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**H.R. 6494—To amend the National Defense Authorization Act for Senate Amendment to H.R. 6198 - To amend title 11 of the United States Code to make technical corrections; and for related purposes
(Conyers, D-MI)**

Order of Business: The legislation is scheduled to be considered on Thursday, December 16, 2010, under a motion to suspend the rules and pass the bill. The bill passed the House on September 28, 2010 by voice vote. It then passed the Senate, with an amendment, on November 19, 2010 by unanimous consent. *For a description of the change, see the summary below.*

Summary: H.R. 6198 makes several technical changes to Title 11 of U.S. Code (bankruptcy code), and to Title 18 (Bankruptcy-related crime statues). These technical changes are minor and include fixing spelling errors, fixing incorrect cross-references, and slightly changing other language disagreements throughout the Code.

The Senate discovered that renumbering a certain section of the Code would have caused a problem in a number of state laws. The Senate struck the section that changed the numbering.

Additional Information: All corrections are technical in nature and they do not confer, modify, or delete substantive bankruptcy rights.

Committee Action: H.R. 6198 was introduced on September 23, 2010, and referred to the House Judiciary Committee, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report 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 citing constitutional authority is unavailable.

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**Senate Amendment to H.R. 1107 – To enact certain laws relating to public contracts as title 41, United States Code, “Public Contracts”
(Conyers, D-MI)**

Order of Business: The legislation is scheduled to be considered on Thursday, December 16, 2010, under a motion to suspend the rules and pass the bill. The bill passed the House on May 6, 2010 by voice vote. It then passed the Senate, with an amendment, on December 2, 2010 by unanimous consent. *See below for a description of the Senate amendment.*

Summary: H.R. 1107 revises and restates certain laws relating to public contracts and re-enacts those laws as title 41, US Code. In restating existing law, the bill consolidates various provisions of law which have been enacted over a period of many years. The bill reorganizes the language, changes style and terminology, modernizes obsolete language and corrects drafting errors. According to the House Judiciary Committee Minority staff, these changes are purely technical in nature and have no substantive effect.

The Senate amendment made further very technical changes.

Committee Action: H.R. 1107 was introduced on February 23, 2009 and referred to the House Judiciary Committee. The bill marked up on March 18, 2009 and was reported out of Committee on March 23, 2009 by voice vote.

Cost to Taxpayers: According to CBO, H.R. 1107 would have no significant impact on the federal budget and would not impact 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?: The committee report does not contain a statement regarding earmarks, limited tax benefits and limited tariff benefits.

Constitutional Authority: The Committee Report cites Authority from Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain a “statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

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Senate Amendment to H.R. 628 — To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges (Issa, R-CA)

Order of Business: The legislation is scheduled to be considered on Thursday, December 16, 2010, under a motion to suspend the rules and pass the bill. The bill passed the House on March 17, 2010 by a vote of 409-7. It then passed the Senate, with an amendment, on December 13, 2010 by unanimous consent. *See below for a description of the Senate amendment.*

Summary: H.R. 628 would authorize the appropriation of \$5 million per year (for ten years) to create a new pilot program within the federal court system to increase the expertise of district judges presiding over patent and plant variety protection cases. Specifically, the program funds would be used for educational and professional development of participating district judges in matters relating to patents and plant variety protection and for compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases.

The program, administered by the Administrative Office of the U.S. Courts, would have to operate in at least five U.S. district courts in at least three circuits. The Administrative Office would have to periodically report to Congress on the progress made by this program.

The Senate amendment would strike authorized funding and expand the application of the pilot to certain district courts that have fewer than 10 judges.

Additional Background: For information on plant variety protection, as an alternative to patents, visit here: http://www.ams.usda.gov/science/PVPO/PVPO_Act/PVPA.htm.

Committee Action: H.R. 628 was introduced on January 22, 2009, and referred to the House Committee on the Judiciary, which took no subsequent action.

Cost to Taxpayers: A CBO score of H.R. 628 is unavailable. However, CBO estimated that implementing H.R. 5418 (identical bill in the 109th Congress) would cost \$23 million over a five year 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?: 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. 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 not available.

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S. 4005 - Preserving Foreign Criminal Assets for Forfeiture Act of 2010 (*Sen. Whitehouse, D-RI*)

Order of Business: The legislation is scheduled to be considered on Thursday, December 16, 2010, under a motion to suspend the rules and pass the bill. The bill passed the Senate by unanimous consent on December 14, 2010.

Summary: S. 4005 would amend title 28 of the US Code to prevent the proceeds of foreign crime located in the U.S. from being shielded from foreign forfeiture proceedings. Specifically, the bill will allow the federal government to issue court orders before or after the initiation of forfeiture proceedings by a foreign country.

Additional Background: The D.C. Circuit Court of Appeals interpreted current law to authorize a U.S. court to freeze assets only *after* a foreign court's final forfeiture judgment. Some are concerned that by waiting, we are risking the chance that criminals will continue to fund illegal operations.

Committee Action: S. 4005 was introduced on December 2, 2010. It passed the Senate by unanimous consent and was then referred to the House Committee on the Judiciary, which took no subsequent action.

Cost to Taxpayers: A CBO score of S. 4005 was not available at press time.

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

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

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. 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 not available.

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**H.R. 2941 – To reauthorize and enhance Johanna’s Law to increase public awareness and knowledge with respect to gynecologic cancers.
(DeLauro, D-CT)**

Order of Business: The legislation is scheduled to be considered on Thursday, December 16, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R.2941 would reauthorize and expand Johanna's Law, which directed the Secretary of HHS to develop and carry out a national awareness campaign regarding gynecologic cancers.

H.R. 2941 would expand Johanna's law by requiring consultation with nonprofit gynecologic cancer organizations with a mission both to conquer cancer, and to provide outreach to state and local governments and communities to determine the best practices for providing information and outreach services to varied populations.

Committee Action: H.R. 2941 was introduced on June 18, 2009, and referred to the House Committee on Energy and Commerce, which passed the bill by voice vote, as amended previously in the Subcommittee on Health, on September 23, 2010. The legislation passed the House on September 30, 2010, by voice vote. H.R. 2941 was then referred to the Senate Committee on Health, Education, Labor, and Pensions. It was amended by Senator Harkin and passed the Senate on December 10, 2010, by unanimous consent.

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

Cost to Taxpayers: The bill would authorize the appropriation of \$18 million for fiscal years 2012 through 2014. Based on historical spending patterns for similar activities, and assuming the appropriation of the authorized amounts, CBO estimates that implementing H.R. 2941 would cost \$17 million over the 2011-2015 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, H.R. 2941 creates a new grant program and increases the funding for the overall program from \$16.5 million to \$18 million over three years.

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 111-635](#) states that the legislation does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

Constitutional Authority: [House Report 111-635](#) cites article I, section 8, clauses 3 and 18 of the Constitution of the United States for authority to enact this legislation.

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