



Legislative Bulletin.....September 23, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 3

Total Cost of Discretionary Authorizations: \$3.02 billion over the FY 2009 through FY 2013 period

Effect on Revenue: Reduced by \$3.1 billion

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 1

Total New Private Sector Mandates: Several

Number of Bills Without Committee Reports: 19

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 2

H.R. 6984—Federal Aviation Administration Act of 2008 (Oberstar, D-MN)

Order of Business: H.R. 6984 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6984 would extend the Federal Aviation Administration's (FAA) authority to collect taxes and administer FAA programs through March 31, 2009 (under current law this authority lapses on September 30, 2008). Specifically, the legislation would:

- **Extend expiring aviation taxes:** H.R. 6984 extends the federal taxes dedicated to the FAA's Airport and Airway Trust Fund (AATF), through March 31, 2008, at current rates.

Present-law taxes extended by the bill include the 7.5% Passenger Ticket Tax, the \$3.40 per flight Segment Tax, and the 6.25% Cargo Waybill Tax. According to CBO, in FY 2007, AATF-dedicated taxes amounted to \$11 billion.

- **Extend FAA spending authority:** H.R. 6984 extends present-law spending authority for the AATF through March 31, 2008. This spending authority is used to pay for most of the FAA's functions including the FAA's facilities and equipment program, the research, engineering and development (RE&D) program, and the operations and maintenance program.
- **Airport Improvement Program authorization:** H.R. 6984 sets an authorized spending level (subject to appropriation) for the airport improvement program equal to \$1.95 billion. In FY 2007, the airport improvement program was authorized at \$3.7 billion, and \$3.515 billion was obligated through the appropriations process. The authorization level in H.R. 6984 is calculated to fund the program for six months.

Additional Background: The FAA's authority to collect taxes and administer AATF programs has been extended five times since FY 2007. The last such extension, the Federal Aviation Administration Act of 2008, was enacted on June 30, 2008. Without an extension, the FAA's authority to collect and spend these taxes will expire on September 30, 2008. On September 20, 2007, the House passed H.R. 2881, its version of a long-term FAA reauthorization (see [here](#) for more information on this legislation). The Senate has yet to act on the legislation.

Possible Conservative Concerns: Potential conservative concerns on this legislation include:

- **Extension of Excise Taxes:** Section 257 of the Budget Act requires CBO to assume that expiring excise taxes dedicated to a trust fund will continue beyond the scheduled expiration date. Consequently, though H.R. 6984 will cause federal tax collections to increase by about \$11 billion on annual basis compared to current law, this legislation will actually be scored as having no impact on federal revenue. But since expiring tax cut provisions are scored in the opposite manner by CBO, some conservatives may argue that an extension of aviation taxes should be offset with equal tax reductions.

Committee Action: H.R. 6984 was introduced on September 22, 2008, and was referred to the Committee on Ways and Means as well as the Committee on Transportation and Infrastructure. Neither committee took any official action.

Cost to Taxpayers: A CBO score for H.R. 6984 is not currently available. However, the legislation extends current law with regard to the FAA tax and spending authority. In addition, the bill reauthorizes the airport improvement program at \$1.95 billion for six months.

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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable. 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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**H.Res. __ — Recognizing the 150th anniversary year of the founding of
Macy’s, Inc. (Chabot, R-OH)**

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. __ would express the sense that the House of Representatives recognizes the 150th anniversary year of the founding of Macy’s, Inc. The complete text of this resolution is currently unavailable.

Committee Action: H.Res. __ is expected to be introduced on September 23, 2008.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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**H.R. 5443—United States-Republic of Korea Defense Cooperation
Improvement Act of 2008 (Royce, R-CA)**

Order of Business: H.R. 5443 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5443 would grant preferential trade status to the Republic of Korea for the sale of defense articles, defense services, design and construction services, and major defense equipment. The bill would grant the Republic of Korea the same level of military and defense sales preferences as nations in NATO, Japan, Australia, and New Zealand. These nations enjoy the most preferential trade treatment with the U.S. for the sales of defense equipment.

The bill would increase the current threshold for the President to notify Congress of defense and military sales. Under current law the President must report any sale above \$14 million to Congress. H.R. 5443 would increase the limit to \$25 million. The bill would also reduce the time for Congressional review of military sales to Republic of Korea from 30 to 15 days in order to speed up defense transactions.

In addition, the bill would express the sense of Congress that “expeditious consideration of certifications of letters of offer to sell defense articles, defense services, design and construction services, and major defense equipment to the Republic of Korea under section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is fully consistent with United States security and foreign policy interests and the objectives of world peace and security.”

Additional Information: According to findings listed in the text of the bill, the Republic of North Korea was first designated as a major non-NATO ally of the U.S. in 1987 and has been a major purchaser of U.S. defense equipment and services over the past decade. The bill states that the Republic of Korea has purchased \$6.9 billion worth of U.S. military articles over the last ten years. In 2005, Congress passed an Act to authorize the transfer of items in the war reserves stockpile for the Republic of Korea, which allowed the President to transfer defense equipment into a war reserve stockpile for the Republic of Korea. H.R. 5443 would continue the trend of increasing our ties with South Korea, by given them the same military trade status as our closest allies.

Committee Action: H.R. 5443 was introduced on February 14, 2008, and referred to the Committee on Foreign Affairs, which took no further action.

Cost to Taxpayers: A CBO score for H.R. 5443 is not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available.

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H.R. 6646—To require the Secretary of State, in consultation with the Secretary of Defense, to provide detailed briefings to Congress on any recent

**discussions conducted between United States Government and the
Government of Taiwan and any potential transfer of defense articles or
defense services to the Government of Taiwan (Ros-Lehtinen, R-FL)**

Order of Business: H.R. 6646 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6646 would require the Secretary of State, in consultation with the Secretary of Defense, to provide the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations with a detailed briefing on:

1. Any discussions conducted between any executive branch agency and the Government of Taiwan during the period beginning on the date of enactment and ending after 180 days; and
2. Any potential transfer of defense articles or defense services to the Government of Taiwan.

Additional Information: According to findings listed in the text of the bill, the Taiwan Relations Act (P.L. 98-8) became law in 1979 and has since governed the relationship between the U.S. and Taiwan. The Taiwan Relations Act made it clear that the U.S. would look on any threat to Taiwan's self-determination as a major threat to the peace and stability of the Western Pacific region. As such, the law stipulates that it is U.S. policy "to provide Taiwan with arms of a defensive character", and "to maintain the capacity of the United States to resist any resort to force or other forms of coercion" that threaten Taiwan.

Taiwan recently began increasing its defense and military spending—which had been going steadily down—both in real terms and as a percentage of GDP. Though the Taiwan Relations Act instructs the President to determine the nature and number of defense articles sent to Taiwan in consultation with Congress, the findings in H.R. 6646 state that "the executive branch has yet to send any arms transfer notifications to Congress during calendar year 2008, including notifications on at least seven pending arms sales programs with a total value of about \$11 billion that encompass programs on a submarine design, Patriot PAC-3 missile defense systems, and Apache and Blackhawk helicopters." In addition, Taiwan's government has continued to request defense support from the U.S. even as its relationship with China has become much closer.

Committee Action: H.R. 6646 was introduced on July 29, 2008, and referred to the Committee on Foreign Affairs, which took no further action.

Cost to Taxpayers: A CBO score for H.R. 6646 is not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available.

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H.Con.Res. 255—Expressing the sense of Congress regarding the United States commitment to preservation of religious and cultural sites and condemning instances where sites are desecrated (Ferguson, R-NJ)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 255 would express the sense that the House of Representatives

- “Expresses strong support for the work of the United States Commission for the Preservation of America’s Heritage Abroad and for the European countries that continue to work to preserve sacred historical sites, despite ongoing challenges;
- “Expresses strong sentiments to the Government of Lithuania that the people of the United States believe the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, must not be further desecrated;
- “Declares that constructive bilateral relations between Lithuania and the United States are important to the governments, citizens, and shared agendas of both countries; and
- “Declares that if the Government of Lithuania fails to immediately stop construction and protect the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, it will jeopardize its important relationship with the United States and its standing in the international community.”

The resolution lists a number of findings, including:

- “The Congress is committed to protecting and preserving the cultural heritage of all national, religious, and ethnic groups, including sacred sites of such groups, including cemeteries in the United States and abroad;
- “The Holocaust annihilated much of Europe’s Jewish population and in many countries, none were left to care for the communal properties that represent a historic culture in the area and constitute an integral part of the Jewish religion;
- “The Holocaust and 45 years of atheistic, Communist governments created a critical need that led to the establishment of the United States Commission for the Preservation of America’s Heritage Abroad;

- “The Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, is known by scholars in Lithuania and around the world as the first Jewish cemetery in Vilnius and dates back to the 13th century, and it is believed that before the government closed the cemetery in the early 1800s, more than 50,000 Jews were buried there;
- “Congress is outraged that news reports indicate construction continues within the boundaries of the historic Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania.
- “The fact that the Government of Lithuania has allowed construction to take place at the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, and that desecration continues into the 21st century is an affront to the international Jewish community, the American people, and everyone who values religious freedom and ethnic diversity around the world;
- “The failure of the Government of Lithuania to protect the Jewish cemetery located in the Snipiskes area of Vilnius, Lithuania, violates the October 15, 2002, bilateral agreement between Lithuania and the United States on the protection and preservation of certain cultural properties, including cemeteries; and
- “Specifically, Article 1 of the bilateral agreement states: ‘[E]ach party will take appropriate steps to protect and preserve the cultural heritage of all national, religious, or ethnic groups that reside or resided in its territory, including victims of genocide during the Second World War. The term ‘cultural heritage’ for purposes of this agreement means . . . cemeteries, and memorials to the dead.’”

Committee Action: H.Con.Res. 255 was introduced on November 13, 2008, and referred to the House Committee on Veterans’ Affairs, which held a mark-up on February 27, 2008, and reported the bill by unanimous consent.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1227—Condemning sexual violence in the Democratic Republic of the Congo and calling on the international community to take immediate actions to respond to the violence (*Maloney, D-NY*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1227 would express the sense that the House of Representatives, among other things, strongly condemns the use of all forms of sexual violence, including rape, in the

Democratic Republic of the Congo and urges an increased effort by the United States through the Department of State and other donor countries to provide greater assistance to the Democratic Republic of the Congo for police and military human rights education and training.

The resolution lists a number of findings, including:

- “The situation in the eastern Democratic Republic of the Congo has been recognized as the worst crisis of violence against women in the world, according to the United Nations Special Rapporteur on Violence Against Women;
- “The Democratic Republic of the Congo has experienced the world's deadliest crisis since World War II, with 5.4 million deaths since 1998;
- “Hundreds of thousands of women and girls have experienced an exceptionally violent type of rape in the Democratic Republic of the Congo, and the full extent of incidence of sexual violence is unknown as most survivors live in inaccessible areas, are afraid to report the attacks, experience repeated rapes, or did not survive them;
- “Sexual violence is used as a method of warfare by all parties to the conflict in the Democratic Republic of the Congo as a means to terrorize and destabilize entire communities;
- “In 2007, it was estimated that 70 percent of all rapes in South Kivu were committed by nonstate armed groups, including foreign militia from Burundi, Rwanda, and Uganda, 16 percent by Democratic Republic of the Congo military forces, and 14 percent by civilians;
- “Since 2002, over 40,000 survivors have accessed International Rescue Committee-supported services, including psychosocial support, medical care, legal assistance, and socioeconomic support;
- “Current activities to treat survivors meet only a portion of the need;
- “The scope of the sexual violence affects women and girls of all ages, from 10 months to 80 years old;
- “A culture of impunity continues and rape has become a societal norm;
- “In July 2006, the Congolese Parliament passed the Law on the Suppression of Sexual Violence, which attempted to strengthen penalties and criminal procedures, but in reality, little action has been taken by the authorities to implement the law and perpetrators continue to enjoy impunity;
- “On October 31, 2000, the United Nations Security Council adopted Security Council Resolution 1325, which calls on all parties to an armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all actors involved in peace processes to adopt a gender perspective, including through the involvement of women in all stages of peace processes and support local women’s peace initiatives and indigenous processes for conflict resolution;
- “The Rome Statute of the International Criminal Court, which entered into force on July 1, 2002, states that rape ‘and any other form of sexual violence of comparable gravity’ may constitute both ‘crimes against humanity’ and ‘war crimes’; and
- “The United States Government has codified its commitment to the Democratic Republic of the Congo through the Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006.”

Committee Action: H.Res. 1227 was introduced on May 22, 2008, and referred to the House Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1314—Remembering the 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes (*Levin, D-MI*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1314 would express the sense that the House of Representatives:

- “Solemnly remembers the 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extends its deepest sympathies to the victims, survivors, and families of this tragedy;
- “Condemns the systematic violations of human rights, including the freedom of self-determination and freedom of speech, of the Ukrainian people by the Soviet Government;
- “Encourages dissemination of information regarding the Ukrainian Famine-Genocide in order to expand the world’s knowledge of this man-made tragedy; and
- “Supports the continuing efforts of Ukraine to work toward ensuring democratic principles, a free-market economy, and full respect for human rights, in order to enable Ukraine to achieve its potential as an important strategic partner of the United States in that region of the world.”

The resolution lists a number of findings, including:

- “The 75th anniversary of the Ukrainian Famine-Genocide of 1932-1933 and extending the deepest sympathies of the House of Representatives to the victims, survivors, and families of this tragedy, and for other purposes.
- “In 1932 and 1933, nearly 10 million Ukrainian people perished at the will of the totalitarian Stalinist government of the former Soviet Union, which perpetrated a premeditated famine in Ukraine in an effort to break the nation's resistance to collectivization and communist occupation;

- “The Soviet Government deliberately confiscated grain harvests and starved millions of Ukrainian men, women, and children by a policy of forced collectivization that sought to destroy the nationally conscious movement for independence;
- “Soviet dictator Joseph Stalin ordered the borders of Ukraine sealed to prevent anyone from escaping the man-made starvation and preventing any international food aid that would provide relief to the starving;
- “Canadian wheat expert Andrew Cairns visited Ukraine in 1932 and was told that there was no grain ‘because the government had collected so much grain and exported it to England and Italy,’ while simultaneously denying food aid to the people of Ukraine;
- “Nearly a quarter of the rural population of Ukraine was eliminated due to forced starvation, while the entire nation suffered from the consequences of the prolonged lack of food;
- “On May 15, 2003, in a special session, the Ukrainian Parliament acknowledged that the Ukrainian Famine-Genocide was engineered by Joseph Stalin and the Soviet Government deliberately against the Ukrainian nation;
- “With the dissolution of the Soviet Union, archival documents confirmed the deliberate and pre-meditated deadly nature of the famine, and the Soviet Government was exposed for its atrocities against the Ukrainian people; and
- “On October 13, 2006, the President of the United States signed into law Public Law 109-340, authorizing the construction of a memorial in the District of Columbia to honor the victims of the Ukrainian Famine-Genocide, in recognition of the upcoming 75th anniversary of the genocide in 2008.”

Committee Action: H.Res. 1314 was introduced on June 16, 2008, and referred to the House Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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**H.Res. 1402—Supporting a transition to democracy through free, fair, credible, peaceful, and transparent elections in Bangladesh
(Crowley, D-NY)**

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1402 would express the sense that the House of Representatives:

- “Expresses its strong support to the restoration of democracy in Bangladesh so it will be able to address economic and political challenges, and urges all stakeholders to play a constructive and forward looking role to strengthen such a process;
- “Appreciates the decision of the caretaker Government of Bangladesh to hold free, fair, credible, peaceful, and transparent elections by the third week of December 2008;
- “Welcomes the decision of the Government of Bangladesh to hold dialogue with all political parties and other civil society organizations to create a congenial atmosphere for holding elections and to ensure participation of all political parties in that process;
- “Urges all political parties to participate in the elections so that democratic governance can be maintained, which could continue fight against corruption and institutional and policy reforms;
- “Calls on the Government of Bangladesh to lift the state of emergency and remove other restrictions on political activity to allow free and fair elections to occur;
- “Urges the caretaker Government of Bangladesh to protect the rights of religious and ethnic minorities, particularly Hindus, Christians, Buddhists, Ahmadis, and non-Muslim tribal peoples;
- “Urges the President to use the voice and vote of the United States in multilateral organizations to strengthen the rule of law and democracy in Bangladesh; and
- “Urges the President to consider, upon completion of an internationally-accepted free and fair election, extending generous economic support to Bangladesh as an incentive.”

The resolution lists a number of findings, including:

- “Bangladesh has a population of 154,000,000 people and is the world's third most populated Muslim country, and has been known to be a stable, moderate, democratic Muslim Nation;
- “Bangladesh has held what the international community has viewed as three free and fair elections in 1991, 1996, and 2001;
- “In October 2006, as set up by the constitution, power was handed over to a caretaker government before the January 22, 2007, scheduled election;
- “The caretaker Government of Bangladesh imposed a national state of emergency on January 11, 2007, that suspended fundamental rights guaranteed by the constitution and detained a large number of politicians and others on suspicion of involvement in corruption and other crimes;
- “The state of emergency has restricted media reporting and it has been reported that journalists have been harassed, detained, or threatened by the authorities;
- “The anti-corruption campaign is creating institutions to fight rampant corruption throughout the government, including in the police and ports, but also has resulted in the reporting of human rights abuses;
- “The caretaker Government of Bangladesh reportedly arrested 18,000 persons with questionable records since May 28, 2008, and subsequently released most of them;
- “The Chief Adviser, Fakhruddin Ahmed, announced that elections will be held by the third week of December 2008;
- “The current political situation has been exacerbated by food prices that have doubled within the past year, compounding economic challenges for the people;

- “The Grameen Bank, through microfinancing in Bangladesh, has been able to provide lending to 7,300,000 stakeholders and has empowered women to control 97 percent of the Bank, alongside other agencies in rural Bangladesh creating a new climate of economic growth and increasing social capital;
- “The economic support extended by the United States has helped to create an opportunity for employment and growth in Bangladesh, with particular impact on the empowerment of women and strengthening the process of social moderation and modernization in Bangladesh; and
- “Bangladesh’s long-term political stability and economic progress are critical to the security of the South Asian region.”

Committee Action: H.Res. 1402 was introduced on May 22, 2008, and referred to the House Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1435—Recognizing the 70th anniversary of the 1938 occurrence of Kristallnacht, The Night of Broken Glass (*Hodes, D-NH*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1435 would express the sense that the House of Representatives:

- “Recognizes the 70th anniversary of Kristallnacht, The Night of Broken Glass;
- “Pays tribute to the over 6,000,000 Jewish people who were killed during the Holocaust; and
- “Recommits the United States to continued vigilance against these kind of atrocities and urges the international community to fight against organized aggression directed at religious, ethnic, and other minority groups wherever it may occur.
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The resolution lists a number of findings, including:

- “November 9, 2008, through November 10, 2008, marks the 70th anniversary of Kristallnacht, The Night of Broken Glass;
- “During Kristallnacht, hundreds of synagogues in Germany and Austria were burned and destroyed, businesses and homes were ransacked, scores of innocent people were killed

because they were Jews, and thousands of others were arrested and sent to concentration camps;

- “Kristallnacht was sanctioned by the Nazi state to foment anti-Semitism and terrorize Jewish citizens;
- “The shattered panes of glass that littered sidewalks, most of it coming from the shop windows of Jewish stores, gave the pogrom its name, Kristallnacht or ‘Night of Broken Glass’;
- “Kristallnacht marked the Nazis’ first centrally organized operation of large-scale, anti-Jewish violence;
- “The lack of any serious diplomatic consequences from civilized nations led the Governments of Germany and Austria to believe that further atrocities would go unpunished;
- “Kristallnacht served as a prelude to the Second World War, to the death of millions of innocent people, and to the mass murders and carnage on a scale never before seen in human history;
- “The reign of the Nazi government marks one of the darkest periods in civilized history; and
- “Kristallnacht should remind us all that evil must be confronted forcefully and the civilized world cannot watch idly while barbarism and mass murder are committed against innocent peoples.”

Committee Action: H.Res. 1435 was introduced on September 15, 2008, and referred to the House Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1451—Tom Lantos Human Rights Commission Establishment Resolution (*McGovern, D-MA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1451 would establish the Tom Lantos Human Rights Commission in the House of Representatives. The Commission would “promote and advocate in a nonpartisan manner, both within and outside of Congress, internationally recognized human rights norms as enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments.” The resolution would authorize the appropriation of “such sums” for the Commission to carry out its objectives.

Specifically, H.Res. 1451 would give the Commission the authority to carryout the following activities:

- Develop congressional strategies to promote, defend, and advocate internationally recognized human rights norms.
- Raise greater awareness among Members of the House of Representatives, their staffs, and the public regarding international human rights violations and developments.
- Provide Members and staff with expert human rights advice and information and by supporting entities of Congress in their work on human rights issues.
- Advocate on behalf of individuals and entities whose internationally recognized human rights have been violated.
- Collaborate closely with other professional staff members of the Committee on Foreign Affairs.
- Collaborate with the President, other officials of the executive branch, and recognized national and international human rights entities and nongovernmental organizations.
- Encourage and support Members to become active in supporting human rights issues.

The resolution states that any Member of the House may join the Commission by submitting a written request. The Commission would be headed by two co-chairs. One co-chair would be appointed as by the Speaker of the House and the Chairman of the Foreign Affairs Committee, while another would be appointed by the Minority Leader and the Ranking Member of the Foreign Affairs Committee. The co-chairs would be responsible for setting the Commission's general schedule.

H.Res. 1451 would give the Commission the authority to use the staff and resources of the Committee on Foreign Affairs, including consultants, temporary employees, individuals with expertise in human rights issues, and technology systems management. Finally the resolution states that "each Member of the House of Representatives who is a member of the Congressional Human Rights Caucus as of the date of the adoption of this resolution shall be deemed to have joined the Commission."

Committee Action: H.Res. 1451 was introduced on September 17, 2008, and referred to the Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: A CBO score for H.Res. 1451 was not available. However, the resolution would authorize the appropriation of "such sums" to carryout the duties of the Tom Lantos Human Rights Commission.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, resolution would establish the Tom Lantos Human Rights Commission in the House of Representatives.

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

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H. Res.1461— Recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks
(Scott, D-GA)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res.1461 would express the sense that the House of Representatives:

- “Recognizes the historic significance of the 10th anniversary of the al Qaeda bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania;
- “Memorializes the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks;
- “Mourns the loss of those who lost their lives in these tragic and senseless attacks, especially those who were employed by the embassies;
- “Remembers the families and colleagues of the victims whose lives have been forever changed by the loss endured on August 7, 1998;
- “Expresses its deepest gratitude to the people of Kenya and Tanzania for their gracious contributions and assistance following these attacks;
- “Reaffirms its support for the people of Kenya and Tanzania in striving for future opportunity, democracy, and prosperity; and
- “Reaffirms its resolve to defeat al Qaeda and other terrorist organizations.”

The resolution lists a number of findings, including:

- “On August 7, 1998, there were near simultaneous vehicular bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania;
- “The bombs detonated at the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, were an act of terrorism masterminded by Osama bin Laden and perpetrated by members of al Qaeda as a conspiracy to kill United States citizens;
- “Although the bombs detonated before reaching their primary destination, the effects of the bombs were still widespread and catastrophic to the people of the Republic of Kenya, the United Republic of Tanzania, and the United States;
- “At least 213 people died in the Nairobi, Kenya, bombing, approximately 5,000 people were injured, and the majority of those killed and injured were Kenya nationals;
- “In the Nairobi bombing, the victims included 14 United States citizens, 13 Foreign Service Nationals, and 2 United States Government contractors;

- “85 people were injured in the Dar es Salaam bombing, including 2 United States citizens and 5 Foreign Service Nationals;
- “1 Foreign Service National working at the Dar es Salaam embassy, Saidi Rogarth, is still listed by the Department of State as missing;
- “11 people were killed in the Dar es Salaam bombing;
- “The United States Government is partnering with the people and Governments of Kenya and Tanzania to help both countries obtain a more democratic future;
- “12 of the suspects indicted in the case have either been killed, captured, or are serving life sentences without parole;
- “On June 1999, Osama bin Laden was placed on the Federal Bureau of Investigation's most wanted terrorist list for his connection to the bombings; and
- “The United States Government continues to search for the remaining suspects, including Osama bin Laden.”

Committee Action: H.Res.1461 was introduced on September 18, 2008, and referred to the Committee on Foreign Affairs, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Con.Res. 371—Strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes (*Wexler, D-GA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 371 would express the sense that the House of Representatives:

- “Praises the efforts by those countries in Central and Eastern Europe that have enacted legislation for the restitution of, or compensation for, private and communal religious property improperly confiscated during the Nazi and Communist eras and urges each of those countries to ensure that the legislation is effectively and justly implemented;
- “Urges the countries in Central and Eastern Europe which have not already done so to return looted and confiscated properties to their rightful owners or, where restitution is not possible, pay equitable compensation, in accordance with principles of justice and in an expeditious manner that is just, transparent, and fair;

- “Calls on the Government of Lithuania to immediately enact, fair, comprehensive, and just legislation so communities that had communal and religious property seized and confiscated by the Nazis during World War II or subsequently seized by the Communist Polish government after World War II (or the relevant successors to the communal and religious property or the relevant foundation) are able to obtain either restitution of their property or, where restitution is not possible, fair compensation;
- “Calls on the President and the Secretary of State to continue to engage in an open dialogue with the Governments of Poland and Lithuania supporting the adoption of legislation requiring, in Poland, the fair, comprehensive, and nondiscriminatory restitution of, or compensation for, private property that was seized and confiscated during the Nazi and Communist eras and, in Lithuania, the fair, comprehensive, and just restitution of Jewish communal and religious property that was seized and confiscated during the Nazi and Communist eras; and
- “Calls on the Secretary of State to deliver a report to Congress, every six months, regarding the implementation of this concurrent resolution.”

The resolution lists a number of findings, including:

- “The United States strongly supports an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes;
- “The wrongful and illegal confiscation of property perpetrated by Nazi and Communist regimes was often an integral part of the persecution of innocent people due to their religion, nationality, or social origin, or the expression of a view that differed from that of the ruling regime;
- “The protection of and respect for property rights is a basic principle tenet for all democratic governments that operate according to the rule of law;
- “The participating countries of the Organization for Security and Cooperation in Europe (OSCE) have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just, and effective compensation in the event private property is taken for public use;
- “The Government of the United States has, since 1949, with the passing of Military Law 47 in the occupied American Zone of Germany, supported the return of property looted during the National Socialist era to the rightful owners, or the heirs, of such property;
- “During the last decade, Congress has passed resolutions that endorsed, reiterated, and emphasized the long standing support of the United States for the restitution and compensation for property illegally confiscated during the Nazi and Communist regimes;
- Poland, virtually alone among post-Communist countries, has failed to enact any legislation that provides for a process for the restitution of, or compensation for, private property seized and confiscated by the Nazi and Communist regimes;
- “Jewish communal properties were seized and confiscated by the Nazis in Lithuania during the Nazi era and by the Communist Lithuanian government after World War II; and
- “Lithuania, virtually alone among post-Communist countries, has failed to implement legislation that provides for the restitution of, or compensation for, Jewish communal property seized and confiscated by the Nazi and Communist regimes.”

Committee Action: H.Con.Res. 371 was introduced on June 11, 2008, and was referred to the Committee on Foreign Affairs, which took no further action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1361—Expressing the sense of the House of Representatives that the United States should lead a high-level diplomatic effort to defeat the campaign by some members of the Organization of the Islamic Conference to divert the United Nation's Durban Review Conference from a review of problems in their own and other countries by attacking Israel, promoting anti-Semitism, and undermining the Universal Charter of Human Rights and to ensure that the Durban Review Conference serves as a forum to review commitments to combat all forms of racism (*Berman, D-CA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1361 would express a number of senses of the House of Representatives, including:

- “Calls on the President to urge other heads of state to condition participation in the 2009 Durban Review Conference process on concrete action by the United Nations and United Nations Member States to ensure that it and they will reject any effort to inject anti-Semitism, hatred, and discrimination in all its forms onto the agenda of the Conference;
- “Urges those countries and all United Nations Member States to condition any further support for the 2009 Durban Review Conference process on the adherence to established human rights standards and on the rejection of an agenda that incites hatred against any group in the guise of criticism of a particular government or that seeks to forge a global blasphemy code;
- “Reaffirms its abiding commitment to the cause of combating continuing racism, racial discrimination, xenophobia, and related intolerance in all its forms including religious intolerance;
- “Calls on United Nations Secretary General Ban Ki-Moon to publicly urge the Human Rights Council to adhere to its mandate and to the high responsibility and expectations placed on it, and asks him to personally intervene to refocus the 2009 Durban Review

Conference efforts on an actual review of what United Nations Member States have done to fulfill their commitments to combat racial discrimination and other intolerance, and on concrete action to fight racism, anti-Semitism, and all forms of hatred; and

- “Calls on the High Commissioner for Human Rights to urge United Nations Member States to adhere to the agreed framework of the 2009 Durban Review Conference and its previously agreed upon goals and parameters and to urge Member States of the preparatory committee to return to decision making by consensus.”

The resolution lists a number of findings, including

- “The United Nations is undertaking preparations for a 2009 Durban Review Conference on the implementation of commitments made as part of the 2001 World Conference Against Racism in Durban, South Africa;
- “The 2001 World Conference Against Racism marked an important recognition of the historic wounds caused by slavery, colonialism, and related ongoing racism and racial discrimination, including the recognition of the transatlantic slave trade as a crime against humanity, and that people of African descent, people of Asian descent, and indigenous peoples who were victims of these acts continue to face discrimination and marginalization as a direct consequence;
- “The 2001 World Conference Against Racism also undertook historical efforts to recognize and address ongoing racism and racial discrimination against persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred;
- “The NGO Forum produced a document called the ‘NGO Declaration’ that contained abusive language branding Israel an ‘apartheid state’ that is guilty of ‘racist crimes against humanity’;
- “The United States withdrew its delegation from the 2001 World Conference on Racism, a decision that Secretary of State Colin Powell explained by stating that ‘you do not combat racism by conferences that produce declarations containing hateful language, some of which is a throwback to the days of ‘Zionism equals racism’; or supports the idea that we have made too much of the Holocaust; or suggests that apartheid exists in Israel; or that singles out only one country in the world--Israel--for censure and abuse’;
- “The atmosphere of anti-Semitism at the NGO Forum was dubbed as ‘hateful, even racist’ by former High Commissioner for Human Rights Mary Robinson and as ‘disgraceful’ by Deputy Foreign Minister Aziz Pahad of South Africa, who also affirmed that parts of the 2001 World Conference Against Racism were ‘hijacked and used by some with an anti-Israeli agenda to turn it into an anti-Semitic event’;
- “The High Commissioner for Human Rights was named Secretary-General of the 2009 Durban Review Conference;
- “The United States has decided to withhold from its 2008 funding for the United Nations an amount equivalent to the United States share of the United Nations Human Rights Council-administered preparatory process for the 2009 Durban Review Conference; and
- “Since the 2001 World Conference Against Racism, the need for a credible global forum to review United Nations Member States’ efforts to combat racism remains urgent given the continuing scourge of racism and related violence, including discrimination against

persons of African descent, Jewish, Muslim, caste, indigenous, Roma and Sinti, and other communities, anti-migrant xenophobia, and incitement to racial and religious hatred.”

Committee Action: H.Res. 1361 was introduced on July 22, 2008, and was referred to the Committee on Foreign Affairs, which held a mark-up on July 24, 2008, and reported the resolution by unanimous consent.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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**H.Res. 1369— Recognizing nongovernmental organizations working to
bring just and lasting peace between Israelis and Palestinians
(Lee, D-CA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1369 would express the sense that the House of Representatives:

- “Recognizes the vital role of nongovernmental organizations in peace-building efforts between Israel and Palestinians, and encourages them to remain steadfast in their commitment to nonviolence, recognition of Israel’s right to exist, dedication to achieving a two-state solution, and work toward building trust and cooperation between the two peoples;
- “Applauds the tireless work of these individuals and nongovernmental organizations, and urges them to continue their efforts;
- “Acknowledges and encourages the important efforts and support that these nongovernmental organizations, religious organizations, and individuals committed to peace and nonviolence contribute to these initiatives;
- “Affirms the importance of United States support to nongovernmental organizations that provide humanitarian aid and work for democracy, human rights, and peace and reconciliation between Israelis and Palestinians; and
- “Urges Israeli and Palestinian leaders to embrace the spirit of nongovernmental peace builders toward achieving a just and lasting peace.”

The resolution lists a number of findings, including

- “The Israeli-Palestinian conflict has cost many innocent lives and continues to bring terrible suffering to both peoples;
- “Despite the ongoing conflict, Israeli and Palestinian individuals and nongovernmental organizations have been working for decades to build bridges between the two peoples, to address humanitarian concerns, and to further the cause of peace;
- “Such individuals and nongovernmental organizations that are committed to nonviolence, recognize Israel's right to exist, and are dedicated to achieving a two-state solution deserve recognition and encouragement to continue their important work;
- “The Israeli-Palestinian conflict is currently at a critical juncture, and sustained progress towards peace depends on the commitment of individuals and organizations that choose dialogue, friendship, and openness;
- “The Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) permits the provision of United States assistance to nongovernmental organizations to provide for basic human needs, the protection of basic human freedoms, and the promotion of human rights, nonviolence, and for a just and peaceful reconciliation, provided that such assistance does not knowingly and directly benefit any terrorist organization;
- “The initiatives of these individuals and nongovernmental organizations reflect the tenacity of those with a true commitment to peace, mutual respect, and coexistence, and demonstrate the real impact that such people can make on the lives of individuals and communities; and
- “Such initiatives build hope and trust among both peoples and can help pave a path to peace.”

Committee Action: H.Res. 1369 was introduced on July 23, 2008, and was referred to the Committee on Foreign Affairs, which held a mark-up on July 24 and reported the resolution by unanimous consent.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Con.Res. 374—Supporting the spirit of peace and desire for unity displayed in the letter from 138 leading Muslim scholars, and in the Pope's response (Wamp, R-TN)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 374 would express the sense that the House of Representatives:

- “The United States supports the spirit of peace and desire for unity displayed both in the letter from 138 leading Muslim scholars from every sect of Islam to the Pope and to other Christian leaders, and in the Pope’s gracious response to the letter;
- “The United States further supports the summit of Catholic and Muslim religious leaders and their mutual goal of greater dialogue between the religions;
- “The United States should encourage those Muslims throughout the world who stand for peace and reconciliation; and
- “The United States appreciates those voices within all faiths who have condemned genocide, terrorism, death, and destruction and who call for global peace between the ‘Abrahamic religions’.”

The resolution lists a number of findings, including

- “138 Muslim scholars from every sect of Islam sent a letter to the Pope and other Christian leaders expressing their belief that ‘[t]he future of the world depends on peace between Muslims and Christians’;
- “The survival of the world’ is at stake because about half the world’s population is composed of Christians and Muslims and there are too many conflicts between the two;
- “The Vatican has announced that the Pope intends to address a Catholic-Muslim summit of religious leaders in November 2008, with the goal of beginning regular, official dialogue between the two religions;
- “Around the world and throughout history, religious faith has inspired many people to great acts of kindness and generosity;
- “Each faith contains adherents who have struggled to foster peace, wellness, strong families, economic justice, environmental sustainability, and human and civil rights;
- “Many faiths include groups and individuals who have exploited religious devotion to promote various causes through the use of violence, and this extremism is a threat to peace in the world;
- “The recent letter from Muslim scholars to the Pope and others reminds us that the Muslim voices advocating peace and dialogue are too often being drowned out and suppressed by the radical extremists; and
- “The best opportunity to stem the tide of terrorism is for moderates in all 3 ‘Abrahamic’ religions to stand together against the threat of radicalism.”

Committee Action: H.Con.Res. 374 was introduced on June 16, 2008, and was referred to the Committee on Foreign Affairs, which held a mark-up on July 24 and reported the resolution by unanimous consent.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.R. 5834— North Korean Human Rights Reauthorization Act of 2008 (Ros-Lehtinen, R-FL)

Order of Business: H.R. 5834 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5834 would reauthorize the North Korean Human Rights Act of 2004 for three years, through FY 2012.

H.R. 5834 would reauthorize several North Korean Human Rights programs, including programs to promote freedom of information and to carry out human rights and pro-democracy activities. The legislation would also reauthorize the special envoy on North Korean human rights issues, the annual report on U.S. humanitarian assistance, and programs to provide assistance outside of North Korea. Based on current funding levels, CBO estimates that H.R. 5834 would result in outlays totaling \$97 million over the FY 2009 through FY 2013 period.

The bill also lists the following findings:

- “The Government of China is conducting an increasingly aggressive campaign to locate and forcibly return border-crossers to North Korea, where they routinely face torture and imprisonment, and sometimes execution. According to recent reports, the Chinese Government is shutting down Christian churches and imprisoning people who help North Korean defectors, and has increased the bounty paid for turning in a North Korean refugee by a factor of sixteen, to an amount roughly equivalent to the average annual income in China;
- “In an attempt to deter escape attempts, the Government of North Korea has reportedly stepped up its public execution of border-crossers and those who help others cross into China, including the February 20, 2008, shooting of 13 women and 2 men in Onsung County, and the March 30, 2008, execution of three residents in Hyesan. As is commonly the case, employees and residents of nearby institutions, enterprises, and neighborhoods were required to attend and observe those killings;
- “Although the United States refugee resettlement program remains the largest in the world by far, the United States has resettled only 37 North Koreans in the period from 2004 through 2007;
- “From the end of 2004 through 2007, the Republic of Korea resettled 5,961 North Koreans;
- “Extensive delays in assessment and processing at overseas posts have led numerous North Korean refugees to abandon their quest for United States resettlement, and long waits (of more than a year in some cases) have been the source of considerable discouragement and frustration among refugees, many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure; and

- “From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.”

Additional information: According to [House Report 110-628](#):

The human rights situation inside North Korea is abominable. As underscored most recently in ‘A Prison Without Bars,’ the March 2008 report by the U.S. Commission on International Religious Freedom, ‘human rights conditions in North Korea remain among the worlds most oppressive, as the testimony of interviewees confirms.’ That oppression is most apparent in North Korea’s vast gulag, which holds an estimated 200,000 prisoners in camps that the North Korean State Security Agency manages through the use of forced labor, beatings, and executions, and in which countless prisoners also die from disease, starvation, and exposure.

Remedying this situation will require more persistent U.S. diplomacy at more senior levels. At present, the number of foreign governments who allow the United States to process North Koreans in their countries for resettlement is extremely limited. Having a greater number of countries in which the United States can screen and process North Korean refugees for domestic resettlement will reduce the burdens that such cooperation may pose to each individual country. The United States must make it clear that this is a humanitarian and foreign policy priority, and demonstrate a willingness to use the refugee assistance funds (authorized in section 203 of the 2004 Act and section 10 of the Reauthorization Act) to help mitigate the costs that such cooperation might impose on countries that agree to allow U.S. resettlement processing.

Committee Action: H.R. 5834 was introduced on April 17, 2008, and referred to the Committee on Foreign Affairs, which held a mark-up on April 30, 2008, and reported the bill, as amended, by voice vote. On May 13, 2008 H.R. 5834 passed the House by voice vote and was forwarded to the Senate. On September 22, 2008, the bill was passed in the Senate, with amendments, by unanimous consent.

Cost to Taxpayers: According to CBO, H.R. 5834 would authorize \$26 million in FY 2009 and \$104 million over the FY 2009 through FY 2013 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? According to [House Report 110-628](#), “H.R. 5834 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.”

Constitutional Authority: [House Report 110-628](#), cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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H.R. 758—Breast Cancer Patient Protection Act (*DeLauro, D-CT*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 758 would amend the Employee Retirement Income Security Act (ERISA), the Public Health Service Act, and the Internal Revenue Code to require group and individual health plans to meet certain minimum coverage requirements with respect to breast cancer surgeries. Specifically, the bill would:

- Require plans to have coverage for inpatient and radiation therapy with respect to breast cancer treatment;
- Require plans to cover 48-hour hospital stays in the case of mastectomy or lumpectomy procedures, and 24-hour hospital stays in the case of lymph node dissections to treat breast cancer;
- Prohibit plans from requiring pre-authorization for hospital stays within the time limits prescribed above;
- Require plans to cover secondary consultations with specialists regarding the diagnosis and treatment of cancer, including cases with a negative initial diagnosis. If no specialist is available within the plan’s network, the plan would be required to pay for out-of-network coverage, with any co-payments or co-insurance charged to the beneficiary limited to in-network levels. (**NOTE:** This mandate would apply to all cancer diagnoses, not just those related to breast cancer, as the bill’s title implies); and
- Prohibit plans from offering financial inducements to providers or patients in an attempt to subvert the federal mandates imposed above.

In addition, H.R. 758 contains language regarding the rescission of insurance plans purchased in the individual market. The bill would amend the Public Health Service Act to prohibit plans from rescinding policies except in the case of “intentional concealment of material facts regarding a health condition related to the condition for which coverage is being claimed.” The bill also provides for a process of independent external review prior to the rescission or discontinuation of the insurance plan.

Additional Background: Since the 1960s, state legislatures have considered—and adopted—legislation requiring health insurance products sold within the state to cover various products and services. These benefit mandates are frequently adopted at the behest of disease groups advocating for coverage of particular treatments (e.g. mammograms) or physician groups concerned that patients have access to specialists’ services (e.g. optometrists).

A recent survey by the Council for Affordable Health Insurance found that as of 2007, states had enacted a total of 1,961 mandates for benefits and services—an increase of 60 (more than one per state) when compared to the 2006 total.¹ The number of state mandates varies from a low of 15 in Idaho to a high of 64 in Minnesota. However, because employer-sponsored health insurance is pre-empted from state-based laws and regulations under the Employee Retirement Income Security Act of 1974 (ERISA), benefit mandates do not apply to employers who self-fund their health insurance plans—one reason why H.R. 758 seeks to impose those mandates on group plans (as well as state-regulated individual plans) on the federal level.

The cost and impact of benefit mandates on health insurance premiums have been the subject of several studies in recent years. For instance, the Heritage Foundation prepared an analysis suggesting that each individual benefit mandate could raise the cost of health insurance premiums by \$0.75 monthly.² Although the cost of a single mandate appears small, the aggregate impact—particularly given the recent growth of benefit mandates nationwide—can be significant: For instance, Massachusetts’ 43 benefit mandates would raise the cost of health insurance by more than \$30 monthly under the Heritage analysis.

Although well-intentioned, some conservatives may view the groups who advocate for benefit mandates as operating from fundamentally flawed logic: that individuals *should go without health insurance entirely* rather than purchase coverage lacking the “consumer protection” of dozens of mandates. In addition, some conservatives note that the prospect of increasing the number of uninsured due to rising premium costs resulting from benefit mandates may precipitate a “crisis” surrounding the uninsured, increasing calls for a government-run health system. In short, many conservatives may believe individuals should have the “consumer protection” *to* purchase the insurance plan they desire—rather than the “protection” *from* being a consumer by a government which seeks to define their options, and raise the cost of health insurance in the process.

Committee Action: H.R. 758 was introduced on January 31, 2007, and referred to the Committees on Energy and Commerce, Ways and Means, and Education and Labor. On September 17, 2008, the Committee on Energy and Commerce ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 758 was unavailable at press time. However, the Congressional Budget Office has previously scored a mental health parity benefit mandate as costing nearly \$4 billion over ten years.

Conservative Concerns: Some conservatives may have concerns with H.R. 758, including but not limited to:

¹ Council for Affordable Health Insurance, “Health Insurance Mandates in the States 2008” and “Health Insurance Mandates in the States 2007,” available online at http://www.cahi.org/cahi_contents/resources/pdf/HealthInsuranceMandates2008.pdf and http://www.cahi.org/cahi_contents/resources/pdf/MandatesInTheStates2007.pdf, respectively (accessed July 19, 2008).

² Michael New, “The Effect of State Regulations on Health Insurance Premiums: A Revised Analysis,” (Washington, Heritage Center for Data Analysis Paper CDA06-04, July 25, 2006), available online at http://www.heritage.org/Research/HealthCare/upload/CDA_06-04.pdf (accessed July 19, 2008), p. 5.

- **Increase Health Insurance Costs and Number of Uninsured.** As noted above, benefit mandates generally have the effect of increasing the cost of health insurance. Moreover, some estimates suggest that every 1% increase in premium costs has a corresponding increase in the number of uninsured by approximately 200,000-300,000 individuals nationwide.³ Therefore, some conservatives may be concerned that H.R. 758 will actually increase the number of uninsured Americans.
- **Unfunded Private-Sector Mandates on Small and Large Businesses.** As detailed above, the bill contains multiple new federal mandates on the private sector, affecting the design and structure of health insurance plans. Among other mandates, the bill would require plans to cover out-of-network specialist consultations for **all** types of cancer, *even if the initial consultation resulted in a negative diagnosis.*
- **Undermines Federalism; Democrat Hypocrisy.** In addition to imposing mandates on group health insurance plans generally regulated at the federal level under ERISA, H.R. 758 would also impose these same mandates on individual health insurance plans, which under the McCarran-Ferguson Act are regulated at the state level. Some conservatives may be concerned by this attempt to undermine state authority and micro-manage health insurance plans. In addition, some conservatives may note that Democrats who previously cited “state consumer protections” as one reason to oppose efforts to purchase health insurance across state lines now apparently find even these “protections” insufficient, and wish to impose additional layers of federal regulation on individual insurance plans.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would create new federal insurance mandates related to cancer coverage and treatment.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes, the bill would require employers to comply with several new federal mandates related to cancer coverage and treatment.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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³ See, for instance, Todd Gilmer and Richard Kronick, “It’s the Premiums, Stupid: Projections of the Uninsured through 2013,” *Health Affairs* Web Exclusive April 5, 2008, available online at <http://content.healthaffairs.org/cgi/content/full/hlthaff.w5.143/DC1> (accessed July 19, 2008), and Government Accountability Office, *Impact of Premium Increases on Number of Covered Individuals is Uncertain* (Washington, Report GAO/HEHS-98-203R, June 11, 1999), available online at <http://archive.gao.gov/paprpdf2/160930.pdf> (accessed July 19, 2008), pp. 3-4.

H.R. 6908—Health Insurance Source of Injury Clarification Act (Burgess, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6908 would amend the Employee Retirement Income Security Act (ERISA), the Public Health Service Act, and the Internal Revenue Code to require disclosure of limitations on group health insurance coverage. Under current law, group plans are permitted to establish limitations or restrictions (e.g. annual or lifetime maximum benefits, etc.) on coverage for “similarly situated individuals,” so long as they do not discriminate on the basis of health status or other protected categories of federal law. H.R. 6908 would require insurance carriers to make information on such restrictions explicit and clear to plan sponsors (i.e. employers), and require employers to make these restrictions clear to employees upon their enrollment in the plan.

Committee Action: H.R. 6908 was introduced on September 16, 2008, and referred to the Committees on Energy and Commerce, Ways and Means, and Education and Labor. On September 17, 2008, the Committee on Energy and Commerce ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6908 was unavailable.

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

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes, the bill imposes disclosure requirements on insurance carriers and employer sponsors of health insurance.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 6469—Stephanie Tubbs Jones Organ Transplant Act (DeGette, D-CO)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6469 would increase the maximum annual contract providing federal funding

for the Organ Procurement and Transplantation Network from \$2 million per year to \$7 million per year. The Organ Procurement and Transplantation Network, a non-profit entity established under the Public Health Service Act, maintains a national system that matches organs and recipients in order to facilitate organ procurement, transportation, and transplantation. According to the bill sponsor, total costs for the non-profit Network exceeded \$27 million in 2007.

Committee Action: H.R. 6469 was introduced on July 10, 2008, and referred to the Committee on Energy and Commerce, which on September 17, 2008 ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6469 was unavailable.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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S. 1760—Healthy Start Reauthorization Act (*Sherrod Brown, D-OH*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 1760 would reauthorize the Healthy Start Initiative for six years, from Fiscal Year 2008 through Fiscal Year 2013. Established under the Public Health Service Act, the Healthy Start Initiative provides grants to areas with high infant mortality rates in order to reduce infant mortality and improve perinatal outcomes.

The bill authorizes \$120 million in appropriations for Fiscal Year 2008, and at least \$120 million for Fiscal Years 2009 through 2013, with additional increases linked to the increase in CPI inflation. For Fiscal Year 2008, the Healthy Start Initiative already received \$100 million in appropriations, according to the Congressional Budget Office.

S. 1760 would also make minor changes to the Healthy Start Initiative, requiring the Secretary of Health and Human Services to take into consideration factors such as low birthweight and community-based approaches to service delivery when awarding grants, and permitting the Secretary to reserve up to 5% of annual appropriations for program administration, and an

additional 1% of annual appropriations for project evaluation.

Committee Action: S. 1760 was introduced on July 10, 2007, and passed the Senate with an amendment by voice vote on April 30, 2008. The bill was then referred to the Committee on Energy and Commerce, which on September 17, 2008 ordered the bill reported by voice vote.

Cost to Taxpayers: According to the Congressional Budget Office (CBO), S. 1760 would authorize \$120 million in appropriations for 2008, and \$757 million over the 2008-2013 period. CBO further estimates that implementing S. 1760 would increase spending above current law levels by \$2 million in 2008, and \$453 million by 2013, assuming annual appropriation of the authorized amounts.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 1532—Comprehensive Tuberculosis Elimination Act *(Gene Green, D-TX)*

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1532 would establish a national strategy for combating and eliminating tuberculosis, with a particular focus on efforts by the Centers for Disease Control (CDC) and the National Institutes for Health (NIH). The bill would amend existing sections of the Public Health Service Act to revise research and related priorities for the CDC, and recipients of grants issued by the CDC, related to educational efforts about tuberculosis and efforts to treat and respond to tuberculosis outbreaks. The bill provides that outside entities with an additional non-federal source of funds should receive priority when applying for federal grants.

H.R. 1532 would require an existing CDC Advisory Council for the Elimination of Tuberculosis to develop a comprehensive plan to eliminate the disease, and amends its duties to include coordinating the Federal response to the disease. The bill directs the Federal Tuberculosis Task Force within the CDC to advise on new research into the disease, and requires the CDC to submit a report regarding the status and effectiveness of current state and federal isolation and quarantine regulations.

With respect to NIH, the bill permits the agency to “expand, intensify, and coordinate research and development” within the Institutes with respect to tuberculosis.

The bill authorizes appropriations of \$300 million in Fiscal Year 2009, and \$1.66 billion over the 2009-2013 period, for the CDC to carry out the bill’s objectives. H.R. 1532 includes no additional authorizations for the NIH.

Committee Action: H.R. 1532 was introduced on March 15, 2007, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 1532 was unavailable. However, the text of the legislation, as amended by the Energy and Commerce Committee, includes \$300 million in CDC authorizations for Fiscal Year 2009, and \$1.66 billion over the 2009-2013 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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 2994—National Pain Care Policy Act (Capps, D-CA)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2994 would amend the Public Health Service Act with respect to pain care in several ways:

- The bill would authorize the appropriation of \$500,000 for the Institute of Medicine to conduct a Conference on Pain;
- The bill would encourage the National Institutes of Health (NIH) to expand research through its Pain Consortium, and establish an Interagency Pain Research Coordinating Committee to summarize and make recommendations on pain care research;

- H.R. 2994 would establish a new category of health professions grants regarding training and education in pain care, and would delineate that not less than \$5,000,000 of total health profession appropriation funding be designated to the new pain care grant program;
- The bill would create a national pain education outreach and awareness campaign regarding pain treatment and management, and authorizes \$2 million in appropriations in Fiscal Year 2009, and \$4 million in Fiscal Years 2010 and 2011 for such purpose.

Committee Action: H.R. 2994 was introduced on July 11, 2007, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 2994 was unavailable; however, the text of H.R. 2994 contains \$10,500,000 in new authorizations—\$500,000 for a Conference on Pain and \$10 million for a national education and outreach campaign.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new grant program related to pain care training.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 5265—Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments (*Engel, D-NY*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5265 would amend the Public Health Service Act with respect to research into various forms of muscular dystrophy. The bill would include the National Heart, Lung, and Blood Institute among the National Institutes of Health (NIH) directed to conduct research into various forms of muscular dystrophy, and would name entities receiving federal grants provided under such auspices as “Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers,” after the late Minnesota Senator. H.R. 5265 would authorize such sums as are necessary for Fiscal Years 2008 through 2012 to implement the grant provisions.

With respect to the Centers for Disease Control (CDC), H.R. 5265 would require new annual epidemiological reports analyzing data compiled by CDC with respect to the condition of muscular dystrophy patients and their health outcomes. The bill would also require the CDC to partner with leaders in the muscular dystrophy community, and require the Agency for Healthcare Research and Quality (AHRQ) to issue standards of care related to muscular dystrophy.

Committee Action: H.R. 5265 was introduced on February 7, 2008, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 5265 was unavailable.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 6901—Meth Free Families and Communities Act (*Hooley, D-OR*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6901 would amend the Public Health Service Act to include provisions regarding methamphetamine addiction. Specifically, the bill would:

- Require the Center for Substance Abuse Treatment within the Substance Abuse and Mental Health Services Administration (SAMHSA) to collaborate with health professionals to screen and treat individuals with addictions, including those relating to methamphetamines;
- Amend existing language regarding grants to pregnant and parenting women under treatment for substance abuse to include methamphetamine addiction, and expand grant eligibility to outpatient treatment centers as well as inpatient facilities;
- Award priority for allocating grants to treat pregnant and parenting women to those entities that serve rural or underserved areas with high levels of addiction to methamphetamine or other drugs;

- Reauthorize appropriations for grants to institutions treating pregnant and parenting women for addiction, at a level of \$20 million in Fiscal Year 2009, and \$110 million in the 2009-2013 period;
- Establish a clearinghouse for information on workplace drug testing policies and programs; and
- Permit the use of existing grants regarding methamphetamine addiction to be used for student-driven awareness projects.

Committee Action: H.R. 6901 was introduced on September 15, 2008, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6901 was unavailable; however, the text of the bill would authorize \$20 million in Fiscal Year 2009, and \$110 million through the 2009-2013 period, for grants to institutions treating pregnant and parenting women.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.R. 2583—Physician Workforce Enhancement Act (Burgess, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2583 would amend the Public Health Service Act to establish a loan program under the Health Resources and Services Administration (HRSA) for eligible hospitals to create residency training programs. Eligible participants of the loan program include accredited public and for-profit hospitals without residency programs who seek to establish residency programs in certain specialties (e.g. family medicine, obstetrics, pediatrics, etc.). The bill would give priority in eligibility to rural areas, as defined in the Medicare statute. The interest-free loans of up to \$250,000 would be repaid by the hospital beginning within 18 months of their disbursement, and ending within two years thereafter. The bill authorizes \$8 million in Fiscal Year 2010, and \$44.2 million over the 2010-2014 period, for the loan program.

Committee Action: H.R. 2583 was introduced on June 6, 2007, and referred to the Committee on Energy and Commerce, which on September 17, 2008, ordered the bill, as amended, reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 2583 was unavailable; however, the text of the bill authorizes \$8 million in Fiscal Year 2010, and \$44.2 million over the 2010-2014 period, for the loan program.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would establish a new loan program for hospitals seeking to create residency programs.

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 Clause 9 of Rule XXI regarding earmarks was unavailable.

Constitutional Authority: A Committee report citing constitutional authority was unavailable.

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H.Res. 1042—Supporting the We Don’t Serve Teens Campaign (Bono, R-CA)

Order of Business: H.Res. 1042 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1042 would express the sense that the House:

- “Supports the goals and ideals of campaigns working to improve long-term public health and well being, including campaigns that work to prevent underage drinking of alcoholic beverages, such as the We Don't Serve Teens Campaign;
- “Encourages Americans to utilize resources, including the Web site of the Federal Trade Commission at www.dontserveteens.gov and the Web site of the National Institute of Alcohol Abuse and Alcoholism at www.alcoholfreekids.org, that provide a wealth of information beneficial to combating and reducing such underage drinking; and
- “Commends the leadership and continuing efforts of all groups working to reduce such underage drinking, including the Federal Trade Commission, the Department of Health and Human Services, State and local officials, law enforcement, public health organizations, community groups, and the beverage alcohol industry.

The resolution lists a number of findings, including:

- “The 2005 National Survey on Drug Use and Health conducted by the Substance Abuse and Mental Health Services Administration estimates there are 11,000,000 underage alcoholic beverage drinkers in the United States;
- “Research shows that young people who start drinking alcoholic beverages before the age of 15 are 4 times more likely to develop an alcohol-related disorder later in life;
- “Surveys show that 17 percent of 8th graders, 33 percent of high school sophomores, and 47 percent of high school seniors report recent drinking of alcoholic beverages;
- “In a 2003 survey of such drinkers ages 10 to 18, 65 percent said they got the alcohol from family members or friends--some took alcohol from their home or a friend's home without permission, and in other cases adults, siblings, or friends provided the alcohol;
- “The We Don't Serve Teens campaign recognizes that all 3 tiers of the beverage alcohol industry play a key role in the prevention of underage drinking, and unites all of those participants in a concerted effort to protect America's youth.”

Committee Action: H.Res. 1042 was introduced on March 12, 2008, and referred to the Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Con.Res. 393—Supporting the goals and ideals of “National Sudden Cardiac Arrest Awareness Month” (Pickering, R-MS)

Order of Business: H.Con.Res. 393 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 393 would express the sense that Congress:

- “Supports the goals and ideals of ‘National Sudden Cardiac Arrest Awareness Month’;
- “Supports efforts to educate people about sudden cardiac arrest and to raise awareness about the risk of sudden cardiac arrest, identifying warning signs, and the need to seek medical attention in a timely manner;
- “Acknowledges the critical importance of sudden cardiac arrest awareness to improving national cardiovascular health; and
- “Calls upon the people of the United States to observe this month with appropriate programs and activities.”

The resolution lists a number of findings, including:

- “Sudden cardiac arrest takes the lives of more than 250,000 people in the United States each year, according to the Heart Rhythm Society;
- “Anyone can experience sudden cardiac arrest, including infants, high school athletes, and people in their 30s and 40s who have no sign of heart disease;
- “Sudden cardiac arrest is extremely deadly, with the National Heart, Lung, and Blood Institute giving the disease a mortality rate of approximately 95 percent;
- “To have a chance of surviving an attack, the American Heart Association states that victims of sudden cardiac arrest must receive a lifesaving defibrillation within the first 4 to 6 minutes of an attack;
- “For every minute that passes without a shock from an automated external defibrillator, the chance of survival decreases by approximately 10 percent;
- “The Yale-New Haven Hospital and the New England Journal of Medicine state that women and African-Americans are at a higher risk than the general population for dying as a result of sudden cardiac arrest, yet this fact is not well known to people at risk;” and
- “There is a need for comprehensive educational efforts designed to increase awareness of sudden cardiac arrest and related therapies among medical professionals and the greater public in order to promote early detection and proper treatment of this disease and to improve quality of life.”

Committee Action: H.Con.Res. 393 was introduced on July 22, 2008, and referred to the Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 988—Recognizing the month of March 2008 as “MRSA Awareness Month” (*Matheson, D-UT*)

Order of Business: H.Res. 988 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 988 would express the sense that the House:

- “Recognizes the need to apply what is already known about reducing the transmission of infections in hospitals and assuring appropriate use and utilization of antibiotics to meet patient and public health needs;

- “Recognizes the need to pursue operational research to find the best ways of preventing hospital- and community-acquired Methicillin-resistant Staphylococcus aureus (MRSA) and developing new antibiotics for improving care for MRSA patients;
- “Recognizes the importance of raising awareness of MRSA and methods of preventing MRSA infections; and
- “Supports the work of advocates, healthcare practitioners, and science-based experts in educating, supporting, and providing hope for individuals and their families affected by community and healthcare associated infections.”

The resolution lists a number of findings, including:

- “Methicillin-resistant Staphylococcus aureus (MRSA) is a type of infection that is resistant to treatment with the usual antibiotics and is one of the most common pathogens that cause Healthcare-Associated Infections (HAIs) in the United States and in many parts of the world;
- “A study led by the Centers for Disease Control and Prevention estimates that in 2005 more than 94,000 invasive MRSA infections occurred in the United States and more than 18,500 of these infections resulted in death;
- “The percentage of Staphylococcus aureus infections in the United States that are attributable to MRSA has grown from 2 percent in 1974 to 63 percent in 2004;
- “The annual number of hospitalizations associated with MRSA infections, including both HAIs and community-based infections, more than tripled between 1999 and 2005, from 108,600 to 368,600;
- “Approximately 85 percent of all invasive MRSA infections were associated with healthcare;
- “Serious MRSA infections occur most frequently among individuals in hospitals and healthcare facilities, particularly the elderly, those undergoing dialysis, and those with surgical wounds;
- “Individuals infected with MRSA are most likely to have longer and more expensive hospital stays, with an average cost of \$35,000;” and
- “Many instances of MRSA transmission can be prevented through the use of appropriate hygienic practices, such as hand washing and appropriate first aid for open wounds and active skin infections, are followed.”

Committee Action: H.Res. 988 was introduced on February 14, 2008, and referred to the Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.Res. 1381—Expressing the sense of the House that there should be an increased Federal commitment prioritizing prevention and public health for all people in the United States (Roybal-Allard, D-CA)

Order of Business: H.Res. 1381 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1381 would express the sense that the House:

- “Recognizes that in order to reduce the disease burden and health care costs associated with preventable disease and injury, it is imperative that this Nation strengthen its public health system to
 - “Provide all persons in the United States with the information, resources, and environment they need to make healthier choices and live healthier lives; and
 - “Protect all people in this country from health threats beyond their control, such as bioterrorism, natural disasters, infectious disease outbreaks, and environmental hazards;
- “Commits to creating public health strategies to eliminate health disparities and improve the health of all people in the United States, regardless of race, ethnicity, or socioeconomic status;
- “Supports the prioritizing of public policies focusing on the prevention of disease and injury, and calls for community-based programs to support healthy lifestyles, including those that promote proper nutrition and increased access to physical activity;
- “Urges the expansion of the 5 prevention strategies of daily aspirin therapy, smoking cessation, colorectal cancer screening, annual flu immunizations, and breast cancer screening that can save more than 100,000 lives each year;
- “Believes that the congressional budget process should reflect the significant savings associated with investments in prevention of disease and injury, and therefore strongly encourages the Congressional Budget Office to consider the health care savings associated with reduced chronic disease burden due to clinical and community preventive services and programs when formulating its health care cost estimates; and
- “Pledges to helping the United States be the healthiest nation by supporting an increased investment in Federal public health programs to at least 1 percent of total Federal spending within 5 years of the passage of this resolution.”

The resolution lists a number of findings, including:

- “The United States has the highest rate of preventable deaths among 19 industrialized U.N. nations and lags behind 28 other U.N. nations in life expectancy;
- “Various research studies suggest that nearly 60 percent of premature deaths in the United States are attributable to environmental conditions, social circumstances, and behavioral choices that could be addressed through prevention;

- “Of the more than \$2,200,000,000,000 in health care spent nationally in the United States every year, more than any other nation in the world, less than 4 cents out of every dollar is spent on prevention and public health;
- “Chronic diseases are the leading causes of preventable death and disability in the United States, accounting for 7 out of every 10 deaths and killing more than 1,700,000 people in the United States every year;
- “These often preventable chronic diseases account for 75 percent of health care spending in the United States, including more than 96 cents out of every dollar spent in Medicare and more than 83 cents out of every dollar spent in Medicaid;
- “These chronic diseases cost the United States an additional \$1,000,000,000,000 each year in lost productivity, and are a major contributing factor to the overall poor health that is placing the Nation's economic security and competitiveness in jeopardy;” and
- “Research has shown that investing in community-level interventions that promote and enable proper nutrition, increased access to physical activity, and smoking cessation programs can prevent and mitigate chronic diseases, improve quality of life, increase economic productivity, and reduce health care costs.”

Additional Background: While H.Res. 1381 calls upon Congress to increase public health spending to at least one percent of the federal budget within five years of the resolution’s passage, a Congressional Research Service [report](#) notes that in Fiscal Year 2008, total appropriations for agencies under the Public Health Service Act totaled \$50.6 billion—approximately 1.6% of all federal spending.

Committee Action: H.Res. 1381 was introduced on July 29, 2008, and referred to the Committee on Energy and Commerce, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

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H.R. 1014— Heart Disease Education, Analysis Research, and Treatment for Women Act (*Capps, D-CA*)

Order of Business: H.R. 1014 is scheduled for consideration on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1014 would amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to require an application for approval of a drug, device, or biological product to include information stratified by sex, race, and ethnicity, including any differences in safety

and effectiveness. The bill would require that certain measures are taken to ensure that the drug, device, or product is not approved if such information is withheld.

The bill would require the Comptroller General to study the drug approval process to ensure that all approval processes comply with this process.

The bill would require that the Secretary provide that all nonidentifiable patient safety work product reported to the network of patient safety databases be stratified by sex.

The bill would require the Secretary to report to Congress concerning the quality of and access to care for women with heart disease, stroke, and other cardiovascular diseases.

The bill provides for an educational campaign relating to heart disease, stroke, and cardiovascular diseases in women through the Secretary of Health and Human Services.

The bill authorizes such sums to be appropriated to enable the Director of the Centers for Disease Control and Prevention to implement Well-Integrated Screening and Evaluation for Women Across the Nation ([WISEWOMAN](#)) program projects in all States and territories, including projects among Indian tribes.

Committee Action: H.R. 1014 was introduced on February 13, 2008 and referred to the House Committee on Energy and Commerce. On September 17, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: No CBO score exists for this legislation.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill expands the authority and duties of the Secretary of Health and Human Services and authorizes such sums to enable the CDC WISEWOMAN program.

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 was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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H.R. 6353— Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Stupak, D-MI)

Order of Business: H.R. 6353 is scheduled for consideration on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6353 would amend the Controlled Substances Act to prohibit the delivery, distribution, or dispensing of controlled substances over the Internet without a valid prescription. The bill specifically exempts [telemedicine practitioners](#).

The bill defines “valid prescription” as a prescription that is issued for a legitimate purpose by a practitioner who has conducted at least one in-person medical evaluation of the patient. In addition, the bill includes new definitions relating to online pharmacies and the issuance of prescriptions over the Internet. The bill also imposes new registration and reporting requirements on online pharmacies.

The bill makes the following requirements of an online pharmacy:

- display on its Internet homepage a statement that it complies with the requirements of this Act;
- comply with state laws for the licensure of pharmacies in each state in which it operates or sells controlled substances;
- post on its Internet homepage specified information, including the name, address, and telephone number of the pharmacy, the qualifications of its pharmacist-in-charge, and a certification of its registration under this Act; and
- notify the Attorney General and applicable state boards of pharmacy at least 30 days prior to offering to sell, deliver, distribute, or dispense controlled substances over the Internet.

The bill also increases criminal penalties involving controlled substances in Schedules II, IV, and V of the Controlled Substances Act which would allow a District Attorney to become involved in prosecuting rogue online pharmacies who are not in compliance with this Act. The bill also authorizes states to apply for injunctions or obtain damages and other civil remedies against online pharmacies that are deemed a threat to state residents.

Committee Action: H.R. 6353 was introduced on June 24, 2008, and referred to the Committee on Energy and Commerce, as well as the Committee on the Judiciary. On September 17, 2008, the House Committee on Energy and Commerce held a mark-up of the bill and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: No CBO score exists. The bill does not authorize additional spending.

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 was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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H.R. 6983—Paul Wellstone and Pete Domenici Mental Health and Addiction Equity Act (*Patrick Kennedy, D-RI*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, under a motion to suspend the rules and pass.

Summary: H.R. 6983 would amend the Internal Revenue Code, the Public Health Service Act, and the Employee Retirement Income Security Act (ERISA) to require equity in the provision of mental health disorder benefits for group health insurance plans that offer both mental health benefits and medical and surgical benefits. Previously, the Mental Health Parity Act—first enacted in 1996, and extended in subsequent legislation—required only that plans choosing to offer both mental health and medical and surgical benefits must have equal annual and lifetime limits on coverage for both types of treatments. Specific details of the federal mandates in the bill include the following:

Treatment Limits and Beneficiary Financial Requirements: The bill would require group health plans to offer a financial benefit structure for mental and substance abuse disorders that is no more restrictive than the predominant requirements applied to substantially all medical and surgical benefits. The federal mandate would apply to overall coverage limits on treatment (e.g. number of days or visits) as well as deductibles, out-of-pocket limits, and similar beneficiary financial requirements.

Expansion of Definition: The bill would expand the definition of “mental health benefits” subject to the federal mandate to include substance abuse and disorder treatments.

Medical Necessity: The bill would permit plans to make coverage decisions for mental health and substance abuse disorders based on medical necessity criteria, but would require employers and insurers to disclose such criteria pursuant to regulations.

Out-of-Network Benefits: The bill would mandate plans that offer out-of-network insurance coverage for medical and surgical benefits provide out-of-network coverage for mental health benefits in a manner consistent with the financial requirements listed above.

Increased Cost Exemption: The bill would raise the level at which employers whose health insurance costs rise as a result of implementing mental health parity in benefits may claim an exemption from the federal mandate. The bill would exempt employers whose costs due to mental health claims rise by more than 2% in the first year of implementation, and by more than 1% in subsequent years. The more limited version of the Mental Health Parity Act first enacted in 1996 exempted employers whose claim costs rose 1%. Employers with fewer than 50 workers would be exempt from federal mandates under the legislation, consistent with current law.

GAO Study: The bill would require a study by the Government Accountability Office evaluating the law's impact on the cost of health insurance coverage, access to mental health care, and related issues.

Worldwide Interest Allocation: H.R. 6983 would delay by two years (from 2011 to 2013) the implementation of the worldwide allocation of interest, and reduces the first-year implementation of this rule. In 2004, Congress gave taxpayers the option of using a liberalized rule for allocating interest expense between United States sources and foreign sources for the purposes of determining a taxpayer's foreign tax credit limitation. ***This is a multi-billion-dollar tax increase on Americans, taking particular aim at people who have financial dealings abroad.***

Additional Background—Differences from Earlier Legislation: On March 5, 2008, the House by a [268-148](#) vote passed mental health parity legislation in the form of H.R. 1424. Subsequent negotiations with the Senate made modifications to the House-passed language that incorporated several key provisions in bipartisan Senate legislation (S. 558), and removed some provisions objectionable to conservatives. Specifically, the compromise language in H.R. 6983:

- Retains ERISA pre-emption for the large employers (those with more than 50 employees) subject to the law—states would not have the option of enacting more stringent and conflicting laws and regulations, as was proposed in H.R. 1424;
- Remains silent on codifying classes of mental disorders—the compromise language removes provisions included in H.R. 1424 requiring group health plans to offer coverage for all disorders under the Diagnostic and Statistical Manual of Mental Disorders, including psycho-sexual disorders many conservatives find objectionable;
- Does not mandate an out-of-network coverage benefit—plans must offer out-of-network coverage for mental disorders only to the extent they do so for medical and surgical benefits; and
- Includes language stating that mental health parity provisions do not affect the “terms and conditions” of insurance contracts to the extent they do not conflict with the bill language—permitting employers and carriers to continue making medical necessity and related determinations—while requiring plans to make information on these medical management practices transparent.

While some conservatives may still have concerns with the mandates imposed by mental health parity legislation and the way in which these mandates would increase health insurance premiums, some segments of the business community have embraced the compromise as a reasonable attempt to achieve the goal of both bills without eroding ERISA pre-emption or imposing undue restrictions on benefit plan design.

Additional Background on Benefit Mandates: Since the 1960s, state legislatures have considered—and adopted—legislation requiring health insurance products sold within the state to cover various products and services. These benefit mandates are frequently adopted at the behest of disease groups advocating for coverage of particular treatments (e.g. mammograms) or physician groups concerned that patients have access to specialists’ services (e.g. optometrists).

A recent survey by the Council for Affordable Health Insurance found that as of 2007, states had enacted a total of 1,961 mandates for benefits and services—an increase of 60 (more than one per state) when compared to the 2006 total.⁴ The number of state mandates varies from a low of 15 in Idaho to a high of 64 in Minnesota. However, because employer-sponsored health insurance is pre-empted from state-based laws and regulations under the Employee Retirement Income Security Act of 1974 (ERISA), benefit mandates do not apply to employers who self-fund their health insurance plans—one reason why H.R. 6983 seeks to impose those mandates on group plans (as well as state-regulated individual plans) on the federal level.

The cost and impact of benefit mandates on health insurance premiums have been the subject of several studies in recent years. For instance, the Heritage Foundation prepared an analysis suggesting that each individual benefit mandate could raise the cost of health insurance premiums by \$0.75 monthly.⁵ Although the cost of a single mandate appears small, the aggregate impact—particularly given the recent growth of benefit mandates nationwide—can be significant: For instance, Massachusetts’ 43 benefit mandates would raise the cost of health insurance by more than \$30 monthly under the Heritage analysis.

Although well-intentioned, some conservatives may view the groups who advocate for benefit mandates as operating from fundamentally flawed logic: that individuals *should go without health insurance entirely* rather than purchase coverage lacking the “consumer protection” of dozens of mandates. In addition, some conservatives note that the prospect of increasing the number of uninsured due to rising premium costs resulting from benefit mandates may precipitate a “crisis” surrounding the uninsured, increasing calls for a government-run health system. In short, many conservatives may believe individuals should have the “consumer protection” *to* purchase the insurance plan they desire—rather than the “protection” *from* being a consumer by a government which seeks to define their options, and raise the cost of health insurance in the process.

Committee Action: None; the bill was introduced on September 22, 2008.

Possible Conservative Concerns: Several aspects of H.R. 6983 may raise concerns for conservatives, including, but not necessarily limited to, the following:

⁴ Council for Affordable Health Insurance, “Health Insurance Mandates in the States 2008” and “Health Insurance Mandates in the States 2007,” available online at http://www.cahi.org/cahi_content/resources/pdf/HealthInsuranceMandates2008.pdf and http://www.cahi.org/cahi_content/resources/pdf/MandatesInTheStates2007.pdf, respectively (accessed July 19, 2008).

⁵ Michael New, “The Effect of State Regulations on Health Insurance Premiums: A Revised Analysis,” (Washington, Heritage Center for Data Analysis Paper CDA06-04, July 25, 2006), available online at http://www.heritage.org/Research/HealthCare/upload/CDA_06-04.pdf (accessed July 19, 2008), p. 5.

- Process. Multiple sources and press reports indicate that numerous stakeholders involved in negotiating the bipartisan Senate compromise have concerns with the House’s consideration of stand-alone mental health parity legislation—as opposed to its inclusion in the tax extenders package. As recently as Monday, September 22, House Democrat leadership indicated they would not attempt to pass the mental health parity provisions separately; however, the majority later switched course. Some conservatives may be concerned by reports indicating that this separate House vote is intended to provide “political cover” for Blue Dogs who may oppose the tax extenders bill (with mental health parity included) because it does not include enough tax increases to offset extensions of existing tax relief.
- Tax Increase. In order to pay for the nearly \$4 billion cost of mental health parity, H.R. 6983 would delay by a further two years a provision allowing taxpayers flexibility in allocating worldwide interest for the purposes of determining a taxpayer’s foreign tax credit limitation. Some conservatives may be concerned that this provision increases taxes on Americans in order to pay for H.R. 6983’s benefit mandates.
- Increase Health Insurance Costs and Number of Uninsured. As noted above, benefit mandates generally have the effect of increasing the cost of health insurance. Moreover, some estimates suggest that every 1% increase in premium costs has a corresponding increase in the number of uninsured by approximately 200,000-300,000 individuals nationwide.⁶ Therefore, some conservatives may be concerned that H.R. 6983 will actually increase the number of uninsured Americans.
- Private-Sector Mandates on Businesses; UMRA Violation. As detailed above, the bill contains multiple new federal mandates on the private sector, affecting the design and structure of health insurance plans. CBO has previously estimated that mental health parity would impose mandates on the private sector totaling \$1.3 billion in 2008, rising to \$3 billion in 2012, thus exceeding the annual threshold established in the Unfunded Mandates Reform Act or UMRA (\$131 million in FY2007, adjusted annually for inflation). These costs will ultimately be borne by employers offering health insurance and employees seeking to obtain coverage.

Administration Position: Although the Statement of Administration Policy (SAP) was not available, the Administration has previously supported the goal of mental health parity—and previously opposed the worldwide interest allocation provision used to pay for H.R. 6983.

Cost to Taxpayers: A Congressional Budget Office (CBO) score of H.R. 6983 was not available at press time. However, CBO estimates of previously considered (H.R. 1424) mental

⁶ See, for instance, Todd Gilmer and Richard Kronick, “It’s the Premiums, Stupid: Projections of the Uninsured through 2013,” *Health Affairs* Web Exclusive April 5, 2008, available online at <http://content.healthaffairs.org/cgi/content/full/hlthaff.w5.143/DC1> (accessed July 19, 2008), and Government Accountability Office, *Impact of Premium Increases on Number of Covered Individuals is Uncertain* (Washington, Report GAO/HEHS-98-203R, June 11, 1999), available online at <http://archive.gao.gov/paprpdf2/160930.pdf> (accessed July 19, 2008), pp. 3-4.

health parity legislation noted that the bill would cost the federal government nearly \$4 billion over ten years. Direct federal outlays would increase by \$820 million through increased Medicaid costs. In addition, federal revenues would decline by more than \$3.1 billion due to increases in the cost of health insurance, as employees with group coverage would exclude more of their income from payroll and income taxes.

The bill proposes to offset the costs outlined above by delaying by two years (from 2011 to 2013) the implementation of the worldwide allocation of interest, and reducing the first-year implementation of this rule. In 2004, Congress gave taxpayers, beginning in tax years after 2008, the option of using a liberalized rule for allocating interest expense between United States sources and foreign sources for the purposes of determining a taxpayer's foreign tax credit limitation.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would impose new federal mandates with respect to health insurance coverage requirements.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the bill would impose significant new mandates on private insurance carriers (and large employers who self-insure their workers) with respect to the structure and design of their benefit packages. CBO has previously estimated that the direct costs of the private-sector mandates would total \$1.3 billion in 2008, rising to \$3 billion in 2012, significantly in excess of the annual threshold (\$131 million in 2007, adjusted for inflation) established by the Unfunded Mandates Reform Act (UMRA).

In addition, the bill would also impose an intergovernmental mandate as defined by UMRA by pre-empting some state laws in conflict with the bill, but CBO estimates that this mandate would impose no significant costs on state, local, or tribal governments.

However, costs to state, local, and tribal governments would increase under the bill, for two reasons. First, a prior CBO cost estimate indicated that state spending for Medicaid would increase by \$235 million between 2008-2012. Second, while state, local, and tribal governments that self-insure their workers would be able to opt-out of H.R. 6983's federal mandates, some governments that fully insure their workers (i.e. purchase coverage through an insurance carrier, as opposed to paying benefits directly) would see their costs rise under the legislation. CBO has estimated that the bill would increase state, local, and tribal expenditures by \$10 million in 2008, rising to \$155 million by 2012. However, because these increased costs result from mandate costs initially borne by the private sector and passed on to the governments while purchasing insurance, CBO did not consider them intergovernmental mandates as such.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee report citing compliance with clause 9 of rule XXI was unavailable.

Constitutional Authority: A Committee report citing Constitutional authority was unavailable.

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H.R. 4544—Code Talkers Recognition Act of 2007 (*Boren, D-OK*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4544 would require the Speaker of the House and the President Pro Tempore of the Senate to present, on behalf of Congress, a gold medal in recognition of the service of Native American code talkers of each recognized tribe. The bill would require the Secretary of the Treasury to strike and sell silver duplicates of the medals to help recoup the costs of their design and production.

Under the bill, the following tribes would be recognized for their contributions:

- Assiniboine.
- Chippewa and Oneida.
- Choctaw.
- Comanche.
- Cree.
- Crow.
- Hopi.
- Kiowa.
- Menominee.
- Mississauga.
- Muscogee.
- Sac and Fox.
- Sioux.

The bill lists a number of findings regarding the history of Native American code talkers, including:

- “When the United States entered World War I, Native Americans were not accorded the status of citizens of the United States;
- “Without regard to that lack of citizenship, members of Indian tribes and nations enlisted in the Armed Forces to fight on behalf of the United States;
- “The first reported use of Native American code talkers was on October 17, 1918;
- “The Federal Government called on the Comanche Nation to support the military effort during World War II by recruiting and enlisting Comanche men to serve in the Army to develop a secret code based on the Comanche language;
- “The Army recruited approximately 50 Native Americans for special native language communication assignments and the Marines recruited several hundred Navajos for duty in the Pacific region;
- “During World War II, the United States employed Native American code talkers who developed secret means of communication based on native languages and were critical to winning the war; and

- “In 2001, the Congress and President Bush honored Navajo code talkers with congressional gold medals for the contributions of the code talkers to the United States Armed Forces as radio operators during World War II; and
- “Soldiers from the Assiniboine, Cherokee, Cheyenne, Chippewa/Oneida, Choctaw, Comanche, Cree, Crow, Hopi, Kiowa, Menominee, Meskwaki, Mississauga, Muscogee, Osage, Pawnee, Sac and Fox, Seminole, and Sioux (Lakota and Dakota) Indian tribes and nations also served as code talkers during World War II.”

Additional Background: Congressional Gold Medal legislation usually authorizes funds to be spent from the U.S. Mint’s Public Enterprise Fund to pay for the costs of the medals, while sales from the duplicate bronze medals are usually deposited back into the Public Enterprise Fund.

The Congressional Budget Office has estimated that it costs \$35,000 to create a Gold Medal, including approximately \$25,000 to design the medal. According to Treasury, each Congressional Gold Medal contains 16 ounces of gold. As of June 9, 2008, gold was trading for \$905.50 an ounce. Thus, a medal authorized under current rates would include approximately \$14,488 worth of gold, and cost taxpayers approximately \$39,474. While sales of most duplicate medals are not strong enough to offset the cost of the gold medal, in some cases, sales of duplicate medals for individuals such as George Washington, Pope John Paul II, and Ronald Reagan, have offset their gold medal costs.

Among the recipients of the Congressional Gold Medal are President George Washington, Mother Teresa, Nelson Mandela, Rosa Parks, Winston Churchill, and Pope John Paul II. Legislation has been introduced in recent Congresses to award the medal to individuals such as the Reverend Jesse Jackson, Arnold Palmer, Cesar Chavez, and Fred Rogers. To view a full list of award recipients see: http://clerk.house.gov/art_history/house_history/goldMedal.html.

Committee Action: H.R. 4544 was introduced on December 13, 2007, and referred to the Committee on Financial Services and the Committee on House Administration, neither of which took any further action.

Cost to Taxpayers: A CBO score for H.R. 4544 was not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available as of press time.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6950— Stephanie Tubbs Jones Gift of Life Medal Act
(Stark, D-CA)

Order of Business: H.R. 6950 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6950 would establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors. The bronze medal would be designed and produced by the Department of Treasury and awarded to organ donors or their surviving family. The bill would require the Secretary of Health and Human Services, through the Organ Procurement and Transplantation Network, to establish an application and determination process to determine eligible awardees and present the medal. H.R. 6950 would also authorize the Organ Procurement and Transplantation Network to collect funds to offset the cost of producing and awarding the medal.

Additional information: Rep. Stephanie Tubbs Jones died on August 20, 2008, of a brain aneurysm. Rep. Tubbs Jones requested that her organs and tissue be donated at the time of her death. According to findings listed in the bill, “there are currently 99,625 candidates for organ donation on the national transplant waiting list. Every 16 minutes, a new name is added to such list. Sixteen persons die each day waiting for a life saving organ transplant.”

Committee Action: H.R. 6950 was introduced on September 18, 2008, and referred to the Financial Services Committee and the Committee on Energy and Commerce, neither of which took any further action.

Cost to Taxpayers: A CBO score for H.R. 6950 is not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available as of press time.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 3018—Family Self-Sufficiency Act of 2007 (Biggert, R-OH)

Order of Business: H.R. 3018 is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3018 would create a new fee structure for public housing agencies that participate in the family self-sufficiency (FSS) program. The FSS program provides fees to public housing agencies to work with welfare agencies to provide very-low income families and individuals that receive section 8 vouchers with job training, child care, substance abuse counseling, and other services that can help them obtain employment.

Specifically, H.R. 3018 would provide public housing agencies that meet minimum performance standards with fees to hire full-time FSS coordinators to aid voucher recipients that wish to participate in the FSS program. A public housing agency serving 25 or more FSS participants would receive a fee to hire one FSS coordinator. If a public housing agency serves 75 or more FSS participants they would receive a fee to hire a second coordinator. If a public housing agency serves 125 or more FSS participants they would receive a fee to hire a third coordinator.

H.R. 3018 would also authorize the appropriation of \$10 million for the Department of Housing and Urban Development (HUD) to conduct a formal and scientific evaluation of the effectiveness of well-run FSS programs over an eight year period.

Additional information: The family self-sufficiency (FSS) program, which was established in 1990, provides incentives for public housing agencies to work with welfare agencies to provide assistance to section 8 voucher recipients. The program is designed to encourage very-low income voucher recipients to seek gainful employment. The FSS program works through public housing and welfare agencies to provide child care, transportation, education, job training and employment counseling, substance and alcohol abuse treatment, and homeownership counseling. Any family that receives a public housing voucher is eligible to participate in the FSS program. However, according to CQ, less than half of all public housing agencies participate in the FSS program and fewer than 5% of families in public housing utilize the program. H.R. 3018 is an attempt to increase participation in the FSS program by allowing public housing agencies to receive fees to employ FSS coordinators.

For more information on the FSS program, visit this Website:
<http://www.hud.gov/offices/pih/programs/hcv/fss.cfm>

Committee Action: H.R. 3018 was introduced on September 18, 2008, and referred to the Financial Services Committee and the Committee on Energy and Commerce, neither of which took any further action.

Cost to Taxpayers: A CBO score for H.R. 3018 is not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available as of press time.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6894— Defense Production Act Extension and Reauthorization of 2008 (Gutierrez, D-IL)

Order of Business: H.R. 6894 is scheduled for consideration on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6894 would extend and reauthorize the Defense Production Act of 1950, which is set to expire on September 30, 2008 through September 30, 2009.

Background Information: According to CRS,

The Defense Production Act (DPA) was created at the outset of the Korean War to ensure the availability of the nation's industrial resources to meet the national security needs of the United States by granting the President powers to ensure the supply and timely delivery of products, materials, and services to military and civilian agencies.

The DPA codifies a robust legal authority given the president to force industry to give priority to national security production and is the statutory underpinning of governmental review of foreign investment in U.S. companies.

Since its enactment in 1950, the DPA has been time-limited, undergoing periodic amendment and reauthorization. In 2003, Congress reauthorized the DPA through September 30, 2008.

Committee Action: H.R. 6894 was introduced on September 15, 2008 and referred to the House Committee on Financial Services, which has taken no official action.

Cost to Taxpayers: No CBO score exists for this legislation.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6965— To extend the authorization of the national flood insurance program, and for other purposes (*Frank, D-MA*)

Order of Business: H.R. 6965 is scheduled for consideration on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6965 would extend the authorization of the national flood insurance program through April 30, 2009. The program is currently set to expire September 30, 2008.

Background Information: To access further RSC information on the national flood insurance authorization, please see these resources:

[H.R. 3121—Flood Insurance Reform and Modernization Act](#)

[H.R. 3959—To amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties](#)

Committee Action: H.R. 6965 was introduced on September 18, 2008 and referred to the House Committee on Financial Services, where no official action was taken.

Cost to Taxpayers: No CBO score exists for this legislation.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.Res. ___ — Recognizing the 35th Anniversary of Atlantik-B Young Leaders Conference (Campbell, R-CA)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. ___ would express the sense that the House of Representatives recognizes the 35th Anniversary of Atlantik-B Young Leaders Conference. The complete text of this resolution is currently unavailable.

Committee Action: H.Res. ___ is expected to be introduced on September 23, 2008.

Cost to Taxpayers: The resolution does not authorize expenditures.

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

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

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. ___—Native American Housing Assistance and Self Determination Act Reauthorization (*Frank, D-MA*)

Order of Business: H.R. ___ is scheduled to be considered on Tuesday, September 23, 2008, under a motion to suspend the rules and pass the bill.

Summary: The text of the Native American Housing Assistance and Self Determination Act (NAHASDA) Reauthorization is not yet available. However, the bill would likely reauthorize NAHASDA—both the American Indian and the Native Hawaiian elements—through fiscal year 2013. On September 6, 2007, the House passed H.R. 2786, a five-year, \$3.3 billion extension of NAHASDA, by a vote of [333-75](#). The Senate has yet to act on that legislation. To read the RSC's original summary of H.R. 2786, please [click here](#).

The RSC will provide an updated summary of the Native American Housing Assistance and Self Determination Act Reauthorization when the text of the bill becomes available.

Background: The Native American Housing Assistance and Self Determination Act of 1996 (“NAHASDA”; 25 U.S.C. 4101 et seq.) reorganized the system of housing assistance provided to Native Americans through the Department of Housing and Urban Development (HUD) by eliminating several separate housing assistance programs and replacing them with a block grant program. The two programs authorized for Indian tribes under NAHASDA are the formula-based Indian Housing Block Grant (IHBG) and the Title VI Loan Guarantee Program, which provides financing guarantees to Indian tribes for private-market loans to develop affordable housing. NAHASDA was amended in 2000 to add similar programs for Native Hawaiians who reside on Hawaiian Home Lands.

In FY2006 and FY2007, the IHBG was funded at \$624 million each year (which is divided among more than 550 tribes by formula). The President’s FY2008 budget requests \$627 million for the block grant. The FY2008 Transportation-Housing and Urban Development Appropriations Act (H.R. 3074), as passed by the House this year, would appropriate \$626,965,000 for IHBG and \$7,450,000 for the Indian loan guarantee program (available to subsidize total loan principal, any part of which is to be guaranteed, up to \$367,000,000).

In FY2006 and FY2007, the Native Hawaiian block grant was \$9 million. The President’s budget requests \$6 million for FY2008. The FY2008 Transportation-Housing and Urban Development Appropriations Act (H.R. 3074), as passed by the House this year, would appropriate \$8,727,000 for the Native Hawaiian housing block grant program and \$1,044,000 for the Native Hawaiian loan guarantee program (available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255).

The Administration’s Program Assessment Ratings Tool (PART) rated the Native American Housing Block Grants (in 2002—most recent year available) as “not performing—results not demonstrated”. The assessment continued that, “The program does not have a history of establishing quantifiable performance goals, targets, and timelines. It, therefore, cannot currently demonstrate what level of impact it has on providing housing to those who need it.”

<http://www.whitehouse.gov/omb/expectmore/summary/10000318.2002.html>

PART rated the Indian Housing Loan Guarantee Program (in 2006) as “performing—effective.” The report notes that, “The annual growth of this program have been outstanding, exceeding its lending target by over 11% in 2006, and the program is making steady progress toward achieving its long-term performance goals.” Additionally, “defaults to date have been low.”

<http://www.whitehouse.gov/omb/expectmore/summary/10006235.2006.html>

A PART report specifically for the Native Hawaiian portions of NAHASDA is not available.

For more background information, visit this website:

<http://www.hud.gov/offices/pih/ih/codetalk/nahasda/>.

Committee Action: H.R. ___ is expected to be introduced on September 23, 2008.

Cost to Taxpayers: A CBO score for H.R. 3018 is not available.

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

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available as of press time.

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