



Legislative Bulletin.....September 11, 2012

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H.R. 4631 – Government Spending Accountability Act of 2012 (Walsh, R-IL)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the bill.

Summary: This [legislation](#) would require agencies to provide quarterly reports to the Congress about meetings or events involving travel expenses paid with federal funds. Over the 2013-2017 period, the bill would restrict agencies' authority to obligate funds for travel expenses to 70% of the amount spent on travel costs in 2010.

In addition, the legislation would prohibit agencies from spending more than \$500,000 to support a single conference (however there is a waiver process for the head of the agency). Each agency would be required to post, on their public website, detailed information on any presentation made by any employee of that agency at a conference.

Agencies are prohibited from paying the travel expenses of more than 50 employees of that agency who are stationed in the United States for any international conference, unless the Secretary of State determines that attendance for such employees is in the national interest.

Each agency is also required to post a report, on their public website, on the conferences for which the agency paid travel expenses. This report must include, among other things, itemized expenses paid by the agency and a brief explanation of how the participation of employees from such agency at the conference advanced the mission of the agency (there are exceptions for military travel).

Committee Action: The [legislation](#) was introduced on April 25, 2012. It was referred to the House Committee on Oversight and Government Reform where a mark-up session was held on June 27, 2012, and it was reported out by voice vote (Markup report: [CQ](#)).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO [estimates](#) that implementing this legislation would have no significant net impact on the budget over the 2013-2017 period.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation decreases the size of the federal government by instituting spending limits and transparency requirements for Federal conference and travel expenditures.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Yes.

Constitutional Authority: According to its sponsor, "Congress has the power to enact this legislation pursuant to the following: Clause I of Section 8 of Article I of the Constitution "The Congress shall have the power to lay and collect taxes, duties, impost and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.""

RSC Staff Contact: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718

**H.R. 538 – Government Customer Service Improvement Act
(Cuellar, D-TX)**

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: This bill would require the establishment of certain customer service standards by federal agencies. It would direct the Director of the Office of Management and Budget to develop performance measures for customer service quality of employees, and standards to be met by federal agencies in order to provide high quality customer service. It would also require the head of each federal agency to collect information from its customers with regard to the quality of its customer services, the achievements of which would be included in updates.

The head of each federal agency would be further required to designate an employee as the customer relations representative of that agency, who would be responsible for implementing the measures described above.

The head of each agency would be required to issue guidelines to improve customer service standards, and publish customer service contact information publicly.

Committee Action: This legislation was introduced on October 13, 2011 and referred to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. On October 21 it was referred to the Subcommittee on Domestic Monetary Policy and Technology, and also referred to the Subcommittee on International Monetary Policy and Trade.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO [estimates](#) that the legislation would have “no significant cost over the next five years.”

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, the legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the bill’s sponsor, Congress is authorized to pass this legislation for the following reason: “Article 1, Section 8, Clause 5 which states
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RSC Staff Contact: Rick Eberstadt, Rick.Eberstadt@mail.house.gov, (202) 226-9720

H.R. 4305 – Child and Elderly Missing Alert Program (Chabot, R-OH)

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 4305 establishes a new purpose area to the Department of Justice’s Community Oriented Policing Service ([COPS](#)) Program¹ to provide grants to nonprofit entities that assist law enforcement agencies to recover missing children, the elderly, and disabled individuals through rapid telephone and cellular alert call systems. Currently, this program has 17 purpose areas that this grant program provides to states, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia in support of law enforcement activities. H.R. 4305 establishes a new purpose area for nonprofit areas.

Additional Background: The grant funds can only be used to:

“(A) provide services to Federal, State, tribal, and local law enforcement agencies, in response to a request from such agencies, to promote the rapid recovery of a missing child, an elderly individual, or a disabled individual by utilizing rapid telephone and cellular alert calls;
(B) maintain and expand technologies and techniques to ensure the highest level of performance of such services;
(C) provide both centralized and on-site training, and distribute information, to Federal, State, and local law enforcement agency officials about missing children, elderly individuals, and disabled individuals and use of a rapid telephone and cellular alert call system;
(D) provide services to Federal, State, tribal, and local Child Abduction Response Teams;
(E) assist Federal, State, tribal, and local law enforcement agencies to combat human trafficking through the use of rapid telephone and cellular alert calls;
(F) share appropriate information on cases with the National Center for Missing and Exploited Children, the AMBER Alert, Silver Alert, and Blue Alert programs, and appropriate Federal, State, tribal, and local law enforcement agencies; and
(G) assist appropriate organizations, including Federal, State, tribal, and local law enforcement agencies, with education and prevention programs related to missing children, elderly individuals, and disabled individuals.”

¹ 42 U.S.C. 3796dd

Committee Action: Representative Steve Chabot (R-OH) introduced H.R. 4305 on March 29, 2012. On August 1, 2012, the full Judiciary Committee reported the amended bill out favorably by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill on August 10, 2012 stating that implementing the bill would cost \$19 million over the 2013-2017 period. RSC staff believes that the bill will be amended before it reaches the floor to offset these costs with current funding to pay for the bill.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill creates a new purpose area in the federal COPS Program to allow nonprofit entities to receive grants for rapid telephone and cellular alert system.

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill states, “Congress has the power to enact this legislation pursuant to the following: The U.S. Constitution, Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.”

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

**H.R. 2800 – To amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer’s Disease Patient Alert Program
(Waters, D-CA)**

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 2800 reauthorizes the Department of Justice’s Bureau of Justice Assistance Missing Alzheimer’s Disease Patient Alert Program for \$1 million a year for FY2013 through FY2017. Congress created this program in 1994 and last authorized funding of \$900,000 in FY1998 to award grants to organizations to assist in paying the costs for the planning, designing, establishing, and operating a Missing Alzheimer’s Disease Patient Alert program to help locate missing patients with Alzheimer’s disease and related dementias.

The bill requires the Attorney General to award competitive grants to nonprofit entities with preference to those entities with a direct link to patients, and families of patients, with Alzheimer's disease. According to a national patient advocacy [organization](#), this program has funded a national registry of over 170,000 individuals and helped locate over 12,000 wanderers.

Committee Action: Representative Maxine Waters (*D-CA*) introduced H.R. 2800 on August 5, 2011. On August 1, 2012, the full Committee reported the amended bill out favorably by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill on August 23, 2012 explaining that implementing the bill would cost about \$4 million over the FY2013-FY2017 period subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill reauthorizes appropriations for a program whose authorization of appropriations expired in FY1998 but has continued to receive appropriations.

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, clause 1 of the U.S. Constitution and Article 1, Section 8, clause 3 of the U.S. Constitution."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

H.R. 6185 – Local Courthouse Safety Act of 2012, as amended (Adams, R-FL)

Order of Business: H.R. 6185 is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 6185 amends current law with the intent to improve the safety and security of state and local courts. Principally, it authorizes the Department of Justice (DOJ) to carry out a training program to teach state, local, and tribal court employees "how to anticipate, survive, and respond to violent encounters during the course of their duties" and other courthouse security issues. Secondly, the bill allows states and local

courthouse to use current federal DOJ grant funding for the purchase of magnetometers or metal detectors used to prevent impermissible objects from entering courthouses. Lastly, it authorizes the General Services Administration to provide any surplus federal metal detecting equipment to qualifying state or local courthouses who request their use.

Committee Action: Representative Sandy Adams (R-FL) introduced H.R. 6185 on July 25, 2012. The full Committee reported the bill out favorably by voice vote on August 1, 2012.

Administration Position: No Statement of Administration Policy has been released.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill on August 8, 2012 explaining that implementing the bill would have no significant costs to the federal government “because the department already offers similar training and security programs.”

Does the Bill Expand the Size and Scope of the Federal Government? The bill creates a new federal safety training program to prevent courthouse violence in state and local courthouses.

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.”

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 1775 – Stolen Valor Act of 2012 (Heck, R-NV)

Order of Business: H.R. 1775 is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 1775 amends the Stolen Valor Act of 2005² to narrow its application to those who fraudulently misrepresent their status as a decorated serviceman or servicewoman in the U.S. Armed forces in order to materially profit from such a fraudulent claim. Specifically, the bill states, “Whoever, with intent to obtain money, property, or other tangible benefit, fraudulently holds oneself out to be a recipient of a decoration or medal (including the Congressional Medal of Honor, distinguished-service

² P.L. 109-437.

cross, Navy cross, Air Force cross, Silver Star, Purple Heart, or Combat Badge)” shall be fined, imprisoned, or both for up to one year. The bill exempts from criminal fines or prison time those who wear military decorations or medals that do not belong to them.

Additional Background: The bill is the legislative response to a recent Supreme Court decision, *United States v. Alvarez*³, last June which struck down the law as an unconstitutional abridgement of the First Amendment’s Freedom of Speech against an elected municipal water board member who lied about his alleged previous service as a marine and receipt of the Congressional Medal of Honor.⁴ The court stated that the law “sought to control and suppress all false statements on this one subject, without regard as to whether the lie was made for the purpose of material gain.”

Justices Alito, Scalia, and Thomas dissented in the case arguing that false statements about military medals merit no First Amendment protection whatsoever, while recognizing that false statements may be protected when laws restricting them might chill otherwise protected speech. However, the dissenters argued that the Stolen Valor Act does not chill protected speech because lying about alleged receipt of military honors does not relate to any protected expression, and the lies cause harm to those families and individuals who received these medals legitimately.⁵ Some [reports](#) indicate that since 2009, there have been over 200 alleged violations of the Stolen Valor Act.

This [website](#) lists Members of the U.S. Armed forces who have received service decorations for their acts of valor.

Committee Action: Representative Joe Heck (R-NV) introduced H.R. 1775 on June 5, 2011. On August 1, 2012, the full Judiciary Committee marked up the bill and reported an amended version out favorably by voice vote.

Administration Position: No Statement of Administration Policy has been released.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill on August 23, 2012 and stated that implementing it would have no significant costs to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government? The bill would allow the government to pursue cases it otherwise would not be able to prosecute. However, the CBO states, that because of the “relatively small number of additional offenders,” any law enforcement costs increases would not be significant and would be subject to the availability of future appropriated funds.

³ Decided June 28, 2012 by a [6-3 decision](#).

⁴ 617 [F.3d](#) 1198, 1159 ([9th Cir.](#), 2011).

⁵ <http://lawprofessors.typepad.com/conlaw/2012/06/supreme-court-finds-criminalizing-stolen-valor-unconstitutional.html>

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The CBO report explains that the bill contains a new private-sector mandate by prohibiting individuals from falsely claiming to have received a military medal or decoration in exchange for obtaining “money, property, or other tangible benefits.” It estimates that such a mandate falls below the annual threshold established in the Unfunded Mandates Reform Act (UMRA, \$146 million in 2012, adjusted annually for inflation).

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.”

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 6215 – To amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution, as amended (Smith, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 6215 makes a technical correction to Trademark Act of 1946⁶ relating to scenarios where the owner of a trademark *dilutes* the distinctiveness of another famous trademark. According to the Congressional Budget Office, the owner of a famous trademark can bring a lawsuit against another trademark owner claiming the other trademark harms the reputation of the famous trademark. Certain dilution claims are disallowed in both federal and state courts if the person being sued holds a registered trademark. This bill will allow law suits to go forward in federal courts while continuing the prohibitions of legal claims in state courts.

Committee Action: Judiciary Committee Chairman Lamar Smith (R-TX) introduced H.R. 6215 on July 26, 2012. On August 1, 2012, the full Committee reported the bill out favorably by voice vote.

Administration Position: No Statement of Administration Policy is available.

⁶ 15 U.S.C. 1125(c)(6)

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill on August 23, 2012 explaining that implementing the bill would have no significant costs to the federal government because “of the small number of cases likely to be affected,” according to the Patent and Trademark Office (PTO).

Does the Bill Expand the Size and Scope of the Federal Government?: The bill will allow trademark dilution legal claims to proceed in federal court, which could increase the amount of resources necessary to prosecute the cases. However, CBO states that the number of cases likely to be affected is “small.”

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

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

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

S. 3245 – A bill to extend by 3 years the authorization of the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program (*Leahy, D-VT*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: S. 3245 extends the authorization by three years for four expiring immigration-related visa programs described below. These authorities are scheduled to expire on September 30, 2012 absent Congressional action to reauthorize them. The bill also states that nothing in the bill authorizes the “planning, testing, piloting, or development of a national identification card.” The originally-introduced version of the bill would have permanently reauthorized all of these provisions.

- *EB-5 Regional Center Program*—This U.S. Customers and Immigration Services (USCIS) Immigrant Investor [Program](#) created by Congress in 1990 grants legal permanent residency to foreigners who invest at least \$500,000 and create at least 10 jobs in the U.S. within two years. It is a program capped at 10,000 visas, and reports indicate the cap has yet to be reached. Some immigration [groups](#) critical of this program maintain it has not been effective in creating jobs here in the U.S.

- *E-Verify*—This is a voluntary federal program that allows employer to check the immigrant status of potential employees with U.S. Department of Homeland Security and Social Security Administration records to confirm legal employment status. According to the [USCIS](#), over 380,000 employers utilize E-Verify to confirm employment eligibility of potential employees and approximately 1,200 new businesses sign up to use it each week. E-Verify is mandatory for employers with federal contracts and all federal agencies. Legislative [efforts](#) to require E-Verify have been proposed this Congress.
- *Special Immigrant Nonminister Religious Worker Program*—This immigration [program](#) permits up to 5,000 visas each year for nonminister workers to perform religious work in the United States. Critics of this program claim petition fraud exists in this program. A 2009 Department of Homeland Security Inspector General [Report](#) concluded “that although the USCIS has taken steps that can reasonably be expected to reduce fraud in these petitions, it is not possible to determine the exact amount of fraud reduction attributable to new regulations.” Supporters of it, such as the [United States Conference of Catholic Bishops](#), assert that it addresses a shortage of nonminister workers in the U.S.
- To qualify under this visa category, the foreign national must:
 1. “Seek to enter the United States to work in a full time (average of at least 35 hours per week) compensated (salaried or non-salaried) position for a bona fide nonprofit religious organization in the United States (or a bona fide organization that is affiliated with the religious denomination):
 2. Solely as a minister of that religious denomination;
 3. In a religious vocation either in a professional or nonprofessional capacity;
or
 4. Have been a member of a religious denomination that has a bona fide nonprofit religious organization in the United States for at least the 2 years immediately preceding the filing of a petition for this status with USCIS; and
 5. Have been working in one of the positions described above, either abroad or in lawful immigration status in the United States, and after the age of 14 years continuously for at least 2 years immediately preceding the filing of a petition with USCIS.”
- *Conrad State 30 J-1 Visa Waiver Program*—This program grants visas to international medical student graduates who have completed their medical education in the United States in underserved areas. Typically, these international medical graduate students must return back to their home state of residency for at least two years before returning to the United States. Under this program, however, this home-state residency requirement is waived for up to 30 J-1 physicians each year in each state with the condition that the physician practices

medicine full-time in federally-designated health professional shortage areas or medically underserved areas.

Committee Action: Senate Judiciary Chairman Patrick Leahy (*D-VT*) introduced S. 3245 on May 24, 2012. On August 2, 2012, the Senate passed the amended bill by unanimous consent. No House Committee activity has occurred on the bill.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) has not released a cost estimate for the bill.

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: No Constitutional Authority Statement accompanies this bill.

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

H.R. 6189 – To eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs, as amended (*Conyers, D-MI*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 6189 eliminates the reporting requirements to Congress by the Attorney General for state and local grants for certain DNA programs and the Director of the Office of the Police Corps and Law Enforcement Education for the Police Corp program. According to the Judiciary Committee, these two programs have not been funded by Congress since FY2003 (DNA Identification Act of 1994, 42 U.S.C. Section 3796kk)⁷ and FY2005 (Police Corp Act, 42 U.S.C. Section 14102).

Committee Action: Judiciary Committee Ranking Member John Conyers (*D-TX*) introduced H.R. 6189 on July 25, 2012. On August 1, 2012, the full Committee reported the bill out favorably by voice vote.

⁷ This provision of law permits the Attorney General to make funds available to states and units of local government to carry out all or a substantial part of a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid (referred to as DNA) in a forensic laboratory.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No Congressional Budget Office (CBO) cost estimate has been released on the bill.

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: U.S. Constitution, Article I, Section 8, Clause 18.”

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

H.R. 6080 – To make improvements in the enactment of title 41, United States Code, into a positive law title and to improve the code (Smith, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, September 11, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: H.R. 6080 makes technical and conforming changes to title 41 of the United States Code, which primarily deals with public contracts. According to the Congressional Budget Office (CBO), information from the [Office of Law Revision Counsel](#) indicates that the bill would make no substantive changes to the law.

Committee Action: Judiciary Committee Chairman Lamar Smith (R-TX) introduced H.R. 6080 on July 9, 2012. The following day, the full Committee reported the bill out favorably by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) on the bill on July 18, 2012 stating that enacting the bill 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation, which makes improvements in the enactment of title 41, United States Code, into a positive law title and improves the Code, pursuant to Article I, Section 8, Clause 18 of the Constitution.”

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

H.R. 6131 - To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes (Bono Mack, R-CA)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 6131 extends the Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Borders Act through September 30, 2020. Under current law, this legislation would expire December 22, 2013.

Additional Information: The Undertaking Spam, Spyware, and Fraud Enforcement With Enforcers Beyond Borders Act (P.L.109-455) became law on December 22, 2006, and is set to expire “7 years after the date of enactment” on December 22, 2013. The legislation was S. 1608, and passed the House without objection on December 9, 2006.

According to CRS, this legislation allowed the FTC and parallel foreign law enforcement agencies to share information while investigating allegations of "unfair and deceptive practices" that involve foreign commerce.⁸

Committee Action: H.R. 6131 was introduced on July 17, 2012, and was referred to the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report regarding H.R. 6131 is unavailable. However, a CBO report on S. 1608 from the 109th Congress estimated that S.1608 would cost \$1 million in 2006 and \$9 million over the 2006-2011 period.

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

⁸ <http://www.crs.gov/Products//rl/pdf/RL31636.pdf>

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The legislation extends an existing law that CBO has previously stated contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act. Additionally, CBO estimated the legislation would impose a private-sector mandate, as defined in UMRA, by limiting the ability of certain third parties to sue. CBO's report on S. 1608 can be [viewed here](#).

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Bono Mack states: "Congress has the power to enact this legislation pursuant to the following: Congress has the power to enact this legislation pursuant to clause 3 of section 8 of article I of the Constitution." The statement can be [found here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

S. 710 - Hazardous Waste Electronic Manifest Establishment Act (Sen. Thune, R-SD)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the legislation.

Summary: S. 710 directs the Administrator of the Environmental Protection Agency (EPA) to establish a hazardous waste electronic manifest system that may be used by a hazardous waste generator, a hazardous waste transporter, an owner or operator of a hazardous waste treatment, etc.

The system will be used to track the handling of hazardous waste.

The Administrator shall establish user fees in order to pay for the cost of the manifest system, and these fees will be deposited into the Hazardous Waste Electronic Manifest System Fund within the Treasury Department.

The Administrator may use these funds, subject to appropriation, to pay costs incurred in developing, operating, and maintaining the manifest system.

The Administrator is authorized to enter into information technology contracts with contractors

S. 710 directs the Administrator to establish a Hazardous Waste Electronic Manifest System Advisory Board. The Board will be composed of 8 members, and the

Administrator shall serve as the chairperson. The eight other members will be selected by the Administrator, and:

- At least 2 of whom shall have expertise in information technology;
- At least 3 of whom shall have experience in using or represent users of the manifest system to track the transportation of hazardous waste under this subtitle (or an equivalent State program); and
- At least 3 of whom shall be a State representative responsible for processing those manifests.

The Board shall meet annually to discuss, and provide recommendations to the Administrator relating to the manifest system.

The Administrator is authorized to promulgate regulations to carry out the legislation. The regulations promulgated shall ensure that each electronic manifest provides for

- The ability to track and maintain legal accountability of--
 - The person that certifies that the information provided in the manifest is accurately described; and
 - The person that acknowledges receipt of the manifest;
- If the manifest is electronically submitted, state authority to access paper printout copies of the manifest from the system; and
- Access to all publicly available information contained in the manifest.

Additional Information: The below information is found in Senate Report 112-020:

In September 2006, EPA required all states to use one Uniform Hazardous Waste Manifest. The Uniform Hazardous Waste Manifest was designed to reduce the reporting burden for generators, transporters, and other waste handlers who may have been subject to several versions of waste tracking systems with duplicate information. It also was designed to enable generators and transporters to meet both Department of Transportation and EPA regulatory requirements. Additionally, the Uniform Hazardous Waste Manifest has state information blocks, which allow states to require the entry of additional specific information to serve their state's regulatory needs.

In 2001, EPA proposed certain revisions to the manifest system, including the creation of a nearly paperless manifest program. While EPA reports that some commenters disagreed with the proposal, many stakeholders agreed that there was a need for a centralized, consistent, secure, cost-effective, and web-based service for manifests. Some of the potential benefits that would come from such a national system would include greater benefits to users and regulators, such as one-stop reporting; more effective oversight and enforcement; nearly real-time tracking of waste shipments; and potentially increased efficiency of collecting and managing manifest data and similar waste data collected for reporting purposes.

The EPA refined their draft approach in subsequent stakeholder meetings, and later as part of regulatory proposals in 2006 and 2008--which past legislative measures were based upon to create such a system. In 2008, EPA stated that its proposed rule for an electronic manifest system could affect up to 223,000 entities in almost 600

industries involved in shipping approximately 12 million tons of RCRA hazardous wastes annually, using 5 million EPA Uniform Hazardous Waste Manifests.

Committee Action: S. 710 was introduced on March 31, 2011, and was referred to the Senate Environment and Public Works Committee. The legislation passed the Senate on August 2, 2011, without amendment, by unanimous consent. The legislation was then referred to the House Energy and Commerce Committee.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that enacting S. 710 would increase both revenues and direct spending by \$28 million over the 2011-2021 period. In addition, CBO estimates that implementing S. 710 would cost less than \$500,000 annually in 2012 and 2013, subject to the availability of appropriated 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?: S. 710 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on facilities that handle hazardous waste. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA (\$71 million for intergovernmental mandates and \$142 million for private-sector mandates in 2011, adjusted annually for inflation).

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Senate Rules do not require a statement of constitutional authority to accompany legislation upon its introduction.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 5865 - American Manufacturing Competitiveness Act of 2012 *(Lipinski, D-IL)*

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the legislation.

Summary: The legislation directs the President to submit to Congress, by June 1, 2014, and again by June 1, 2018, a strategy to promote growth, sustainability, and competitiveness in the manufacturing sector.

The legislation also establishes an American Manufacturing Competitiveness Board, within the Department of Commerce. The Board shall consist of the Secretary of Commerce, as well as two Governors, of different political parties, after consulting with

the National Governors Association. The President shall also appoint two other Board members who are current or former officials of the executive branch. The Board will also be comprised of 10 individuals from the private sector. The legislation establishes requirements for these private sector members, including that they have experience managing manufacturing companies with at least 100 employees. The Speaker of the House, as well as the majority leader of the Senate shall each appoint 3 members to the Board. The minority leader of the House, and the minority leader of the Senate shall also each appoint 2 members to the board. The board shall terminate 60 days after submitting their final report to Congress.

The Board is responsible for advising the President on issues affecting the nation's manufacturing sector, as well as conducting a comprehensive analysis of the nation's manufacturing sector, and developing a national manufacturing competitiveness strategy.

The comprehensive analysis conducted by the Board shall address, among other things, the current domestic and international environment for the nation's manufacturing sector, as well as federal, state, tribal and local policies that affect manufacturing.

The national manufacturing competitiveness strategy developed by the Board shall include goals and recommendations to improve manufacturing competitiveness.

Within 150 days of enactment, the President is required to submit to Congress a report containing a national manufacturing competitiveness strategy. In preparing the budget for fiscal years 2016 through 2022, the President shall include information regarding the consistency of the budget with the goals and recommendations included in the national manufacturing competitiveness strategy.

Potential Conservative Concerns: Some conservatives may be opposed to creating another advisory board, at a cost of \$15 million over five years (subject to appropriation). Conservatives have long argued that in order to keep America open for business, we should create a simpler, flatter, and fairer tax code, as well as cutting through red tape, both of which hinder the private sector from unleashing their full potential.

Committee Action: H.R. 5865 was introduced on May 30, 2012, and was referred to the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade. The full committee held a markup on June 19, 2012, and the legislation was favorably reported by voice vote. The legislation was also referred to the House Budget Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing H.R. 5865 would cost about \$15 million over the 2013-2017 period, assuming appropriation of the necessary amounts. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation establishes a new board within the Department of Commerce.

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Lipinski states: “Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress to regulate foreign and interstate commerce, as enumerated in Article 1, Section 8, Clause 3 of the United States Constitution.” The statement can be [found here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 1410 - Vietnam Human Rights Act of 2011 (Smith, R-NJ)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 1410 prevents the U.S. from providing nonhumanitarian assistance to the Government of Vietnam that exceeds the amount provided during fiscal year 2011.

The legislation makes exceptions to the prohibition. These exceptions include assistance that supports the creation and facilitation of human rights training, civil society capacity building, and noncommercial rule of law programming. Additionally, assistance is allowed to exceed the fiscal 2011 level if the President certifies to Congress, within 30 days of enactment of this Act, that the Government of Vietnam has made substantial progress of their human rights record, including the following requirements:

- The Government of Vietnam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention.
- The Government of Vietnam has made substantial progress toward--
 - respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference, harassment, or involvement of the Government, for all of Vietnam's diverse religious communities; and
 - returning estates and properties confiscated from the churches and religious communities.
- The Government of Vietnam has made substantial progress toward respecting the right to freedom of expression, assembly, and association, including the release of independent journalists, bloggers, and democracy and labor activists.

- The Government of Vietnam has made substantial progress toward repealing or revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity, and nonviolent demonstrations and rallies, in accordance with international standards and treaties to which Vietnam is a party.
- The Government of Vietnam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs.
- The Government of Vietnam has made substantial progress toward respecting the human rights of members of all ethnic and minority groups.
- Neither any official of the Government of Vietnam nor any agency or entity wholly or partly owned by the Government of Vietnam was complicit in a severe form of trafficking in persons, or the Government of Vietnam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

The President may waive the prohibition that foreign assistance not exceed the amount given during fiscal year 2011 if they determine that is in the national interest of the United States.

The legislation also authorizes the President to provide assistance, through appropriate nongovernmental organizations and the Human Rights Defenders Fund, for the support of individuals and organizations to promote internationally recognized human rights in Vietnam.

The legislation further states that it is U.S. policy to take “such measures as are necessary to overcome the jamming of Radio Free Asia.” Some conservatives may be concerned this broad language, because there are several powerful and expensive means at the disposal of the U.S. that could be taken to overcome the radio jamming by the Government of Vietnam.

H.R. 1410 also states that it is the policy of the U.S. to offer refugee resettlement to nationals of Vietnam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), the Humanitarian Resettlement (HR) Program, the Resettlement Opportunities for Vietnamese Returnees (ROVR) Program, the Amerasian Homecoming Act of 1988, or any other U.S. refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

The legislation directs the Secretary of State to submit a report to Congress within 6 months of enactment, and annually thereafter.

Committee Action: H.R. 1410 was introduced on April 7, 2011, and was referred to the House Foreign Affairs Subcommittee on Asia and the Pacific, as well as the Subcommittee on Africa, Global Health, and Human Rights. Neither subcommittee, or the full committee, took public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the reporting requirements in H.R. 1410 would have discretionary costs of less than \$500,000 a year, totaling about \$1 million over the 2012-2017 period, assuming the availability of appropriated funds. CBO's report can be [viewed here](#).

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

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Smith states: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." The statement can be [found here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 484 — Calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom. (Sanchez, D-CA)

Order of Business: The resolution is scheduled to be considered under a suspension of the rules on Tuesday, September 11, 2012.

Summary: H.Res. 484 resolves that the House of Representatives:

- "Condemns the crackdown in Vietnam against community organizers, bloggers, and democracy activists.
- "Calls for Vietnam to repeal articles 79 and 88 of their penal code, among others.
- "Calls on the Vietnamese government to release political prisoners.
- "Urges the State Department to monitor related developments in Vietnam."

The legislation contains a number of findings, including:

- "Article 79, which penalizes "carrying out activities aimed at overthrowing the people's administration", carries a maximum penalty of death and is used by the Government of the Socialist Republic of Vietnam to crack down on citizens advocating for political pluralism or associating with prodemocracy parties" and then lists examples of these citizens.

- “Article 88, which penalizes “conducting propaganda against the State”, carries a maximum sentence of 12 years imprisonment and is used by the Government of Vietnam to detain writers and bloggers” and then lists examples of these writers and bloggers.
- Closer ties between the U.S. and Vietnam, for economic and security purposes, are contingent on Vietnam’s respect for freedoms of its citizens.

Additional Background: The legislation points out that “Vietnam is a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,” though many in the international community have suggested that the government of Vietnam is violating the rights of its citizens.

Committee Action: This bill was introduced on December 6, 2011 and referred to the House Committee on Foreign Affairs. On February 3, 2012 it was referred to the Subcommittee on Africa, Global Health, and Human Rights and the Subcommittee on Asia and the Pacific.

Administration Position: No Statement of Administration Policy is available at press time.

Cost to Taxpayers: There is no accompanying CBO report.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: House rules do not require a statement of constitutional authority for House Resolutions.

RSC Staff Contact: Rick Eberstadt, rick.eberstadt@mail.house.gov, (202) 226-9720

H.R. 1464 - North Korean Refugee Adoption Act of 2011 (Royce, R-CA)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the legislation.

Summary: The legislation directs the Secretary of States to development a strategy for facilitating the adoption of North Korean children by United States citizens. Within 180 days after enactment, the Secretary shall submit a report to Congress containing the strategy developed.

The legislation contains a number of considerations for the Secretary to take into account when developing this strategy, they include the following:

- “Consider the challenges that United States citizens would encounter in attempting to adopt children from North Korea who are currently living in Hague countries and non-Hague countries regardless of their legal status in such countries;
- “Evaluate alternative mechanisms for foreign-sending countries to prove that North Korean refugee children are orphans when documentation, such as birth certificates, death certificates of birth parents, and orphanage documentation, is missing or destroyed;
- “Provide suggestions for working with South Korea to establish pilot programs that identify, provide for the immediate care of, assist in the family reunification of, and assist in the international adoption of, orphaned North Korean children living within South Korea;
- “Provide suggestions for working with international adoption agencies and aid organizations in Asia to identify and establish pilot programs for the identification, immediate care, family reunification, and international adoption of North Korean orphans living outside North Korea as de jure or de facto stateless refugees; and
- “Propose solutions for assisting orphaned children with Chinese fathers and North Korean mothers who are living in China and have no access to Chinese or North Korean resources.”

The legislation also expresses the sense of Congress that:

- “Thousands of North Korean children do not have families and are threatened with starvation and disease if they remain in North Korea or as stateless refugees in surrounding countries;
- “Thousands of United States citizens would welcome the opportunity to adopt North Korean orphans living outside North Korea as de jure or de facto stateless refugees; and
- “The Secretary of State and the Secretary of Homeland Security should make every effort to facilitate the immediate care, family reunification, and, if necessary and appropriate, the adoption of any eligible North Korean children living outside North Korea as de jure or de facto stateless refugees.”

Committee Action: H.R. 1464 was introduced on April 8, 2011, and was referred to the House Foreign Affairs Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A report 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Rep. Royce states: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” The statement can be [found here](#).

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 177 — Expressing support for internal rebuilding, resettlement, and reconciliation within Sri Lanka that are necessary to ensure a lasting peace. (Grimm, R-NY)

Order of Business: The resolution is scheduled to be considered under suspension of the rules on Tuesday, September 11, 2012.

Summary: H.Res. 177 resolves that the House of Representatives:

- “Calls on the Government of Sri Lanka to build on its establishment of the Lessons Learnt and Reconciliation Commission (LLRC) and that Commission’s constructive recommendations on issues of paramount importance to Sri Lanka in a credible, transparent, and expeditious manner.
- Recognizes that the LLRC report failed to address issues of accountability.
- Urges the Government of Sri Lanka, the international community, and the United Nations to establish an independent international mechanism to look into reports of war crimes, crimes against humanity, and other human rights violations.
- Encourages the Government of Sri Lanka to allow for greater media freedoms.
- Acknowledges the end of the war and calls on the Government of Sri Lanka to go through a process of demilitarization...acknowledges the importance for parties to reach a political settlement on the meaningful devolution of power.”

The legislation contains a number of findings, including:

- “The Government of Sri Lanka established a Lessons Learnt and Reconciliation Commission (LLRC) to report whether any person, group, or institution directly or indirectly bears responsibility for incidents that occurred between February 2002 and May 2009 and to recommend measures to prevent the recurrence of such incidents in the future and promote further national unity and reconciliation among all communities.

- The Government of Sri Lanka expressed its commitment to addressing the needs of all ethnic groups and has recognized, in the past, the necessity of a political settlement and reconciliation for a peaceful and just society.
- The United States, the United Kingdom, India, and other governments and inter-governmental organizations have called on the Government of Sri Lanka to implement the recommendations of its own LLRC Report...Sri Lanka also has a long history of establishing commissions but failing to act upon the recommendations of those commissions.”

Committee Action: This bill was introduced on March 17, 2011 and referred to the House Committee on Foreign Affairs. On March 29, 2011 it was referred to the Subcommittee on Middle East and South Asia.

Administration Position: No Statement of Administration Policy is available at press time.

Cost to Taxpayers: There is no accompanying CBO report.

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: House rules do not require a statement of constitutional authority for House Resolutions.

RSC Staff Contact: Rick Eberstadt, rick.eberstadt@mail.house.gov, (202) 226-9720

S.Con.Res. 17 — A concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO). (Senator Menendez, D-NJ)

Order of Business: The resolution is scheduled to be considered under a suspension of the rules on Tuesday, September 11, 2012.

Summary: S.Con.Res. 17 resolves that it is the sense of the Congress that:

- “Meaningful participation by Taiwan as an observer of the International Civil Aviation Organization (ICAO) will positively impact ICAO’s mission and the success of international strategies to address air security threats.

- “The U.S. government should “take a leading role in garnering international support” for this initiative.
- “The State Department should consult with Congress on efforts conducted by the U.S. government supporting Taiwan’s attainment of ICAO observer status.”

The legislation contains a number of findings, including:

- “The Department of State has praised the ICAO on its Declaration on Aviation Security, but pointed out that “because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world—and all nations must share the responsibility for securing that system’.
- “Exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability” to remain up-to-date on these efforts by contacting and working directly with ICAO.”

Additional Background: According to the bill, “the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport.’” After the events of September 11, 2001, the ICAO endorsed a global strategy for aviation security.

Committee Action: This bill was introduced on March 7, 2011 and referred to the Senate Committee on Foreign Relations, where it was reported on July 27, 2011. It passed the Senate by Voice Vote on September 21, 2011 and was referred to the House Committee on Foreign Affairs the next day. On March 7, 2012 the bill went through Mark-up and was ordered to be reported by Unanimous Consent.

Administration Position: No Statement of Administration Policy is available at press time.

Cost to Taxpayers: There is no accompanying CBO report.

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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: Neither House Rules nor Senate Rules require a statement of constitutional authority for Senate Resolutions.

RSC Staff Contact: Rick Eberstadt, rick.eberstadt@mail.house.gov, (202) 226-9720

H.R. 6028 – No-Hassle Flying Act of 2012 (Walsh, R-IL)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: This bill would authorize the Assistant Secretary of Homeland Security (Transportation Security Administration, or TSA) to modify screening requirements at airports. It would allow the TSA to determine whether baggage arriving in the United States which was screened in another country in accordance with an “aviation security preclearance agreement” or if it needs to be re-screened with an explosives detection system before the baggage may continue on additional flights. The legislation defines “aviation security preclearance agreement” as security standards and protocols for security that are comparable to those of the United States, as determined by the TSA and U.S. Customs and Border Protection. The bill would also require an annual report on the process.

Committee Action: This bill was introduced on June 26, 2012, and referred to the House Committee on Homeland Security. On July 18, 2012, it was referred to the Subcommittee on Transportation Security. The committee took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO score is available.

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

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, the legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: The accompanying Constitutional Authority Statement reads, “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

RSC Staff Contact: Rick Eberstadt, Rick.Eberstadt@mail.house.gov, (202) 226-9720

H.R. 3857 – To amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to require the Secretary of Homeland Security to include as an eligible use the sustainment of specialized operational teams used by local law enforcement under the Transit Security Grant Program, and for other purposes. (Turner, R-NY)

Order of Business: The bill is scheduled to be considered under a motion to suspend the rules and pass the bill.

Summary: This legislation would require the Secretary of Homeland Security to include, in its funds for transportation security assistance, the sustainment of specialized patrol teams without fiscal year limitation as eligible for grants, as long as the agency applying for funds submits a sustainment plan for maintaining the capability achieved with the grant funds. The legislation would also authorize 50% (rather than 10%) of the total funds to be used for operational costs, and authorizes the Secretary to have appropriations at a level of \$400 million for both FY 2012 and FY 2013.

Committee Action: This legislation was introduced on January 31, 2012 and referred to the House Committee on Homeland Security. On February 2, 2012, it was referred to both the Subcommittee on Emergency Preparedness, Response and Communications and the Subcommittee on Transportation Security. On May 9, 2012, it was discharged from both committees, and was reported by the Committee on May 30, 2012.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO [estimates](#) the legislation authorizes \$702 million (subject to appropriation) over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation provides \$702 million of authorized spending over five years.

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

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No, the legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: According to the bill's sponsor, Congress is authorized to pass this legislation for the following reason: "Article I, Section 8, Clause 1 of the Constitution of the United States: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Article I, Section 8, Clause 1 of the Constitution of the United States: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Article I, Section 8, Clause 18 of the Constitution of the United States: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Office thereof.”

RSC Staff Contact: Rick Eberstadt, Rick.Eberstadt@mail.house.gov, (202) 226-9720

H.R. 4057 – Improving Transparency of Education Opportunities for Veterans Act of 2012 (Bilirakis, R-FL)

Order of Business: The bill is scheduled to be considered on September 11, 2012, under a motion to suspend the rules and pass the bill.

Summary: This [legislation](#) directs the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the armed forces for education. This policy must include:

- The most effective way to inform individuals of the educational and vocational counseling provided.
- A centralized way to track and publish feedback from students and State approving agencies regarding the quality of instruction and accreditation, recruiting practices, and post-graduation employment placement of institutions of higher learning.
- “The most effective way to provide veterans and members of the Armed Forces with information regarding postsecondary education and training opportunities available.”

H.R. 4057 also establishes an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits. The Secretary of Veterans affairs must include information that he determines necessary to ascertain and monitor the health effects of this exposure, develop a public information campaign to inform eligible individuals about the registry, and to periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure.

In order to pay for these expenses, from 2013-2017, the legislation limits performance awards in the senior executive service to \$1,000,000 in performance awards.

Committee Action: The legislation was introduced on February 16, 2012, and referred to the House Committee on Veterans’ Affairs. It was reported out of committee on September 10, 2012 (H. Rept. 112-646).

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO [estimates](#) that implementing H.R. 4057 would reduce discretionary costs by \$1 million over the 2013-2017 period, subject to appropriations actions consistent with the legislation. The savings in the legislation largely comes from limiting in performance awards to senior staff.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation reduces the size of the federal government by reducing performance bonuses for senior government employees.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Yes.

Constitutional Authority: According to its sponsor, “Congress has the power to enact this legislation pursuant to the following: ‘Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.’”

RSC Staff Contact: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718