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H.R. 6494—To amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy (Taylor, D-MS)

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, 2009, under a motion to suspend the rules and pass the bill.

Summary: The bill would amend the 2010 National Defense Authorization Act (P.L. 111-84) by striking the provision that orders ten Littoral Combat Ships (LCS) and 15 Littoral Combat Ship control and weapon systems and changing it to “20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships.” The bill also modifies current law by requiring the competitive bid for a second shipyard to be a shipyard that will have design specifications for the LCS.

Additional Background: The Navy touts the Littoral Combat Ships (LCS) as part of its “next-generation” fleet of wartime vessels because of its agility and relatively small size. The 2010 NDAA authorized the Secretary of Navy to block-buy procurement contract for 10 ships over the next 5 years in a “winner-take all” competition between the two shipbuilding teams. H.R. 6494 changes this to 20 ships.

According to CRS, “The Littoral Combat Ship (LCS) is a relatively inexpensive Navy surface combatant equipped with modular ‘plug-and-fight’ mission packages. The basic version of the LCS, without any mission packages, is referred to as the LCS sea frame. The Navy wants to field a force of 55 LCSs. The first two (LCS-1 and LCS-2) were procured in FY2005 and FY2006 and were commissioned into service on November 8, 2008, and January 16, 2010. Another two (LCS-3 and LCS-4) were procured in FY2009 and are under construction. Two more (LCS-5 and LCS-6) were procured in FY2010.

“The Navy's FY2011-FY2015 shipbuilding plan calls for procuring 17 more LCSs in annual quantities of 2, 3, 4, 4, and 4. The Navy's proposed FY2011 budget requests \$1,231.0 million in procurement funding for the two LCSs that the Navy wants to procure in FY2011, and \$278.4 million in FY2011 advance procurement funding for the 11 LCSs that the Navy wants to procure in FY2012-FY2014. The Navy's proposed FY2011 budget also requests procurement funding to procure LCS module weapons and LCS mission packages, and research and development funding for the LCS program.

“There are currently two very different LCS designs—one developed and produced by an industry team led by Lockheed, and another developed and produced by an industry team led by General Dynamics. LCS-1 and LCS-3 use the Lockheed design; LCS-2 and LCS-4 use the General Dynamics design.”

Committee Action: None. On December 2, 2010, the bill was introduced and referred to the House Committee on Armed Services, which took no further action.

Administration Position: In a Statement of Administration Policy (SAP) is unavailable.

Cost to Taxpayers: A CBO score for H.R. 6494 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. 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 citing constitutional authority is unavailable for H.R. 6494.

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

H.Res. 1761 - Congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States (Rogers, R-AL)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1761 resolves that the House of Representatives:

- “Congratulates Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States.”

This resolution contains a number of findings, including:

- “Cameron Newton became Auburn University's starting quarterback in 2010;
- “Cameron Newton became the first player in Southeastern Conference history and only the eighth player in National Collegiate Athletic Association Football Bowl Subdivision history to achieve over 2,000 yards passing and over 1,000 yards rushing in a single season;
- “the Auburn University football team is ranked number one in both the Bowl Championship Series and Associated Press rankings; and
- “Cameron Newton was named the 76th winner of the 2010 Heisman Memorial Trophy for the most outstanding college football player in the United States.”

Committee Action: H.Res. 1761 was introduced on December 14, 2010, and was referred to the House Committee on Education and Labor, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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

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

S. 4010—A bill for the relief of Shigeru Yamada (*Feinstein, D-CA*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, 2009, under a motion to suspend the rules and pass the bill.

Summary: The bill allows Shigeru Yamada to be eligible for an immigrant visa or for adjustment of status to be lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of Immigration and Nationality Act. The bill declares him here lawfully, even if he has entered the United States before the filing deadline for the application. The bill requires him to pay all fees associated with processing. Finally, the bill requires the Secretary to reduce by one the number of total number of immigrant visas that are made available to natives of Japan (the country of birth of Shigeru Yamada).

Additional Background: According to the office of Rep. Bob Filner (D-CA), “born in Japan, Shigeru legally entered the United States as a child, but when his mother was killed in a car accident in 1995, he was left without any legal status. Raised by his aunt, he was never adopted.

He attended Eastlake High School--where he was everyone's ‘dream student’--active in sports, student government, and the community, while maintaining a B+ GPA. He has also attended Southwestern College and has been a model member of the Chula Vista community.

In April, Homeland Security agents detained Shigeru during a routine trolley patrol. Fortunately, he has now been released from jail, but he is still waiting for a hearing and could face deportation to Japan.”

Committee Action: None. On December 7, 2010, the bill was introduced and passed the Senate by unanimous consent.

Administration Position: In a Statement of Administration Policy (SAP) is unavailable.

Cost to Taxpayers: A CBO score for S. 4010 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. 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 citing constitutional authority is unavailable for S 4010.

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

S. 1774—A bill for the relief of Hotaru Nakama Ferschke (*Webb, D-VA*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, 2009, under a motion to suspend the rules and pass the bill.

Summary: The bill allows Hotaru Ferschke to be eligible for an immigrant visa or for adjustment of status to be lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of Immigration and Nationality Act. The bill declares her here lawfully, even if he has entered the United States before the filing deadline for the application. The bill requires him to pay all fees associated with processing. Finally, the bill requires the Secretary to reduce by one the number of total number of immigrant visas that are made available to natives of the country of birth (Japan) of Hotaru Ferschke.

Additional Background: Under the Immigration and Nationality Act, if a U.S. citizen dies during or as a result of combat, the citizen's alien spouse may still become a permanent resident. The INA also requires that the marriage needed to occur where the two parties were "physically present in the presence of each other, unless the marriage shall have been consummated."

Hotaru Ferschke is the widow of Michael Ferschke, who died in Iraq on August 10, 2008. He and Hotaru had been married by proxy via the telephone on July 10, 2008, after

having learned that Hotaru was pregnant just before Michael Ferschke left for Iraq. Because the marriage was done over the phone and it was never consummated, their marriage is not recognized for immigration purposes.

Committee Action: None. On December 7, 2010, the bill was introduced and passed the Senate by unanimous consent.

Administration Position: In a Statement of Administration Policy (SAP) is unavailable.

Cost to Taxpayers: A CBO score for S. 4010 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. 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 citing constitutional authority is unavailable for S. 1774.

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

S. 3036 — National Alzheimer's Project Act (*Sen. Bayh, D-IN*)

Order of Business: S. 3036 is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: S. 3036 would establish a National Alzheimer's Project within the Office of the Secretary of Health and Human Services (HHS) and an Advisory Council on Alzheimer's Research, Care, and Services which will sunset on December 31, 2025.

Purpose of the National Alzheimer's Project: The Secretary is responsible for overseeing the creation and updating of the plan, evaluating all federal programs around Alzheimer's (including budget requests and approvals), and an annual assessment of national progress in preparing for the increasing burden of the disease. To carry out the purpose of the project the Secretary shall:

- “be responsible for the creation and maintenance of an integrated national plan to overcome Alzheimer's;

- “provide information and coordination of Alzheimer's research and services across all federal agencies;
- “accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer’s;
- “improve the early diagnosis of Alzheimer’s disease and coordination of the care and treatment of citizens with Alzheimer’s;
- “ ensure the inclusion of ethnic and racial populations that are at higher risk for Alzheimer’s or least likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer’s; and
- “coordinate with international bodies to integrate and inform the fight against Alzheimer’s globally.”

Advisory Council: S. 3036 establishes an Advisory Council that must meet quarterly, advise the Secretary, and provide an initial annual report to Secretary and Congress on all federally funded efforts and their outcomes, initial recommendations for priorities, initial recommendations on how to improve outcomes and reduce the financial impact to Alzheimer’s on Medicare and other federally funded programs and families, and thereafter provide an annual evaluation through an updated national plan. The advisory Council’s membership will include the General Surgeon and federal designees from:

- Centers for Disease Control and Prevention
- Administration on Aging
- Centers for Medicare and Medicaid
- Office of the Director of the National Institutes of Health
- National Science Foundation
- Department of Veterans Affairs
- Food and Drug Administration
- Agency for Healthcare Research and Quality

Non-federal members will be made up of 12 experts including:

- 2 Alzheimer’s patient advocates
- 2 Alzheimer’s caregivers
- 2 health care providers
- 2 representatives of state health departments
- 2 researchers with Alzheimer’s-related expertise
- 2 voluntary health association representatives

The Secretary must also submit an additional annual report to Congress with the same items provided by the Advisory Council as well as implementation steps and priority actions to improve prevention, diagnosis, treatment care and institutional-, home-, and community-based programs for individuals with Alzheimer’s and their caregivers.

Committee Action: S. 3036 was introduced on February 24, 2010, and referred to the Senate Committee on Health, Education, Labor, and Pensions, where it was reported by

Sen. Harkin with an amendment in the nature of a substitute on December 6, 2010. The bill passed the Senate with an amendment by unanimous consent on December 8, 2010.

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

Cost to Taxpayers: CBO estimates that implementing S.3036 would cost \$2 million over the 2011-2015 period, subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new project within HHS and Advisory Council.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “S. 3036 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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

H.Res. 1600 - Supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week (*McCollum, D-MN*)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1600 resolves that the House of Representatives supports:

- “The critical role of the physician assistant profession for the significant impact the profession has made and will continue to make in health care; and
- “The goals and ideals of National Physician Assistant Week.”

This resolution contains a number of findings, including:

- “More than 75,000 physician assistants in the United States provide high-quality, cost-effective medical care in virtually all health care settings and in every medical and surgical specialty;

- “The physician assistant profession's patient-centered, team-based approach reflects the changing realities of health care delivery and fits well into the patient-centered medical home model of care, as well as other integrated models of care management;
- “Nearly 300,000,000 patient visits were made to physician assistants in 2009; and
- “The American Academy of Physician Assistants recognizes October 6-12, 2010 as National Physician Assistant Week.”

Committee Action: H.Res. 1600 was introduced on July 30, 2010, and was referred to the House Committee on Energy and Commerce, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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

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

S. 3199 —- Early Hearing Detection and Intervention Act of 2010 (Sen. Snowe, R-ME)

Order of Business: S. 3199 is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: S. 3199 would amend the Public Health Service Act to authorize and expand the newborns and infants hearing loss program to include diagnostic services and services for children referred from screening programs for FY 2011 – FY 2015. S. 3199 would require the Secretary of Health and Human Services (HHS), acting through Health Resources and Services Administration (HRSA) to assist in the “recruitment, retention, education, and training of qualified personnel and health care providers” for such services.

S. 3199 makes several other changes to the newborn and infants hearing loss program including expanding the program to include prompt evaluation, by a qualified health care provider, for children referred from screening programs. The bill changes the definition of “early intervention” to include information on language options as well as appropriate services and other options from highly qualified providers.

The bill authorizes the Center for Disease Control and Prevention (CDC) to make grants to states to provide technical assistance on data collection and management, and generally promote quality diagnosis in addition to screening, evaluation, and intervention programs. S. 3199 also authorizes National Institutes of Health (NIH), acting through the National Institute on Deafness and Other Communication Disorders, to conduct “research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.”

Additional Background: On March 30, 2009, the House passed H.R. 1246, the Early Hearing Detection and Intervention Act of 2009, by voice vote, which was nearly identical to the underlying text of S. 3199. The Senate amendment, in the nature of a substitute, to S. 3199 removed the requirement that the Director of the NIH establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention (and the program's authorized appropriations).

Committee Action: S. 3199 was introduced on April 14, 2010, and referred to the Senate Committee on Health, Education, Labor, and Pensions, where it was reported by Sen. Harkin with an amendment in the nature of a substitute on December 6, 2010. The bill passed the Senate with an amendment by unanimous consent on December 7, 2010.

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

Cost to Taxpayers: CBO estimates that implementing S.3199 would cost \$183 million over the 2011-2015 period, subject to appropriations. CBO estimates that the activities authorized under the bill would require appropriations of about \$218 million. CBO previously scored the House version of the bill, H.R. 1246 as costing \$151 million, but revised it after obtaining updated information from CDC, HRSA, and NIH on the amount of spending by the programs authorized in S. 3199.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. S. 3199 would authorize and expand the newborns and infants hearing loss program to include diagnostic services and services for children referred from screening programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to CBO, “S. 3199 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there is no

accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: A committee report citing the constitutional authority for Congress to enact this bill is unavailable.

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

S. 30—Truth in Caller ID Act (*Senator Rockefeller, D-WV*)

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: The bill would make it illegal for any person to cause a caller identification service (caller ID) to transmit misleading or inaccurate caller identification information, with the intent to defraud or cause harm. Within six month's of the bill's enactment, the Federal Communications Commission (FCC) is required to implement regulations to carry out the law.

Similar legislation (H.R. 1258) was passed by the House on April 14, 2010, by a voice vote. The most significant difference between the two versions is S. 30 contains an additional provision that allows the FCC to impose financial penalties (up to \$10,000 for each violation) or a total of \$1 million for violating the law three or more times in one day. The bill gives each state the authority to bring civil actions on behalf of residents in federal court. The bill requires the state to serve written notice on the FCC prior to initiating any civil action, and grants the FCC the right to intervene in the action and file petitions for appeal.

Additional Background: "ID Spoofing" is when callers use a technology to alter the name or number that appears on the recipient's caller ID display. With advances in technology and the widespread availability of Voice over Internet Protocol, or Internet protocol-enabled (IP-enabled) voice services, it has become easier for callers to transmit any caller ID information the calling party chooses. In an example of ID spoofing, a victim would be pressured to give sensitive personal information to someone posing as a court official. Additionally, in one incident in New Jersey, local police dispatched a SWAT team to a neighborhood after receiving what they believed was a legitimate distress call.

Committee Action: On January 7, 2009, the bill was introduced and referred to the Senate Committee on Commerce, Science, and Transportation. On November, 2, 2009, the committee held a mark-up and ordered the bill to be reported without amendment favorably. On February 23, 2010, the bill passed the Senate with amendments by unanimous consent.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: According to CBO, “developing and enforcing regulations required under the bill will cost about \$1 million annually, assuming appropriation of the necessary amounts. Furthermore, under current law the FCC is authorized to collect fees from the telecommunications industry sufficient to offset the cost of its regulatory program. Therefore, CBO estimates the net budgetary impact of S. 30 would be negligible.”

Additionally, CBO states that “enacting S. 30 could increase federal revenues and direct spending by increasing collections of civil, criminal, and forfeiture penalties for violations of the Caller ID prohibitions. All such penalties are recorded in the budget as revenues. Collections of criminal penalties are deposited in the Crime Victims Fund and spent in subsequent years. CBO estimates that any increase in revenues and direct spending that would result from enacting the bill would not be significant because of the relatively small number of cases likely to be involved.”

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. The bill would allow states to bring civil actions on behalf of their residents in district courts, but require them to notify the FCC of those actions. The FCC would be allowed to intervene in such actions. Any costs to states would be incurred voluntarily.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Senate Report does not cite compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: The Senate Report does not cite the constitutional authority to enact this bill.

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

S. 841—Pedestrian Safety Enhancement Act of 2010 *(Senator Kerry, D-MA)*

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: S. 841 requires the Department of Transportation to establish performance requirements to reasonably alert blind predestinations to detect nearby electric or hybrid vehicles while operating below the cross-over speed, within 18 months of enactment.

Additionally, the bill requires new electric or hybrid vehicles to provide an alert sound conforming to the requirements of a “motor vehicle safety standard.” The bill requires DOT to prescribe a safety standard that does not require either driver or pedestrian to activate an alert sound and allows a pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating.

Additionally, the bill requires the Secretary of Transportation (within 3 years) to allow manufacturers to provide each vehicle with at least one sound that complies with the motor vehicle safety standard at the time of manufacture. Manufacturers must provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model. The bill also prohibits manufacturers from providing mechanisms for anyone to tamper with the alert sound system.

The bill requires the Secretary to determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any. Additionally, the Secretary must determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation and consider the overall community noise impact. The safety standard also establishes a phase-in period for compliance within three years of an official rule. During the rule making process, the Secretary of Transportation is required to consult with the Environmental Protection Agency to assure the safety standard is consistent with existing noise requirements overseen by the Agency; consult consumer groups representing individuals who are blind, consult with automobile manufacturers and professional organizations representing them, and consult technical standardization organizations responsible for measurement methods.

Finally, the bill authorizes \$2 million for the Secretary to implement these new requirements on auto-manufactures.

Additional Background: According to [this article](#) in the Washington Examiner, “a September 2009 technical report issued by the National Highway Traffic Safety Administration, 'Incidence of Pedestrian and Bicyclist Crashes by Hybrid Electric Passenger Vehicles' (DOT HS 811 204), did find a higher rate of pedestrian and bicyclist deaths from hybrid cars than non-hybrid cars. However the study is based on a small sampling size which may have statistically skewed the results. Of the crashes studied, 0.9% of hybrid car involved pedestrians while 0.6% of internal combustion crashes involved pedestrians. The crash rates for bicyclists were 0.6% of hybrid car crashes, and 0.3% of internal combustion car crashes. Hybrid cars driving at low speed and performing maneuvers such as stopping, turning, or leaving a parking place were found to cause an even higher rate of crashes. The report did not report any data on crashes involving blind people.”

Committee Action: On April 21, 2009, the bill was introduced and referred to the Senate Committee on Commerce, Science, and Transportation. On December 9, 2010, the bill passed the Senate by Unanimous Consent.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO cost estimate for S. 841 is unavailable at press time. However, the bill authorizes \$2 million dollars to carry out the Act.

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 would require auto manufactures to install alert sounds in electric and hybrid cars.

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

Constitutional Authority: A Senate Report citing the constitutional authority to enact this bill does not exist.

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

S. 3386—Restore Online Shoppers' Confidence Act *(Senator Rockefeller, D-WV)*

Order of Business: The bill is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: The bill would make it illegal for an online post-transaction third party seller to charge consumers for a good or service unless it has “clearly” disclosed the terms of an Internet purchase and obtained the consumer’s express informed consent to the purchase of it. The company must disclose:

- “description of the goods or services being offered;
- “the fact that the post-transaction third party seller is not affiliated with the initial merchant, which may include disclosure of the name of the post-transaction third party in a manner that clearly differentiates the post-transaction third party seller from the initial merchant; and
- “the cost of such goods or services;”

The post-transaction third party seller receives express informed consent after a transaction has received detailed billing information, including the full card number and residents home address. Additionally, the consumer will be required to click on a confirmation button or check a box that indicates the consumer's consent to be charged the amount disclosed.

S. 3386 makes it illegal to for Internet retailers and commercial websites from transferring a consumer's billing information to post-transaction third party sellers.

The bill defines a third party seller as one that sells any good or service on the Internet or solicits the purchase of goods or services on the Internet through an initial merchant after the consumer has initiated a transaction with the initial merchant. The bill exempts subsidiaries or companies with corporate affiliations to the initial merchant.

The bill makes it illegal for any person to charge for a good or service through a "negative option feature" unless the person:

- "Provides text that clearly and conspicuously discloses all material terms of the transaction before obtaining the consumer's billing information;
- "Obtains a consumer's express informed consent before charging the consumer's credit card, debit card, bank account, or other financial account for products or services through such transaction; and
- "Provides simple mechanisms for a consumer to stop recurring charges from being placed on the consumer's credit card, debit card, bank account, or other financial account."

The bill places the jurisdiction of enforcement authority under the Federal Trade Commission (FTC) and grants the agency the authority to promulgate penalties to be determined by the FTC. Finally, the bill grants state Attorney General's offices the right to sue for violations of the law on behalf of state residents in a U.S. district court where the defendant is found, resides, or transacts business.

Additional Background: In May 2009, the Committee on Energy and Commerce conducted an investigation into a set of online sales tactics that consumer advocates described as misleading and deceptive. Senate Report 111-240 sites that post-transaction third party sellers "enrolled online consumers in their membership programs more than 35 million times, charging them over \$1.4 billion in fees for benefits and services they were often unaware they had purchased."

The committee also describes the following terms in the bill in the Senate Report:

Post-Transaction Marketing: Offers for membership clubs were presented to online consumers as they were completing their purchases on familiar retailers' websites. After consumers entered their billing information into a 'check out'

purchase page on familiar e-retailers' sites, but before they completed confirmation of the transaction, the unfamiliar post-transaction third party sellers interrupted the process and attempted to enroll consumers in membership clubs.

Data Pass: Consumers were not required to enter their billing information to be enrolled in the membership clubs offered by the post-transaction third party sellers. The websites on which the consumers had already made purchases were willing to share their customers' billing information with the post-transaction third party sellers. Collectively, hundreds of well-known, reputable websites earned hundreds of millions of dollars by passing their customers' billing information, including credit and debit card numbers, to third party sellers.

Negative Options: Consumers enrolled in the membership clubs were automatically charged a recurring, monthly fee until they contacted the post-transaction third party seller to cancel the membership. Post-transaction third party sellers' use of negative options cost American consumers hundreds of millions of dollars because they were enrolled in and charged for the membership clubs indefinitely, until they realized there was an unfamiliar charge on their credit card or debit card statements.

Potential Conservative Concerns: Some conservatives have expressed concern the mandates in the bill could create additional burdens for some online marketers (ones that offer 'free trials') rather than all online marketers, thereby not treating all companies equally. Additionally, some conservatives may believe that permitting each state Attorney General the option to pursue class action suits could lead to exhaustive litigation. Since the bill allows the FTC to create statutory language, this could lead to 50 different interpretations of the law. Finally, some conservatives might argue that existing statutory authority exists to prosecute "bad actors" and another layer of bureaucratic enforcement authority is not worth the additional mandates to online sellers.

Committee Action: The bill was introduced on May 19, 2010, and it was referred to the Committee on Commerce, Science, and Transportation. On June 9, 2010, the Committee considered the bill during and adopted it by a voice vote. On November 30, 2010, the bill was passed, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is provided.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would grant additional enforcement authority for the FTC.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the bill would impose private-sector mandates, as defined in UMRA, on sellers that use "negative-option" features in selling goods or services on the Internet and on Internet sellers that engage in the sale of consumer financial information for the purpose of marketing or sales.

CBO estimates the cost of the mandate would be the forgone revenue from the sale of products and services which have been sold in this manner. Because of the number of consumers being billed for those types of goods and services and the average monthly cost per consumer, **CBO estimates that the aggregate cost of the mandates would be above the annual threshold for private-sector mandates (\$141 million in 2010, adjusted annually for inflation).**

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Senate Report does not cite compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: The Senate Report does not sight the constitutional authority to enact this bill.

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

H.R. 4337—Regulated Investment Company Modernization Act (Waters, D-CA)

Order of Business: H.R. 4337 is scheduled to be considered on Wednesday, December 15, 2010 under a motion to suspend the rules and pass the bill.

Summary: The legislation consists of a series of changes to the tax treatment of regulated investment companies (RICs). On net, the legislation would increase federal revenue by \$30 million over ten years. Some of the notable tax provisions:

- **Capital Loss Carryovers of RICs:** Permit Regulated Investment Companies (RIC) to do unlimited carryforwards of their net capital losses. *This provision would increase tax revenue by \$104 million over 10 years.*
- **Provision for failure to satisfy gross income test:** The legislation would allow a RIC to cure inadvertent failures to comply with the 90% gross income test described above by paying a tax equal to the amount that the RIC failed the test. *This provision is projected to have a negligible impact on revenue.*
- **Savings provision for failures of regulated investment companies to satisfy gross asset test:** This provision would in general allow an RIC to make use of the same remedies to make up for a failure to meet an asset diversification test that REITs can use under current law. *The provision is not projected to have a discernible revenue impact.*
- **Modification of dividend allocation rules for RICs:** The legislation would allow a fund to first reduce capital gains dividends reported in the subsequent 24

calendar year by the amount of the excess capital gain dividends reported in the prior calendar year. *This provision is projected to have a negligible impact on revenue.*

- **Earnings and profits of regulated investment companies:** The bill would allow certain disallowed deductions associated with tax-exempt income to be taken into account in calculating earnings and profits. *This provision is projected to have a negligible impact on revenue.*
- **Pass-through of exempt-interest dividends and foreign tax credits in fund-of-funds structure:** The provision would allow a fund of funds that invests 95% of its assets in cash to pass-through tax exempt interest and foreign tax credit without regard to the 50% requirement. *This provision would save taxpayers \$39 million over 10 years.*
- **Exchange treatment of redemption of stock of a regulated investment company:** The bill would allow all publicly-offered RICs, with shares that are redeemable upon demand, to treat distributions in redemption of stock as an exchange. *This provision would save taxpayers \$94 million over ten years.*
- **Modification of sales load basis deferral rule for regulated investment companies:** The bill would limit the application of a rule (the rule requiring an increase in basis of RIC stock by the amount of a load change that was paid with respect to a previously-owned RIC stock). *The provision would save taxpayers \$25 million over ten years.*
- **Increase distribution rate on capital gain income by RICs:** The legislation would increase from 98% to 98.2% the required distribution rate on capital gains income by regulated investment companies. *The provision would increase revenues by \$92 million over ten years.*

Committee Action: H.R. 4337 was introduced on December 16, 2009, and referred to the House Committee on Ways and Means.

Cost to Taxpayers: The bill increases federal revenue by \$30 million over ten years.

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

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No report listing any such information is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report is available, but the legislation does not appear to contain any earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

RSC Staff Contact: Brad Watson; brad.watson@mail.house.gov; 202-226-9719

H.R. 6517 — Omnibus Trade Act of 2010 (*Levin, D-MI*)

Order of Business: The legislation is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6517 extends the Trade Adjustment Assistance Act (TAA), the Generalized System of Preferences (GSP), and the Andean Trade Preferences Act (ATPA), amends the Harmonized Tariff Schedule of the United States to temporarily modify certain rates of duty, and makes temporary adjustments to sufficiently fund the Wool Apparel Manufacturers Trust Fund. Highlights of the bill include the following:

Extension of Generalized System of Preferences (GSP) and Andean Trade Preferences Act (ATPA): Both programs are extended in this bill until June 30, 2012. The bill does not extend ATPA for Peru because we now have a trade promotion agreement with Peru. The ATPA agreement provides for duty-free treatment of certain goods and services for Ecuador, Colombia, and Peru (although not Peru in this bill). The Generalized System of Preferences (GSP) is a program that promotes economic growth in developing countries by providing preferential duty-free entry for goods and products from 131 countries. According to the House Ways and Means Committee Republicans, “Extension of ATPA for Colombia will prevent a substantial increase in import duties on imports from Colombia while Colombia awaits Congressional action on the U.S.-Colombia Trade Promotion Agreement.”

Trade Adjustment Assistance (TAA) Extension: H.R. 6517 extends TAA through June 30, 2012. It was originally expanded under the America Recovery and Reinvestment Act (ARRA) through December 31, 2010.

According to the House Ways and Means Committee Republicans, today’s bill delays until at least July 2012, “...a controversial U.S. Labor Department rule mandating that states use only state ‘Employment Service’ employees to administer TAA-funded benefits and services. Unless this bill is enacted, the Department’s mandate will immediately prevent 27 states (according to 2009 Department data) from being able to continue to use a mix of staff at their discretion to provide TAA services.”

Community College and Career Training Grant Program: The bill authorizes five percent of grant funds for the U.S. Department of Labor to administer this program.

New and Existing Duty Suspensions and Reductions: H.R. 6517 includes provisions similar to those from the U.S. Manufacturing Enhancement Act of 2010, H.R. 4380, commonly referred to as the Miscellaneous Tariff Bill (MTB), which passed the House

by [378-43](#) and was signed into law on August 11, 2010. The bill would temporarily suspend (through December 31, 2012) a second package of tariffs on hundreds of imported chemicals and other products. These imported products, which are mostly (though not exclusively) complex chemicals, have no domestic production, or are not opposed by American companies, and each of them are listed within the text of the bill. Usually the product has no competition here in the U.S. (see potential conservative concerns below for why this bill is controversial).

The purpose of MTBs is to increase the competitiveness of U.S. manufacturers. In many cases, products in the U.S. cannot be made without inputs (usually a chemical) that are only made overseas. MTBs reduce or suspend costs for U.S. imports on these products so other products can be manufactured here in the United States using those imports.

House Rules (as authored by the Democrat majority) treat limited tax benefits and limited tariff benefits in the same manner as congressional earmarks. The earmark moratorium that the Republican Conference adopted in March 2010 used the same definition and therefore encompasses limited tariff benefits in the moratorium.

Modification of Wool Apparel Manufacturers Trust Fund: The bill ensures that the Wool Apparel Manufacturers Trust Fund is sufficiently funded but does not extend the fund, which is currently authorized through 2014. Not later than 30 days after the date of the enactment, the Secretary of the Treasury shall transfer to the Wool Apparel Manufacturers Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to amounts received in the general fund that are attributable to the duty received on certain articles listed on the Harmonized Tariff Schedule.

Potential Conservative Concerns: House Rules (as authored by the Democrat majority) treat limited tax benefits and limited tariff benefits in the same manner as congressional earmarks. The earmark moratorium that the Republican Conference adopted in March 2010 used the same definition and therefore encompasses limited tariff benefits in the moratorium. Furthermore, there is indication that both Senators McConnell and Kyl do not want the Senate to take up this bill partly due to the fact that the Administration has not endorsed bringing up all three pending Free Trade Agreements. With regard to a TAA extension, many conservatives have proposed to reduce or eliminate this program.

Groups in Support of the Bill: The National Association of Manufacturers has issued letters stating that “that votes related to H.R. 6517, including procedural motions and votes under suspension, merit designation as Key Manufacturing Votes in the 111th Congress.” They argue that MTBs allow for innovation and competitiveness in the global economy.

The Chamber of Commerce also supports H.R. 6517 and may score the bill.

Committee Action: H.R. 6517 was introduced on December 13, 2010 and referred to the House Committees on Ways and Means, Education and Labor, and Energy and Commerce, where they took no action.

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

Cost to Taxpayers: According the Committee on Ways and Means, CBO has estimated that the bill will cost approximately \$2.5 billion, fully offset by an extension of existing user fees.

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?: See the conservative concern above relating to earmarks in this bill.

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718 and Emily Henehan Murry, emily.murry@mail.house.gov, (202) 225-9286

S. 3860 - A bill to require reports on the management of Arlington National Cemetery (*Sen. McCaskill, D-MO*)

Order of Business: The legislation is scheduled to be considered on Tuesday, December 14, 2010, under a motion to suspend the rules and pass the bill.

Summary: S. 3860 would require the Secretary of the Army to submit a report to Congress. This report would be due within one year of enactment and would detail:

- “Specify whether gravesite locations at Arlington National Cemetery are correctly identified, labeled, and occupied; and
- “Set forth a plan of action, including the resources required and a proposed schedule, to implement remedial actions to address deficiencies identified pursuant to the accounting.”

S. 3860 would also require the Government Accountability Office to submit a report to Congress on the management and oversight of contacts at Arlington National Cemetery. This legislation lists certain criteria that must be covered in this report, including errors in burials at Arlington National Cemetery.

This legislation also requires the Secretary of the Army to submit to Congress reports on the execution of and compliance with [Army Directive 2010-04](#) on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010. This report is required within 270 days of enactment and yearly thereafter.

Additional Information: A report was released earlier this year and found that more than 210 graves had been mismarked on cemetery maps, along with at least four urns that had been dumped in landfill piles. On June 10, 2010, the Army fired Arlington National Cemetery's superintendent John Metzler Jr. Deputy Thurman Higginbotham retired on July 13, 2010 before Army officials could compel him to meet with a Senate subcommittee investigating the cemetery's practices. The Army launched another criminal investigation on December 2, 2010, after finding that one gravesite contained the sets of eight people.

Committee Action: S. 3860 was introduced on September 28, 2010, and referred to the Senate Committee on Veterans' Affairs. The legislation was discharged from the committee, and then passed the Senate on December 4, 2010, by unanimous consent. The legislation was then referred to the House Committee on Veterans' Affairs, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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

S. 3447 - Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (*Sen. Akaka, D-HI*)

Order of Business: The legislation is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: This legislation modifies existing education benefits offered to members of the Armed Forces on or after September 11, 2001.

Title I--Post-9/11 Veterans Educational Assistance

Section 101: This section modifies current law to expand education assistance to certain members of the National Guard. The legislation also technically modifies the definition regarding discharges for the basis for entitlement to education assistance.

Section 102: This legislation would provide that the amount paid on behalf of the veteran to a public institution would be the actual net cost for in-state tuition and fees (less any waiver, scholarship, or employer-based assistance fee paid on behalf of the student).

At private or foreign institutions, the amount paid would be the lesser of the actual net cost of tuition and fees (less any waiver, scholarship or employer-based assistance) or \$17,500 for the academic year.

This legislation also amends the amount of the monthly living stipend for individuals attending or training on more than a half-time basis.

Section 103: In cases where an individual is pursuing a degree, while on active duty, the amount paid on behalf of the individual shall be the lesser of the actual net cost for in-state tuition and fees (less any waiver, scholarship or employer-based assistance), or \$17,500. This section would also provide for a \$1,000 allowance for books, supplies, and equipment, per term.

Section 104: This section would clarify the amount of assistance payable on behalf of the individual enrolled on a half-time or less basis.

Section 105: This section would allow Post-9/11 GI bill benefits to be used as institutions other than institutions of higher learning, these include full-time apprenticeship programs, or on the job training. This section would provide for a \$1,000 allowance for books, supplies, and equipment, per term. It also clarifies the maximum payment of the living allowance to be 100 percent of the otherwise applicable allowance for the first six months, 80 percent for the second six months, 60 percent for the third six months, 40 percent for the fourth six months, and 20 percent for any subsequent periods of training.

Section 106: This section provides that increase in the living stipend would take effect on August 1 of each year.

Section 107: This section would allow Post-9/11 GI Bill benefits to be used to pay for licensing and certification test.

Section 108: This section would allow Post-9/11 GI Bill benefits to be used to pay for national test for admission to an educational institution, and a national test that would provide for a course credit at an education institution.

Section 109: This section prohibits individuals who receive recruitment benefits from the Department of Defense under the Montgomery GI Bill – Selected Reserves from converting that assistance into Post-9/11 GI Bill benefits.

Section 110: This section would allow certain members of the U.S. Public Health Service and the National Oceanic and Atmospheric Administration to transfer Post-9/11 GI Bill benefits to their dependents.

Section 111: This section prohibits duplication of certain education assistance benefits to individuals receiving benefits under the Marine Gunnery Sergeant John David Fry Scholarship Assistance Program. It also prohibits a dependent from concurrently using transferred Post-9/11 GI Bill benefits from more than one individual.

Title II – Other Educational Assistance Matters

This section of the legislation would extend the availability of education benefits to individuals who are caregivers of disabled veterans, and in that role are unable to pursue an education program. It would also add the National Call to Service program to the list of programs where duplicated benefits are prohibited.

Committee Action: S. 3447 was introduced on May 27, 2010, and referred to the Senate Committee on Veterans' Affairs. The committee held a markup and amended the legislation. S. 3447 then passed the Senate on December 13, 2010, by unanimous consent. The legislation was then referred to the House Committee on Veterans' Affairs, the House Committee on Armed Services, and the House Committee on the Budget. No House committee took public action.

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

Cost to Taxpayers: CBO estimates that enacting S. 3447 would result in a deficit decrease of \$734 million, over the 2011-2020 period. If enacted, CBO estimates this bill would increase direct spending for veterans readjustment benefits by about \$1.3 billion over the 2011-2015 period and about \$2.3 billion over the 2011-2020 period. CBO also estimates that S. 3447 would result in total direct spending outlays of \$2,279 million over the 2011-2020 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill expands eligibility for benefits under the GI Bill.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: [Senate Report 111-346](#) contains no statement regarding earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: [Senate Report 111-346](#) contains no mention of constitutional authority.

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

H.Res. __ - Supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral declarations of a Palestinian state
(Berman, D-CA)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 14, 2010, under a motion to suspend the rules and pass the resolution.

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

- “Reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;
- “Reaffirms its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;
- Urges Palestinian leaders to—
 - “Cease all efforts at circumventing the negotiation process, including efforts to gain recognition of a Palestinian state from other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians, and calls upon foreign governments not to extend such recognition; and
 - “Resume direct negotiations with Israel immediately;
- “Supports the Obama Administration’s opposition to a unilateral declaration of a Palestinian state;
- “Calls upon the Administration to:
 - “Lead a diplomatic effort to persuade other nations to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians; and
 - “Affirm that the United States would (i) deny recognition to any unilaterally declared Palestinian state and (ii) veto any resolution by the United Nations Security Council to establish or recognize a Palestinian state outside of an agreement negotiated by the two parties.”

The legislation contains a number of findings, including:

- “Whereas a true and lasting peace between Israel and the Palestinians can only be achieved through direct negotiations between the parties;
- “Palestinian leaders are reportedly pursuing a coordinated strategy of seeking recognition of a Palestinian state within the United Nations, in other international forums, and from a number of foreign governments;
- “On March 11, 1999, the Senate adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that “any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition”;
- “The Government of Israel has made clear that it would reject a Palestinian unilateral declaration of independence, has repeatedly affirmed that the conflict should be resolved through direct negotiations with the Palestinians, and has repeatedly called on the Palestinian leadership to return to direct negotiations; and
- “Efforts to bypass negotiations and to unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums or to foreign governments for recognition of a Palestinian state, would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts.”

Committee Action: H.Res.___ has yet to be introduced.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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

S. 987 – International Protecting Girls by Preventing Child Marriage Act of 2010 (*Sen. Durbin, D-IL*)

Order of Business: The legislation is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill. The bill passed the Senate by unanimous consent on December 1, 2010.

Summary: S. 987 aims to protect girls in developing countries through the prevention of child marriage. Below are highlights of the legislation.

Findings. Some findings include the following:

- According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20 through 24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council;
- Between 1/2 and 3/4 of all girls are married before the age of 18 in Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data; and
- Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

Child Marriage Definition. The marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident or, where there is no such law, under the age of 18.

Sense of Congress. The bill contains a sense of Congress asserting that:

- Child marriage is a violation of human rights and it should be a foreign policy goal of the U.S. to eliminate it;
- Child marriage undermines U.S. investments in foreign assistance to promote education for girls, reduce maternal and child mortality, reduce maternal illness, halt HIV-AIDS, prevent gender-based violence, and reduce poverty; and
- Expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to achieving the Millennium Development Goals and the global health and development objectives of the U.S., including efforts to prevent HIV/AIDS.

Strategy to Prevent Child Marriage in Developing Countries. The President is authorized to provide assistance, through multilateral, nongovernmental, and faith-based organizations to prevent the incidence of child marriage in developing countries. The President shall give priority to certain areas with high percentages of girls who are marriage (over 40% under the age of 18). He shall establish a multi-year strategy in consultation with Congress, relevant federal departments, multilateral organizations, and

representatives of civil society, to prevent child marriage and promote the empowerment of girls. No later than 3 years after the date of enactment, the President must submit a report to Congress that includes:

- A description of the implementation of the strategy;
- Examples of best practices or programs to prevent child marriage; and
- An assessment of current U.S. funded efforts to prevent child marriage in developing countries.

Activities Supported. Assistance may be made available for education, health, income generation, agriculture development, legal rights, democracy building, and human rights.

Research and Data. Provides a sense of Congress that the President and all relevant agencies should collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the U.S. where the practice of child marriage is prevalent; and collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

State Department's Country Reports on Human Rights Practices. Amends the Foreign Assistance Act of 1961 to add language stating the requirements of the report.

Potential Conservative Concerns: Some conservatives might be concerned that this bill authorizes \$108 million over five years when reportedly, there is an alternative bill that may be introduced by Congresswoman Ros-Lehtinen that achieves the same goals without the spending. According to committee staff, Congresswoman Ros-Lehtinen's bill would cost less than \$1 million over five years.

Committee Action: S. 987 was introduced on May 6, 2009 and referred to the Senate Committee on Foreign Affairs. The bill was marked up and reported out of committee with a substitute. For more information on the bill, see this [committee report](#). The bill then passed the Senate by unanimous consent and was referred to the House Committee on Foreign Affairs. No further public action was taken.

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

Cost to Taxpayers: According to CBO, the bill authorizes \$108 million over the FY2011-FY2015 period.

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

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? According to CBO, "S. 987 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Although the bill contains no earmarks, there is no requirement that Senate bills list these items in their committee reports.

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

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

H.Res. 20 - Calling on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom. (Royce, R-CA)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 14, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 20 resolves that the House of Representatives:

- “Strongly encourages the Department of State to place Vietnam on the list of ‘Countries of Particular Concern’ for particularly severe violations of religious freedom;
- “Strongly condemns the ongoing and egregious violations of religious freedom in Vietnam, including the detention of religious leaders and the long-term imprisonment of individuals engaged in peaceful advocacy; and
- “Calls on Vietnam to lift restrictions on religious freedom and implement necessary legal and political reforms to protect religious freedom.”

The legislation contains a number of findings, including:

- “The Secretary of State, under the International Religious Freedom Act of 1998 (IRFA) and its amendment in 1999, and under authority delegated by the President, designates nations found guilty of ‘particularly severe violations of religious freedom as ‘Countries of Particular Concern’ (CPC);
- “When the United States designates a nation as a CPC, the intent is to place protection and promotion of religious freedom as a diplomatic priority in bilateral relations, including taking actions specified in section 405 (a)(b)(c) of the IRFA;
- “The criteria for designating countries as a CPC, as set forth in section 3(11) of the IRFA, are for ‘systematic, ongoing, and egregious violations of religious freedom including violations, such as--A) torture or cruel, inhuman, or degrading treatment or punishment; B) prolonged detention without charges; C) causing the disappearance of persons by the abduction or clandestine detention of those persons; and D) other flagrant denial of the right of life, liberty, or the security of persons.’;
- “UBCV monks and youth groups leaders are harassed and detained and charitable activities are denied, Vietnamese officials discriminate against ethnic minority

- Protestants denying medical, housing, and education benefits to children and families, an ethnic minority Protestant was beaten to death for refusing to recant his faith, over 600 Hmong Protestant churches are refused legal recognition or affiliation, leading to harassment, detentions, and home destructions, and a government handbook on religion instructs government officials to control existing religious practice, halt `enemy forces' from `abusing religion' to undermine the Vietnamese Government, and `overcome the extraordinary growth of Protestantism.'; and
- “The United States Commission on International Religious Freedom, prominent nongovernmental organizations, and representative associations of Vietnamese-American, Montagnard-American, and Khmer-American organizations have called for the redesignation of Vietnam as a CPC.”

Committee Action: H.Res. 20 was introduced on January 6, 2009, and referred to the House Committee on Foreign Affairs, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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H.Res. 1757 - Providing for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives (*Brady, D-PA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 14, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1757 would approve regulations issued by the Office of Compliance on March 21, 2008. These regulations would implement provisions of the Veterans

Employment Opportunities Act (VEOA) that apply to congressional employees and the legislative branch. The final regulations would apply to any employee of the House of Representatives, the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance. Under the approved regulations, veterans would be eligible for preferences under VEOA and would be able to bring claims under VEOA.

Additional Information: The Veterans Employment Opportunities Act of 1998 passed the House by voice vote on October 8, 1998, and became law on October 31, 1998. The goal of this legislation was to increase the amount of veterans in the federal workforce.

Committee Action: H.Res. 1757 was introduced on December 8, 2010, and referred to the House Administration Committee, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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S.Con.Res. 77 - A concurrent resolution to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to certain legislative branch employing offices and their covered employees (*Sen. Schumer, D-NY*)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: S.Con.Res. 77 would approve regulations issued by the Office of Compliance on March 21, 2008. These regulations would implement provisions of the Veterans Employment Opportunities Act (VEOA) that apply to congressional employees and the legislative branch. The final regulations would apply to any employee of the House of Representatives, the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance. Under the approved regulations, veterans would be eligible for preferences under VEOA and would be able to bring claims under VEOA.

Additional Information: The Veterans Employment Opportunities Act of 1998 passed the House by voice vote on October 8, 1998, and became law on October 31, 1998. The goal of this legislation was to increase the amount of veterans in the federal workforce.

Committee Action: S.Con.Res. 77 was introduced on December 10, 2010, and passed the Senate on December 10, 2010 without amendment by unanimous consent. The legislation was then held at the desk.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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**H.R. 5493 - To provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol
(Del. Norton, D-DC)**

Order of Business: The legislation is scheduled to be considered on Wednesday, December 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5493 would authorize the President to invite the District of Columbia to provide two statues to be placed in Statuary Hall in the United States Capitol.

Committee Action: H.R. 5493 was introduced on June 9, 2010, and referred to the Committee on House Administration, which held a markup and passed the bill.

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

Cost to Taxpayers: CBO estimates that implementing H.R. 5493 would have no significant impact on the federal budget.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: [House Report 111-561](#) states that the legislation contains no earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: [House Report 111-561](#) cites the legislative power broadly granted to Congress under Article I. Pursuant to House Rule X, clause 1(j)(4), the jurisdiction of the Committee on House Administration includes statuary and pictures, and acceptance or purchase of works of art for the U.S. Capitol.

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H.Res. 1377 - Honoring the accomplishments of Norman Yoshio Mineta (*Honda, D-CA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, December 14, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1377 resolves that the House of Representatives:

- “Honors the accomplishments and legacy of a great American hero, Norman Yoshio Mineta, for his groundbreaking contributions to the Asian American and Pacific Islander community and to our Nation through his leadership in strengthening civil rights and liberty for all and for his dedication and service to the United States; and
- “Memorializes the sacrifices and suffering that many Asian Americans, Pacific Islanders, and others like Norman Yoshio Mineta endured so that we may unite with compassion and pursue truth, liberty, justice, and equality for all in the United States and the world.”

The legislation contains a number of findings, including:

- “ In 1942, during World War II, when President Franklin Delano Roosevelt signed Executive Order 9066, branding individuals of Japanese descent as ‘enemy aliens’ solely on the basis of their ancestry and authorizing the relocation and incarceration of 120,000 individuals of Japanese descent, Norman Yoshio Mineta and his family were forced to leave their home and live in the Santa Anita racetrack paddocks for 3 months before they were sent to their permanent assignment for the following years, the Heart Mountain internment camp near Cody, Wyoming;
- “In 1971, Norman Yoshio Mineta was elected mayor of San Jose, making him the first Asian American mayor of a major United States city, during which time he provided leadership for all communities of San Jose, including minority communities, strengthening community relations between racial and ethnic minorities and the city, including the San Jose Police Department;
- “From 1975 to 1995, Norman Yoshio Mineta was elected to the House of Representatives to represent California's 15th District in the heart of Silicon Valley, serving as chairman of the Committee on Public Works and Transportation of the House of Representatives, the Committee's Aviation Subcommittee, and the Committee's Surface Transportation Subcommittee, where he was a key author of the landmark Intermodal Surface Transportation Efficiency Act of 1991, taking politics out of funding for transportation and infrastructure by creating a new collaborative approach to planning;
- “In 1978, under the leadership of Norman Yoshio Mineta, Congress established the Commission on Wartime Relocation and Internment of Civilians and passed the most important reparations bill of our time, H.R. 442, the Civil Liberties Act of 1988, by which the United States Government officially apologized for sending families of Japanese descent to internment camps and redressed the injustices endured by Japanese-Americans during World War II, including by making available a total of \$1,200,000,000, which included the creation of the Civil Liberties Public Education Fund to educate the public about lessons learned from the internment; and
- “After experiencing one of the worst examples of Government-sanctioned racial discrimination in our Nation's history, Norman Yoshio Mineta dedicated the greater part of his working life to the service of his community and his country, and carried out his service with exemplary dignity and integrity.”

Committee Action: H.Res. 1377 was introduced on May 19, 2010, and referred to the House Committee on Administration, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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