



Legislative Bulletin.....December 6, 2011

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H.R. 1254 — Synthetic Drug Control Act (Dent, R-PA)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 1254 amends section 202(c) of the Controlled Substance Act (21 U.S.C. 812(c)) to include certain synthetic (cannabimimetic) drugs that imitate the hallucinogenic or stimulant properties of illegal drugs like marijuana, cocaine, or methamphetamines to be included as Schedule I drugs. In effect, the bill prohibits the sale, distribution, or use of these chemicals without a permit issued by the Drug Enforcement Agency ([DEA](#)).

In order for a drug to be placed under Schedule I within the Controlled Substances Act, it must have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there must be a lack of accepted safety for use of the drug or other substance under medical supervision. It is illegal to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or to create, distribute, or dispense, or possess with intent to distribute or

dispense, a counterfeit substance.¹ The list of synthetic drugs H.R. 1254 proposes to add to Schedule I is listed in Section 2 of the bill [here](#).

Additional Background: According to the Committee [report](#), the use of synthetic drugs is a “serious public health problem” that is increasing dramatically. H.R. 1254 is “...designed to ensure that the manufacture and sale of these dangerous synthetic substances are prohibited in the United States.”

Committee Action: Representative Charles Dent (R-PA) introduced H.R. 1254 on March 30, 2011. The bill was then referred to the House Committees on Energy and Commerce and Judiciary. Energy and Commerce’s Subcommittee on Health held a legislative hearing on the bill on July 21, 2011, and reported it favorably by voice vote on July 26, 2011, with an amendment. The full Committee reported it out favorably with an amendment by voice vote on July 28, 2011. On November 3, 2011, the full Judiciary Committee reported the bill out favorably, with an amendment, by voice vote.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for H.R. 1254 on November 3, 2011. The estimate states that implementing this bill will have no significant cost to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill expands the list of substances regulated under the Controlled Substances Act to include chemicals known as synthetic drugs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report states that the bill imposes private sector mandates that would “probably” exceed the annual threshold established in the Unfunded Mandates Reform Act (\$142 million in 2011, adjusted annually for inflation). Private industry’s lost profits from sales of products containing the synthetic chemicals banned in the bill amounts to “billions of dollars annually.” However, CBO expects “...that by the date of the legislation’s enactment, most vendors will have largely replaced the banned substances with new products because many states have already passed legislation banning some or all of the compounds listed in the bill and because the DEA has already issued emergency rules temporarily banning five cannabimimetic agents and three synthetic stimulants.”

CBO also states that the prohibition of possessing unregistered banned compounds is a private sector mandate. CBO expects the cost of this mandate to private research facilities and individuals would be “small.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: In accordance with clause 9 of rule XXI of the Rules

¹ 21 U.S.C. Section 812(b)(1)

of the House of Representatives, H.R. 1254 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution.”

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H.R. 2405 – Pandemic and All-Hazards Preparedness Reauthorization Act (Rogers, R-MI)

Order of Business: The legislation is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 2405 amends the Public Health Service Act by reauthorizing funding for agencies and offices within the Department of Health and Human Services (HHS) that support activities related to public health readiness and medical emergencies. Specifically, it reauthorizes activities to improve medical system capacity and care coordination in the event of a public health emergency administered by the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the Office of the Assistant Secretary for Health, and the Office of the Assistant Secretary for Preparedness and Response.

Additional Background: In response to the September 11, 2001 terrorist attacks, Congress passed legislation to address the nation’s health infrastructure in the event of a future chemical, biological, radiological, or nuclear attack or other public health emergency. The Project Bioshield Act of 2004² and the Pandemic and All-Hazards Preparedness Act of 2006³ funded the purchase of certain medical counter measures (MCMs, including drugs, devices, and biological products to treat, identify, and prevent the public health consequences of terrorism), enabled the HHS Secretary to authorize the emergency use of medical products, and created several new authorities to foster MCM development. H.R. 2405 reauthorizes many of the public health provisions created in the 2004 and 2006 legislation and funds these activities at mainly the same levels they were funded in fiscal year 2011.

Centers for Disease Control and Prevention: The bill authorizes funding for the CDC to continue administering agreements with state and local governments in preparing for public health emergencies. Entities that receive the federal funding contribute matching

² [S. 15](#), Public Law 108-276

³ [S. 3678](#), Public Law 109-417

funds to carry out their mission. *CBO estimates that implementing this provision will cost \$2.3 billion for the 2012-2016 period based on historical spending patterns.*

It authorizes funding for the HHS Secretary to continue to expand CDC's ability to respond to bioterrorism and other public health emergencies through maintaining surveillance networks that coordinate efforts in response to infectious disease outbreaks. *CBO estimates that implementing this provision would cost \$625 million for the 2012-2016 period based on historical spending patterns.*

The bill also authorizes the HHS Secretary to continue collaborating through the CDC with state officials, local officials, tribal government officials, and private entities to track the distribution of vaccines for pandemic and seasonal flu. *CBO estimates implementing this provision would cost \$130 million over the 2012-2016 period based on historical spending patterns.*

Food and Drug Administration: H.R. 2405 requires the FDA to support the development, stockpiling, and approval and licensure of MCMs. It also requires the FDA to prepare for medical responses to pandemics and epidemics and formulate a team of manufacturing and regulatory experts to provide both off-site and on-site technical assistance to MCM manufacturers. *CBO estimates that these provisions will cost \$150 million through the 2012-2016 period.*

Office of the Assistant Secretary of Health: The bill authorizes funding for the Assistant Secretary of Health to continue funding the Medical Reserve Corps, a community-based program charged with coordinating emergency preparedness and response efforts. *CBO estimates that this provision will cost \$45 million through the 2012-2016 period based on historical spending patterns.*

Office of Assistant Secretary for Preparedness and Response: The bill authorizes funding for activities administered through this office:

- *Countermeasures Procurement*—The Project Bioshield Act of 2004 created a special reserve fund that established a dedicated funding stream for biodefense MCMs. This special reserve fund is appropriated \$5.6 billion for fiscal years 2004-2013. H.R. 2405 authorizes an additional \$2.8 billion for fiscal years 2014-2018 for this special reserve fund.
- *Advanced Development of Countermeasures*—The bill authorizes continuing funding for the advance development of MCMs to respond to bioterrorism and other public health emergencies through the office of the Biomedical Advance Research and Development Authority (BARDA). *CBO estimates that implementing this provision will cost \$1.6 billion for the 2012-2016 period based on historical spending patterns.*
- *Hospital Preparedness*—The bill authorizes a grant program that provides funding to states, localities, or health care facilities to enhance hospital capacity to

handle a surge of patients in the event of a public health emergency. *CBO estimates that implementing this provision will cost \$1.4 billion for the 2012-2016 period based on historical spending patterns.*

- *National Disaster Medical System*—the bill authorizes funding for a partnership between HHS, the Department of Defense, Homeland Security, and Veterans Affairs to provide medical assistance for states and localities when responding to large-scale public health emergencies. *CBO estimates that implementing this provision will cost \$215 million for the 2012-2016 based on historical spending patterns.*
- *Emergency Volunteer Registration*—the bill authorizes funding for the maintenance of a national database that links state credential verification systems of volunteer health care professionals who are willing to respond to a public health emergency. *CBO estimates that implementing this provision will cost \$25 million for the 2012-2016 period based on historical spending patterns.*

Dental Emergency Responders: The bill incorporates dentists into federal and state disaster response frameworks, which allows dentists to be deployed during a natural or man-made disaster. Dentists, related dental personnel, and dental facilities are not currently part of this framework. This provision is based from the [House-passed H.R. 570](#), the “Dental Emergency Responder Act of 2011” introduced by Rep. Michael Burgess (R-TX).

Temporary Redeployment of Personnel During a Public Health Emergency: Permits the HHS Secretary to redeploy non-federal personnel to assist in public health emergencies and disasters only at the request of the state or locality.

Improving Coordination by the Assistant Secretary for Preparedness and Response: According to the Committee report, it is not clear which office or agency leads our nation’s efforts on preparedness and response. This is based on observations of recent federal public health emergency responses. The bill appoints the Assistant Secretary for Preparedness and Response as the lead officer within HHS that has responsibility for emergency preparedness and response policy and coordination.

Authorization for Medical Products for Use in Emergencies: This provision revises the FDA’s current emergency authority by enabling the FDA to authorize the distribution, stockpiling, and use of products before an actual emergency by:

- enabling the HHS Secretary to make a threat determination of a significant potential for a public health emergency (as opposed to an actual emergency);
- permitting the FDA to collect information about safety and effectiveness beyond current law’s effective period, but only for products actually used in an emergency; and

- allowing the FDA to issue its Emergency Use Authority for products or uses that otherwise might violate the Federal Food, Drug, and Cosmetic Act.

Additional Provisions Related to Medical Products for Emergency Use: This provision authorizes the FDA to extend the expiration date for MCMs intended to be used for emergency responses and permits waivers of current Good Manufacturing Practices without rendering a product adulterated or misbranded. It authorizes mass dispensing of MCMs during an actual emergency without an individual prescription if permitted under state law or permitted by an order of the HHS Secretary. Also, the HHS Secretary is authorized to issue emergency-use instructions concerning a product's conditions of use. Lastly, the HHS Secretary is permitted to waive a Risk Evaluation and Mitigation Strategy, should the Secretary determine that a waiver is required.

Accelerating MCMs Development by Strengthening FDA's Role in Reviewing Products for National Security Priorities: The bill increases FDA's personnel involvement in interagency, countermeasure-related activities by permitting the FDA to provide on-site and off-site technical assistance to MCM manufacturers. It requires the FDA to establish a process for frequent scientific feedback and interactions with manufacturer sponsors whose MCMs have been procured under Project Bioshield. Additionally, it creates a timeline for FDA's issuance of final guidance on development of animal models and expands the use of special protocol assessments for the use of animal trials and any associated clinical trials necessary to support licensure of CMCs.

Committee Action: Representative Mike Rogers (R-MI) introduced H.R. 2405 on June 28, 2011. The bill was referred to the House Committee on Energy and Commerce where the Subcommittee on Health held a legislative hearing on July 21, 2011. The Subcommittee marked up and reported an amended version favorably on July 26, 2011, by voice vote. The full Committee marked up and reported an amended version favorably on July 28, 2011, by voice vote.

Administration Position: No Statement of Administration Policy (SAP) is provided.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for H.R. 2405 on September 26, 2011. It estimated that implementing the bill will cost \$7.9 billion over the 2012-2106 period assuming appropriations of the authorized amounts. The activities and programs reauthorized in this bill were originally authorized at "such sums as necessary." CBO states that the funding in this bill is "...similar to the appropriation amounts enacted in recent years for the same activities."

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill expands the HHS Secretary's authority to issue public health emergency threat determinations and the emergency use authority for certain medical products.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Committee report number [112-286](#) explains that H.R. 2405 contains “...no earmarks, limited tax benefits, or tax expenditures.”

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states:

“Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1: ‘The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; Article 1, Section 8, Clause 18: ‘To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.’”

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H.R. 3237 — SOAR Technical Corrections Act (Gowdy, R-SC)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 3237 would amend section 3007(a)(4)(F) of H.R. 1473, FY 2011 Full-Year Continuing Appropriations Act. This section contained the House passed H.R. 471, the Scholarships for Opportunity and Results Act.

The legislation would amend the school requirements for schools participating in the D.C. Opportunity Scholarship Program (OSP) to ensure that students participating in the D.C. OSP are taught by core subject-matter teachers who have a baccalaureate degree or equivalent degree. This degree could be obtained in or outside of the United States.

H.R. 3237 also requires participation in the program to take a nationally norm-referenced standardized test, administered by the Institute of Education Sciences. Students are exempt if their participating school administers the same nationally norm-referenced standardized test.

The Secretary of Education will have access to the test results from participating schools.

Additional Information:

The RSC Legislative Bulletin for H.R. 471, the Scholarships for Opportunity and Results Act, can be [viewed here](#).

The RSC Legislative Bulletin for the amendments to H.R. 471, the Scholarships for Opportunity and Results Act, can be [viewed here](#).

The RSC Legislative Bulletin for H.R. 1473, FY 2011 Full-Year Continuing Appropriations Act can be [viewed here](#).

Committee Action: H.R. 3237 was introduced on October 18, 2011, and was referred to the House Oversight and Government Reform Committee, which held a markup on November 3, 2011. The legislation was approved, as amended, by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 3237 would have no effect on discretionary spending. CBO's report can be [viewed here](#).

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 legislation contains no earmarks.

Constitutional Authority: Rep. Gowdy's Constitutional Authority Statement states: "Congress has the power to enact this legislation pursuant to the following: Clause 17 of Section 8 of Article I of the Constitution of the United States grants the Congress the power to enact this law. (To exercise exclusive Legislation in all Cases whatsoever, over such District. . . .)" The statement can be [viewed here](#).

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**H.R. 2297 — To promote the development of the Southwest waterfront
in the District of Columbia, and for other purposes
(Holmes Norton, D-DC)**

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 2297 would transfer the Southwest Waterfront Project Site from United States federal control to the District of Columbia Redevelopment Land Agency (henceforth known as Agency).

The Agency would be authorized to lease or sell this site. H.R. 2297 would also expand the District of Columbia's authority to manage the municipal fish market (known as the Maine Avenue Fish Market).

Committee Action: H.R. 2297 was introduced on June 22, 2011, and was referred to the House Oversight and Government Reform Subcommittee on Health Care, District of Columbia, Census and the National Archives. The subcommittee discharged the legislation. The full committee held a markup on November 3, 2011. The legislation was favorably reported, by voice vote, as amended.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Information from the National Park Service and the National Capital Planning Commission indicates that the property that would be transferred is not being used by the federal government, and no income is generated from it under current law. Thus, CBO estimates that implementing H.R. 2297 would have no significant effect on the federal budget. CBO's report can be [viewed here](#).

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 legislation contains no earmarks.

Constitutional Authority: Rep. Norton's Constitutional Authority Statement states: "Congress has the power to enact this legislation pursuant to the following: Clause 17 of section 8 of article I of the Constitution." The statement can be [viewed here](#).

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H.R. 313 — Drug Trafficking Safe Harbor Elimination Act of 2011 (Smith, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 313 amends the Controlled Substances Act (21 U.S.C. section 846) to allow federal authorities to prosecute persons within the United States who enter into a conspiracy—or who aid and abet others in such conduct—to possess or traffic in controlled substances outside of the United States.

Additional Background: Under the current Controlled Substances Act, drug traffickers are not subject to federal conspiracy charges when their intent is to traffic illegal controlled substances outside of the United States. According to Judiciary Committee reports, this bill closes a loophole under current law by making congressional intent clear that the drug trafficking conspiracy statute is given extraterritorial application.

The bill responds to a 2007 Federal Appeals court decision⁴ that reversed a lower federal district court's conviction of two drug conspirators for trafficking 2,000 kilograms of cocaine valued over \$100 million. The conspirators had intended to traffic the drugs from South America to Europe and had planning meetings within the United States. The U.S. Court of Appeals for the 11th Circuit reasoned that there was no violation of the federal drug trafficking law when, absent congressional intent, the object of the conspiracy is to possess and distribute controlled substances outside of the United States despite meetings in furtherance of the crime occurring in the United States.

The Judiciary Committee adopted an amendment at the Committee markup excluding the crime of simple possession from the bill's extraterritorial application of the Controlled Substance Act's conspiracy provision.

Committee Action: Chairman Lamar Smith (R-TX) introduced H.R. 313 on January 18, 2011. The bill was referred to the House Committee on the Judiciary and the Committee on Energy and Commerce. On October 6, 2011, the full Judiciary Committee marked up and reported the bill out of Committee favorably by a vote of [20-7](#).

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: As of press time, no Congressional Budget Office (CBO) cost estimate has been published, yet the bill does not authorize any new federal spending.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new application of the federal conspiracy crime within the Controlled Substance Act. However, many conservatives believe that applying this conspiracy charge to conspirators who, in furtherance of the crime, had planned to traffic illegal, controlled substances outside of the United States is an appropriate federal expansion.

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?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the bill states:

“Congress has the power to enact this legislation pursuant to the following: The authority to enact this bill is derived from, but may not be limited to, Article I,

⁴ [United States v. Lopez-Vanegas](#), 493 F. 3d 1305 (11th Cir. 2007)

Section 8, Clause 3 [Interstate Commerce Clause] of the United States Constitution.”

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H.R. 2471 — To amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer’s informed, written consent on an ongoing basis and that consent may be obtained through the internet (Goodlatte, R-VA)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011 under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 2471 amends current law to permit a video tape service provider to obtain the consumer’s required consent to disclose personal information through use of the internet and in perpetuity until such consent is withdrawn.

Additional Background: Under the Video Privacy Protection Act (VPPA, 18 U.S.C. section 2710), video service providers are prohibited from disclosing personally identifiable information except in circumstances where the video consumer provides prior, written consent. This consent must be obtained each time the video store provider seeks to disclose. An individual subject to an authorized disclosure from a video store can bring a lawsuit against the video store seeking civil money damages. Congress passed this law in 1988 in the aftermath of a Washington DC weekly-newspaper article that listed the titles of 146 films that then Supreme Court nominee, Robert H. Bork, and his family had rented from a video store.

In response to changes since Congress enacted the VPPA in how consumers access video content over the internet and other platforms, H.R. 2471 permits consumers to provide their informed, written consent once “...so they can—if they choose—to continuously share their movie or TV show preferences through their social media sites.”⁵ The bill continues the requirement that consumer’s opt in to this information sharing and preserves the ability of a consumer to opt out of this sharing requirement at any time.

Outside Groups Supporting the bill: Apple, Facebook, Future of Privacy Forum, Google, Hulu, Netflix, IAC/InterActive Corp.

Committee Action: Representative Bob Goodlatte (R-VA) introduced H.R. 2471 on July 8, 2011. The bill was referred to the House Committee on the Judiciary, which reported the amended bill favorably, by a voice vote, on October 13, 2011.

⁵ Page three of the House Report Number [112-312](#) released by the House Committee on the Judiciary.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: The Congressional Budget Office (CBO) issued a cost estimate for H.R. 1383 on October 25, 2011. The estimate states that implementing H.R. 2471 would have no significant cost to the federal government.

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?: The CBO report explains that the bill imposes a private sector mandate by requiring providers of video tape services and other entities to use “distinct and separate” forms when obtaining a consumer’s consent to disclose personally identifiable information. However, CBO estimates that there would be no significant costs to comply with this private sector mandate, and therefore, the annual threshold established in the Unfunded Mandates Reform Act would not apply (\$142 million 2011, adjusted for inflation).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2471 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the bill states: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.”

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H.R. 1021 — Temporary Bankruptcy Judgeships Extension act of 2011 (Smith, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 1021 extends the time period that federal bankruptcy judgeships may be filled upon a vacancy caused by death, resignation, retirement, or removal in certain specified federal judicial districts.

Additional Background: According to House Report Number [112-152](#), bankruptcy cases as a result of the recent economic recession in the United States have increased in the last few years while bankruptcy judgeships have not increased since 2005. These

judges serve 14-year terms as judicial officers of the U.S. District Courts and receive approximately a \$155,756 salary.⁶

A similar bill last Congress, the Bankruptcy Judgeship Act of 2010 ([H.R. 4506](#)), passed the House by a vote of [345-5](#). In addition to extending some temporary judgeships like H.R. 1021, H.R. 4506 would have authorized new *permanent* judgeships and converted some temporary judgeships into *permanent* judgeships. H.R. 1021 bill does not create any new permanent judgeships. It only extends the expiration date of 30 existing temporary judgeships and only allows a vacancy in each of those 30 judgeships as a result of a judge’s death, removal, resignation, or retirement to be filled until five years after the date of enactment. The following judicial districts and number of temporary judgeships whose expiration date H.R. 1021 extends are as follows:⁷

<i>Judicial District</i>	<i>Number of Judgeships extended</i>
Central District of California	3
Eastern District of California	1
District of Delaware	5
Southern District of Florida	2
Southern District of Georgia	1
District of Maryland	3
Eastern District of Michigan	1
District of New Jersey	1
Northern District of New York	1
Southern District of New York	1
Eastern District of North Carolina	1
Middle District of North Carolina	1
Eastern District of Pennsylvania	1
Middle District of Pennsylvania	1
District of Puerto Rico	2
District of South Carolina	1
Western District of Tennessee	1
Eastern District of Tennessee	1
Eastern District of Virginia	1
District of Nevada	1

Committee Action: Chairman Lamar Smith (R-TX) introduced H.R. 1021 on March 10, 2011. The bill was referred to the House Committee on Judiciary, which reported the amended bill favorably on March 17, 2011, by voice vote.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

⁶ Page six of House Committee Report [112-152](#).

⁷ Page eight of the House Committee Report 112-152.

Cost to Taxpayers: The Congressional Budget Office (CBO) issued a cost [estimate](#) for H.R. 1021 on May 5, 2011. The estimate states that implementing H.R. 1021 would increase direct spending by \$5 million over the 2012-2021 period.⁸ Interestingly, CBO scored an identical provision extending temporary judgeships in the House-passed H.R. 4506 last year as a zero score.⁹ According to the Judiciary Committee, the bill’s increase in bankruptcy filing fees from \$1,000 to \$1,042 per case will generate additional fee income that will more than offset the \$5 million of direct spending CBO estimates over the 2012-2021 period.

Also, the CBO report estimates that spending subject to appropriation would increase by \$4 million over the next five years “...for salaries and benefits of support personnel, court operations and maintenance, and other administrative costs associated with the additional judges that would be appointed under the bill.”

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill increases bankruptcy filing fees from \$1,000 to \$1,042.

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?: In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1021 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the bill states:

“Congress has the power to enact this legislation pursuant to the following: The power of Congress to create inferior federal courts pursuant to Article III, Section 1. The power of Congress to enact uniform bankruptcy laws pursuant to Article I, Section 8.”

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S.J.Res. 22 — A joint resolution to grant the consent of Congress to an amendment to the compact between the States of Missouri and Illinois providing that bonds issued by the Bi-State Development Agency may mature in not to exceed 40 years, as amended (*McCaskill, D-MO*)

⁸ CBO considers the salaries and benefits for bankruptcy judges as mandatory spending since these amounts do not depend on enactment of annual appropriation bills.

⁹ Page seven of the Committee [Report](#) for H.R. 1021

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: The joint resolution provides the consent of Congress to an amendment to the current interstate compact between the states of Missouri and Illinois to issue 40 year bonds. Under Article I, Section 10, clause 3 of the U.S. Constitution, Congress is required to consent to interstate compacts made between the states. According to the Judiciary Committee, Congress has approved amendments to this compact on three occasions.

Additional Background: Missouri and Illinois originally formed this interstate compact in 1949 to create the Bi-State Development Agency in the St. Louis, MO area. The revenue from these new, 40 year bonds may be used to finance the City-Arch-River 2015 initiative—a local development project designed to integrate the Gateway Arch and the Jefferson National Expansion Memorial into the entire St. Louis metropolitan area.

Committee Action: Senator Claire McCaskill (*D-MO*) introduced S. J. Res. 22 on June 28, 2011. On September 26, 2011, the U.S. Senate passed S.J. Res. 22 by unanimous consent. No further committee activity has taken place on the bill in the House.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: No accompanying Congressional Budget Office (CBO) cost estimate has been released for S.J. Res. 22. However, the House companion ([H.J. Res. 70](#)), which is identical to S.J. Res. 22, has been [scored](#) by CBO as having no significant impact on 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?: The CBO report for S. J. Res. 22's House companion, H. J. Res. 70, states that it "...contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Yes. House Report Number [112-259](#) explains H.J. Res. 70 (S.J. Res. 22's House companion) does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the House joint resolution states:

“Congress has the power to enact this legislation pursuant to the following:
Article I, Section 10, Clause 3 of the United States Constitution: No state shall, without the Consent of Congress, lay any duty of Tonnage, keep troops, or Ships

of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay."

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S. 1639 — A bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes (*Tester, D-MT*)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: S. 1639 amends current law by including a new provision in 36 U.S.C. section 21704 that permits the American Legion under its federal charter to “provide guidance and leadership to organizations and local chapters...” It also prohibits the American Legion from controlling or influencing the specific activities and conduct of its local chapters.

Committee Action: Senator Jon Tester (*D-MT*) introduced S. 1639 on October 3, 2011. The Senate passed S. 1639 by unanimous consent on October 6, 2011, and the House has taken no further action on the bill. Rep. Jason Altmire (*D-PA*) introduced H.R. 2369, the House companion to S. 1639 that has 432 cosponsors, on June 24, 2011. The Committee on the Judiciary reported H.R. 2369, by voice vote, on November 3, 2011.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: No accompanying Congressional Budget Office (CBO) cost estimate has been released for S. 1639. However, the House companion (H.R. 2369), which is virtually identical to S. 1639, has been [scored](#) by CBO as having no impact on 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?: Yes. The CBO report for H.R. 2369 (S. 1639’s House companion) does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the House companion (H.R. 2369) states:

“Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18 The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.”

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S. 1541 — A bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership (*Bennet, D-CO*)

Order of Business: The bill is scheduled to be considered on Tuesday, December 6, 2011 under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: S. 1541 amends current law to expand eligibility for membership in the Blue Star Mothers of America, Inc. to include women who filled the role of stepmother, foster mother, grandmother, or legal guardian for any period of time in a child’s life. Additionally, the bill eliminates the eligibility requirement that Blue Star Mothers need to be mothers of military members who served during World War II or the Korean hostilities. Lastly, mothers who are U.S. citizens that live outside of the United States would be eligible for membership in the Blue Star Mothers, Inc.

Additional Background: According to its [website](#), the purposes of the Blue Star Mothers of America, Inc. are:

- “to perpetuate the Blue Star Mothers of America, inc., and the memory of all the men and women who have served our country as members of the Armed Forces;
- the further object of this organization shall be patriotic, educational, social, and for service;
- to maintain true allegiance to the Government of the United States;
- to educate our members and others not to divulge military, naval, or other Government information;
- to assist in veterans’ ceremonies;
- to attend patriotic rallies and meetings;

- to foster true democracy;
- to care for the unsupported mothers who gave their sons to the service of the Nation;
- to aid in bringing about recognition of the need of permanent civilian defense for each community and to ever be alert against invasion of un-American activities;
- to uphold the American institutions of freedom, justice, and equal rights; and
- to defend the United States from all enemies.”

Committee Action: Senator Michael Bennet (*D-CO*) introduced S. 1541 on September 12, 2011. The U.S. Senate passed the bill by unanimous consent on November 18, 2011, and the House has taken no action on the bill. The House Committee on the Judiciary reported out the House companion legislation (H.R. 2815 introduced by Rep. Scott Tipton, R-CO) on November 17, 2011, by voice vote.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: No accompanying Congressional Budget Office (CBO) cost estimate has been released for S. 1541. However, the House companion (H.R. 2815), which is virtually identical to S. 1541, has been [scored](#) by CBO as having no impact on 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?: Yes. The CBO report for H.R. 2815 (S. 1541’s House companion) does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Constitutional Authority: The Constitutional Authority Statement published in the Congressional Record upon introduction of the House companion (H.R. 2815) states:

“Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States), clause 3 (relating to the power to regulate interstate commerce), and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).”

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