



Legislative Bulletin.....December 30, 2012

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Concur in the Senate Amendment to H.R. 4057 – Improving Transparency of Education Opportunities for Veterans Act of 2012 (Bilirakis, R-FL)

Order of Business: The Senate-amended bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

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

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

available, including schools' accreditation, student aid programs, costs, graduation rates, and other information. This information would be provided in a comprehensive format online.

Senate Amendment: The Senate made several changes to the bill.

The Senate amendment would require the Department of Veterans Affairs (VA) to use information collected by the Department of Education when preparing information for veterans and members of the armed forces. The VA would be required to ensure that its efforts do not duplicate the efforts being taken by any other federal agencies.

The Senate amendment also provides that the VA must provide a dedicated point of contact for school certifying officials requiring assistance preparing or submitting required reports to the Department.

The Senate amendment would change limitations on the bonuses paid to VA employees used as an offset by the House-passed version of H.R. 4057. The House-passed version limited the total bonus payment by the Department to members of the Senior Executive Service for FYs 2013-2017 to \$1 million annually. The Senate amendment would limit the total bonus payments by the VA to all employees to \$395 million in FY 2013.

The Senate amendment would strike a section of H.R. 4057 requiring state certification of military training in granting certain state certification and licenses as a condition on the receipt of funds for veterans' employment and training. The amendment would also strike a section of H.R. 4057 that conditioned the award of per diem payments for the provision of housing or services to homeless veterans on certification by the grantee that the building where services are provided is in compliance with building codes.

Finally, the Senate amendment would strike a section establishing an open burn pit registry. The House will be considering S. 3202 today, December 30, 2012, which includes nearly identical language establishing an open burn pit registry.

Committee Action: The legislation was introduced on February 16, 2012, and referred to the House Committee on Veterans' Affairs. It was reported out of committee on September 10, 2012 (H. Rept. 112-646), and passed the House under suspension of the rules on September 11, 2012. The legislation was passed by the Senate with amendment by unanimous consent on December 19, 2012.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO estimate is available for the Senate amendment to H.R. 4057. The previous, House-passed version of H.R. 4057 was [estimated by CBO](#) to reduce discretionary costs by \$1 million over the 2013-2017 period, subject to appropriations actions consistent with the legislation. The Senate amendment does include changes with implications for the score of H.R. 4057.

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

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

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

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

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S. 3202 – Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012
(Sen. Murray, D-WA)

Order of Business: The bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: This legislation would address veterans’ burial and other benefits, establish an open burn pit registry, name Department of Veterans Affairs (VA) facilities, and require judges on the U.S. Court of Appeals for Veterans Claims to reside within 50 miles of the District of Columbia. Specifically, it would:

- Provide deceased veterans with no known next of kin with a casket or urn. S. 3202 would establish requirements for communication between medical examiners, funeral directors, and the VA to ensure that the benefit is provided, and it would establish cooperation with outside entities to ensure unclaimed or abandoned remains of veterans are buried appropriately in a national cemetery.
- Provide that the expressed wishes of a deceased veterans’ next of kin or other agent are respected in the use of appropriate public areas of the cemetery, including shelters, chapels, and benches, and that the family of the deceased veteran may display any religious or other symbols they choose. Honor guards requested by the next of kin shall be given access to the public areas of the cemetery as well, and the VA shall notify the next of kin of any available military honors.
- Provide that registered sex offenders who have been sentenced to a minimum of life imprisonment are excluded from burial in national cemeteries and from burial honors.
- Provide that the Clark Veterans Cemetery in the Republic of the Phillipines shall be treated as a permanent foreign cemetery and maintained by the American Battle

Monuments Commission.

- Require the VA to submit a report on its compliance with industry standards for caskets and urns.
- Require the VA to establish an open burn pit registry. This section is virtually identical to a requirement included in a House-passed bill from earlier this year, H.R. 4057. The only significant change is a requirement for an additional follow up report on the VA's activities five years after submitting its initial report. From the RSC analysis of H.R. 4057: "H.R. 4057 also establishes an open burn pit registry for eligible individuals who may have been exposed to toxic chemicals and fumes caused by open burn pits. The Secretary of Veterans affairs must include information to ascertain and monitor the health effects of this exposure, develop a public information campaign to inform eligible individuals about the registry, and to periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure. It requires a report to be submitted to Congress by an independent scientific organization on the effectiveness of the VA's actions with recommendations for improvements."
- Allow the VA to transport veterans between VA facilities and other locations required for vocational rehabilitation, counseling, examination, treatment, or care. This provision would expire one year after enactment.
- Extend the report requirement of the Special Committee on Post-Traumatic Stress Disorder for four years, through 2016.
- Allow the Secretary of Labor to provide workshops through the [Transition Assistance Program](#) to veterans at off-base locations for two years to determine the feasibility of such locations.
- Require active judges serving on the U.S. Court of Appeals for Veterans Claims to reside within 50 miles of the Washington, DC metropolitan area.
- Designate the VA facility at 180 Martin Drive, Carrollton, Georgia as the "Trinka Davis Veterans Village," the VA facility at 9800 West Commercial Boulevard, Sunrise, Florida as the "William 'Bill' Kling Department of Veterans Affairs Outpatient Clinic," the VA medical center in Spokane, Washington as the "Mann-Grandstaff Department of Veterans Affairs Medical Center, and the VA outpatient clinic in Mansfield, OH as the "David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.
- OFFSET: The legislation would extend the VA's authority to reduce the pension of veterans in nursing facilities whose care is provided by Medicaid for two months, from September 30, 2016 to November 30, 2016.

Committee Action: The legislation was introduced on May 17, 2012, and referred to the Senate Committee on Veterans' Affairs. It was discharged out of committee by unanimous consent on December 19, 2012 and passed the Senate on the same day by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has [estimated](#) that overall S. 3202 would reduce direct spending by \$38 million over the 2013-2017 period. Direct spending would be reduced by reducing pension payments to veterans residing in Medicaid nursing homes, and would be increased by enhancing VA burial benefits.

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

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

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

Constitutional Authority: Legislation originating in the Senate is not required to be accompanied by a Constitutional Authority Statement.

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**Concur in the Senate Amendment to H.R. 6328 – Clothe a Homeless Hero Act
(Hochul, D-NY)**

Order of Business: The Senate-amended bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: As initially passed, H.R. 6328 would have allowed for the transfer of unclaimed clothing recovered at airport security checkpoints to local veterans' organizations and other local charitable organizations. This transfer would be done at no cost to the federal government. *The Senate amendment to H.R. 632 would transfer unclaimed clothing to the "local airport authority or other local authorities for donation to charity, including to local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.*

Committee Action: Representative Kathleen Hochul (D-NY) introduced H.R. 6328 on August 2, 2012, and it was referred to the House Homeland Security Committee. H.R. 6238 passed the House under suspension of the rules on November 27, 2012 and passed the Senate with an amendment on December 11, 2012 by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill does not expand the size and scope of the federal government.

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, “Article I, Section 8 of the Constitution of the United States.”

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**Concur in the Senate Amendment to H.R. 4212 - Drywall Safety Act of 2012
(Rigell, R-VA)**

Order of Business: The legislation is expected to be considered on December 30, 2012 19, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4212 contains a new labeling requirement for certain drywall.

The legislation also directs the Consumer Product Safety Commission to promulgate a final rule pertaining to drywall manufactured or imported for use in the U.S. that limits sulfur content to a level not associated with elevated rates of corrosion in a home. This rule shall not apply if the Commission determines that a voluntary standard will be in effect within two years after the date of enactment, and that this standard would be effective.

The legislation contains a sense of Congress that:

- “The Secretary of State should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported contaminated drywall to the United States, have the companies meet with representatives of the United States Government on remedying homeowners that have contaminated drywall in their homes; and
- “The Secretary of State should insist that the Government of the People's Republic of China have the companies that manufactured and exported contaminated drywall submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with contaminated drywall.”

Committee Action: H.R. 4212 was introduced on March 19, 2012, and was referred to the House Energy and Commerce Committee, as well as the House Foreign Affairs Subcommittees on Asia and the Pacific, and Terrorism, Nonproliferation, and Trade. Neither committee took public action. The legislation passed the House on September 19, 2012, by voice vote. The legislation passed the Senate on December 21, 2012, with an amendment by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO score is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation authorizes the Consumer Product Safety Commission to issue new regulations pertaining to drywall.

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

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

Constitutional Authority: Rep. Rigell states: “Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 8 of Article 1 of the Constitution, authorizing Congress ‘To regulate Commerce with foreign Nations, and among, the several States and with the Indian Tribes.’” The statement can be [found here](#).

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S. 3472 – Uninterrupted Scholars Act of 2012 (*Sen. Landrieu, D-LA*)

Order of Business: The bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: This legislation would allow caseworkers or other representatives of a state or local child welfare agency or tribal organization to access the education record of students such agencies or organizations are responsible for, provided that they maintain confidentiality.

It would also provide an exemption to the rule requiring the notification of parents that education records have been accessed in compliance with a judicial order or subpoena when a parent is party to a court proceeding involving child abuse and neglect or dependency matters and the order to access such records is issued in the context of that proceeding.

Committee Action: The legislation was introduced on August 1, 2012, and referred to the Senate Committee on Health, Education, Labor, and Pensions. It was discharged out of committee by unanimous consent on December 17, 2012 and passed the Senate on the same day by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO estimate for S. 3472 is currently available.

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

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

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

Constitutional Authority: Legislation originating in the Senate is not required to be accompanied by a Constitutional Authority Statement.

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Concur in the Senate Amendment to H.R. 2076 — Investigative Assistance for Violent Crimes Act of 2011 (Gowdy, R-SC)

Order of Business: The bill is scheduled to be considered on Sunday, December 30 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: The Senate Amendment to H.R. 2076 amends current federal law to provide authority to the Department of Justice (and the Federal Bureau of Investigation) and the Department of Homeland Security¹ (through the Secret Service or U.S. Immigration and Customs Enforcement), *upon request from an appropriate state or local law enforcement authority*, to respond to a violent crime when that violent crime does not appear to violate any federal law. Specifically, under the bill, federal officials “...may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings.”

Current federal law defines “mass killings” to mean three or more killings in a single incident. Also, the bill defines a “place of public use” as those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public—as defined under current federal law (section 2332f(e)(6) of title 18, United States Code).

¹ The original House-passed bill only gave such authority to the Attorney General.

Secondly, the bill increases the maximum reward amount that the Department of Justice can pay pursuant to public advertisements for assistance in a criminal investigation from \$2,000,000 to \$3,000,000. According to the Judiciary Committee report, the offering or awarding of an amount of \$250,000 or more requires the personal approval of the President (or Attorney General) and written notice to the Chairman and Ranking Member of the House Judiciary Committee.

The House passed the original bill on September 12, 2011 by a vote of [358-9](#) (64 not voting). The RSC Legislative Bulletin for the original, House-passed bill can be found [here](#).

Additional Background: The Federal Bureau of Investigation (FBI) does not have the statutory authority to assist in the investigation of crimes that do not violate federal law. However, while the FBI receives requests from state and local law enforcement for investigatory assistance of violent crimes, federal officers could potentially be found to be acting outside of their scope of employment. Based on a letter to the House Judiciary Committee from the FBI Agents Association, an association representing over 12,000 active and retired-duty agents, despite "...a long history of working closely with state and local law enforcement officials to investigate crimes...the FBI must often find indirect grants of authority in order to assist with investigations."

Committee Action: Representative Trey Gowdy (SC-04) introduced H.R. 2076 on June 1, 2011. On July 20, 2011, the Judiciary Committee reported the bill out of Committee by voice vote. The U.S. Senate passed the amended version by unanimous consent on December 17, 2012.

Administration Position: As of press time, no Statement of Administration Policy (SAP) has been released.

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost estimate for H.R. 2076 on July 28, 2011. The estimate states that implementing the bill would have no significant cost to the Federal government. Based on information from the Department of Justice about rewards for assistance in investigating crimes in recent years, the CBO expects very few rewards to exceed \$2 million. Payments for rewards are paid out of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases the reward amount that could be paid pursuant to a public advertisement for investigatory assistance from the Department of Justice from \$2,000,000 to \$3,000,000.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. The CBO report states that the bill does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not impose any costs on state, local, or tribal governments.

Does the Bill Contain any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:

According to House Report 112-186, H. R. 2076 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: The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the Constitution [the Interstate Commerce Power].”

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**Concur in the Senate Amendment to H.R. 6029 – Foreign and Economic Espionage
Penalty Enhancement Act of 2012 (Smith, R-TX)**

Order of Business: H.R. 6029 is scheduled to be considered on Sunday, December 30, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: The Senate Amendment to H.R. 6029 amends section 1831 of title 18, United States Code, by increasing the maximum federal criminal penalties for individuals or organizations convicted of knowingly engaging in economic espionage to benefit a foreign country. The bill increases the penalties for individuals from a maximum of \$500,000 in fines to \$5 million in fines. Organizations can be fined the greater of \$10 million (maximum of \$10 million under current law) or three times the value of the stolen trade secret including research and development expenses and other costs to reproduce the trade secrets the organization has avoided through acts of espionage. Also, the bill directs the United States Sentencing Commission to determine whether necessary to amend federal sentencing guidelines and policy statements for economic espionage.

The House passed [H.R. 6029](#) by voice vote on August 1, 2012. The original, House passed bill also increased the maximum prison terms for economic espionage convictions from 15 to 20 years. The Senate amendment removed this provision.

Additional Background: The performance goals of the bill described in Committee Report #112-610 explain that it “will improve the U.S. Government’s ability to deter acts of foreign espionage and provide a more appropriate range of penalties for those convicted of the theft of trade secrets from U.S. companies,” namely corporate trade secrets, marketing strategies, and other business tactics. Recent reports from the National Counterintelligence Executive and the Director of National Intelligence formally recognize the increased threat of economic intrusions into U.S. computer networks and theft of U.S. intellectual property—particularly by China and Russia.

Committee Action: Judiciary Committee Lamar Smith (R-TX) introduced H.R. 6029 on June 27, 2012. No further committee action has occurred with respect to the bill.

The U.S. Senate passed the amended bill by unanimous consent on December 19, 2012.

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

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost estimate for H.R. 6029 on July 17, 2012 explaining that implementing the bill would have no significant impact on the federal budget. According to the estimate, the federal government “might” collect additional fines if the bill becomes law. However, CBO expects that any additional revenue and direct spending would not be significant because of the small number of cases to be affected.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill increases the monetary fines and prison sentences for individuals, as well as the monetary fines for organizations that violate the federal criminal code with regard to economic espionage for the benefit of foreign entities.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report indicates that the bill does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No. The Committee Report explains that, the bill does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

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

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Concur in the Senate Amendment to H.R. 6621 – To correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code (Smith, R-TX)

Order of Business: The Senate-amended bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6621 makes technical and conforming changes to current patent law enacted last year by the [Leahy-Smith America Invents Act](#) (AIA, Public Law 112-29). The changes created in last year’s H.R. 1249 were the most significant patent reform reforms in nearly 60 years. Some of its changes included moving from a first to invent to

a first-inventor-to-file patent filing system; creating a new patent review process for financial service “business method patents”; and authorizing the U.S. Patent and Trademark Office (USPTO) to set its own fees for services.

The House passed H.R. 6621 by a vote of 308-89 on December 18, 2012. The RSC Legislative Bulletin describing this bill can be reviewed [here](#).

The Senate Amendment to this bill removed a House provision that required the public reporting of older patent applications still pending review at the U.S. Patent and Trademark Office. Some debate about the confidentiality of these patent applications (referred to as Pre-GATT) ensued during House consideration.

Committee Action: Judiciary Committee Chairman Lamar Smith (R-TX) introduced H.R. 6621 on November 30, 2012. H.R. 6621 passed the House under suspension of the rules on December 18, 2012 and passed the Senate with an amendment on December 28, 2012 by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

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

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

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

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

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

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S. 3331 - Intercountry Adoption Universal Accreditation Act of 2012
(Sen. Kerry, D-MA)

Order of Business: The legislation is expected to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation applies the requirements of the Intercountry Adoption Act of 2000, and all related implemented regulations, to any person offering or providing

adoption services in connection with a Convention on Protection of Children and Cooperation in Respect of Intercountry adoption (described below).

This portion of the legislation will take effect 18 months after the date of enactment.

The legislation sets exemptions to this requirement, including that it does apply to a person offering or providing adoption services in cases where:

- “An application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or
- “The prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.”

The legislation requires a report, within 90 days of an entity receiving federal funding, that describes the amount of the funding and how the funding was used by the entity. This report will be sent to the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Additional Information: The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (Convention) establishes uniform standards and procedures for the international adoption of children. The United States became a signatory to the Convention on March 31, 1994.

According to CBO, the legislation would expand the accreditation standards in the Intercountry Adoption Act of 2000 to cover all international adoptions. Currently, those standards apply only to adoptions from countries that are parties to the Convention.

Committee Action: S. 3331 was introduced on June 21, 2012, and was referred to the Senate Committee on Foreign Relations. On September 19, 2012, the committee ordered the bill to be reported favorably by voice vote. The legislation passed the Senate on December 5, 2012, with an amendment, by voice vote. The legislation was then referred to the House Committee on Foreign Affairs, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that the bill would have insignificant discretionary costs over the 2013-2017 period, assuming the availability of appropriated funds. CBO’s report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation expands the accreditation standards in the Intercountry Adoption Act of 2000 to cover all international adoptions.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. According to Senate Report 112-234:

“S. 3331 would impose a private-sector mandate by requiring all providers of placement services for intercountry adoptions to be compliant with the accreditation standards of the Hague Convention. Providers would be required to obtain accreditation through a designated accrediting agency, pay fees associated with obtaining and maintaining accreditation, and purchase insurance to cover potential liabilities associated with conducting adoption services. The initial fees for obtaining accreditation can range between \$10,000 and \$16,000 depending on the size and annual revenue of the entity seeking accreditation. Annual fees to maintain accreditation are less than \$1,000 on average, but are also subject to change based on the revenue of the entity. The cost of liability insurance for adoption agencies varies from state to state and can range between \$10,000 and \$50,000 per year. Based on information gathered from industry professionals, the Department of Health and Human Services, and an accreditation agency, the number of entities that would be affected is relatively small. Therefore, CBO estimates that the aggregate cost of the mandate to the private sector would fall below the annual threshold established in UMRA (\$146 million in 2012, adjusted annually for inflation).”

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

Constitutional Authority: The rules of the Senate do not require a statement of constitutional authority to accompany legislation upon introduction. Additionally, [Senate Report 112-234](#) does not contain a statement of constitutional authority.

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S. 2318 - Department of State Rewards Program Update and Technical Corrections Act of 2012 (*Sen. Kerry, D-MA*)

Order of Business: The legislation is expected to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation would expand an existing rewards program, with the Department to State, and would authorize the Secretary to issue rewards for information that would prevent or disrupt transnational organized crime or lead to the arrest or conviction of persons involved in war crimes, crimes against humanity, or genocide.

The legislation contains a sense of Congress that the rewards program of the Department of State should be expanded in order to:

- “Address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and
- “Target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.”

The legislation amends the State Department Basic Authorities Act of 1956 and directs the Secretary to authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.

Section 6 of the legislation states that the Secretary shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this legislation.

Additional Information: According to CBO: The legislation would expand two existing rewards programs administered by the Department of State. The War Crimes Rewards Program makes payments for information about persons indicted by the Special Court for Sierra Leone and international tribunals for the former Yugoslavia and Rwanda. Over the last two years, it has made 14 payments totaling about \$6 million. S. 2318 would expand that program to include other alleged war criminals. The department also has a rewards program that targets international narcotics trafficking. That program made 20 payments totaling about \$36 million over the last four years. The bill would expand that program to cover transnational crime that does not involve narcotics trafficking (such as trafficking in weapons, persons, and counterfeit products).

Committee Action: S. 2318 was introduced on April 19, 2012, and was referred to the Senate Committee on Foreign Relations. On September 19, 2012, the committee ordered the bill to be reported favorably. The legislation passed the Senate on December 19, 2012, with an amendment, by voice vote. The legislation was then referred to the House Committee on Foreign Affairs, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that the bill would have discretionary costs of \$10 million over the 2013-2017 period, assuming appropriation of the necessary amounts. CBO's report can be [viewed here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation would expand an existing rewards program within the Department of State.

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

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

Constitutional Authority: The rules of the Senate do not require a statement of constitutional authority to accompany legislation upon introduction.

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

S.J.Res. 44 - A joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding
(Sen. Kohl, D-WI)

Order of Business: The legislation is expected to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: The resolution grants congressional consent to the State and Province Emergency Management Assistance Memorandum of Understanding (MoU). This MoU has been entered into between the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan.

The purpose of this MoU is to provide for the possibility of mutual assistance among the states and provinces in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

Additional Information: According to CBO, the joint resolution would grant the consent of the Congress to a MoU entered into between the states of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin and four provinces of Canada (other states and provinces may agree to the MoU at a later date). The MoU allows participating jurisdictions to cooperate in planning and training exercises and to provide mutual assistance following an emergency or disaster. Examples of allowable activities include: sharing emergency operations plans and hazard analyses, joint training exercises, and the sharing of personnel, equipment, materials, and supplies.

Committee Action: S.J.Res. 44 was introduced on June 14 2012, and was referred to the Senate Committee on Judiciary. The legislation passed the Senate on September 13, 2012, without an amendment, by unanimous consent. The legislation was then referred to the House Committee on Foreign Affairs, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that granting consent to the MoU would have no impact on the federal budget. CBO's report can be [viewed here](#).

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

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: According to CBO, S. J. Res. 44 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

Constitutional Authority: The rules of the Senate do not require a statement of constitutional authority to accompany legislation upon introduction.

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H.R. 3159 -Foreign Aid Transparency and Accountability Act of 2012 (Poe, R-TX)

Order of Business: The legislation is expected to be considered on December 30, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation directs the President to, within 18 month of enactment, establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied to United States foreign development assistance.

Within one year after those guidelines are issue, the head of each federal agency that administers U.S. foreign development assistance shall administer that assistance in accordance with the established guidelines.

Within 18 months after enactment, the President shall submit to Congress a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans for United States foreign development assistance established under this section. The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

The legislation directs the President to, within 30 days after enactment, develop an internet website to make publicly available in unclassified form comprehensive, timely, comparable, and accessible information on United States foreign development assistance. The head of each Federal department or agency that administers United States foreign development assistance shall, within 3 years after the date of the enactment, publish a quarterly update on the Internet website such information with respect to the United States foreign development assistance programs of such federal department or agency.

The legislation requires the head of each federal agency to provide a congressional briefing if these reporting requirements are not met.

Committee Action: H.R. 3159 was introduced on October 12, 2011, and was referred to the House Committee on Foreign Affairs, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO report is available. However, Section 5 of the legislation states that of the amounts authorized to be appropriated for United States foreign development assistance programs of a federal department or agency that administers such 5 programs for a fiscal year, up to 5 percent of such amounts are authorized to be appropriated to carry out this Act with respect to such programs for such fiscal year.

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

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

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

Constitutional Authority: Rep. Poe states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 and Article I, Section 9, Clause 7.” The statement can be [viewed here](#).

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H.R. 6364 – Frank Buckles World War I Memorial Act (Poe, R-TX)

Order of Business: The bill is scheduled to be considered on December 30, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

Summary: [H.R. 6364](#) would establish a World War I Centennial Commission. The Commission shall plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I. The Commission shall also encourage private organizations and state and local governments to organize and participate in activities commemorating the centennial of World War I. The Commission is directed to facilitate and coordinate activities throughout the United States relating to the centennial of World War I, and serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I. Additionally, the Commission shall also develop recommendations for Congress and the President for commemorating the centennial of World War I.

The Commission is allowed to hold hearings, take testimony, procure supplies, services and property. The Commission is also allowed to use the U.S. postal service in the same manner and under the same conditions as other departments and agencies of the federal government. The Commission shall terminate by July 28, 2019.

The legislation would also designate the Liberty Memorial of Kansas City at America's national World War I Museum in Kansas City, Missouri as the "National World War I Museum and Memorial."

Section 9 of the legislation prohibits the use of any federal funds to carry out this legislation.

Committee Action: Representative Ted Poe (R-TX) introduced H.R. 6364 on September 10, 2012 and it was referred to the House Oversight and Government Reform Committee and the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. A mark-up was held ([Mark-up report](#)) and it was reported out by unanimous consent on December, 5, 2012. The legislation passed the House on December 12, 2012, by voice vote. The legislation was then received by the Senate and passed on December 21, 2012, by unanimous consent, as amended.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the CBO, H.R. 6364 would increase authorization by about \$4 million over the 2013-2017 periods, subject to appropriations. Those funds would be used to plan, develop, and carry out activities and prepare reports.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation establishes a WWI Centennial Commission.

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clauses 1, 12, 16, and 18."

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