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Legislative Bulletin.....September 30, 2009

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H.Res. 731 - Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be

commended for their dedicated service on the Nation's front lines in the war against acts of terrorism (*Rep. Clark, D-NY*)

Order of Business: The bill is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 731 resolves that the House of Representatives:

- “Commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;
- “Salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;
- “Expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;
- “Supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and
- “Urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.”

The resolution lists a number of findings, including:

- “It has been 8 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;
- “As evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta, Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, and the shooting and bombing attacks in Mumbai, India, on November 26, 2008, the thwarted terrorist attacks targeting the Brooklyn Bridge in March 2003, Herald Square in New York City in 2004, the PATH Tunnel trains in New York and New Jersey in 2006, the U.S. Army Base at Fort Dix, New Jersey in May 2007, JFK International Airport in June 2007, and the Air National Guard base in Newburgh, New York and synagogues in Riverdale and the Bronx, New York in 2009, citizens across the country and in the world should remain vigilant, prepared, and informed;
- “During the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and

encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

- “All people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and
- “All people of the United States should take the opportunity during National Preparedness Month in September 2009 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism.”

Committee Action: H.Res. 731 was introduced on September 10, 2009, and referred to the House Committee on Homeland Security, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

**H.Res. 517 - Congratulating the University of Washington women's softball team for winning the 2009 Women's College World Series.
(McDermott, D-WA)**

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 517 resolves that the House of Representatives:

- “Congratulates the University of Washington for winning the 2009 Women's College World Series;
- “Recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Washington win the championship; and
- “Respectfully requests the Clerk of the House to transmit an enrolled copy of this resolution to President of the University of Washington, Mark A. Emmert; the Director of Athletics of the University of Washington, Scott Woodward, and the Coach of the University of Washington softball team, Heather Tarr.”

The resolution lists a number of findings, including:

- “On June 2, 2009, for the first time in school history, the Women Huskies won the NCAA National Softball Championship game with a 3-2 victory over the University of Florida;
- “University of Washington pitcher Danielle Lawrie was named the Women's College World Series MVP and the USA Softball National Collegiate Player of the Year;
- “The Huskies finished the 2009 season with an impressive record of 51-12;
- “The members of the 2009 University of Washington softball team are excellent representatives of a university that is one of the premier academic institutions in Washington State, producing many outstanding student-athletes and other leaders; and
- “The members of the women's softball have brought great honor to themselves, their families, the University of Washington, and the State of Washington.”

Committee Action: H.Res. 517 was introduced on June 8, 2009, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

H.Res. 769 - Recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and expressing support for the goals of the National Learn and Serve Challenge (Platts, R-PA)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 769 resolves that the House of Representatives:

- “Recognizes the benefits of service-learning in--
 - (A) Enriching and enhancing academic outcomes for youth;
 - (B) Engaging youth in positive experiences in the community; and
 - (C) Encouraging youth to make more constructive choices with regards to their lives;
- “Encourages schools, school districts, college campuses, community-based organizations, nonprofits, and faith-based organizations to work towards providing youth with more service-learning opportunities; and
- “Expresses support for the goals of the National Learn and Serve Challenge.”

The resolution lists a number of findings, including:

- “Service-learning is a teaching method that enhances academic learning by integrating classroom content with relevant activities aimed at addressing identified community or school needs;
- “Service-learning has been used both in school and community-based settings as a teaching strategy to enhance learning by building on youth experiences, granting youth a voice in learning, and making instructional goals and objectives more relevant to youth;
- “Service-learning has been identified as an effective tool in addressing the Nation's dropout epidemic by making education more hands-on and relevant, and has been especially effective in addressing the epidemic with respect to disadvantaged youth;
- “Learn and Serve America, a program established under subtitle B of title I of the National and Community Service Act of 1990 (42 U.S.C. 12521 et seq.), is the only federally funded program dedicated to service-learning and engages over 1,100,000 youth in service-learning annually;
- “Learn and Serve America is a highly cost-effective program, averaging approximately \$25 per participant and leveraging \$1 for every Federal dollar invested; and
- “The National Learn and Serve Challenge is an annual event that is taking place this year from October 5 through October 11, 2009, that spotlights the value of service-learning to young people as well as schools, college campuses, and

communities, encourages others to launch service-learning activities, and increases recognition of Learn and Serve America.”

Potential Conservative Concerns: This resolution states that Learn and Serve America is a “highly cost-effective program.” [Learn and Serve America](#) is a program of the [Corporation for National and Community Service](#), which also manages [AmeriCorps](#). [ExpectMore.gov](#), a website developed by the U.S. Office of Management and Budget, with the goal to assess the performance of every federal program in order to hold programs accountable for improvement, has audited Learn and Serve. In the past, according to [ExpectMore.gov](#), Learn and Serve has not successfully demonstrated results.

According to an assessment by [ExpectMore.gov](#), Learn and Serve:

- “Can improve its planning by establishing short-term goals that link individual grant performance to its ambitious long-term goals;
- “Has not collected reliable data on the effects of service-learning methods and variables on the outcomes it is designed to achieve.”

Committee Action: H.Res. 769 was introduced on September 23, 2009, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

H.Res. 487 – Recognizing the 100th anniversary of the State News at Michigan State University (Rogers, R-MI)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 487 resolves that the House of Representatives:

- “Recognizes the 100th anniversary of the State News.”

The resolution lists a number of findings, including:

- “On March 10, 1909, the first edition of the Holcad was printed at Michigan Agricultural College;
- “The Holcad eventually changed its name to the State News, and Michigan Agricultural College became Michigan State University;
- “The State News employs hundreds of students and trains them in reporting, photography, design, web programming, and advertising;
- “The State News employs hundreds of students and trains them in reporting, photography, design, web programming, and advertising; and
- “The State News has upheld a commitment to journalism and has created a more informed and unified citizen body.”

Committee Action: H.Res. 487 was introduced on May 21, 2009, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

H.Res. 90 – Supporting the goals and ideals of National Campus Safety Awareness Month. (*Sestak, D-PA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 90 resolves that the House of Representatives:

- “Supports the goals and ideals of National Campus Safety Awareness Month; and

- “Encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.”

The resolution lists a number of findings, including:

- “A total of 37 homicides, 8,112 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89-329);
- “Criminal experts estimate that between 1/5 and 1/4 of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;
- “1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;
- “Security On Campus, Inc. (hereinafter referred to as ‘SOC’), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;
- “National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety.”

Committee Action: H.Res. 90 was introduced on January 26, 2009, and referred to the House Committee on Education and Labor, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

**S.Con.Res. 41 – A concurrent resolution providing for the acceptance of
a statue of Helen Keller, presented by the people of Alabama.
(Sen. Sessions, R-AL)**

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: S.Con.Res 41 resolves that the Senate (House of Representatives concurring) that:

- “The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages,
- “The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony; and
- “The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).”

The resolution lists a number of findings, including:

- “Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;
- “Helen was liberated from the `double dungeon of darkness and silence' by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;
- “Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;
- “Helen became recognized as one of Alabama's and America's best known figures and became `America's Goodwill Ambassador to the World'; and
- “Helen Keller will become the first person with disabilities enshrined in the Capitol and will become an even greater inspiration for people with disabilities worldwide.”

Committee Action: S.Con.Res. 41 was introduced on September 23, 2009, and referred to the House Committee on Administration, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures. The resolution does request that the Secretary of the Senate transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

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

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

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

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

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

H.Res. 692 – Supporting the goals and ideals of Tay-Sachs Awareness Month (*Arcuri, D-NY*)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 692 resolves that the House of Representatives:

- “Supports the goals and ideals of Tay-Sachs Awareness Month and encourages and supports education and research efforts with respect to Tay-Sachs disease.”

The resolution lists a number of findings, including:

- “Tay-Sachs disease is a rare, genetic disorder that causes destruction of nerve cells in the brain and spinal cord due to the poor functioning of an enzyme called beta-hexosaminidase A;
- “There is no proven treatment or cure for Tay-Sachs disease, which is always fatal in children;
- “approximately 1 in 27 Ashkenazi Jews, 1 in 30 Louisianan Cajuns, 1 in 30 French Canadians, 1 in 50 Irish Americans, and 1 in every 250 people are carriers of Tay-Sachs disease;
- “a simple and inexpensive blood test can determine if an individual is a carrier of Tay-Sachs disease, and all people in the United States, especially those citizens who are members of high-risk populations, should be screened; and
- “Heightened awareness and increased research are the best ways to eradicate this horrific disease.”

Committee Action: H.Res. 692 was introduced on July 29, 2009, and referred to the House Committee on Energy and Commerce, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

H.Res. 314 – Honoring and saluting Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger (*Yarmuth, D-KY*)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 314 resolves that the House of Representatives:

- “Congratulates and salutes Hillerich & Bradsby Co. on the 125th anniversary of the Louisville Slugger; and
- “Directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Hillerich & Bradsby Co. for appropriate display.”

The resolution lists a number of findings, including:

- “John Andrew ‘Bud’ Hillerich made the first Louisville Slugger, originally known as the ‘Falls City Slugger’, for Pete ‘The Old Gladiator’ Browning of the Louisville Eclipse in Louisville, Kentucky, in 1884;
- “Hillerich & Bradsby Co. is a fifth-generation, family-owned company celebrating its 125th anniversary;
- “Today the Louisville Slugger is the Official Bat of Major League Baseball, having had more than 8,500 professional baseball players under contract, beginning in 1905 with Honus Wagner, and including Hall of Fame members such as Ty Cobb, Babe Ruth, Lou Gehrig, Joe DiMaggio, Stan Musial, Mickey Mantle, Jackie Robinson, Roberto Clemente, Hank Aaron, and Louisville’s own Pee Wee Reese;

- “In 1996, Hillerich & Bradsby Co. opened the Louisville Slugger Museum and Factory, the first museum devoted to hitters, including executive offices, wood bat plant, and a world class museum, in downtown Louisville, just 10 blocks away from where Bud Hillerich made the first Louisville Slugger in 1884; and
- “The Louisville Slugger name is synonymous with baseball, evoking excitement and nostalgia among ball players of all ages and skill levels.”

Committee Action: H.Res. 314 was introduced on April 1, 2009, and referred to the House Committee on Energy and Commerce, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures. This resolution does direct the Clerk of the House of Representatives to make available enrolled copies of this resolution to Hillerich & Bradsby Co. for appropriate display.

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

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

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

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

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

H.R. 3663 — Delays the date on which the accreditation requirement under the Medicare program applies to suppliers of durable medical equipment that are pharmacies (*Space, D-OH*)

Order of Business: H.R. 3663 is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3663 would extend the deadline by which pharmacies are required to obtain accreditation in order to sell Durable Medical Equipment Prosthetics, Orthotics and Supplies (DMEPOS) under the Medicare program from October 1, 2009 to January 1, 2010. The bill does not exempt suppliers applying to participate in the DMEPOS Competitive Bidding Program.

Background: The Medicare Modernization Act (MMA) established quality standards, including accreditation, for suppliers of DMEPOS as a means to combat fraud in the system. CMS was given the authority under Medicare Improvements for Patients and

Providers Act of 2008 (MIPPA) to exempt certain credible professionals such as physicians, opticians and pharmacists from quality standards, however due to a technicality CMS determined that pharmacies were not included (as they constituted a “building” and not a “person”). While other pending legislation (H.R. 3200) seeks to exempt pharmacies from certain accreditation, the intent of H.R. 3663 is to give pharmacies more time to complete the accreditation process, which typically takes 4-6 months.

Committee Action: H.R 3663 was introduced on September 29, 2009, and referred to the Committee on Ways and Means and the Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: No CBO score was available at press time.

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

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

RSC Staff Contact: Emily Henehan Murry; 202-225-9286;
emily.murry@mail.house.gov

S. 1289 —Foreign Evidence Request Efficiency Act (*Sen. Whitehouse, D-RI*)

Order of Business: The bill is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: S. 1289 amends Title 18 in an effort to streamline assisting foreign governments with criminal investigations. Specifically, the bill:

- Allows additional courts to require the disclosure of stored wire or electronic communications for criminal investigations (currently, only a court with jurisdiction over the offense may issue an order for disclosure – meaning, in districts where the evidence lies);
- Authorizes a federal judge to issue orders to execute requests from foreign judicial or law enforcement authorities for assistance in the investigation or prosecution of criminal offenses. These orders may include the issuance of:
 - A search warrant;
 - A warrant or order for contents of stored wire or electronic communications or for related records;
 - An order for a pen register or trap and trace device; or
 - An order requiring the appearance of a person to testify.

- Authorizes a federal judge to issue an order appointing a person to take the testimony or statement.

Committee Action: On July 18, 2009, the bill was introduced and referred to the Senate Committee on the Judiciary. On July 10, 2009, the Senate passed the bill by unanimous consent. It was then referred to the House Subcommittee on Crime, Terrorism, and Homeland Security, which took no official public action.

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202)-226-0718.

H.R. 1727 —Managing Arson Through Criminal History Act (Bono Mack, R-CA)

Order of Business: The bill is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill. A very similar bill, H.R. 1759, passed the House of Representatives by voice vote on December 5, 2007.

Summary: H.R. 1727 requires the Attorney General to establish a national criminal arsonist and criminal bomber registry program. **Please note that the bill no longer contains a requirement that states create their own registries. Under the bill we are considering today, states must upload their information on arsonists and bombers to a national registry administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. The Department of Justice would provide the software to do so.**

Definition of “Jurisdiction.” Defined as a state, but also including the District of Columbia, Guam, Puerto Rico, American Samoa, Northern Mariana Islands, U.S. Virgin Islands, and a federally recognized Indian tribe (only in some circumstances outlined below).

Specifically, the bill would:

- Require a criminal arsonist or criminal bomber to register in each jurisdiction where the criminal arsonist or bomber resides, where he or she is an employee, and where he or she is a student.
- Require the criminal arsonist or bomber to initially register before completing a sentence of imprisonment; or not later than 5 business days after being sentenced for that offense, if the individual is not sentenced to a term of imprisonment.
- Require the criminal arsonist or bomber to keep the registration current by informing the jurisdiction of all changes in required information.
- Only apply to criminal arsonists or bombers that were convicted of a criminal offense involving arson or bombing on or after the date of enactment of this Act.
- Exempt juveniles in certain circumstances.

Information required to be included in registry: Name, Social Security Number, physical description of person, most recent address; fingerprints, palm prints; text of the law defining the criminal offense; photocopy of valid driver's license or ID; and any other information required by the Attorney General.

Duration of Registration Requirement. Five years for a person convicted for the first time; Ten years for a person convicted for the second time; life for a person who has been convicted more than twice.

Annual Verification. Not less than once in each calendar year, the criminal must appear in person at one of the jurisdictions in which the person is required to register; allow the jurisdiction to take a current photograph; and verify the information in each registry in which the person is required to be registered.

Availability of Information. While information about the criminal arsonist or bomber shall not be made available to the public on the Internet, each jurisdiction shall make it available on the Internet in a manner that law enforcement personnel and fire safety officers in the jurisdiction can be accessed.

National Registry. The bill creates a National Criminal Arsonist and Criminal Bomber Registry maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives which is authorized at an amount of "such sums as may be necessary for each of the fiscal years 2010 through 2014." The Attorney General shall establish and maintain a national arsonist and bomber Internet site for law enforcement officers and fire safety officers authorized at "such sums."

Development of Registry Management and Website Software. Requires the Attorney General to develop and support software to enable jurisdictions to establish and operate uniform registries and Internet sites.

Implementation Period. The jurisdiction must implement the provisions of this bill three years after the date of enactment of this act; or one year after the date on which the software is made available to the jurisdiction.

Failure to Comply. Jurisdictions will subject to not more than a 10 percent reduction in various law enforcement grants.

Indian Tribes. A tribe may elect to carry out the bill as a jurisdiction. However, if they do not, they must enter into a cooperative agreement with a jurisdiction to carry out the provisions of the bill.

Criminal Arsonist and Criminal Bomber Management Assistance Program. Requires the Attorney General to establish a Criminal Arsonist and Bomber Management Assistance program to award grants to jurisdictions to “offset the costs of implementing the other provisions of this section.” The program is authorized at “such sums.”

Possible Conservative Concerns: Some conservatives may be concerned that the bill does not set specific authorization amounts and authorizes “such sums as necessary” for the new programs and registry initiatives.

Committee Action: On March 26, 2009 the bill was introduced and referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security which took no official public action.

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

Cost to Taxpayers: No CBO score is available for this bill. However, [CBO scored H.R. 1759](#), a similar bill from 2007. CBO stated the bill would cost \$17 million over a five year period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes. The bill creates a criminal arsonist and criminal bomber management assistance program (a new grant program) and a new national registry.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The bill requires states to report to a national registry. The bill has no new private-sector mandates.

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: No explanation of constitutional authority is provided.

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202)-226-0718.

H.Res. 757 – Supporting the goals and ideals of a National Day of Remembrance for Homicide Victims. (Edwards, D-MD)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 757 resolves that the House of Representatives:

- “Supports the goals and ideals of a National Day of Remembrance for Homicide Victims; and
- “Acknowledges the epidemic of intimate partner homicide in this Nation, its disproportionate impact on women, and the work of agencies across this country to address this epidemic and provide support and resources to all survivors of victims of homicide, including the families of intimate partner homicide.”

The resolution lists a number of findings, including:

- “Homicide is a devastating epidemic in this Nation, destroying families and communities;
- “Intimate partner homicide is the leading cause of death for African-American women ages 15-45;
- “According to the Centers for Disease Control and Prevention, the cost of intimate partner violence exceeded \$5,800,000,000 in 2003;
- “Numerous agencies across this country provide support to the families of homicide victims and the tireless work of agency staff and volunteers is worthy of acknowledgment; and
- “Victims of domestic violence-related homicides should be remembered during the National Day of Remembrance for Homicide Victims to honor their memories.”

Committee Action: H.Res. 757 was introduced on September 21, 2009, and referred to the House Committee on the Judiciary, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

However, the resolution does not contain any earmarks.

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

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H.R. 1333 —Exempts the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives (*Grijalva, D–AZ*)

Order of Business: The bill is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1333 would make a technical correction to allow federally-recognized Indian Tribes the same exemption as federal, state and local governments when it comes to regulating the transport and shipment of explosives. Under current law, federal, state, and local governments are exempt from permit requirements for the purchase and shipment of explosive materials including commercial fireworks.

Committee Action: On March 5, 2009, the bill was introduced and referred to the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which took no official public action.

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202)-226-0718.

H.Res. 739 - Honoring the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger.
(Boswell, D-IA)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 739 resolves that the House of Representatives:

- “Honors the life and achievements of Dr. Norman E. Borlaug for his many contributions to alleviating world hunger.”

The resolution lists a number of findings, including:

- “Dr. Borlaug was born on March 25, 1914, and grew up on a family farm outside Cresco, Iowa;
- “For over 20 years, Dr. Borlaug was a member of the faculty of Texas A&M University;
- “Dr. Borlaug spent 20 years working in the poorest areas of rural Mexico where he made his breakthrough achievement in developing a strain of wheat that could exponentially increase yields while actively resisting disease;
- “In 1970, Dr. Borlaug received the Nobel Peace Prize, the only person working in agriculture to ever be so honored, and since then he has received numerous honors and awards, including the Presidential Medal of Freedom, the Public Service Medal, the National Academy of Sciences' highest honor, the Rotary International Award for World Understanding and Peace, and the Congressional Gold Medal; and
- “Dr. Borlaug's humanitarian works have made him an American hero who will never be forgotten.”

Committee Action: H.Res. 739 was introduced on September 14, 2009, and referred to the House Committee on foreign Affairs, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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

H.Con.Res. 151 - Expressing the sense of Congress that China release democratic activist Liu Xiaobo from imprisonment. (Minnick, D-ID)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 151 resolves that the House of Representatives (the Senate concurring):

- “That it is the sense of Congress that China's Government immediately release Liu Xiaobo and begin making strides toward true representative democracy.”

The resolution lists a number of findings, including:

- “Liu Xiaobo has caused meaningful impact in China's institutions and he has inspired millions of people to stare down their government and demand change;
- “On December 10, 2008, Liu Xiaobo led 302 determined colleagues in issuing a manifesto calling on the Chinese Communist Party to abandon totalitarian government in favor of democracy;
- “The document which caused him to be confined in a windowless room, without access to books or writing materials, is as simple as those in the founding documents of this country which have inspired us all for over 200 years; and
- “Liu Xiaobo's leadership has inspired millions of people in China and the world.”

Additional Information: Liú Xiǎobō, born December 28, 1955, is a human rights activist in China. Liu has served as President of Independent Chinese PEN Center since 2003. On December 8, 2008, Liu was detained in response to his participation with Charter 08. Charter 08 is a declaration calling for political reform, greater human rights, and an end to one-party rule in China, that was signed by over 300 Chinese human rights activists. He was formally arrested on June 23, 2009, on suspicion of "inciting subversion of state power."

Committee Action: H.Con.Res. 151 was introduced on June 12, 2009, and referred to the House Committee on Foreign Affairs, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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H.Con.Res. 51 - Recognizing the 50th anniversary of the signing of the Antarctic Treaty. (Tiberi, R-OH)

Order of Business: The resolution is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res 51 resolves that the House of Representatives (the Senate concurring) that the Congress:

- “Recognizes that the Antarctic Treaty has successfully ensured the ‘use of Antarctica for peaceful purposes only and the continuance of international harmony’ continuously for the past half century; and
- “Encourages diverse international and interdisciplinary collaboration in the Antarctic Treaty Summit to identify lessons and stories from 50 years of international cooperation under the Antarctic Treaty that have legacy value for humankind.”

The resolution lists a number of findings, including:

- “The Antarctic Treaty was signed by 12 nations in Washington, DC, on December 1, 1959, ‘with the interests of science and the progress of all mankind’;
- “The Antarctic Treaty came into force on June 23, 1961, after its unanimous ratification by the seven claimant nations (Argentina, Australia, Chile, the French Republic, Norway, and the United Kingdom of Great Britain and Northern Ireland) and five other nations (Belgium, Japan, the Union of South Africa, the Union of Soviet Socialist Republics, and the United States of America), who had collaborated in Antarctic research activities during the International Geophysical Year from July 1, 1957, through December 31, 1958;
- “The Antarctic Treaty established a firm foundation for the United States of America and the Union of Soviet Socialist Republics to cooperate during the cold war;

- “In celebration of the 50th anniversary of the International Geophysical Year, the United States House of Representatives and United States Senate in their concurrent resolutions and the Antarctic Treaty Consultative Parties in their Edinburgh Declaration recognize the current International Polar Year for its contributions to global science and international cooperation; and
- “The International Polar Year program has endorsed the Antarctic Treaty Summit: Science-Policy Interactions in International Governance that will be convened in Washington, DC, at the Smithsonian Institution on the 50th anniversary of the Antarctic Treaty.”

Committee Action: H.Con.Res. 51 was introduced on February 12, 2009, and referred to the House Committee on Foreign Affairs, which took no public action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

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

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

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**S. 1707—Authorizing appropriations for FY2010-FY2014 to promote an enhanced strategic partnership with Pakistan and its people
(Sen. Kerry, D-MA)**

Order of Business: The bill is scheduled to be considered on Wednesday, September 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: S. 1707 is a bill that would authorize \$1.5 billion each year from FY2010-FY2014 in non-military assistance to Pakistan. The bill also authorizes “such sums” each year in international military and education training (IMET) and foreign military financing (FMF) funds. The bill encourages the U.S. to become more involved in helping Pakistan combat terrorism due to the increased efforts of Al Qaeda and the Taliban to gain a stronghold in Pakistan.

Authorization of Assistance. The President is authorized to provide assistance to Pakistan:

- To support the consolidation of democratic institutions;
- To support the expansion of the rule of law, build the capacity of government institutions; and promote respect for human rights;
- To promote economic freedoms and economic development;
- To support investment in people; and
- To strengthen public diplomacy.

The bill authorizes \$1.5 billion per year for each of the fiscal years 2010 through 2014. However, no funds may be available after 60 days after the date of enactment unless the Pakistan Assistance Strategy Report has been submitted to the appropriate committee. Additionally, not more than \$750 million may be made unless certain criteria are met. The Secretary of State may waive the limitations if the Secretary of State determines that it is important to the national security interests of the U.S. to do so.

Security Assistance for Pakistan. The bill authorizes “such sums as may be necessary” for 2010-2014 for international military educational training (IMET) for use for courses of study and training in counterinsurgency and civil-military relations, and for Foreign Military Financing (FMF) for the purchase of defense articles and services, and military education and training for counterterrorism operations in Pakistan.

Exchange Program. The bill establishes an exchange program between military and civilian personnel of Pakistan and other NATO countries in order to foster greater mutual respect for an understanding of the principle of civilian rule of the military.

Limitation of Assistance. For FY2011 through 2014, no security-related assistance may be provided to Pakistan unless the Secretary of State makes certain that:

- The government of Pakistan is cooperating the US in efforts to dismantle nuclear weapons-related supplier networks;
- Pakistan has demonstrated sustained commitment to and is making significant efforts towards combating terrorist groups; and
- The security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

The Secretary of State, under direction of the President, may waive the limitations if the Secretary of State determines that it is important to the national security interests of the U.S. to do so.

Pakistan Counterinsurgency Capability Fund (PCCF). Authorizes the PCCF (already in existence) for FY2010 to “build and maintain the counterinsurgency capability of Pakistan...” The Secretary of State, under direction of the President, may waive the limitations if the Secretary of State determines that it is important to the national security interests of the U.S. to do so.

Requirements for Civilian Control of Certain Assistance. Any direct cash security-related assistance (from the Department of State) by the U.S. to Pakistan and non-assistance payments (reimbursements from DOD) may only be provided to civilian authorities of a civilian government of Pakistan. Civilian authorities of a civilian government must also receive a copy of final documentation provided to the U.S. related to non-assistance payments provided or made to the Government of Pakistan. The Secretary of State, in consultation with the Secretary of Defense, may waive these requirements if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the U.S. the Secretary of State, in consultation with the Secretary of Defense may waive the requirements above if it is important to the national security interest of the United States.

Pakistan Assistance Strategy Report. No later than 45 days after enactment of the bill, the Secretary of State must submit to the appropriate congressional committees a report describing U.S. policy and strategy regarding assistance to Pakistan. The report must include:

- A description of the principal objectives of assistance to Pakistan;
- A general description of the specific programs, projects, and activities established due to this bill;
- A plan for program monitoring, operations research , and impact evaluation research;
- A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society, religious groups, etc. in helping to identify programs and projects for which assistance is to be provided;
- A description of the steps taken to ensure assistance provided under this Act is not awarded to affiliates of terrorist organizations;
- A projection of the levels of assistance to be provided broken down into categories such as: civil liberties, political rights; rule of law, government effectiveness, trade policy, fiscal policy, land rights and access, and more.

Comprehensive Regional Strategy Report. No later than 180 days after the date of enactment, the President shall submit a report to appropriate congressional committees on the comprehensive regional security strategy, including specification of goals, and proposed timelines and budgets for implementation.

Semi-Annual Monitoring Report. The bill requires the Secretary of State, in consultation with the Secretary of Defense, submit a report that describes the assistance provided under this Act during the preceding 180-day period. *Some* of what is required in the monitoring report:

- A description of all assistance by program, project, and activity, and geographic area;
- A list of all persons or entities from the U.S. or other countries that have received over \$100,000 to conduct projects under this Act.
- An assessment of the effectiveness of assistance;
- Any incidents or reports of waste fraud, and abuse;

- A detailed description of Pakistan’s efforts to prevent proliferation of nuclear-related material and expertise; and
- An assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military.

Additional Information. S. 1707 is the result of negotiations between supporters and opponents of H.R. 1886, the Pakistan Enduring Assistance and Cooperation Act. Many opponents asserted that H.R. 1886 attempted to micromanage the affairs of the Executive Branch (the White House, the State Department, and the Department of Defense) in Pakistan. The minority views in the committee report stated that the White House, the Department of Defense, and the Department of State need to “retain the necessary flexibility to craft policies that offer the best chance of successfully partnering with the Pakistani government and people to defeat violent extremism.”

S. 1707, however, addresses many of the concerns that RSC Members, GOP members of the House Foreign Affairs Committee, and Secretary of Defense Gates had with H.R. 1866 by removing many of the conditions and addressing lack of flexibility with regard to assistance to Pakistan. The bill allows the Administration to waive requirements in this bill if it is in the national security interest of the United States. Additionally, S. 1707 does not contain language that creates “reconstruction opportunity zones” allowing for trade preferences for many Pakistani and Afghan products.

Secretary of Defense Gates and Chairman of the Joint Chiefs of Staff Mullen wrote a letter on September 25, 2009 which states that the bill “as revised addresses the key concerns we previously raised...” They had originally written a letter dated April 28, 2009 with regard to H.R. 1886 stating: “The degree of conditionality and limitations on security assistance to Pakistan in H.R. 1886 severely constrains the flexibility necessary for the Executive Branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.”

Possible Conservative Concerns: Many conservatives may be concerned that the House is considering a bill that authorizes \$1.5 billion per year for five years under suspension of the rules and without an opportunity to amend the bill. Some conservatives might be concerned that the amount authorized triples non-military foreign aid to Pakistan.

Committee Action: On September 24, 2009, the Senate passed the bill by unanimous consent. The House has taken no official public action.

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

Cost to Taxpayers: No CBO score is available. However, the bill will cost \$1.5 billion each year for five years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes. The bill triples the authorized funding level for aid to Pakistan.

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: No explanation of constitutional authority is provided.

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