

**Legislative Bulletin.....December 2, 2009**

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**H.Res. 494 - Recognizing the exemplary service of the soldiers of the 30th Infantry Division (Old Hickory) of the United States Army during World War II. (Kissell, D-NC)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 494 resolves that the House of Representatives:

- “Recognizes the exemplary service of the soldiers of the 30th Infantry Division of the United States Army during World War II.”

The resolution lists a number of findings, including:

- “The 30th Infantry Division of the United States Army was first activated in October 1917 and originally consisted of National Guard units from North Carolina, South Carolina, Georgia, and Tennessee;
- “The 30th Infantry Division was nicknamed Old Hickory in honor of General and President Andrew Jackson;
- “During World War II, the 30th Infantry Division participated in the Normandy campaign, June 6 through July 24, 1944, the advance across Northern France, July 25 through September 14, 1944, the invasion of the German Rhineland, September 15, 1944, through March 21, 1945, the defense of the Ardennes-Alsace, December 16, 1944, through January 25, 1945, and the final defeat of Germany, March 22 through May 11, 1945; and
- “In the report prepared for General Dwight D. Eisenhower rating the American combat units that fought in the European Theater, the Army's official historian, S.L.A. Marshall, picked the 30th Division as the finest infantry division to fight in Europe, writing that ‘It is the combined judgments of the approximately 35 historical officers who worked on the records and in the field that the 30th merited this distinction. It was our finding that the 30th was outstanding in three operations and we could consistently recommend it for citation on any of these occasions. It was further found that it had in no single instance performed discredibly or weakly and in no single operation had it carried less than its share of the burden or looked bad when compared to the forces on its flanks. We were especially impressed with the fact that it consistently achieved results without undue wastage of its men.’”

**Committee Action:** H.Res. 494 was introduced on June 2, 2009, and referred to the House Committee on Armed Services, 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

## **H.Con.Res. 129 - Congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols (*Dicks, D-WA*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 129 resolves that the Congress:

- “Congratulates the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; and
- “Honors and thanks the crews of ballistic missile submarines and their devoted families for their continued dedication and sacrifice.”

The resolution lists a number of findings, including:

- “The Sailors of the United States Submarine Force recently completed the 1,000th deterrent patrol of the Ohio-class ballistic missile submarine (SSBN);
- “This milestone was reached through the combined efforts and impressive achievements of all of the submariners who have participated in such patrols since the first patrol of USS Ohio (SSBN 726) in 1982;
- “The true strength of the ballistic missile submarine lies in the extremely talented and motivated Sailors who have voluntarily chosen to serve in the submarine community; and
- “The inherent stealth, unparalleled firepower, and nearly limitless endurance of the ballistic missile submarine provide a credible deterrence for any enemies that would seek to use force against the United States or United States allies.”

**Committee Action:** H.Con.Res. 129 was introduced on May 20, 2009 and referred to the Armed Services Subcommittee on Military Personnel, 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 bill 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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## **H.Res. 861 - Supporting the goals and ideals of National Military Family Month (Rooney, R-FL)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 861 resolves that the House of Representatives:

- “Supports the goals and ideals of National Military Family Month;
- “Recognizes the sacrifices and dedication of military families and their contributions to the United States; and
- “Encourages the people of the United States to observe National Military Family Month with appropriate ceremonies and activities.”

The resolution lists a number of findings, including:

- “Military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times; and
- “The month of November, which includes the Veterans Day holiday, would be an appropriate month to observe as a National Military Family Month.”

**Committee Action:** H.Res. 861 was introduced on October 22, 2009, and referred to the House Armed Services Subcommittee on Military Personnel, 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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**S. 1422 - To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews  
(Sen. Murray, D-WA)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009 under a motion to suspend the rules and pass the bill. The bill passed the Senate, with an amendment, by unanimous consent on November 10, 2009. A similar bill, H.R. 912, the Airline Flight Crew Technical Corrections Act passed the House of Representatives on February 9, 2009.

**Summary:** S. 1422 would amend the Family and Medical Leave Act of 1993 with respect to hours-of-service requirements airline flight crews must meet to qualify for 12 weeks of unpaid leave. The bill states that a flight attendant or flight crewmember will be considered to meet such requirements if he or she:

- Has been paid for or has worked 60% of the employer's monthly hour or trip guarantee, or the equivalent annualized over the preceding 12-month period; and
- Has worked or been paid for a minimum of 504 hours during the preceding 12-month period. *S. 1422 added a provision which was not included in H.R. 912 that would not count personal commute time, vacation time, medical leave, or sick leave toward the 504 hours.*

**Possible Conservative Concerns:** Although the Committee asserts that the bill is primarily a technical update to ensure FMLA coverage for certain flight crew, some conservatives may be concerned that the bill expands FMLA eligibility to another group of individuals.

**Committee Action:** The bill was introduced on July 9, 2009 and referred to the Senate Committee on Health, Education, Labor, and Pensions. On November 10, 2009, it was discharged by unanimous consent.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** A CBO score was 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?:** Yes. The bill expands existing private sector mandates to a specific

class of individuals by requiring employers to allow additional employees to take up to 12 work-weeks of unpaid leave for certain family and medical reasons.

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

**Constitutional Authority**: A Committee Report sighting constitutional authority is not available at press time.

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

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### **H.Res. 897 - Recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation. (Guthrie, R-KY)**

**Order of Business**: The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary**: H.Res. 897 resolves that the House of Representatives:

- “Recognizes the importance of teaching elementary and secondary school students, on Veterans Day and throughout the school year, about the sacrifices that veterans have made throughout the history of the Nation; and
- “Encourages elementary and secondary schools to engage students in learning about, and honoring, veterans and the sacrifices they have made.”

The resolution lists a number of findings, including:

- “In 2008 there were over 23,000,000 veterans in the United States, but many elementary and secondary school students are not aware of the efforts veterans have made to protect our freedoms;
- “Fewer than half of the Nation's high school seniors have a basic knowledge of American history and the contributions veterans have made to the Nation's safety and security; and
- “It is important for elementary and secondary school students to learn about the history of the Nation and the wars and missions veterans have participated in and sacrificed for.”

**Committee Action**: H.Res. 897 was introduced on November 6, 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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## **H.R. 2873 - Enhanced S.E.C. Enforcement Authority Act. (Campbell, R-CA)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** The legislation amends the Securities Act of 1933 and the Investment Advisers Act of 1940 to grant the Securities and Exchange Commission (SEC) nationwide service of subpoenas in civil actions brought by the SEC in federal courts.

**Additional Information:** The SEC currently has this authority for nationwide service in administrative proceedings, but not for civil actions filed in federal district court.

**Committee Action:** H.R. 2873 was introduced on June 15, 2009 and referred to the House Committee on Financial Services, which took no public action.

**Cost to Taxpayers:** A CBO score 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?:** A CBO score listing any potential state, local-government, or private-sector mandates is unavailable.

**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:** Brad Watson, [Brad.Watson@mail.house.gov](mailto:Brad.Watson@mail.house.gov), (202) 226-9719

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## **H.R. 320 – CJ’s Home Protection Act of 2009** *(Ellsworth, D-IN)*

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 320 amends federal manufactured home construction and safety standards to require that manufactured homes delivered for sale by be supplied with a weather radio inside the manufactured home that:

- is capable of broadcasting emergency information relating to local weather conditions;
- is equipped with a tone alarm;
- is equipped with Specific Alert Message Encoding or SAME Technology; and
- complies with Consumer Electronics Association (CEA) Standard 2009-A Performance Specification for Public Alert Receivers.

**Committee Action:** H.R. 320 was introduced on January 8, 2009 and referred to the House Committee on Financial Services, which took no public action.

**Cost to Taxpayers:** A CBO score is unavailable.

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

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, the legislation creates new mandates on the private-sector.

**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:** Brad Watson, [Brad.Watson@mail.house.gov](mailto:Brad.Watson@mail.house.gov), (202) 226-9719

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**H.Con.Res. 197 - Encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages  
(Nye, D-VA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 197 resolves that the Congress:

- “Encourages banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages.”

The resolution lists a number of findings, including:

- “Since January 2009 over 1,300 cases of contaminated drywall have been reported from 26 States and the District of Columbia;
- “Noxious gases released from contaminated drywall can cause serious health effects involving the upper respiratory tract, such as bloody noses, rashes, sore throats, and burning eyes;
- “Toxins released from contaminated drywall can corrode metals inside the home, such as air conditioning coils and electrical wiring;
- “Because of cases of contaminated drywall, some Americans who pay their mortgages on time are now suffering from both financial problems and health complications at no fault of their own; and
- “Banks and mortgage servicers can help families affected by contaminated drywall by providing temporary forbearance with respect to their mortgage payments to help such families afford the costs of an additional residence while they are removed from their primary homes.”

**Committee Action:** H.Con.Res. 197 was introduced on October 8, 2009, and referred to the House Committee on Financial Services, 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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**H.R. 1242 - To amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program. (Maloney, D-NY)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1242 directs the Treasury Secretary to establish an electronic database to monitor the use of Trouble Asset Relief Program (TARP) funds. This database is to include:

- regulatory data from any government source;
- filing data from any government agency receiving regular and structured filings;
- public records; and
- news filings, press releases, and other forms of publicly available data.

The legislation requires the Secretary to make the database available to the Comptroller General of the United States, the Special Inspector General, and the TARP Congressional Oversight Panel.

If the Secretary determines that a recipient's use of funds is not meeting goals, the legislation directs the Secretary to develop recommendations for "better meeting such goals." The Secretary would also be required to adjust the future uses of TARP assistance if the goals are not met after the recommendations from the Secretary.

The legislation reduces amounts available under the TARP program by \$34 million, which is intended to offset the cost of the legislation.

**Additional Information:** The RSC has introduced H.R. 3140 (The REBOUND Act) which would among other things end the TARP program. See [here](#) for additional information.

**Committee Action:** H.R. 1242 was introduced on March 2, 2009 and referred to the House Committee on Financial Services, which took no public action.

**Cost to Taxpayers:** No formal CBO score is available. But the legislation reduces amounts available under the TARP program by \$34 million, which is intended to offset the cost of the legislation.

**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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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### **H.R. 3980 - Redundancy Elimination and Enhanced Performance for Preparedness Grants Act (*Rep. Cuellar, D-TX*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3980 would require the Administrator of the Federal Emergency Management Agency (FEMA) to identify and report to Congress on the redundancy of reporting requirements for recipients of the State Homeland Security Grant Program, Urban Area Security Initiative funding, and other programs identified by the agency. The legislation also requires the administrator to submit program assessments for each program to Congress no later than 120 days after enactment and then each succeeding two years.

**Additional Background:** The State Homeland Security Grant Program provides \$861 million in funds to “build capabilities at the State and local levels and to implement the goals and objectives included in State homeland security strategies and initiatives in the State Preparedness Report.” The Urban Area Security Initiative provides approximately \$800 million in funds on programs “that enhance regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery.”

**Committee Action:** On November 2, 2009, the bill was introduced and referred to the Committee on Homeland Security. On November 17, 2009, the committee held a mark-up and ordered the bill to be reported by a voice vote.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** According to CBO, “implementing H.R. 3980 would have no significant cost over the next five years. Enacting this legislation would not affect direct spending or revenues.”

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** 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 committee report citing constitutional authority is available for H.R. 3980.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.

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**H.Res. 28 - Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines (*Jackson-Lee, D-TX*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 28 resolves that the House of Representatives:

- “Continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, as well as school transportation systems, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53);
- “Continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit lines, with particular attention to the application of its training standards and the establishment of a reliable source of domestically bred canines;
- “Improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly

- trained in both securing against terrorist attacks and professional relations with the traveling public; and
- “Continue to secure our Nation's mass transit and rail lines against terrorist attack and other security threats, so as to ensure the security of commuters on our Nation's mass transit lines and prevent the disruption of rail lines critical to our Nation's economy, and to give special attention to school transportation systems by working with school administrators, State and local law enforcement, and other representatives in the school transportation industry to keep children safe from terrorist attack.”

The resolution lists a number of findings, including:

- “The successes of the Transportation Security Administration's National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to provide security against terrorist attacks on the Nation's transportation systems by preventing and protecting against explosives threats;
- “Each weekday 11,300,000 passengers depend on our Nation's mass transit lines as a means of transportation, and mass transit lines serve as an enticing target for terrorists as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system;
- “Each weekday more than 25 million children depend on our Nation's school transportation system, in addition to mass transit systems, to get to and from school and school activities, and the security of these systems must be enhanced to address the threat of terrorism; and
- “Securing our Nation's rail and mass transit lines from terrorist attack and other security threats is essential due to their impact on our Nation's economic stability and the continued functioning of our national economy.”

**Committee Action:** H.Res. 28 was introduced on January 7, 2009, and referred to the House Committee on Homeland Security. A markup was held and the resolution was approved by voice vote.

**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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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## **H.R. 3963 - Criminal Investigative Training Restoration Act (Rep. Lungren, R-CA)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** Authorizing at least \$6 million over two years, H.R. 3963 amends current law to require new graduates of the Federal Air Marshal Service to complete the criminal investigative training program at the Federal Law Enforcement Training Center. The legislation would immediately apply to Air Marshals who graduated 30 days after enactment of the bill. Air Marshals who have already completed the program will not have to repeat it. For current Air Marshals who have not taken or completed the investigative training program, the legislation requires them to complete an alternative training course deemed to meet the standards of the Center within three years.

**Additional Background:** Headquartered in Georgia, with training facilities in New Mexico, South Carolina, and Maryland, the Federal Law Enforcement Training Center serves law enforcement personnel from 82 federal agencies. The centers' original purpose was to provide a federal criminal investigative training program that could provide a standardized curriculum for investigative techniques.

**Committee Action:** On October 29, 2009, the bill was introduced and referred to the Committee on Homeland Security. On November 17, 2009, the committee held a mark-up and ordered the bill to be reported by a voice vote.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** A CBO report for H.R. 3963 is unavailable. The legislation authorizes "not less than \$3 million" for each fiscal year in 2010 and 2011.

**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 committee report citing constitutional authority is available for H.R. 3963.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.

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**H.Res. 939 - Extending condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards (*Smith, D-WA*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 2, 2009, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 939 resolves that the House of Representatives:

- “Extends its condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards; and
- “Stands with the people of Lakewood, Washington, the men and women of the Lakewood Police Department, and members of the law enforcement community as they celebrate the lives and mourn the loss of these four dedicated public servants and law enforcement heroes.”

The resolution lists a number of findings, including:

- “On the morning of November 29, 2009, 4 members of the Lakewood Police Department were slain by gunfire in a senseless act of violence while preparing for their shift in Lakewood, Washington;
- “Sergeant Mark Renninger who served 13 years in law enforcement, first with the Tukwila Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;
- “Officer Tina Griswold who served 14 years in law enforcement, first with the Lacey Police Department and most recently, served with the Lakewood Police Department, is survived by her husband and 2 children;
- “Officer Ronald Owens who served 12 years in law enforcement, first with the Washington State Patrol and most recently, served with the Lakewood Police Department, is survived by his daughter; and
- “Officer Greg Richards who served 8 years in law enforcement, first with the Kent Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children.”

**Committee Action:** H.Res. 939 was introduced on December 1, 2009, and referred to the House Judiciary Committee, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee 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](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576

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## **H.R. 515 - Radioactive Import Deterrence Act (Rep. Gordon, D-TN)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 2, 2009 under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 515 would grant the Nuclear Regulatory Commission (NRC) the authority to prohibit the import of low-level radioactive nuclear waste into the United States for permanent storage or disposal. The legislation does not apply to low level radioactive waste being returned to a United States Government or military facility authorized to possess the material. In addition, the bill exempts waste resulting from the use in a foreign country of nuclear material obtained by the foreign user from an entity in the United States that is being returned to the United States for management and disposal.

The President may waive the prohibition only after a finding that such importation would meet an important national or international policy goal, such as the use of waste for research purposes.

**Additional Background:** The legislation was introduced in response to the proposed shipment of 20 tons of Italian nuclear waste to a storage facility located in Clive, Utah after reprocessing the material in Tennessee. Low-level radioactive nuclear waste is primarily residue from medical procedures or industrial processes using very small amounts of radioactive substances. Since 1985 the Nuclear Regulatory Commission has granted 14 licenses for nuclear waste import projects. The facility in Utah is currently authorized to accept waste material from 34 states under a compact system approved by Congress. In a letter to the Energy and Commerce Committee, the United States Nuclear Infrastructure Council said the measure was unnecessary.

Supporters of the legislation argue the legislation is needed to prioritize nuclear disposal sites to be reserved for domestic waste. According the Government Accountability Office and the Nuclear Regulatory Commission (NRC), there is no capacity problem for

the storage of low level radioactive nuclear waste and create an unnecessary trade barrier. In addition, low-level nuclear waste generated for disposal has decreased by 1/3 because of the completion of major government cleanup projects.

A federal court has ruled against a lawsuit filed by the state of Utah to bar the shipment of foreign nuclear waste to the facility in Clive. However, the issue is currently under appeal.

**Possible Conservative Concern:** Some conservatives have expressed concern that the legislation has the potential to undermine efforts to support growth in the nuclear power industry because the legislation may force the closure of other domestic nuclear waste storage sites in the future. Additionally, since all processing facilities are currently located in the U.S., some conservatives have expressed concern that H.R. 515 would deter job growth by forbidding U.S. companies from offering nuclear services to foreign markets.

**Committee Action:** On January 14, 2009, the bill was introduced and referred to the Committee on Energy and Commerce and Ways and Means. On November 19, 2009, the Energy and Commerce Committee held a mark-up and ordered the bill reported (as amended) by a vote of 34 -12.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** While a CBO report for H.R. 515 is unavailable at press time.

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

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

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

**Constitutional Authority:** A Committee Report sighting Constitutional authority is not available at press time.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.