

Legislative Bulletin.....March 17, 2010

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H.Res. 1141 - Honoring the accomplishments of Supreme Court Justice Sandra Day O'Connor, the first woman to serve on the United States Supreme Court (*Giffords, D-AZ*)

Order of Business: The resolution is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1141 resolves that the House of Representatives:

- “Honors the achievements and distinguished career of Justice Sandra Day O'Connor, and recognizes her impact as an American symbol of hard work and rugged individualism.”

The resolution contains a number of findings, including:

- “Sandra Day O'Connor was born on March 26, 1930, in El Paso, Texas and spent most of her childhood on her family's ranch, the Lazy B, located in the high deserts outside of Duncan, Arizona;
- “After practicing law in Frankfurt, Germany, and Phoenix, Arizona, Sandra Day O'Connor began her career in public service as the Arizona Assistant Attorney General in 1965;

- “Ronald Reagan nominated Sandra Day O'Connor in 1981 to serve as the first woman on the United States Supreme Court, which was swiftly approved by the Senate by unanimous consent, with the strong support of Arizona Senators Barry Goldwater and Dennis Deconcini; and
- “Sandra Day O'Connor will turn 80 years old on March 26, 2010.”

Committee Action: H.Res. 1141 was introduced on March 4, 2009, and referred to the House Judiciary Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

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

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S. 1147—Prevent All Cigarette Trafficking (PACT) Act (*Sen. Kohl, D-WI*)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill. It is similar to a bill, H.R. 1676, that passed the House on May 21, 2009 by a vote of 397-11.

Summary: The bill we are considering today is virtually identical to H.R. 1676. However, it does not include two sections that were in the House-passed bill:

- Section 4: Prohibited the sale or delivery of tobacco products produced by a manufacturer that is not fulfilling its obligations under the Tobacco litigation Master Settlement Agreement of 1998; and
- Section 7: Authorized an additional \$8.5 million per year for 5 fiscal years for ATF anti-tobacco smuggling efforts including the creation of 6 regional contraband tobacco trafficking teams, a new Tobacco Intelligence Center, and a covert national warehouse.

S. 1147 would establish new requirements and standards for tobacco distributors that ship cigarettes or smokeless tobacco directly to customers. The bill would require any such tobacco seller to comply with any applicable state, local, or tribal laws regarding the sale of tobacco and imposition of taxes. Under the bill, tobacco sellers would also be required to clearly label any package that contains cigarettes or smokeless tobacco for sale. The bill would make it illegal for the U.S. Postal Service (U.S.P.S.) to ship any tobacco product for sale without a clear label. The bill would also make it illegal to ship a package containing more than ten pounds of tobacco product directly to a consumer. S. 1147 would allow businesses to ship tobacco to other businesses via the U.S.P.S.

S. 1147 would prohibit the delivery of tobacco products to consumers whose age has not been verified. The bill would require direct delivery tobacco sellers to establish a method for taking tobacco orders and shipping tobacco to customers so as to verify the name, age and address of the customer. The bill would require that the tobacco sellers keep information regarding their customers for four years and would grant the Department of Justice (DOJ) the authority to review the records.

The bill would require every direct delivery seller of tobacco products to register with DOJ. The agency would be required to maintain a list of all registered direct sellers as well as a list of sellers that have failed to register. Sellers that have been placed on the list denoting that they have failed to register would be notified by the DOJ. A direct delivery tobacco seller would be allowed to appeal their inclusion on the list and the bill would require the DOJ to remove a seller from the non-compliance list if they have been incorrectly included.

Finally, S. 1147 would establish new penalties for failure to comply with the bill's provisions. Sellers would be subject to fines of up to 2% of their total tobacco sales. Violations of the bill's stipulations would also be considered felonies, and violators would be subject to fines of up to \$10,000 if they are repeatedly found to be in violation.

Additional Background: Under current law, tobacco sellers that ship products directly to consumers must submit monthly tax reports to state tax collection agencies in states where they do business. However, the findings listed in the bill indicate that there is concern that direct delivery tobacco sales have been used to get around paying local, state, and federal taxes that are associated with the sale of tobacco products. In addition, the bill states that "Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps" and that "terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn."

In an effort to require all direct delivery tobacco sellers to comply with local, state, and federal taxes, S. 1147 would establish new requirements and regulations regarding the shipping of tobacco products to consumers. As the rate of taxes on tobacco has grown over the past decade, the findings in the bill point out that the number of Internet vendors that sell tobacco products in the U.S. jumped from 40 in 2000 to over 500 in 2005. As the number of online vendors has increased, traditional tobacco sellers have expressed their

concern that their market is being under cut by illicit, overseas sellers. There have also been concerns raised that under age customers are utilizing direct delivery tobacco sellers because they are not old enough to purchase cigarettes and the current age reporting and verification requirements are not well documented.

Committee Action: S. 1147 was introduced on May 21, 2009, and referred to the Senate Committee on the Judiciary, which reported the bill out of Committee, as amended. The Senate passed the bill by unanimous consent on March 11, 2010.

Cost to Taxpayers: According to CBO, “implementing S. 1147 would cost \$120 million over the 2011-2015 period, assuming appropriation of the necessary amounts. Enacting the bill could affect direct spending and receipts, but we estimate that any such effects would not be significant.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would create new regulations regarding the sale and transportation of tobacco products.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes. According to CBO, S. 1147 would impose both intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on certain tobacco sellers, common carriers, and individuals. The bill also would preempt state, local, and tribal laws regulating the delivery of tobacco products. CBO expects that the direct costs to comply with those mandates would not be significant and would not exceed the annual thresholds established in UMRA for intergovernmental or private-sector mandates (\$70 million and \$141 million respectively, in 2010, adjusted annually for inflation).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A committee report regarding compliance with House Rules regarding earmarks and limited tax benefits or limited tariff benefits is not available. However, a similar bill introduced in the House has a committee report that states, “H.R. 1676 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: A committee report citing constitutional authority is not available. However, a similar bill introduced in the House, H.R. 1676, sites article I, section 8, clause 3 of the Constitution.

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H.R. 4214 - The “Roy Wilson Post Office” Designation Act (Bono Mack, R-CA)

Order of Business: The legislation is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4214 designates the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the “Roy Wilson Post Office.”

Additional Information: Roy Wilson served as Riverside County supervisor. He was first elected in 1994 and re-elected to a fourth term in 2006. He passed away on August 26, 2009, at the age of 74.

Committee Action: H.R. 4214 was introduced on December 7, 2009 and was referred to the House Oversight and Government Reform, which held a markup on March 4, 2010 and reported by bill out of committee by unanimous consent.

Cost to Taxpayers: A CBO report is unavailable, but the only costs associated with a U.S. federal building 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?: 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.R. 946 - Plain Language Act of 2009 (*Braley, D-IA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 946 would require that all federal agencies to use plain language on documents that describe federal government benefits, or services; pertain to filing taxes; or that explain how to comply with a requirement the federal government administers. This legislation defines “plain writing” as writing that the intended audience can readily understand and that is clear, concise, and well-organized. H.R. 946 would require that each agency appoint a coordinator to achieve these requirements.

This legislation requires the Office of Management and Budget to develop and issue guidance on implementing these requirements. It also allows the Director of OMB to use interagency working groups to achieve this.

H.R. 946 would require that each agency establish an internet site related to these efforts. Nine months after implementation of this act, the head of each federal agency must publish a report, on the plain writing section the agency, describing the plan for compliance of this legislation. A report of agency compliance must also be published after 18 months.

Additional Information: A similar bill, H.R. 3548, passed the House on April 14, 2008, by a vote of [376 – 1](#).

Committee Action: H.R. 946 was introduced on February 10, 2009 and referred to the House Oversight and Government Reform Committee. A markup was held on March 4, 2010 and the Committee passed the legislation by voice vote.

Cost to Taxpayers: CBO estimates that H.R. 946 “would cost about \$5 million a year for agencies to implement the additional employee training and reporting requirements, subject to availability of appropriated funds. The bill could also affect direct spending by agencies not funded through annual appropriations, such as the Tennessee Valley Authority and the Bonneville Power Administration; therefore, pay-as-you-go procedures would apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the legislation would not affect revenues.”

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: H.R. 946 does not include 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: House Committee Report 111-432 cites Article I, Section 8, Clause 18 for Constitutional Authority.

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H.R. 1387 - Electronic Message Preservation Act (*Hodes, D-NH*)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1387 would set new regulations governing federal agencies' preservations of electronic messages.

The Archivist of the National Archives and Records Administration (NARA) shall publicize these regulations that will at a minimum:

- Require the electronic capture, management, and preservation of such electronic records;
- Require that such electronic records are readily accessible for retrieval through electronic searches;
- Establish mandatory minimum functional requirements for electronic records management systems;
- Establish a process to certify that Federal agencies' electronic records management systems meet the functional requirements; and
- Include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years.

This legislation requires that each agency submit a report, not later than four years after enactment, to the Archivist detailing the compliance with these regulations. A Congressional Report is required not later than 90 days to be submitted to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform in the House detailing federal agencies' compliance.

H.R. 1387 would amend the Presidential Records Act to give the NARA additional authority to oversee management of records from the President, Vice President and certain entities within the Executive Office of the President. This includes the authority to restrict access to such records.

Additional Information: Oversight and Government Reform Ranking Member Issa expressed concern with recent data losses at various NARA installations. This includes the loss of a hard drive containing one terabyte of record data from the Clinton presidency. One terabyte is equivalent to millions of books, according to the Inspector General. According to Committee Report 111-406, "NARA has pledged to change the culture that allowed systemic asset management problems to develop and fostered an institutional disregard for security." During the Committee markup, Rep. Issa offered an amendment that was adopted by unanimous consent, which strengthened procedures to prevent unauthorized removal of classified records from the National Archives, and places additional restrictions on access to presidential records.

Committee Action: H.R. 1387 was introduced on March 9, 2009 and referred to the House Oversight and Government Reform Committee. The Committee held a markup on March 10, 2009 and passed the legislation, as amended, by voice vote.

Cost to Taxpayers: CBO estimates that implementing H.R. 1387 would cost “\$156 million over the 2010-2014 period, assuming appropriation of the necessary amounts. The legislation could also affect direct spending by agencies not funded through annual appropriations (such as the Tennessee Valley Authority) or by agencies considered to be off-budget (such as the U.S. Postal Service). CBO estimates, however, that any net increase in spending by those agencies would not be significant.” CBO estimates that H.R. 1387 would authorize \$160 million for the 2010-2014 period.

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?: H.R. 1387 does not include 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: House Report [111-406](#) cites Article I, Section 8, Clause 18 of the Constitution for authority.

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**H.R. 4825 - To require any amounts remaining in a Member's
Representational Allowance at the end of a fiscal year to be deposited in
the Treasury and used for deficit reduction or to reduce the Federal
debt (*Kirkpatrick, D-AZ*)**

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 4825 requires that any amounts left in Members' Representational Allowances, after all payments are made for the fiscal year, be deposited in the Treasury and used for deficit reduction. This legislation would apply to all years for which there is a federal budget deficit. In years which there is not, the funds would be used to reduce the federal debt. This legislation leaves it to the discretion of the Secretary of Treasury to determine ways to reduce the federal debt.

Committee Action: H.R. 4825 was introduced on March 11, 2010, and referred to the House Administration Committee, which took no public action.

Cost to Taxpayers: A CBO report is unavailable.

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 the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

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

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H.R. 3542—State Admission Day Recognition Act of 2009 (Rep. Lungren, R-CA)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill.

Summary: The bill requires the Architect of the Capitol to fly the flag of each state over the Capitol each year on the anniversary of the date of the state's admission to the Union. The bill requires the first state flag to be flown on December 7th, in honor of the anniversary of the admission of Delaware, the first state admitted to the Union.

H.R. 3542 grants the Committee on House Administration and Rules and Administration of the Senate to promulgate regulations to carry out the Act, including regulations permitting the Architect of the Capitol to honor the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana Islands by flying the flag of each such jurisdiction over the Capitol each year on an appropriate date for that jurisdiction.

Committee Action: On September 9, 2009, the bill was introduced and referred to the Committee on Agriculture. On December 3, 2009, the committee held a mark-up and ordered the bill to be reported by favorably by a voice vote.

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

Cost to Taxpayers: CBO estimates that implementing H.R. 3542 would have no significant cost and would not affect direct spending or revenues.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? According to Committee Report 111-353, H.R. 3542 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

Constitutional Authority: Committee Report 111-353 cites Article I, Section 8, clause 18, of the Constitution of the United States grants Congress the authority to enact this bill.

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H.R. 3509—Agricultural Credit Act of 2009 (*Rep. Peterson, D-MN*)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill.

Summary: The bill reauthorizes state mediation programs until 2015. The program authorization currently expires in 2010. The program was last reauthorized in 2005.

Additional Background: The state mediation program provides agricultural producers and the government with the means to allow a neutral third party to settle disputes between producers and USDA instead of going through litigation. The Agricultural mediation program is administered by the Farm Service Agency (FSA). According to the FSA website, agricultural mediation is a way of settling disputes within a producer's own means. The program provides a neutral mediator who can resolve problematic issues. Instead taking years for a case to filter through the courts, mediation generally takes only a few meetings to complete. Mediation helps resolve many different areas of agricultural disputes, including farm loans, wetland determinations, conservation compliance, and pesticides. In addition to formal mediation services, most of the certified States provide mediation training and consultation services to producers, lenders, and USDA agencies. For additional information on the mediation program, see this link <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=oued&topic=ops-am>

Committee Action: On July 31, 2009, the bill was introduced and referred to the Committee on Agriculture. On March 3, 2010, the committee held a mark-up and ordered the bill to be reported by voice vote.

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

Cost to Taxpayers: A CBO statement of cost is unavailable at press time. However, the program is authorized to spend up to \$7.5 million per year, for a total of \$37.5 million over the FY 2010 – 2015 period.

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? Though the bill contains no earmarks, and there is 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: A Committee Report citing the Constitutional authority for Congress to enact this bill is unavailable.

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H.R. 3954—Florida National Forest Land Adjustment Act of 2009 (Rep. Boyd, D-FL)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3954 authorizes a land exchange in Leon County, Florida between the Ocala and Apaloachiola National Forests. Both of these areas are managed by the United States Forest Service. The bill also authorizes a conveyance of 114 acres between the state and U.S.F.S. and establishes defined boundaries between state and federal land by allowing a survey to be conducted on certain areas of Florida state forestland.

Additional Background: The lands were conveyed to the state subject to deed restrictions that the lands could be only used for public purposes, but currently impede the ability to remedy boundary and encroachment problems involving the lands. According to the bills findings, “there are intermingled federal and state lands within units of the National Forest System in Florida that are of comparable quantity and quality and of approximately equal value and interchanging these lands would be in the public interest by facilitating more efficient public land management.”

Committee Action: On October 28, 2009, the bill was introduced and referred to the Committee on Agriculture. On March 3, 2010, the committee held a mark-up and ordered the bill to be reported by voice vote.

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

Cost to Taxpayers: A CBO statement of cost is unavailable at press time.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? Though the bill contains no earmarks, and there is 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: A Committee Report citing the Constitutional authority for Congress to enact this bill is unavailable.

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H.R. 4851 - Continuing Extension Act of 2010 (*Levin, D-MI*)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17 2010, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 4851 extends several provisions, in most cases for one month. Details of the legislation are below:

Extension of Cobra Benefits: The legislation extends eligibility for individuals who lost their jobs to receive post-employment Consolidated Omnibus Budget Reconciliation Act (COBRA) subsidies through April 30, 2010 (currently set to expire on March 31, 2010).

A nine-month COBRA subsidy program was created by the “stimulus,” and then was extended by an additional six months as part of the FY 2010 Defense Appropriations bill, and by an additional month as part of the Tax Extensions Act of 2010 (for a total of sixteen months). Many conservatives may be concerned that this provision extends eligibility for this program, which provides new government subsidies, leaving an ever-shrinking portion of the population with truly private health care coverage. Some conservatives may also be concerned that this program could cause employees to spend more of their incomes on health care instead of other goods and services, and force employers to spend more time and money to administer COBRA to former employees.

Individuals pay 35% of the COBRA premium while employers pick up the remaining 65%, which is reimbursed by the government through a payroll tax credit. The program caps eligibility for receiving premium assistance at \$145,000 for an individual and \$290,000 for a family.

Medicare Physician Update (“Doc Fix”), Sustainable Growth Rate (SGR): The FY 2010 Defense Appropriations bill provided a temporary “patch” to the SGR formula, delaying the 21.2% cut to physician payments that otherwise would have occurred through February 28, 2010. The cut was again delayed by the Tax Extensions Act of

2010. This provision delays the 21.2% reduction to physician payments until April 30, 2010.

Medicare Therapy Caps Exceptions: Under current law, Medicare Part B outpatient physical and speech language therapy services have a combined cap of \$1,860 per year. This provision would extend the Medicare therapy caps exceptions process—in effect prior to the end of 2009— through April 30, 2010.

Extension of 2009 Poverty Guidelines: Extends the freeze on updating 2009 poverty guidelines to prevent any lowering of eligibility for government programs (due to negative Consumer Price Index growth) through April 30, 2010 (otherwise set to expire at the end of the month).

Other Extensions: Extends the National Flood Insurance Program, and the Satellite Television Extension through April 30, 2010.

This legislation also compensates federal employees who were furloughed as a result of the lapse in authority from the Highway Trust Fund between February 28, 2010 and March 2, 2010.

Potential Conservative Concerns: Many conservatives may be concerned that no attempt is made to offset the cost of extending the provisions included in the bill.

Below are some savings options, not included in this legislation, but that would offset this legislation's impact on the deficit many times over:

- The RSC (through an amendment sponsored by Rep. Jim Jordan) offered a plan to return FY 2010 domestic discretionary spending to the FY 2008 spending levels. This plan would reduce the deficit by \$84 billion.
- Repealing “stimulus” spending currently set to begin in FY 2011 or later would save \$289 billion over ten years. The RSC has proposed legislation that includes a similar provision (H.R. 3140, the REBOUND Act).
- Allowing consumers to purchase health insurance across state lines would, according to CBO, save \$7.4 billion over ten years.
- Medical liability reform would, according to CBO, save \$54 billion over ten years.

Further, some conservatives may be concerned with the extension of the “emergency” unemployment benefits program that makes individuals eligible for benefits for up to 99 weeks. Many economists argue that extending unemployment benefits creates incentives to delay returning to work, which has a negative effect on the economy.

Also, some conservatives may be concerned that the legislation comes with no CBO score, yet increases mandatory spending by untold amounts. Other conservatives may be concerned that this legislation is coming to the floor under suspension of the rules.

Committee Action: H.R. 4851 was introduced on March 16, 2010, and referred to the House Committees on Ways and Means, Budget, Education and Labor, Energy and Commerce, Financial Services, Judiciary, Transportation and Infrastructure, and Oversight and Government Reform, which took no public action.

Cost to Taxpayers: A CBO report is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill extends several government programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score listing any potential mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

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

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H.R. 4853 - Federal Aviation Administration Extension Act of 2010 (Oberstar, D-MN)

Order of Business: The bill is scheduled to be considered on Wednesday, March 17, 2010, under a motion to suspend the rules and pass the legislation.

Summary: The legislation would extend the Federal Aviation Administration's (FAA) authority to collect taxes and administer FAA programs through July 3, 2010 (under current law this authority lapses on March 31, 2010). Specifically, the legislation would:

- Extend Funding for the Airport and Airway Trust Fund through July 3, 2010;
- Extend the Airport and Airway Trust Fund Expenditure Authority through July 4, 2010; and
- Extend the airport Improvement Program through July 3, 2010.

Sets Authorized Spending Levels: This legislation authorizes the following FAA programs, and set authorized funding levels (subject to appropriation) as follows:

FAA Operations, \$7.070 billion

Air Navigation Facilities and Equipment, \$2.220 billion

Research, Engineering, and Development, \$144 million

Additional Background: The FAA's authority to collect taxes and administer AATF programs has been extended nine times since FY 2007. Without an extension, the

FAA's authority to collect and spend these taxes will expire on December 31, 2009. The last piece of legislation to extend the FAA authority was H.R. 4217. The House passed a four-year reauthorization bill ([H.R. 915](#)) on May 21, 2009, by a vote of [277 – 136](#).

Committee Action: H.R. 4853 was introduced on March 16, 2010, and referred to the House Committee on Transportation and Infrastructure, and the House Committee on Ways and Means, which took no public action.

Cost to Taxpayers: A CBO report is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill extends several government programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score listing any potential mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

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

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