

Legislative Bulletin.....June 30, 2010

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H.R. 5609—To amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office
(Hall, D-NY)

Order of Business: The bill is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5609 contains a portion of the Republican Motion to Recommit for H.R. 5175, the DISCLOSE Act. The bill would expand the ban on campaign related expenditures by foreign nationals to registered lobbyists who represent countries identified as state sponsors of terrorism, or who represent foreign nationals.

Potential Conservative Concerns: While the bill itself achieves a positive end, many conservatives might be concerned that the Democrats picked a specific provision within

the MTR to introduce as a stand alone, but did not include the vital provision relating to expedited judicial review. The MTR failed [208-217](#), with 216 Democrats voting no. Their blatant attempt to pass a portion of the MTR shows their intent to make the DISCLOSE Act law before the elections without proper judicial review procedures in place.

Committee Action: The bill was introduced on June 28, 2010. It was referred to the Committee on House Administration which took no further public action.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available.

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

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

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?: Although 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.

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H.R. 5503—Securing Protections for the Injured from Limitations on Liability Act (*Conyers, D-MI*)

Order of Business: The bill is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the bill.

Summary:

Note: Since the bill was introduced, it has been amended to remove controversial provisions relating to changes in the Class Action Fairness Act (CAFA) and provisions relating to “Unenforceability of Certain Secrecy Agreements.” Concerns, however, still remain. See the “Potential Conservative Concerns” section below for more on the bill.

H.R. 5503 would revise laws regarding liability in certain civil actions arising from maritime incidents. Each of the changes is retroactive. Specifically, the bill:

- Amends the Death on the High Seas Act to permit recovery of non-economic damages by the decedent's family; standardizes the geographic threshold for its application (from 3 nautical miles to 12 nautical miles); and permits surviving family members to bring suit directly rather than through a personal representative.
 - The Death on High Seas Act was originally implemented to create a cause of action for wrongful deaths occurring more than 3 miles from shore.
- Amends the Jones Act to permit recovery of non-economic damages by the families of seaman who are killed and covered by the Jones Act.
 - The Jones Act states that "A seaman injured in the course of employment, or if the seaman dies from the injury, the personal representative of the seaman may elect to bring a civil action at law, with the right of trial by jury, against the employer..." The action may be brought in federal or state court.
- Repeals the Limitation of Liability Act.
 - The Limitation of Liability Act encourages shipbuilding and investment in the maritime industry by limiting the liability of vessel owners to the value of the vessel and its freight.
- Amends the Bankruptcy Code by adding a section that would prevent debtors liable for damages under the Oil Pollution Act from seeking to sever their assets from the legal liabilities they owe to tort claimants and makes chapter 15 of the Bankruptcy Code inapplicable to such debtors.

Potential Conservative Concerns: While the bill's intent is geared toward the legal issues regarding the recent Gulf oil spill, many conservatives might be concerned that most of the provisions in the bill are not limited in scope to the Gulf oil spill. In fact, according to House Judiciary Committee Republican staff, the only provision that will potentially apply to BP is the bankruptcy provision. Many of the provisions will have far-reaching consequences that will make changes to long-standing maritime law, and amends the Bankruptcy Code to give oil spill claimants control over the bankruptcy process. Additionally, there were no hearings on the bill's provisions, which make it difficult to determine the bill's actual impact. Some conservative would argue that committee hearings should have been held prior to consideration on the House Floor.

According to the Additional Views section of the committee report on H.R. 5503, there are other concerns with the bill. Specifically:

- H.R. 5503 allows for non-pecuniary damages (loss of care, comfort, and companionship) under the Death on the High Seas Act and the Jones Act. These provisions apply to all cases brought under both acts and will have a hugely broad impact, especially since the awards of such damages are unpredictable. Non-pecuniary damages under the Jones Act are not typically available as a form of workers' compensation. This provision is particularly problematic for asbestos claims. Allowing for non-economic damages for wrongful death claims under the two Acts mentioned above will have an impact on claims from those exposed to asbestos on ships.

- Repealing the Limitation of Liability law without a replacement will open up uncertainty in liability for vessel-related incidents. The Act currently provides a procedure to address compensation with respect to claims against the owner of a vessel. Without this Act, the U.S. shipping industry will see an effective tax due to an increase in liability costs, especially compared to other nations.
- Gives bankruptcy creditors with oil spill claims priority over others if a company with oil spill liability goes bankrupt. While it is right to prevent oil spillers from using federal bankruptcy protections to avoid their liabilities, this provision gives oil spill creditors control over the bankruptcy process. According to the National Bankruptcy Conference, a non-partisan organization, the bankruptcy provisions in this bill are “bad public policy” and will have “pernicious, unintended and counterproductive consequences.” They will also come “at the expense of other innocent and equally deserving claimants.”

The Chamber of Commerce also has concerns with this bill. In a letter dated June 29, 2010, sent to Members of the U.S. House of Representatives, the Chamber states (emphasis added):

“Unfortunately, concerns remain with this bill. While the Chamber and ILR (U.S. Chamber Institute for Legal Reform) recognize the severity of the Gulf oil spill and the legal issues that surround it, **we do not believe it should be used as a catalyst to expose other industries to new claims or additional liability.** For instance, the legislation would amend the “Death on the High Seas Act” and the “Jones Act” by expanding the types of damages a plaintiff could collect as a result of the death of a family member to include nonpecuniary damages, losses which are difficult to measure and evaluate.

This change in the law is not limited to claims arising out of the Gulf oil spill. As a result, it would apply to thousands of claims unrelated to the oil spill, including many maritime-related asbestos claims. **The expansive nature of these provisions could expose hundreds of asbestos and other defendants to significant additional liability totally unrelated to the situation in the Gulf.** Such an expansion of liability will only serve to encourage plaintiffs’ attorneys to go after new revenue streams and increase our nation’s litigation burden. Any changes such as those contemplated by H.R. 5503 need to be done very carefully and with full consideration of their broad economic and legal consequences.”

Committee Action: The bill was introduced on June 10, 2010. It was referred to the Committee on the Judiciary and was reported out of Committee by a vote of 16-11.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes.

Constitutional Authority: A committee report citing constitutional authority was unavailable at press time.

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?: Although the bill contains no earmarks, and there was no accompanying committee report available at press time, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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H.Res. 1321 - Expressing the sense of the House of Representatives that the political situation in Thailand be solved peacefully and through democratic means (*Del. Faleomavaega, D-AS*)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1321 would resolve that it is the sense of the House of Representatives that:

- “All parties involved in the political crisis in Thailand renounce the use of violence and pledge to resolve the country's political problems peacefully and through democratic means; and
- “All parties concerned are encouraged to work assiduously to settle their differences on the basis of the 5-point national reconciliation plan proposed by the Prime Minister of Thailand on May 3, 2010, which encompasses upholding the monarchy, instituting political reform, and eradicating injustice.”

The resolution lists a number of findings including:

- “Political turmoil in Thailand has led to the most troubled political situation in the country since 1992;
- “Resulting crisis may have a negative impact on Thailand's people, economy, and society;
- “The United States and Thailand became alliance partners with the Manila Pact of 1954 and the United States designated Thailand as a major non-North Atlantic Treaty Organization (NATO) ally in December 2003;
- “With the Treaty of Amity and Economic Relations of 1966, along with burgeoning trade and investment flows, the United States and Thailand share critical economic ties; and
- “With more than 200,000 people tracing their ancestry to Thailand, extensive social and cultural links between the United States and Thailand, and shared values, mutual trust, and common interests, the bilateral relationship remains strong and resilient.”

Committee Action: H.Res. 1321 was introduced on May 4, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

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

Cost to Taxpayers: The resolution would not authorize any additional 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?: 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: A committee report stating constitutional authority is unavailable.

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**H.Res. 1405 - Congratulating the people of the 17 African nations
that in 2010 are marking the 50th year of their national
independence (*Rush, D-IL*)**

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1405 would resolve that the House of Representatives:

- “Congratulates the people of the 17 African nations that in 2010 are marking the 50th year of their national independence;
- “Salutes the continuing status of these people as citizens of free and sovereign countries;
- “Honors the lives of the ten of thousands of patriots, including innocent civilians, who died, were imprisoned, or otherwise dedicated their lives, often at great personal sacrifice, to achieving African political independence;
- “Commends the socioeconomic and political progress being made by these nations, while acknowledging the associated challenges that many still face; and
- “Renews the commitment of the United States to help the people of sub-Saharan Africa to foster democratic rule, advance civic freedom and participation, and promote market-based economic growth, and to alleviate the burden of poverty and disease that so many in the region continue to face.”

The resolution lists a number of findings including:

- “In the year 2010, 17 African nations will celebrate the 50th anniversary of their independence from France, Italy, or Great Britain; and
- “Tens of thousands of Africans died or were imprisoned during the struggle for self-determination and national political independence following over 75 years of often brutal colonial rule.”

Committee Action: H.Res. 1405 was introduced on May 27, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

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

Cost to Taxpayers: The resolution does not authorize additional 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?: 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: A committee report citing constitutional authority is unavailable.

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H.Res. 1412 - Congratulating the Government of South Africa upon its first two successful convictions for human trafficking (Smith, R-NJ)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1412 would resolve that the House of Representatives:

- “Congratulates the Government of South Africa upon its first two successful convictions for human trafficking;
- “Calls on the Government of South Africa to move quickly to adopt the Prevention and Combating of Trafficking in Persons Bill in order to facilitate future prosecutions;

- “Calls on the Government of South Africa to increase awareness among all levels of relevant government officials as to their responsibilities under the trafficking provisions of the Sexual Offenses and Children's Acts;
- “Calls on the Government of South Africa to prioritize anti-trafficking law enforcement during the 2010 FIFA World Cup through expanded law enforcement presence, raids, and other measures in areas where trafficking for labor and sexual exploitation are likely to occur;
- “Calls on the Government of South Africa to divert all prostituted persons under the age of 18 from the criminal system into rehabilitative care;
- “Calls on the Government of South Africa to ensure shelters and rehabilitative care are available to all human trafficking victims for the 2010 FIFA World Cup and beyond;
- “Calls on the Government of South Africa to adopt measures to protect vulnerable children, including those children unattended because of school closures and refugee children, as well as other potential victims, from sexual and labor exploitation; and
- “Urges the Government of South Africa to detain and prosecute tourists participating in commercial sexual exploitation of women and children during the 2010 FIFA World Cup.”

The resolution lists a number of findings including:

- “The 2010 FIFA World Cup is likely to attract an estimated 2,700,000 local spectators and 350,000 to 500,000 visitors to the country;
- “The influx of tourism is likely to lead to an increase in demand for sexual services and create demand for the commercial sexual exploitation of women and children;
- “The Government of South Africa has ordered schools to be closed during the 2010 FIFA World Cup, raising concerns that children will be unattended during a period of high trafficking potential;
- “The United States Department of State has reported that, `South Africa is a source, transit, and destination country for trafficked men, women, and children. . . . Children are largely trafficked within the country . . . to urban centers like Johannesburg, Cape Town, Durban, and Bloemfontein--girls trafficked for the purposes of commercial sexual exploitation and domestic servitude; boys trafficked for forced street vending, food service, begging, crime, and agriculture . . .'; and
- “Civil society in South Africa has invested tremendous energy and resources into preventing human trafficking at the 2010 FIFA World Cup through Cape Town Tourism, Leadership Conference of Consecrated Religious and the Southern African Catholic Bishops' Conference of the Catholic Church, the Salvation Army, the Tshwane Counter-Trafficking Coalition for 2010, and many other nongovernmental and religious organizations.”

Committee Action: H.Res. 1412 was introduced on May 27, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

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

Cost to Taxpayers: The resolution would not authorize any additional 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?: 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: A committee report stating constitutional authority is unavailable.

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S. 3104 - Permanently authorizing Radio Free Asia (Sen. Lugar, R-IN)

Order of Business: The legislation is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the bill.

Summary: S. 3104 would permanently authorize Radio Free Asia (RFA).

This legislation states that it is the sense of the Senate that:

- “Public access to timely, uncensored, and accurate information is imperative for promoting government accountability and the protection of human rights;
- “Radio Free Asia provides a vital voice to people in Asia;
- “Some of the governments in Asia spend millions of dollars each year to jam RFA's shortwave, block its Internet sites;
- “Congress should provide additional funding to RFA and the other entities overseen by the Broadcasting Board of Governors for--
 - “Internet censorship circumvention; and
 - “Enhancement of their cyber security efforts; and
- “Permanently authorizing funding for Radio Free Asia would--
 - “Reflect the concern that media censorship and press restrictions in the countries served by RFA have increased since RFA was established; and
 - “Send a powerful signal of our Nation's support for free press in Asia and throughout the world.

Additional Information: [Radio Free Asia](#) is a “private, nonprofit corporation that broadcasts news and information to listeners in Asian countries where full, accurate, and timely news reports are unavailable.”

A similar bill, H.R. 4886, has been introduced in the House. Currently, FRA operates off of yearly grants, through the Broadcasting Board of Governors, which expire at the end of FY 2010. FRA received \$37 million for FY 2010. According to [ExpectMore.gov](#), broadcasting to East Asia and Eurasia has been moderately effective.

Committee Action: S. 3104 was introduced on March 11, 2010, and was introduced to the Senate Foreign Relations Committee, which held a markup. The legislation passed the Senate on June 25, 2010 as amended.

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

Cost to Taxpayers: CBO estimates that RFA would require an appropriation of \$38 million for 2011 (that amount is identical to the President’s request for 2011). After adjusting for inflation, CBO estimates that implementing the bill would cost \$188 million over the 2011-2015 period. CBO estimates that S. 3104 would authorize \$196 million for 2011 – 2015.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. S. 3104 would permanently authorize Radio Free Asia (RFA).

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?: Senate Report 111-214 offers no statement on earmarks for S. 3104.

Constitutional Authority: Senate Report 111-214 offers no explanation of constitutional authority for S. 3104.

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H.Res. 1462 - Expressing support for the people of Guatemala, Honduras, and El Salvador as they persevere through the aftermath of Tropical Storm Agatha which swept across Central America causing deadly floods and mudslides (Mack, R-FL)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1462 would resolve that the House of Representatives:

- “Mourns the loss of life and expresses solidarity with all people affected by Tropical Storm Agatha;
- “Commends the brave efforts of the people of Guatemala, Honduras, and El Salvador as they recover from Tropical Storm Agatha;
- “Recognizes the assistance of the international community during the recovery effort in providing relief to the people of Guatemala, Honduras, and El Salvador; and
- “Urges the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), to continue to develop a strategic plan to promote food security and recovery efforts with the goal of mitigating the current and future effects of the recent natural disasters that have devastated Guatemala, Honduras, and El Salvador.”

The resolution lists a number of findings including:

- “On May 29, 2010, Guatemala, Honduras, and El Salvador experienced devastating floods and mudslides brought on by Tropical Storm Agatha;
- “The United States has provided relief for the victims of Tropical Storm Agatha by deploying United States Southern Command support helicopters and frigates for assistance with the transport of food, water, and emergency supplies;
- “Countries and organizations around the world have contributed millions of dollars in medicines and aid, and humanitarian aid agencies in the United States and around the world are mobilizing to provide much needed assistance to the relief and recovery efforts; and
- “Guatemala, Honduras, and El Salvador have begun the process of recovering from these natural disasters.”

Committee Action: H.Res. 1462 was introduced on June 22, 2010, and referred to the House Foreign Affairs Committee, which took no public action.

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

Cost to Taxpayers: The resolution would not authorize any additional expenditures.

Does the Bill Expand the Size and Scope of the Federal Government?: No. This resolution urges the Secretary of State, in coordination with the Administrator of the United States Agency for International Development (USAID), to continue to develop a strategic plan to promote food security and recovery efforts with the goal of mitigating the current and future effects of the recent natural disasters that have devastated Guatemala, Honduras, and El Salvador.

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: A committee report stating constitutional authority is unavailable.

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Senate Amendments to H.R. 3360 - Cruise Vessel Security and Safety Act (*Matsui, D-CA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the bill.

Summary: The Senate amended version of H.R. 3360 enhanced certain criminal and civil penalties within the bill. The Senate amended version would make it a criminal penalty for the owner of the vessel to those that knowingly withhold information about a crime from log book. The Senate amended version also expands on disclosure requirements given to passengers prior to boarding, regarding what to do and how to contact U.S. law enforcement if there are problems on the vessel.

Additional Information: See [here](#) for the Legislative Bulletin of the House passed version of H.R. 3360.

Committee Action: H.R. 3360 was introduced on July 28, 2009, and referred to the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation. There was a full committee markup held and the legislation was agreed to by voice vote. H.R. 3360 was also referred to the House Homeland Security Committee. The House passed H.R. 3360 on November 17, 2009, by a [roll call vote](#) of 416-4 and was subsequently referred to the Senate. Sen. Rockefeller offered a substitute amendment and the legislation passed the Senate as amended, on June 10, 2010, by unanimous consent, and referred to the House and held at desk

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

Cost to Taxpayers: According to CBO, the legislation would authorize \$5 million over five years (subject to appropriation). CBO estimates that revenues or spending caused by the Senate amendments would result in less than \$500,000 annually.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the legislation imposes various new mandates on the private-sector.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the legislation imposes various new mandates on the private-sector, though CBO indicates that cruise vessels already comply with most of the bill's requirements.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The House Transportation and Infrastructure Committee, in committee report [111-332](#), asserts that the legislation contains no earmarks.

Constitutional Authority: The House Transportation and Infrastructure Committee, in committee report [111-332](#), states: "Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution."

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H.Con.Res. 289 - Directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3360 (Cummings, D-MD)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 289 would make a technical change to the enrollment of H.R. 3360. The legislation would direct the Clerk of the House to strike "Coast Guard and Maritime Transportation Act of 2004" the second place it appears and insert "Coast Guard and Maritime Transportation Act of 2006."

Committee Action: H.Con.Res. 289 was introduced on June 24, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation, and the House Administration Committee, which took no public action.

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

Cost to Taxpayers: A score from CBO is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: H.Con.Res. 289 references H.R. 3360, which imposes various new mandates on the private-sector.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.Con.Res. 289 references H.R. 3360, which imposes various new mandates on the private-sector, though CBO indicates that cruise vessels already comply with most of the bill's requirements.

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: A committee report stating constitutional authority is unavailable.

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H.Con.Res. 290 - Expressing support for designation of June 30 as "National ESIGN Day" (McDermott, D-WA)

Order of Business: The resolution is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 290 would resolve that the House of Representatives:

- “Supports the designation of a “National ESIGN Day;”
- “Recognizes the previous contribution made by Congress to the adoption of modern solutions that keep the United States on the leading technological edge; and
- “Reaffirms its commitment to facilitating interstate and foreign commerce in an increasingly digital world.”

The resolution lists a number of findings including:

- “The Electronic Signatures in Global and National Commerce Act (ESIGN) was enacted on June 30, 2000, to ensure that a signature, contract, or other record relating to a transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form;
- “Congress directed the Secretary of Commerce to take all actions necessary to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, for the purpose of facilitating the development of interstate and foreign commerce; and
- “June 30, 2010, marks the 10th anniversary of the enactment of ESIGN and would be an appropriate date to designate as “National ESIGN Day.”

Committee Action: H.Con.Res. 290 was introduced on June 24, 2010, and referred to the House Energy and Commerce Committee, which took no public action.

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

Cost to Taxpayers: The resolution would not authorize any additional 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?: 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: A committee report stating constitutional authority is unavailable.

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H.R. 5610 - Independent Living Centers Technical Adjustment Act (Miller, D-CA)

Order of Business: The legislation is scheduled to be considered on Wednesday, June 30, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5610 would make technical changes to the formula by which Centers for Independent Living (CILs) receive funding.

This legislation would allow states to apply to for a waiver to disregard “stimulus” funds when allocating annual FY 2010 funds under certain conditions.

Additional Information: Centers for Independent Living (CILs) are private, nonprofit, non residential agencies that provide services for individuals with disabilities which enables them to live independently.

The [Rehabilitation Act](#) provides funding for CILs through the states through a formula grant. In FY 2009 CILs received \$77.3 million in regularly-appropriated federal funds. The “stimulus” provided an additional \$87.5 million for CILs in FY 2009. States had the option to distribute stimulus funds based on the same formula used for annual funds, or based on another formula that would be determined by the state. There were 31 states (which include DC and Puerto Rico) that chose to distribute stimulus funds based on another formula. Because the annual funding formula for CIL funds specifies that centers must receive the same amount they received in the prior year, stimulus funds are being considered when distributing annual funds to CILs. Because stimulus funds were distributed irregularly in the states, those CILs that received those funds will experience a significant increase in FY 2010 funds while other CILs that received no “stimulus” funds will receive a significant cut in annual funding.

The 31 states are: AL, AR, AZ, CA, CT, DC, FL, GA, HI, IA, ID, IN, KY, LA, MD, MO, MT, ND, NH, NV, OR, PA, PR, RI, SC, UT, VA, VT, WI, WV, and WY.

Committee Action: H.R. 5610 was introduced on June 28, 2010, and referred to the House Education and Labor Committee, which took no public action.

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

Cost to Taxpayers: A score from CBO 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?: 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: A committee report stating constitutional authority is unavailable.

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