempt from asset management requirements to retain the same number of separate public housing projects, for purposes of determining its operating fund allocation.

H.R. 6216, as indicated below, otherwise contains the same provisions as H.R. 3521 (as reported from committee) plus the Sires and Meek amendments to H.R. 3521 (which the House passed on the floor in February) and the language of the Bachmann motion to recommit.

Background: The following background is provided by the Republican staff of the Financial Services Committee:

PHAs [Public Housing Authorities] are public agencies established by state or local governments for the purpose of operating and maintaining public housing. PHAs are eligible to receive two sources of funding from HUD [Department of Housing and Urban Development]: operating funds and capital funds. Operating funds are granted to PHAs to cover operating and management costs, including administration, routine maintenance, resident participation in management, insurance and energy. Capital funds are distributed to PHAs based on a formula and are intended to further the core purposes of public housing, including construction, operation, and maintenance of affordable housing units.

The Quality Housing and Work Responsibility Act (QHWRA), passed by Congress in 1998, included a requirement for negotiated rulemaking to develop a new public housing operating fund formula. Rulemaking concluded in 2004, after a three-year, \$4 million Operating Cost Study was conducted, and in 2005, HUD issued the Public Housing Operating Fund Final Rule.

This rule requires PHAs that manage 250 or more public housing units to begin transitioning in 2007 to a new property management system known as asset management. Currently, PHAs manage their assets on an agency-wide basis. However, implementation of asset management would require PHAs to utilize project-based administration, including project-based funding, budgeting, accounting, management, and performance management. There is a general consensus among industry groups and HUD that asset management is desirable, but housing agency groups have been critical of several components of the negotiated rule. Due to pressure from Chairman Frank and other Members of Congress, including some Republicans, HUD agreed to delay the implementation in an effort to give PHAs additional time to comply with the negotiated rule.

In other words, the negotiated rule would require more unit-by-unit, project-by-project accountability for public housing, rather than accountability based on a PHA's entire portfolio.

NOTE: HUD has pointed out that the negotiated rule would already exempt 74% of PHAs from its application (since the vast majority of PHAs control less than 250 units).

Summary, as amended (comparisons to H.R. 3521 noted parenthetically in red-bold below):

H.R. 6216 would prohibit the HUD Secretary from imposing restrictions or limitations on the amount of management and related fees with respect to a public housing project that the PHA determines to be “reasonable,” unless such restriction or limitation is:

- Determined pursuant to a negotiated rulemaking convened by the Secretary no earlier than April 1, 2009, with representatives from interested parties; and
- Effective only on or after January 1, 2011.

(same as in H.R. 3521)

HUD could not deem a Public Housing Authority (PHA) as non-compliant with asset management rules as a result of the PHA determining its fees in accordance with the underlying bill. **(language from the Sires amendment to H.R. 3521)**

The bill would also allow any PHA that owns or operates fewer than **500** public housing units to elect to be exempt from asset management requirements imposed by the HUD Secretary. (This would double the 250-unit threshold under the current negotiated rule and would, according to HUD, have the effect of exempting 88% of PHAs from its asset management rule.) **(same as in H.R. 3521)**

A PHA that elects to be exempt from asset management requirements to retain the same number of separate public housing projects, for purposes of determining its operating fund allocation. **(new language not in H.R. 3521)**

Additionally, HUD would be prohibited from imposing any requirement, regulation, or guideline relating to asset management that restricts or limits in any way the use by PHAs of amounts for Capital Fund assistance for costs of any PHA central office. In other words, the bill would prohibit restrictions on the use of appropriated funds for PHAs for administrative purposes (within the 20% cap on administrative expenses from the Capital Fund and other administrative allowances in current law). **(same as in H.R. 3521)**

HUD would be directed to ensure that PHAs encourage the “reasonable efforts” of resident tenant organizations to represent their members and of tenants to organize, relating to any public housing asset management issue. **(same as in H.R. 3521)**

HUD (or any receiver) would be prohibited from abrogating, waiving, repealing, or modifying any agreement between the PHA and the resident or tenant association entered into before the commencement of receivership. HUD would be responsible, in the case of receivership, for performing the same federally-set responsibilities that PHAs have regarding consultation with resident or tenant associations before building public housing. A receiver is a person or entity appointed to hold in trust and administer property under litigation or during reorganization. **(language from the Meek amendment to H.R. 3521)**

HUD would have to encourage participation by public housing residents in the implementation of asset management and the development of local policies for such purposes. **(same as in H.R. 3521)**

H.R. 6216 would restate current law that “immigrants who are not lawfully present in the United States shall be ineligible for financial assistance” under the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). **(language from the Sires amendment to H.R. 3521)**

The bill would prohibit HUD from accepting as reasonable any PHA fees for enforcing any provision of a dwelling lease agreement or other similar agreement that requires the registration, or prohibits the possession, of any firearm:

- That an individual has for his or her personal protection or for sport; and
- The possession of which is not prohibited, or the registration of which is not required, by existing law.

(language from the Bachmann motion to recommit H.R. 3521)

H.R. 6216 would also allow a PHA or an owner of federally assisted housing to terminate the tenancy or assistance for any household with a member:

- “Who the public housing agency or owner determines is illegally using a firearm; or
- “Whose illegal use of a firearm is determined by the public housing authority or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.”

(new language not in H.R. 3521)

Committee Action: H.R. 6216 was introduced on June 9, 2008, and referred to the Financial Services Committee, which, on June 25th, marked up and ordered the amended bill reported to the full House by voice vote.

Possible Conservative Concerns: Some conservatives may be concerned that this bill would:

- Allow determinations of illegal firearms use to be made by housing authorities and owners;
- Increase the number of PHAs that do not have to comply with the proposed unit-by-unit asset management accountability system;
- Increase the availability of funds for administrative overhead, since every dollar used for overhead is a dollar less for renovations, repairs, and upkeep of public housing; and
- Negate a rule that was delicately negotiated over several years amongst HUD, resident groups, and housing industry representatives.

Administration Position: Although a Statement of Administration Policy (SAP) for H.R. 6216 was not available at press time, the SAP for H.R. 3521 indicated that the Administration “[strongly opposes](#)” the legislation.

Cost to Taxpayers: Although a CBO cost estimate for H.R. 6216 was not available at press time, CBO estimated that H.R. 3521 would have “no significant impact on the federal budget.” The same analysis would likely apply to H.R. 6216.

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? The Financial Services Committee, in [House Report 110-521](#), asserts that, “H.R. 3521 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.” No committee report for H.R. 6216 will be available.

Constitutional Authority: The Financial Services Committee, in [House Report 110-521](#), cites constitutional authority for H.R. 3521 in Article I, Section 8, Clauses 1 (the congressional power to provide for the **general** welfare of the United States) and 3 (the congressional power to regulate interstate **commerce**). (*emphasis added*) No committee report for H.R. 6216 will be available.

Outside Organizations: The following organizations have supported H.R. 3521:

- Council of Large Public Housing Authorities;
- National Association of Housing and Redevelopment Officials; and
- Public Housing Authorities Directors Association.

A list of organizations opposing the legislation was not available at press time.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3329— Homes for Heroes Act of 2007
(Green, D-TX)

Order of Business: The bill is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3329 creates a Special Assistant for Veterans Affairs within the Department of Housing and Urban Affairs (HUD) and creates a new \$200 million capital advance grant program for new construction for very-low income and homeless veterans. In addition, it authorizes an additional 20,000 new vouchers for homeless veterans.

The following background and summary was provided by the Minority staff on the Financial Services Committee:

The Department of Veterans Affairs estimates that as of September 2006, there were 24 million veterans living in the United States and Puerto Rico. According to an August 2007 report from the Government Accountability Office¹, 2.3 million veteran households are low-income renters, 1.3 million of whom have housing affordability problems. GAO also found that low income veteran households were less likely to receive HUD assistance than other low-income households, due in part to the lack of housing preferences for veterans among public housing agencies. Furthermore, the VA estimates that at least 194,000 veterans were homeless in FY 2005.

¹ GAO-07-1012. “Rental Housing: Information on Low-Income Veterans’ Housing Conditions and Participation in HUD’s Programs.

There are several federal programs designed to serve the needs of homeless veterans. The majority of these programs are operated by the Department of Veterans Affairs, although the Department of Housing and Urban Development and the Department of Labor also have veterans housing programs as well. According to Congressional Research Service, the VA programs provide health care and rehabilitation services for homeless veterans (the Health Care for Homeless Veterans and Domiciliary Care for Homeless Veterans programs); employment assistance (Homeless Veterans Reintegration Program and Compensated Work Therapy program); transitional housing (Grant and Per Diem and Loan Guarantee programs) as well as other supportive services. Overall, veteran-specific federal programs received an estimated \$270 million in federal funding level in 2007.

In addition to these programs, the VA and HUD jointly administer the HUD-Veterans Affairs Supportive Housing Program (HUD-VASH). HUD-VASH was established in 1992 and Congress statutorily authorized the program under the Homeless Veterans Comprehensive Assistance Act of 2001. In December 2006 Congress extended the program's authorization through 2011. HUD-VASH provides homeless veterans with chronic mental illness or chronic substance abuse problems permanent supportive housing via Section 8 Housing Choice Vouchers. HUD plans to expand the HUD-VASH program to serve up to 20,000 veterans. In FY 2008 \$75 million was appropriated to provide approximately 10,000 additional HUD-VASH vouchers. In the FY 2009 HUD requested another \$75 million to add an additional 9,800 vouchers to the program. The 20,000 vouchers that are authorized in H.R. 3329 would be in addition to the vouchers funded in the 2008 and 2009 HUD appropriations.

The primary goals of H.R. 3329 are threefold—create a new Special Assistant for Veterans Affairs, expand the supply of housing for very low-income veterans, and increase the number of vouchers for homeless veterans.

The Special Assistant for Veterans Affairs would ensure veterans received proper access to HUD's housing assistance programs, coordinate all HUD programs and activities pertaining to veterans, and would act as a liaison between HUD and the Department of Veterans Affairs.

The bill authorizes appropriations for housing assistance for very low-income and homeless veterans. [A very low-income veteran family has an income not exceeding 50% of area median income.] A \$200,000,000 authorization would provide capital advances and planning grants to private non-profits and consumer cooperatives for the construction and rehabilitation of permanent supportive housing for very low income veterans. The \$200,000,000 authorization may also be used for project rental assistance. The bill also authorizes appropriations necessary to provide 20,000 additional housing choice vouchers for homeless veterans for FY 2008 and each year thereafter.

Other provisions in the bill include: (1) the exclusion of veterans benefits amounts from rental subsidy calculations for all federally funded housing programs; (2) an authorization of \$1,000,000 in technical assistance grants to non-profits to who provide veterans housing or provide assistance to veterans seeking housing; (3) an authorization of \$1,000,000 for annual reports to Congress on veterans housing assistance and (4) requirements for veteran participation in housing planning.

In addition, the bill would permit the use of private financing and Low Income Housing Tax Credits in combination with authorized capital funds by enabling for-profit limited partnerships to own such

properties, under the condition that the sole or managing general partner be a private non-profit organization. The bill would also prevent undue benefits should a project cease to provide housing assistance to low-income veterans. An exception is made for projects that cease providing this housing if the owner is doing so due to the failure of federal rental assistance to be provided.

Committee Action: H.R. 3329 was introduced on August 2, 2007, and referred to the House Committee on Financial Services. On June 24, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: While no CBO score is available, the bill authorizes \$200 million for FY 2008, and such sums as may be necessary for each fiscal year thereafter.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 3329 creates a Special Assistant for Veterans Affairs within the Department of Housing and Urban Affairs (HUD) and creates a new \$200 million capital advance grant program for new construction for very-low income and homeless veterans. In addition, it authorizes an additional 20,000 new voucher for homeless veterans.

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.

H.R. 6184—America’s Beautiful National Parks Quarter Dollar Coin Act of 2008 (Castle, R-DE)

Order of Business: H.R. 6184 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6184 would require quarter dollars, issued beginning in 2010, to have designs on the reverse emblematic of one national site in each state, the District of Columbia and territory of the United States. The bill instructs the Secretary of the Treasury to select in each state a national park or other national site to be honored with a coin. The bill would require five coin designs in each year of the period of issuance. The bill also instructs the Secretary to strike and make available for sale silver bullion coins that are exact duplicates of such quarter dollars. The bill authorizes the Director of the National Park Service to purchase for resale or distribution numismatic items issued under this Act.

Committee Action: H.R. 6184 was introduced on June 4, 2008, and referred to the House Committee on Financial Services. On June 25, 2008, the Committee held a mark-up and reported the bill by a vote of 58—0.

Cost to Taxpayers: No CBO score 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. 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.

H.R. 4461—Community Building Code Administration Grant Act of 2007 (Moore, D-KS)

Order of Business: H.R. 4461 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4461 would establish a new grant program administered by the Department of Housing and Urban Development to assist local governments with the administration and enforcement of building codes. The bill specifies that the maximum amount of any individual grant will be \$1 million.

The bill would require that each grant applications be:

- Competitively evaluated;
- Scored in consideration of the financial condition of the community;
- Scored on demonstration of benefits to the local community of an adequately funded code enforcement office;
- Scored on demonstrated capability to work cooperatively with other code enforcement offices and public safety agencies.

In addition, the bill would require that each grant application include the following elements:

- A demonstration of need for resources to aid local building code enforcement;
- A specific plan for the use of the grant funds that addresses the demonstrated needs;

- A plan for how the grant recipient will self-sustain the new level of code enforcement activities after the grant;
- A plan to inform and educate the public about the purpose and use of the grant funded programs;
- A plan to ensure administrative and judicial action in enforcement of building, fire and health codes.

The bill specifies that federal funds may be used for the following:

- An increase in staffing;
- Staff training, professional certification and departmental accreditation;
- Capital expenditures dedicated to building code enforcement;
- Similar expenses that directly support enhanced building and fire code enforcement.

The bill also sets the following requirements for matching funds from local resources:

- Matching requirements shall be scaled to as little as five percent depending upon local need and population;
- Matching funds may include in-kind contributions;
- Local match can be waived hardship reasons and for jurisdictions that dedicate permit fees to the local code enforcement program.

The bill authorizes this grant program for five years at \$100 million per year and allows HUD to reserve five percent for its own administrative expenses.

Committee Action: H.R. 4461 was introduced on December 12, 2007, and referred to the House Committee on Financial Services. On June 24, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: No CBO score is available, however, the bill authorizes \$100 million per year, for five years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill authorizes a new grant program under the Department of Housing and Urban Development.

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.

**H.R. 5541— Federal Land Assistance, Management and Enhancement Act or
FLAME Act
(Rahall, D-WV)**

Order of Business: H.R. 5541 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5541 would establish the Federal Land Assistance, Management, and Enhancement Fund (the Flame Fund). The bill would require that amounts in the Flame Fund be made available to the Secretary of the Interior and the Secretary of Agriculture to pay the costs of catastrophic emergency wild land fire suppression activities that are separate from amounts annually appropriated for the predicted annual workload for such activities. The Flame Fund would finance some fire suppression activities managed by the Forest Service and the Bureau of Land Management (BLM). The bill also would authorize the Forest Service and the BLM to provide grants to certain communities to improve local firefighting capabilities.

The bill would require that the Secretaries establish an accounting and reporting system for the Flame Fund. In addition, it requires the Secretaries to annually report on the use of the funds from the Flame Fund, and submit a report that contains a cohesive wildland fire management strategy.

Committee Action: H.R. 5541 was introduced on March 6, 2008, and referred to the Committee on Natural Resources, as well as the Committees on Agriculture, and the Budget. On April 17, 2008, the Committee on Natural Resources held a mark-up of the bill and ordered it reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, “creating the Flame Fund and authorizing appropriations to that fund for fire suppression would have no effect on the federal budget because agencies already receive appropriations under existing authorities and have permanent authority to transfer funds from other accounts to cover fire suppression costs. Implementing this legislation might change the timing of appropriations for fire suppression but not the total cost of that activity. CBO estimates that carrying out other provisions of the bill, including new reporting requirements and grant programs, would cost \$100 million over the 2009-2013 period, assuming appropriation of the necessary amounts. Enacting the legislation would not affect revenues or direct spending.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates new grant programs for fire suppression activities.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to the Committee on Natural Resources House Report [110-704](#), “H.R. 5541 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 Natural Resources House Report [110-704](#) cites Article I, section 8 of the Constitution with the authority to enact this bill. **This constitutional authority statement fails to cite a foregoing power of Congress.** 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: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

**H. Res. 1322— Commending the firefighters from California and throughout
the United States for their courageous actions and sacrifices in fighting the
California wildfires
(Farr, D-CA)**

Order of Business: H. Res. 1322 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1322 would express that it is the sense of the United States House of Representatives:

- “commends firefighters from California and throughout the United States for their courageous actions and sacrifices in fighting wildfires on National Forest System land and other public lands in California;
- “acknowledges the continued work of firefighters to protect National Forest System land, other public lands, and private property from further damage;
- “praises the people of California for their great courage in this time of crisis; and
- “extends its heartfelt sympathies to the families of those who have lost loved ones or their homes, businesses, or other property in the wildfires.”

The resolution lists a number of findings, including:

- “since June 20, 2008, there have been 1,781 wildfires in California started by natural causes, including lightning, or by human activity;
- “630,886 acres of land have burned in these wildfires, and, as of July 8, 2008, there are 323 wildfires still burning in California;
- “significant portions of National Forest System land and wilderness areas continue to burn in the Los Padres, Klamath, Shasta, Trinity, Mendocino, Plumas, Eldorado, Tahoe, Six Rivers, and Lassen National Forests;
- “areas of Butte, Monterey, Santa Barbara, and Shasta counties are under evacuation orders, and precautionary evacuation orders currently exist in areas of Kern, Mendocino, Monterey, Santa Barbara, and Plumas counties;
- “the wildfires are threatening 8,874 residences, 168 commercial buildings, and 2,085 outbuildings, but the heroic efforts of firefighters have limited the destruction to 40 residences, 1 commercial building, and 61 outbuildings;

- “firefighters have already been working for weeks on the front lines of a fire season that is just beginning;
- “firefighters have risked their lives and endured great hardship to protect life, property, and the environment;
- “there are currently 18,415 personnel committed, as well as 1,403 fire engines, 388 hand crews, 269 bulldozers, 392 water tenders, 31 air tankers, 30 incident management teams, and 95 helicopters;
- “40 States and the District of Columbia have provided assistance to fight the wildfires;
- “the cooperative, unified approach to addressing wildland fires by Federal, State, local, tribal, and volunteer agencies have worked as one team under California's innovative incident command system;
- “the wildfires have been fought in a manner consistent with wilderness and wildlife protection, including protection of endangered species such as the Southern Sea Otter;
- “the people of California and the United States recognize that the dedication of the firefighters will remain steadfast throughout the ongoing suppression, repair, and rebuilding efforts;
- “firefighters continue to make progress in containing wildfires throughout California, and, as of July 8, 2008, more than 1,400 fires have been contained due to the diligent and tireless efforts of firefighters from California and throughout the United States; and
- “several firefighters have been injured and one firefighter has given his life while fighting the wildfires.”

Committee Action: H. Res. 1322 was introduced on July 8, 2008, and referred to the House Committee on Natural Resources, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

S. 2607— DTV Transition Assistance Act (Snowe, R-ME)

Order of Business: S. 2607 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: Under current law, the National Telecommunications and Information Administration (NTIA) is authorized to reimburse certain low-power television stations in fiscal year 2009 for their costs to upgrade analog equipment to broadcast digital signals. The payments are to be made from spectrum auction proceeds deposited in the Digital Television Transition and Public Safety Fund. S.

2607 would extend NTIA’s authority to make those reimbursements through fiscal year 2012 and amend contradictory direction in current law regarding when such payments would start.

Committee Action: S. 2607 was introduced on February 7, 2008, and referred to the House Committee on Energy and Commerce, where no further action was taken. On June 19, 2008, the bill passed the Senate, with an amendment, by unanimous consent.

Cost to Taxpayers: According to CBO, “Based on information from NTIA, CBO estimates that enacting S. 2607 would not change the agency’s anticipated spending patterns, and thus would have no effect on direct spending. Enacting the bill would not affect revenues or spending subject to appropriation.”

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? No House Report exists.

Constitutional Authority: No House Report exists.

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

H. Res. 1260— Supporting the goals and ideals of “National Internet Safety Month” (Farr, D-CA)

Order of Business: H. Res. 1260 is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1260 would express that it is the sense of the United States House of Representatives:

- “supports the goals and ideals of ‘National Internet Safety Month’;
- “recognizes that ‘National Internet Safety Month’ provides the citizens of the United States with an opportunity to learn more about the importance of being safe and responsible online;
- “commends and recognizes national and community organizations for promoting the safe use of the Internet; and providing information and training that develops critical thinking and decision making skills that are needed to use the Internet safely; and
- “calls on parents, educators, Internet safety organizations, law enforcement, community leaders, Internet service providers, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.”

The resolution lists a number of findings, including:

- “during the 110th Congress, the House of Representatives has passed several bills aimed at protecting children online and promoting Internet safety education;
- “on June 12, 2007, the House of Representatives passed H. Res. 455 recognizing ‘National Internet Safety Month’;
- “on May 22, 2008, the Senate passed S. Res. 567 designating June 2008 as ‘National Internet Safety Month’;
- “the Federal Trade Commission, in coordination with several other Federal agencies, maintains OnGuard Online, a Web-based resource to educate all Americans on Internet safety;
- “law enforcement, educators, community leaders, nonprofit organizations, and Internet service providers have sought to raise awareness for Internet safety across the United States;
- “America’s youth will need to master the Internet to stay competitive in a global information economy;
- “there are more than 1,000,000,000 Internet users worldwide;
- “in the United States, more than 35,000,000 children in kindergarten through grade 12 have Internet access;
- “93 percent of children between 12 and 17 years old use the Internet;
- “more than half of all of online children between 12 and 17 years old use an online social networking site;
- “43 percent of teens between 13 and 17 have experienced cyberbullying within the past year;
- “approximately 24 percent of students in grades 5 through 12 have hidden their online activities from their parents;
- “61 percent of the students admit to using the Internet unsafely or inappropriately;
- “68 percent of parents have household rules about what type of Internet sites their child can or cannot visit;
- “56 percent of parents feel that online bullying of children is an issue that needs to be addressed;
- “65 percent of parents report that after their child has been on the Internet, they check to see what Web sites he or she viewed;
- “47 percent of parents feel that their ability to monitor and shelter their children from inappropriate material on the Internet is limited; and
- “61 percent of parents want to be more personally involved with Internet safety.”

Committee Action: H. Res. 1260 was introduced on June 10, 2008, and referred to the House Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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

H.R. 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.

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