



## Legislative Bulletin.....June 9, 2008

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## Summary of the Bills Under Consideration Today:

**Total Number of New Government Programs:** 3

**Total Cost of Discretionary Authorizations:** \$162 million in FY 2009 and \$220 million of the FY 2009—2013 period

**Effect on Revenue:** Increased by \$500,000 annually

**Total Change in Mandatory Spending:** Increased by \$300,000 annually

**Total New State & Local Government Mandates:** \$0

**Total New Private Sector Mandates:** \$0

**Number of Bills Without Committee Reports:** 6

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 5

### H.R. 3022—Sequoia-Kings Canyon National Park Wilderness Act of 2007 (Costa, D-CA)

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

**Summary:** H.R. 3022 would designate approximately 69,500 acres of the Sequoia and Kings Canyon National Parks in California as the John Krebs Wilderness. The bill would require the Secretary of Agriculture, through the U.S. Forest Service, to preserve and protect the land from any future development or mechanized vehicle use.

H.R. 3513 would also designate an additional 45,186 acres of land in the Sequoia and Kings Canyon National Parks as a permanent part of the already established Sequoia-Kings Canyon Wilderness. According to the Committee on Natural Resources, H.R. 3022 would designate “virtually all” of the Sequoia and Kings Canyon National Parks as wilderness.

The bill would stipulate that the designations may not be construed to restrict the operation or maintenance of small check dams, which prevent soil erosion, or water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. H.R. 3022 would also allow the use of helicopters within the Sequoia-Kings Canyon Wilderness for the operation, maintenance, and repair of the small check dams and water impoundments.

**Additional Background:** The [Wilderness Act](#) was signed in 1964 in order to preserve and protect federal land that was especially pristine and untouched by human development. According to the text of the Act, the purpose of the designation is to ensure that human expansion and mechanized growth does not occupy or modify all lands in the U.S. As such, federal land designated as “wilderness” is prohibited from being used for any resource extraction such as logging or mining, but is generally open to the public for camping, hiking, hunting, and fishing. Mechanized vehicles are strictly prohibited on wilderness lands. Since the wilderness designation is only given to lands that are already controlled by the federal government, this bill would not add new land to the Bureau of Land Management’s (BLM) domain. Once designated, wilderness areas remain under the control of the federal department that originally managed the land, in this case, the Department of the Interior operating through the BLM. Because of the tight land-use restriction placed on federal land designated as wilderness, there is often local controversy associated with the designation.

**Possible Conservative Concerns:** Some conservatives might be concerned that wilderness designations restrict the use of public lands and could possibly restrict the use of private property land within the designation. Some conservatives may also be concerned that wilderness designations completely and permanently block resource extraction such as mining, drilling, and logging on federally owned land within the designation.

**Committee Action:** H.R. 3022 was introduced on July 12, 2007, and referred to the Committee on Natural Resources. On May 14, 2008, a mark-up was held and the bill was reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 3022 would have “no significant effect 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?** According to the Committee on Natural Resources, in [House Report 110-694](#), “H.R. 3022 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, in [House Report 110-694](#), cites constitutional authority in Article 1, Section 8, and Article IV, Section 3, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 2632—Sabinoso Wilderness Act of 2007 (*Costa, D-CA*)**

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

**Summary:** H.R. 2632 would designate approximately 15,995 acres of land controlled by the Taos Field Office of the Bureau of Land Management (BLM) in New Mexico as the Sabinoso Wilderness. The bill would require the Secretary of Agriculture, through the U.S. Forest Service, to preserve and protect the land from any future development or mechanized vehicle use.

H.R. 2632 would stipulate that any land within the wilderness area that is acquired by the government after the enactment of the bill would be designated as wilderness. The bill would also state that any grazing of livestock that was agreed to by the BLM before the land was designated as wilderness would be continued. However, H.R. 2632 would prohibit any new grazing rights from being established. The bill would also state that nothing in the designation shall be construed to affect the jurisdiction or responsibilities of the State of New Mexico to establish and oversee fish and wildlife in the wilderness area.

H.R. 2632 would prohibit any mining, mineral leasing, or geothermal leasing on land within the wilderness designation.

**Additional Background:** The [Wilderness Act](#) was signed in 1964 in order to preserve and protect federal land that was especially pristine and untouched by human development. According to the text of the Act, the purpose of the designation is to ensure that human expansion and mechanized growth does not occupy or modify all lands in the U.S. As such, federal land designated as “wilderness” is prohibited from being used for any resource extraction such as logging or mining, but is generally open to the public for camping, hiking, hunting, and fishing. Mechanized vehicles are strictly prohibited on wilderness lands. Since the wilderness designation is only given to lands that are already controlled by the federally government, this bill would not add new land to the Bureau of Land Management’s (BLM) domain. Once designated, wilderness areas remain under the control of the federal department that originally managed the land, in this case, the Department of Interior operating through the Bureau of Land Management. Because of the tight land-use restriction placed on federal land designated as wilderness, there is often local controversy associated with the designation.

**Possible Conservative Concerns:** Some conservatives might be concerned that wilderness designations restrict the use of public lands and could possibly restrict the use of private property land within the designation. Some conservatives may also be concerned that wilderness designations completely and permanently block resource extraction such as mining, drilling, and logging on federally owned land within the designation.

**Committee Action:** H.R. 2632 was introduced on June 7, 2007, and referred to the Committee on Natural Resources. On May 14, 2008, a mark-up was held and the bill was reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. H.R. 2632 would have “no significant effect 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?** According to the Committee on Natural Resources, in [House Report 110-695](#), “H.R. 2632 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, in [House Report 110-695](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 3682—California Desert and Mountain Heritage Act (Bono-Mack, R-CA)**

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

**Summary:** H.R. 3682 would designate approximately 146,000 acres of public land in California as wilderness. The bill would also designate 43,000 acres as land to be studied as potential wilderness area, 31 miles as wild and scenic rivers, and add approximately 8,500 acres to the Santa Rosa-San Jacinto Mountains National Monument.

H.R. 3682 would create four new wilderness areas and add land to six others. In addition, the bill would also add four new areas to the Santa Rosa-San Jacinto Mountains National Monument.

Specifically, the bill would add the following designations:

- Beauty Mountain Wilderness Area (15,621 acres)
- Cahuilla Mountain Wilderness Area (5,585 acres)
- Pinto Mountain Wilderness Area (24,404 acres)
- South Fork San Jacinto Wilderness Area (20,217 acres)

The bill also adds land to existing wilderness areas as follows:

- Agua Tibia Wilderness Area (2,053 acres);
- Chuckwalla Mountains Wilderness Area (12,815 acres)
- Joshua Tree Wilderness Area (36,700 acres of new wilderness, as well as 43,300 acres of potential wilderness to be studied)
- Orocopia Mountains Wilderness Area (4,635 acres);
- Palen-McCoy Wilderness Area (22,645 acres); and
- Santa Rosa Wilderness Area (2,149 acres).

Finally, the bill would add 31 miles of rivers in Riverside, California, as portions of the National Wild and Scenic Rivers System, including Bautista Creek, the north fork of the San Jacinto River and its tributary Fuller Creek, and Palm Canyon Creek.

**Additional Background:** H.R. 3682 would designate multiple public lands within Southwest California as wilderness areas. According to the Committee on Natural Resources, in [House Report 110-693](#), “The various units provide habitat for a wide variety of rare species including arroyo toads, San Bernardino kangaroo rats, southwestern willow fly-catchers and gray vireos, red rattlesnakes, desert tortoises, and Mojave fringe-toed lizards as well as the chuckwalla (an iguana-like lizard), and many other creatures.”

According to the Committee on Natural Resources, the U.S. Forest Service, which will oversee much of the new wilderness land, opposed the initial version of H.R. 3682 because several proposed boundaries did not match the Forest Service’s current plans for the areas. The committee also reported that, while the administration was opposed to certain provisions, it “did not oppose the wild and scenic river designations, and supported the expansion of the national monument.” During committee consideration of the bill, an amendment in the nature of a substitute was considered and passed in order to address the U.S. Forest Service’s specific issues with the legislation. Following the insertion of substitute language, the bill passed the committee by voice vote.

The [Wilderness Act](#) was signed in 1964 in order to preserve and protect federal land that was especially pristine and untouched by human development. According to the text of the Act, the purpose of the designation is to ensure that human expansion and mechanized growth does not occupy or modify all lands in the U.S. As such, federal land designated as “wilderness” is prohibited from being used for any resource extraction such as logging or mining, but is generally open to the public for camping, hiking, hunting, and fishing. Mechanized vehicles are strictly prohibited on wilderness lands. Since the wilderness designation is only given to lands that are already controlled by the federally government, this bill would not add new land to the Bureau of Land Management’s (BLM) domain. Once designated, wilderness areas remain under the control of the federal department that originally managed the land, in this case, the Department of Interior operating through the Bureau of Land Management. Because of the tight land-use restriction placed on federal land designated as wilderness, there is often local controversy associated with the designation.

**Possible Conservative Concerns:** Some conservatives might be concerned that wilderness designations restrict the use of public lands and could possibly restrict the use of private property land within the designation. Some conservatives may also be concerned that wilderness

designations completely and permanently block resource extraction such as mining, drilling, and logging on federally owned land within the designation.

**Committee Action:** H.R. 3682 introduced on September 27, 2007, and referred to the Committee on Natural Resources. On May 14, 2008, a mark-up was held and the bill was reported, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. H.R. 3682 would have “no significant effect 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?** According to the Committee on Natural Resources, in [House Report 110-693](#), “H.R. 3682 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, in [House Report 110-693](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.Res. 1158—Recognizing the 100th anniversary of the establishment of the Ozark National Forest in Arkansas (Boozman, R-AR)**

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

**Summary:** H.Res. 1158 would express the sense that the House or Representatives “recognizes the 100th Anniversary of the establishment of the Ozark National Forest in Arkansas.”

The resolution lists a number of findings, including:

- “On March 6, 1908, President Theodore Roosevelt set aside by proclamation 917,944 acres of land for conservation purposes, which was designated as the Ozark National Forest;
- “The Ozark National Forest was the first federally protected stand of hardwoods in the United States;
- “The Ozark National Forest is home to Arkansas's tallest mountain, Mount Magazine;

- “The Ozark National Forest is home to Blanchard Springs Caverns, which is a magnificent limestone cave system, and the only cave system featuring guided tours administered by the Forest Service;
- “In 2006, the Ozark National Forest helped enrich the lives of 2.1 million visitors by sharing the beauty of Arkansas, which is known as ‘The Natural State’; and
- “Diverse flora in the region include more than 500 species of trees and woody plants, and hardwoods occupy 65 percent of the forests.”

**Committee Action:** H.Res. 1158 was introduced on April 29, 2008, and referred to the Committee on Natural Resources Subcommittee on National Parks, Forests, and Public Lands, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 5680—To amend certain laws relating to Native Americans, and for others purposes (*Grijalva, D-TX*)**

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

**Summary:** H.R. 5680 would make a number of changes to current law regarding seven distinct Indian tribes and Native Alaskans. The bill’s specific measures are listed below.

*Colorado River Tribes:* The bill would provide mandatory annual payments to Colorado River Indian tribes in return for proceeds from electrical power produced by the Bureau of Indian Affairs’ (BIA) operation of a power system on the Colorado River Reservation. The payments, which would not be subject to appropriation, would be between \$200,000 and \$350,000 each year and would be paid from receipts that the BIA receives from operating the power system. The receipts, which average \$10 million each year, would be used by the Colorado River Indian Tribes to create the Office of the Colorado Indian Tribes Reservation Energy Development.

*Gila River Indian Community Contracts.* H.R. 5680 would allow the Gila River Indian Tribe to allow the tribe to enter into binding arbitration regarding construction contracts on their reservation in Arizona. Under current law, the tribe may only enter into binding arbitration concerning commercial land leases and contracts.

*Sault Ste. Marie Tribe of Chippewa.* H.R. 5680 would authorize the Sault Ste. Marie Tribe of Chippewa of Michigan to transfer land that is not held in trust without the approval of the Secretary of the Interior. The provision, which concerns lands donated by the tribe for the construction of a new hospital in St Ignace, Michigan, would apply retroactively to 2005, when the land was transferred from the tribe to the Mackinac Straits Hospital Authority.

*Morongo Tribe Lease Extension.* The bill allows the Morongo Band of Mission Indians in California, to enter into to lease contracts on their reservation for periods of up to 50 years. Under current law, the tribes are only authorized to enter into leases of up to 25 years. The tribe believes that it will be more successful developing industrial production facilities on the reservation with a longer lease period.

*Cow Creek Band Leasing Authority.* The bill allows the Cow Creek Band of Umpqua Indians in Oregon, to enter into to lease contracts on their reservation for periods of up to 99 years. Under current law, the tribes are only authorizes to enter into leases of up to 25 years.

*Native Alaskan Common Stock Settlement.* H.R. 5680 would amend the Alaska Native Claims Settlement Act (ANCSA) to allow Alaskan Regional Development Corporations to make stock payments to shareholders' descendants, elderly, or others who have been left out of the stock distribution. Stock given to shareholder's descendants, elderly, or others who have been left out would be cancelled when the stockholder died, and no payment would be made to the stockholders' estate.

*Miccosukee Indiana Tribe.* Finally, the bill would place land owned by the Miccosukee Tribe in Florida into trust. The land is near, but not adjacent to, the tribe's reservation, and contains the Miccosukee Golf and Country Club. According to the Natural Resources Committee, "the entire application, including environmental studies, is complete and has been pending for 5 years."

**Committee Action:** H.R. 5680 introduced on April 4, 2008, and referred to the Committee on Natural Resources. On May 14, 2008, a mark-up was held and the bill was reported, as amended, by unanimous consent.

**Cost to Taxpayers:** According to CBO, H.R. 5680 would increase direct spending by \$300,000 annually to make payments to Colorado River Indian Tribes to fund the Office of the Colorado Indian Tribes Reservation Energy Development.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill increases direct spending for payments to Colorado Indian Tribes with electrical production on their reservation that it operated by the federal government. The bill would also increase the amount of land that is held in trust by the U.S. government.

**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, in [House Report 110-692](#),

“H.R. 5680 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, in [House Report 110-692](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **S. 2516—Kendell Frederick Citizenship Assistance Act (*Sen. Mikulski, D-MD*)**

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

**Summary:** S.2516 would require the Secretary of Homeland Security to allow for the use of fingerprints that an individual provides when they enlist into the Armed Forces for fingerprint requirements of naturalization applications. To meet the requirement, an individual must submit the application within 24 months of enlistment.

The bill would require the Secretary to update the appropriate application forms, instructions, and guidebooks for obtaining naturalization to reflect these changes.

The bill would also require the Secretary of Homeland Security to submit a report within 120 days of enactment on the entire process for the adjudication of an application for naturalization of service members.

**Additional Background:** According to a *Washington Post* Article from November 5, 2005, Kendall K. Frederick was a U.S. Reservist with the 983<sup>rd</sup> Engineer Battalion stationed in Monclova, Ohio. Frederick was born in Trinidad and came to the United States with his family when he was 14 years old. He attended high school in Randallstown, Maryland, where he joined the ROTC. Following graduation, Frederick moved to Michigan to find work and joined the Army Reserve. There he was called up for active duty service with the 983<sup>rd</sup> based in Ohio.

Following his initial tour, Frederick returned home for leave but was quickly called back for a second six-month stint. Three weeks after his second arrival in Iraq, Frederick was killed by an improvised explosive device near Tikrit.

Though he had applied for citizenship well before he was first deployed, Frederick’s application process was delayed because his fingerprints were misfiled. Fredrick was still in the process of obtaining his citizenship when he was killed on October 19, 2007. Following his death he was posthumously awarded United States citizenship and laid to rest in Arlington National Cemetery. According to the *Washington Post*, after his death, “Frederick was also awarded a Purple Heart, a Bronze Star, a Meritorious Service Medal, and a posthumous promotion to Sergeant.”

On November 6, 2007, the House passed similar legislation, H.R. 2884, by voice vote.

**Committee Action:** S.2516 passed in the Senate by unanimous consent on March 11, 2008. The following day the bill was received in the House of Representatives, which took no official action.

**Cost to Taxpayers:** A CBO score for S.2516 was not available at press time. A score for H.R. 2884 stated that the legislation would authorize less than \$500,000 annually, 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?:** An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

**Constitutional Authority:** A House Report citing constitutional authority was not available at press time. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 5569—To extend for 5 years the EB-5 regional center pilot program (Lofgren, D-CA)**

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

**Summary:** H.R. 5569 would extend the fifth employment-based preference (EB-5) immigrant visa category (EB-5) regional center pilot program for five years, through FY 2013. The visa program allows immigrants who seek to invest in a commercial enterprise that will add at least 10 jobs in the U.S. economy to enter the country.

**Additional Information:** The EB-5 visa program was created in 1990 to encourage commercial investment in the U.S. economy. The program makes up to 10,000 visas available annually for immigrants who are investing \$1 million or more into a commercial endeavor in the U.S. The amount of required investment may be lowered to \$500,000 if investments are made in rural areas or areas with high unemployment rates. According to Judiciary [Committee Report 110-698](#), the program has been traditionally underutilized, with an all-time high number of 806

investors participating in the program in 2007. Despite the moderately low participation rate, the committee estimates that the program has garnered more than \$1 billion in immigrant investments and produced more than 20,000 jobs over the past several years. CBO estimates that reauthorizing the EB-5 program would increase revenue from EB-5 visa fee collection by \$500,000 annually.

**Committee Action:** H.R. 5569 was introduced on March 10, 2008, and referred to the Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. On March 12, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee by voice vote. On April 2, 2008, the full committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5569 would increase revenue from EB-5 visa fee collection by \$500,000 annually.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on the Judiciary, in [Committee Report 110-698](#), “H.R. 5680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

**Constitutional Authority:** The Committee on the Judiciary, in [Committee Report 110-698](#), cites constitutional authority in Article 1, Section 8, Clause 4 (granting Congress the power to “establish an uniform Rule of Naturalization”).

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## **H.R. 5938—To amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes (*Conyers, D-MI*)**

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

**Summary:** H.R. 5938 would direct the Department of Homeland Security to supply former Vice Presidents with Secret Service protection for six months after their departure from office. Secret Service protection would also be given to a former Vice President’s wife and any children under the age of 16. Under current law, such protection is not mandatory, but it has been extended legislatively to Vice Presidents in the past, including Al Gore and Dan Quayle.

H.R. 5938 would allow the Secretary of Homeland Security to extend Secret Service protection beyond the six month period if they determined that such protection was necessary.

**Additional Information:** According the Committee on the Judiciary, in [Committee Report 110-696](#), every former president and their family is granted Secret Service protection following their term. For Presidents who served prior to 1997, protection is given for their lifetime. In 1994, Congress passed a law to reduce the period of Secret Service protection for former Presidents to ten years. President Bush will be the first President to retire under the new law. The 1994 statute would allow the Secret Service to continue to provide protection beyond ten years if a continued threat was determined.

Vice Presidents have not traditionally been granted Secret Service protection following their service in the White House. However, the last two former Vice presidents, Al Gore and Dan Quayle, were given protection until the July following their terms in office. H.R. 5938 would permanently extend this protection to every Vice President, beginning with the current Vice President, Dick Cheney. CBO estimates that the bill would cost the Department of Homeland Security roughly \$4 million every time a Vice President left office, subject to appropriation.

**Committee Action:** H.R. 5938 introduced on May 1, 2008, and referred to the Committee on the Judiciary Subcommittee Crime, Terrorism, and Homeland Security. On May 6, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee by voice vote. On May 14, 2008, the full committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5569 would authorize approximately \$4 million every time a Vice President left office, 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?** According to the Committee on the Judiciary, in [Committee Report 110-696](#), “H.R. 5680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

**Constitutional Authority:** The Committee on the Judiciary, in [Committee Report 110-696](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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**H.R. 5593—Congressional Review Act Improvement Act**  
***(Linda Sanchez, D-CA)***

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

**Summary:** H.R. 5593 would amend the Congressional Review Act to remove a requirement that all agencies submit all copies of all final rules and reports on final rules to both the House and the Senate. The bill would establish the Government Accountability Office (GAO) as the sole recipient of agency rules. The Comptroller General would be required to make a weekly list of all final agency rules published in the Federal Register. H.R. 5593 would still require agencies to submit rules and reports on rules to both the House and the Senate if the rules were not printed in the Federal Register for whatever reason. The bill would still allow the Congress to disapprove of an agency rule as established by the Congressional Review Act.

**Additional Information:** The Congressional Review Act, which was passed as a part of the Small Business Regulatory Enforcement Fairness Act of 1996 (aka, the Contract with America Advancement Act of 1996), allows Congress to review every federal regulation and object to rules, regulations, and guidance from agencies. The Congress is required to pass a joint resolution to overrule or veto an agency regulation. According to the Committee on the Judiciary, in [Committee Report 110-700](#), agencies are required to send any new rules or regulations to both the House and the Senate for review. In an effort to make the process less burdensome and more efficient, H.R. 5593 would require rules be sent to one entity, the GAO, and that the GAO's head must distribute the information to Congress via the Federal Registry.

**Committee Action:** H.R. 5593 introduced on March 11, 2008, and referred to the Committee on the Judiciary Subcommittee on Commercial and Administrative Law. On April 24, 2008, a subcommittee mark-up was held and the bill was forwarded to the full committee by voice vote. On April 30, 2008, the full committee held a mark-up and reported the bill by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5593 would have “ 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?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on the Judiciary, in [Committee Report 110-700](#), “H.R. 5680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

**Constitutional Authority:** The Committee on the Judiciary, in [Committee Report 110-700](#), cites constitutional authority in Article 1, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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**S. 188—A bill to revise the short title of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (*Sen. Salazar, D-CO*)**

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

**Summary:** S. 188 would retroactively change the title of the “Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006” to the “Lou Hamer, Rosa Parks, Coretta Scott King, Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006.”

**Additional Information:** The Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 amended the Voting Rights Act of 1965 to modify and extend provisions regarding election examiners, disfranchising voting qualifications, bilingual balloting, payment of certain attorney fees in enforcement proceedings, etc. The bill, H.R. 9, passed in the House on July 13, 2006, by a vote of [390-33](#). On July 31, 2006, the bill was signed by President Bush and became Public Law No. 109-246. S. 188 would amend the law to add the names of Cesar E. Chavez, Barbara C. Jordan, William C. Velasquez, and Dr. Hector P. Garcia to the bill’s short title.

**Background of Cesar Chavez:** Cesar Estrada Chavez was born in Yuma, Arizona, in 1927 and worked with his family as a migrating farm laborer. In 1952, Chavez joined the Community Service Organization, a Hispanic civil rights organization, where he became active in the migrant worker labor movement. Ten years later, Chavez founded the United Farm Workers of America (UFWA), which promoted organized labor and unionization among migrant workers in the American Southwest. From 1962 until his death in 1993, Chavez worked to increase the size and power of the UFWA, staging strikes, boycotts, rallies, and marches and zealously recruiting migrant farmers.

Opinions concerning Chavez’s overall historic legacy have been mixed. Although Chavez is a hero to organized labor and immigrant rights groups, some argue that he and his UFWA representatives often used violence and intimidation against farmers or laborers that did not wish to join the organization.

Former UFWA organizer and associate of Chavez, Joe R. Hicks, testified against the proposed study and subsequent historic designations before the Natural Resources Committee on March 29, 2007. Hicks said that, “while Chavez was laid to rest and eulogized as a man of peace and nonviolence, almost none of his followers – those that I had known and worked with – has eschewed the use of violence against those who opposed them and their tactics. It was clear to me that they believed that Chavez quietly approved of their heavy-handed tactics – in the main employed against impoverished agricultural field workers.” Hicks argued that, because there is

no consensus concerning Chavez’s actual legacy, the government should not honor him in the same way it has honored other important Americans.

**Possible Conservative Concerns:** Some conservatives may be concerned that S. 188 would retroactively add Cesar Chavez—a labor organizer who is accused by some of encouraging violence and intimidation as tools to organize laborers—to the list of historic civil rights leaders for whom voting rights legislation was named.

**Committee Action:** S.2516 passed in the Senate by unanimous consent on February 15, 2008. The following day the bill was received in the House of Representatives and referred to the Committee on the Judiciary, which took no official action.

**Cost to Taxpayers:** According to CBO, S. 188 would have “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?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** An earmarks/revenue benefits statement required under House Rule XXI, Clause 9(a) was not available at press time.

**Constitutional Authority:** A House Report citing constitutional authority was not available at press time. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

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## **H.Res. \_\_\_\_— Resolution Honoring the Passing of Bo Diddley (*Conyers, D-MI*)**

**Order of Business:** H. Res. \_\_\_\_ is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** The text of the resolution was not available at press time.

**RSC Bonus Fact:** According to artist’s official Website:

Born Otha Ellas Bates (later known as Ellas McDaniel), 28 December 1928, McComb, Mississippi, USA. After beginning his career as a boxer, where he received the sobriquet “Bo Diddley”, the singer worked the blues clubs of Chicago with a repertoire influenced by Louis Jordan, John Lee Hooker and Muddy Waters. In late 1954, he teamed up with

Billy Boy Arnold and recorded demos of “I’m A Man” and “Bo Diddley”. Re-recorded at Chess Studios with a backing ensemble comprising Otis Spann (piano), Lester Davenport (harmonica), Frank Kirkland (drums) and Jerome Green (maracas), the a-side, “Bo Diddley”, became an R&B hit in 1955. Before long, Diddley’s distorted, amplified, custom-made guitar, with its rectangular shape and pumping rhythm style became a familiar, much-imitated trademark, as did his self-referential songs with such titles as “Bo Diddley’s A Gunslinger”, “Diddley Daddy” and “Bo’s A Lumberjack”. His jive-talking routine with “Say Man” (a US Top 20 hit in 1959) continued on “Pretty Thing” and “Hey Good Lookin’”, which reached the lower regions of the UK charts in 1963. By then, Diddley was regarded as something of an R&B legend and found a new lease of life courtesy of the UK beat boom. The Pretty Things named themselves after one of his songs, while his work was covered by such artists as the Rolling Stones, the Animals, Manfred Mann, the Kinks, the Yardbirds, Downliners Sect and the Zephyrs. Diddley subsequently jammed on albums by Chuck Berry and Muddy Waters and appeared infrequently at rock festivals. His classic version of “Who Do You Love” became a staple cover for a new generation of US acts ranging from Quicksilver Messenger Service to the Doors, Tom Rush and Bob Seger, while the UK’s Juicy Lucy took the song into the UK Top 20.

**Committee Action:** H. Res. \_\_\_\_ will likely be introduced on June 9, 2008.

**Cost to Taxpayers:** The text of the resolution was not available at press time he resolution, but it is likely that he resolution does not authorize expenditures.

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

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

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**H.Res. 1229—Recognizing the achievements of America's high school valedictorians of the graduating class of 2008, promoting the importance of encouraging intellectual growth, and rewarding academic excellence of all American high school students (*Meeks, D-NY*)**

**Order of Business:** H. Res. 1229 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1229 would express that the House of Representatives:

- “honors and recognizes the valedictorians and graduating seniors of the class of 2008 for their academic achievements and contributions to their communities;
- “encourages all valedictorians and graduating seniors to further their intellectual inquiry and academic studies in universities and postsecondary educational institutions; and

- “supports the continued social engagement of valedictorians and graduating seniors, which utilizes their knowledge and skills for the betterment of their communities and the social, cultural, and economic advancement of the Nation.”

The bill lists the following findings:

- “valedictorians are conferred as the highest academically-ranked student in their high school’s graduating class;
- “over 15,000 of our Nation’s secondary schools honor their highest academically-ranked students with the ‘valedictorian’ title;
- “valedictorians have demonstrated consistency in their intellectual inquiry, academic discipline, and utilization of teacher mentoring throughout their high school careers;
- “valedictorians serve as peer role models to fellow high school students by succeeding academically and contributing to community improvement;
- “valedictorians are charged with the duty of giving a graduation speech that reflects upon the intellectual development and community involvement of the graduating class and inspires all graduating students to further their academic studies and social engagement;
- “numerous valedictorians and graduating seniors will further their intellectual interests and academic studies by enrolling in universities and postsecondary educational institutions;
- “family members, teachers, school administrators, and community members have nurtured the intellectual growth and rewarded the academic achievements of valedictorians and graduating seniors; and
- “valedictorians and graduating seniors will become America’s future civic, business, and political leaders, maintaining our Nation’s global leadership position and strengthening its economic competitiveness.”

**Committee Action:** H. Res. 1229 was introduced on May 22, 2008 and referred to the House Committee on Education and Labor, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.Res. 1225—Expressing support for designation of June 2008 as “National Safety Month” (*Davis, D-IL*)**

**Order of Business:** H. Res. 1225 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1225 would express that the House of Representatives:

- “supports the designation of ‘National Safety Month’;
- “recognizes the contributions of the National Safety Council and its ongoing commitment to raising awareness about the need for the implementation of safe practices in our schools and jobs; and
- “encourages citizens to observe the ‘National Safety Month’ with appropriate ceremonies and educate themselves about the importance of implementing safe practices in our schools and on our jobs to prevent unintentional injury and death.”

The bill lists the following findings:

- “after years of decline, the rate of unintentional injuries and deaths in the United States has risen to new and unacceptable levels;
- “deaths from motor vehicle collisions, poisonings from unintentional overdoses, and falls remain as the three leading causes of preventable death in the United States;
- “the cost of unintentional injuries to Americans exceeds \$650,000,000,000 each year and causes great suffering among individuals and their families;
- “the cost of unintentional injuries to workers and their employers is \$164,700,000,000 each year, including the value of 120,000,000 days of lost productivity;
- “preventing unintentional injury and death requires the cooperation of all levels of government, the Nation’s employers, and the general public;
- “the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this Nation in injury prevention through safety and health education, training, and advocacy in the United States;
- “the National Safety Council educates the workforce about policies, practices, and procedures leading to increased safety, protection, and health in business and industry, as well as in schools and colleges, on roads and highways, and in homes and communities;
- “since the summer season is a time of increased rates of preventable injuries and death, it is an appropriate time to focus the attention of our workforce and community leaders on injury risks and preventions by celebrating June 2008 as ‘National Safety Month’; and
- “the National Safety Council in 2008 as part of its public education about safety and health will provide this Nation a month-long campaign in June with the theme ‘Make a Difference’.”

**Committee Action:** H. Res. 1225 was introduced on May 22, 2008 and referred to the House Committee on Education and Labor, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 5524—Reconnecting Homeless Youth Act of 2008 (*Yarmouth, D-KY*)**

**Order of Business:** H. R. 5524 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 5524 would amend the Runaway and Homeless Youth Act to revise requirements for services provided under grants for centers for runaway and homeless youth and their families. Currently, the Secretary of Health and Human Services makes grants available to fund youth shelters that provide emergency shelter, food, clothing, outreach services, and crisis intervention for runaway and homeless youth. The shelters also offer services to help reunite youth with their families whenever possible.

The bill authorizes \$150 million for FY 2009 and such sums for FY 2010-2013 for the basic center grant program. The bill also authorizes \$30 million for FY 2009 and such sums as may be necessary for FY 2010-2013 for the Street Outreach Program (SOP) (Note: The Street Outreach Program provides education, treatment, counseling, and referrals for runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse and exploitation). **Previous authorization was \$105 million for FY 2004, and did not contain funding authorization for the SOP.**

The bill limits the length of stay in such a center, unless it is located in a state or locality with a child or youth-serving-facility licensure law or regulation that permits a longer length of stay.

The bill also increases the grant allotments for states and specified U.S. territories.

The bill requires the plan proposed by grant applicants for a runaway and homeless youth center to include an adequate emergency preparedness and management plan.

The bill redefines the age limits of homeless youth served under the Act as “between 13 years of age and 25 years of age.”

The bill would require the Secretary to report periodically to Congress with estimates of the incidence and prevalence of runaway and homeless individuals between 13 to 25 years of age.

The bill would require the Secretary to: (1) conduct a national homeless youth awareness campaign; and (2) establish priorities for making grants for research, evaluation, demonstration, and service projects.

The bill would require the Secretary to: (1) give priority to public and, as under current law, nonprofit private agencies for sexual abuse programs; (2) establish performance standards for grant recipients; and (3) establish appeals procedures regarding amounts or denials of such grants.

The bill also defines “runaway youth” as an individual under the age of 18 who absents himself or herself from home or place of legal residence without the permission of parents or legal guardians.

The bill lists the following findings:

- “services to such young people should be developed and provided using a positive youth development approach that ensures the young person a sense of—safety and structure; belonging and membership; self-worth and social contribution; independence and control over one’s life; and closeness in interpersonal relationships.”

**Committee Action:** H.R. 5524 was introduced on March 4, 2008, and was referred to the House Committee on Education and Labor where no further action was taken.

**Cost to Taxpayers:** A CBO score for H.R. 5524 was unavailable, but the bill authorizes \$150 million for FY 2009 and such sums for FY 2010-2013 for the basic center grant program. The bill also authorizes \$30 million for FY 2009 and such sums as may be necessary for FY 2010-2013 for the Street Outreach Program (SOP).

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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### **H.R. 4926—Josh Miller HEARTS Act (*Sutton, D-OH*)**

**Order of Business:** H. R. 4926 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 4926 would amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to award matching grants to local educational agencies (LEAs) to:

- purchase automated external defibrillators (AEDs) for use in their schools; and/or

- provide training to meet the requirement that at least five adult employees or volunteers at each school with an AED successfully complete training in its use and in cardiopulmonary resuscitation (CPR).

The bill also requires LEA grant applicants also to demonstrate that the AEDs are integrated into the schools' medical emergency response procedures and that emergency service personnel are notified of their locations.

**Committee Action:** H.R. 4926 was introduced on December 19, 2007, and was referred to the House Committee on Education and Labor where no further action was taken.

**Cost to Taxpayers:** A CBO score for H.R. 4926 was unavailable, but the bill authorizes such sums as may be necessary for FY 2008-2013.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, this bill create a new grant program at the Department of Education.

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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**H.Res. 1243—Recognizing the immeasurable contributions of fathers in the healthy development of children, supporting responsible fatherhood, and encouraging greater involvement of fathers in the lives of their children, especially on Father’s Day (Sullivan, R-OK)**

**Order of Business:** H. Res. 1243 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1243 would express that the House of Representatives

- “commends the millions of fathers who serve as wonderful, caring parents for their children;
- “calls on fathers across the United States to use Father’s Day to reconnect and rededicate themselves to their children’s lives, to spend Father’s Day with their children, and to express their love and support for their children;

- “urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children; and
- “encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources.”

The bill lists the following findings:

- “fathers factor significantly in the lives of children;
- “fathers play an important role in teaching their children life lessons and preparing them to succeed in school and in life;
- “children with involved fathers are more likely to do well in school, have a better sense of well-being, and have fewer behavioral problems;
- “supportive fathers promote the positive physical, social, emotional, and mental development of children;
- “promoting responsible fatherhood can help increase the chances that children will grow up with two caring parents;
- “when fathers are actively involved in the upbringing of children, the children demonstrate greater self-control and a greater ability to take initiative;
- “responsible fatherhood can help reduce child poverty;
- “responsible fatherhood strengthens families and communities; and
- “Father’s Day is the third Sunday in June.”

**Committee Action:** H. Res. 1243 was introduced on June 5, 2008 and referred to the House Committee on Education and Labor, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.Res. 127—Recognizing and celebrating the 50th anniversary of the entry of Alaska in the Union as the 49th State (Young, R-AK)**

**Order of Business:** H. Res. 127 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 127 would express that the House of Representatives recognizes and celebrates the 50th anniversary of the entry of Alaska into the Union as the 49th State.

The bill lists the following findings:

- “July 7, 2008, marks the 50th anniversary of the enactment of the Alaska Statehood Act as approved by the United States Congress and signed by President Dwight D. Eisenhower;
- “the Alaska Statehood Act authorized the entry of Alaska into the Union on January 3, 1959;
- “the land once known as ‘Seward's Folly’ is now regarded as critical to the strategic defense of the United States and important to our national and economic security;
- “the people of Alaska remain committed to the preservation and protection of the Union, with among the highest rates of veterans and residents in active military service of any State in the Nation;
- “Alaska is the northernmost, westernmost, and easternmost State of the Union, encompassing an area one-fifth the size of the United States;
- “the State of Alaska has an abundance of natural resources vital to the Nation;
- “Alaska currently provides over 16 percent of the daily crude oil production in the United States and has 44 percent of the undiscovered oil resources and 36 percent of undiscovered conventional gas in the United States;
- “Alaska’s 34,000 miles of shoreline form a gateway to one of the world’s greatest fisheries, providing over 60 percent of the country's commercial seafood harvest;
- “over 230 million acres of Alaska are set aside in national parks, wildlife refuges, national forests, and other conservation units for the benefit of the entire country;
- “over 58 million acres are designated wilderness in Alaska, representing 55 percent of the wilderness areas in the United States;
- “Alaska Natives, the State’s first people, are an integral part of Alaska’s history, and preserving the culture and heritage of Alaska’s Native people is of primary importance;
- “the passage of the Alaska Native Claims Settlement Act in 1971 signaled a new era of economic opportunity for Alaska Natives;
- “Alaska’s Native people have made major contributions to the vitality and success of Alaska as a State;
- “the people of Alaska represent the pioneering spirit that built this great Nation and contribute to our cultural and ethnic diversity; and
- “the golden anniversary, on January 3, 2009, provides an occasion to honor Alaska’s entry into the Union.”

**Committee Action:** H. Res. 127 was introduced on February 5, 2007 and referred to the House Committee on Oversight and Government Reform, which held a mark-up of the bill on April 18, 2008 and reported the bill by voice vote.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 5683—Government Accountability Office Act of 2008** *(Davis, D-IL)*

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

**Summary:** H.R. 5683 would amend current laws regarding the Government Accountability Office (GAO) to provide retroactive pay increases to certain employees, increase the agency's investigative authority, and provide reimbursements from agencies when the GAO conducts audits. The particular provisions in the bill are listed below.

### ***Future Annual Pay Adjustments***

- H.R. 5683 would require the GAO to guarantee that all GAO employees who perform at a level that “meets expectations” receive an annual pay increase equal to the annual adjustment for General Schedule (GS) employees in the same locality.

### ***Pay Adjustments for Previous Years***

- The bill would require that GAO retroactively reimburse some 300 employees who met the expectations of the job but were not given pay increases in 2006 and/or 2007. The payment must be given as a lump sum of the difference of what the employee earned over the period and what they would have earned with the annual GS increase.

### ***Payment for Performance-Based Compensation***

- The bill would require the GAO to retroactively reimburse employees who met the expectations of the job but were not given pay increases in 2006 and/or 2007 for any performance-based compensation that was limited by their rate of pay.

### ***Reimbursement of Audit Costs***

- This section would provide GAO the authority to demand reimbursement from federal agencies for any financial statement audits that GAO initiates. This provision has been opposed by the Office of Management and Budget in the past, since GAO's (and, indirectly Congress') ability to initiate audits would no longer be constrained by GAO's budgetary limitations but instead would intrude on an Executive Branch agency's authority and ability to administer that agency's own appropriations.

### ***Financial Disclosure***

- The bill would allow alter requirements for GAO employees regarding financial disclosure requirements. Under current law GAO employees are required to file financial disclosure forms if their basic pay is more than 120% of the basic GS-15 step-1 rate (\$95,390 in 2008). H.R. 5683 would allow GAO employees to subtract additional locality pay from the financial disclosure calculation.

### ***Increased Highest Pay Rate***

- H.R. 5683 increases the highest pay rate for GAO employees from GS-15 step 10 (\$124,010), to Executive Level III (\$158,500).

### ***Treatment of Pay for Retirement***

- Finally, H.R. 5683 would provide that when determining a GAO employee's salary for the purpose of computing their federal retirement benefits, the calculation must include any non-permanent merit bonuses. Under current law, a federal employee's retirement benefits are based on an average salary of the three highest-paid years of the employee's career, but the calculation does not consider bonuses as income. The application of bonuses would only apply to GAO employees and no other federal workers.

**Additional Information:** According to [House Report 110-671](#), many of H.R. 5683's provisions were first considered during hearings for the GAO Reform Act of 2004. During consideration of the bill, then Comptroller General (CG) David Walker reported that the GAO was in the process of implementing across-the-board annual pay increases for employees performing at a satisfactory level. According to the report, the CG did not raise pay across-the-board for every employee who met minimum expectations in 2006 and 2007. In testimony before the House and Senate Subcommittees on the Federal Workforce, Mr. Walker stated that a study had determined that employees who did not receive annual pay increases had been paid above the market rate, and therefore did not need a pay increase to maintain a standard of living. Members of the House Subcommittee, including the bill's sponsor, disputed the validity of the report, and the ongoing investigations resulted in H.R. 5683. The bill's purpose, among other things, is to guarantee annual across-the-board pay increases to every GAO employee who meets minimum performance standards.

Many of the additional provisions in H.R. 5683 are highly controversial. The bill's requirement that agencies pay for GAO investigations have brought up certain constitutional concerns regarding agency spending authority. In addition, there have been concerns raised regarding retroactive payments and the Comptroller General's increased access to secure information. Because of these and other concerns, the Administration had indicated that it was very likely to issue a veto threat against H.R. 5683. However, certain provisions from the reported version of the bill have since been removed. Though the Administration is still reported to have problems with portions of the bill, it is now unlikely that a veto threat will be issued.

The following is a list of provisions that were removed from the reported version of H.R. 5683:

### ***Administration of Oaths***

- The reported version of H.R. 5683 would have authorized the GAO, while conducting investigations and audits, to administer oaths and interview agency employees under oath.

### ***Increased Access to Information***

- The reported version of H.R. 5683 would have increased the GAO's ability to gain access to certain high-level information. The bill would have required the Department of Health and Human Services to give the GAO certain information with regard to Medicare Part D. The bill would have also required that the Food and Drug Administration disclose any "trade secret" information that the GAO requests.

### ***Comptroller General Reports***

- The bill would have required the CG to make annual reports to Congress regarding each agency's cooperation with the GAO. Specifically, the CG would have been required to detail each agency's willingness and helpfulness to provide personnel for interviews, written responses to questions, access to records and submitting to oaths.

**Possible Conservative Concerns:** Some conservatives may have some concerns with provisions that were not removed from H.R. 5683, including:

- **Reimbursements:** Some conservatives may be concerned that H.R. 5683 would provide the GAO authority to demand reimbursement from federal agencies for any financial statement audits that GAO initiates. Some conservatives may be concerned that this would establish a precedent with constitutional implications, because GAO's ability to initiate audits would no longer be constrained by GAO's budgetary limitations. As a result the GAO could intrude on an executive branch agency's authority and ability to administer its own appropriations.
- **Retroactive Payment:** Some conservatives may be concerned that H.R. 5683 would provide an unfunded retirement liability by providing certain GAO employees with retroactive payments that must be used in calculating retirement benefits without requiring the related retirement contributions based on these payments. In addition, some conservatives may be concerned that these payments would be made despite that Comptroller General's assertion that those employees receiving retroactive payment under this act had already been paid above the market rate, and therefore did not need a pay increase to maintain a standard of living.
- **Treatment of Pay for Retirement:** Some conservatives may be concerned that H.R. 5683 would include any non-permanent merit bonuses when determining a GAO employee's salary for the purpose of computing their federal retirement benefits. Some conservatives may be concerned that this provision would increase direct spending by including bonuses in federal employee's benefits determinations (which are already calculated more generously than the private sector).

**Committee Action:** H.R. 5683 was introduced on April 2, 2008, and referred to the Committee on Natural Resources and the Oversight and Government Reform. On September May 1, 2008, the committee held a markup and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5683 would authorize \$3 million in FY 2009 and \$11 million over the FY 2009—FY 2013 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?** According to the Committee on Agriculture, in [House Report 110-671](#), “H.R. 5683 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 Agriculture, in [House Report 110-671](#), cites constitutional authority in Article I, Section 8, Clause 18, (the “necessary and proper” clause).

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## **H.R. 5778—District of Columbia Water and Sewer Authority Independence Preservation Act (*Van Hollen, D-MD*)**

**Order of Business:** H. R. 5778 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 5778 would amend the District of Columbia Home Rule Act to declare that the Chief Financial Officer of the District of Columbia does not have authority over the District of Columbia Water and Sewer Authority’s personnel.

The bill requires the financial management, personnel, and procurement functions and responsibilities of the District of Columbia Water and Sewer Authority to be: (1) established exclusively pursuant to rules and regulations adopted by its Board of Directors; and (2) consistent with the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, as in effect as of the enactment of this Act.

**Committee Action:** H.R. 5778 was introduced on April 10, 2008, and was referred to the House Committee on Oversight and Government Reform where no further action was taken.

**Cost to Taxpayers:** A CBO score for H.R. 5778 is unavailable, but the bill does not authorize any funds.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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**S. 1245—A bill to reform mutual aid agreements for the National Capital Region (*Sen. Cardin, D-MD*)**

**Order of Business:** S. 1245 is scheduled to be considered on Monday, June 9, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** S. 1245 would amend provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 relating to the implementation of a mutual aid agreement for the National Capital Region in the event of a regional or national emergency to:

- remove the requirement that agents and volunteers acting on behalf of a regional organization or entity be committed in a mutual aid agreement in order to prepare for or respond to such an emergency; and
- expand the list of organizations or entities authorized to enter into and be covered by such an agreement to include any governmental agency, authority, or institution within the Region.

**Committee Action:** S. 1245 was introduced on April 26, 2007, and was referred to the Senate Committee on Homeland Security and Governmental Affairs where the bill was reported favorably without amendment on August 1, 2007.

**Cost to Taxpayers:** A CBO score for S. 1245 is unavailable, but the bill does not authorize any funds.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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