



Legislative Bulletin.....September 9, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 2

Total Cost of Discretionary Authorizations: \$1.74 billion in FY 2009 and \$4.63 billion over the FY 2009 through FY 2013 period

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 7

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

H.Res. 937— Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families (Burgess, R-TX)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 937 would express that it is the sense that the House or Representatives that the emergency communications services provided by the American Red Cross are vital for providing communication between military service members and their families during emergencies or other important events.

The resolution lists a number of findings, including:

- “the emergency communications services provided by the American Red Cross are free for military families experiencing a crisis;
- “the Red Cross can provide notification of emergencies and other important events to over 1,400,000 active duty personnel, and 1,200,000 members of the National Guard and Reserves, on behalf of their family members;
- “in an emergency, the Red Cross reaches out to verify the emergency and provides third-party objective information to commanding officers;
- “commanding officers rely upon the Red Cross to provide timely and accurate information 7 days a week, 24 hours a day, 365 days a year, and such notification is vital

to the commander's decision whether to release a service member from duty in order to join with his or her family in a time of hardship;

- “whether that service member is a reservist in 2 weeks of Arctic training in Alaska, a sailor on a ship in the Indian Ocean, or a member of an advanced team on patrol in Iraq, the Red Cross messaging system can communicate messages between family members when and where other civilian services cannot;
- “whether it is a birth or death notification, the Red Cross bears the emotional mission to deliver accurate and timely messages between family members;
- “the Red Cross ensures the delivery of the message and provides the family with the needed support until the service member returns home;
- “the Red Cross provides services through 756 chapters in the United States and on 58 military installations around the world to United States Armed Forces personnel, including our troops in Kuwait, Afghanistan, and Iraq; and
- “when all other communication fails, the Red Cross is there.”

Committee Action: H.Res. 937 was introduced on January 23, 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. 1069—Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children (*Crowley, D-NY*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1069 would express that it is resolved that the House or Representatives:

- (1) condemns Hamas for using a children’s television program to incite hatred, violence, and anti-Semitism toward Israel; and
- (2) demands that Hamas immediately suspend all television programming that incites hatred, violence, and anti-Semitism toward Israel; and Hamas recognize the State of Israel’s right to exist, renounce the use of violence and terrorism as political goals, and accept all past peace agreements with the State of Israel.

The resolution lists a number of findings, including:

- “ Hamas uses their television network, Al-Aqsa TV, to air a children’s show ‘ Tomorrow’s Pioneers’ to breed new terrorists through hatred for Israel and Western nations;
- “in April 2008, Hamas introduced a new puppet show that depicted the murder of the President of the United States;
- “in February 2008, Hamas used a Bugs Bunny look-alike to indoctrinate children by inciting them toward hatred and violence by telling children that he, ‘will finish off the Jews and eat them’;
- “in May 2007, Hamas used a Mickey Mouse look-alike in the same children’s program to teach terrorist doctrines to children;
- “Hamas continues to refuse to recognize Israel’s right to exist and renounce the use of violence;
- “Hamas continues to use terrorism to destabilize the region;
- “Hamas continues to be a major obstacle for a peaceful settlement of Israeli-Palestinian conflict; and
- “achieving Israeli-Palestinian peace could have a significant positive impact on security and stability in the region.”

Committee Action: H.Res. 1069 was introduced on April 1, 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. 1159—Recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America’s effort to end the practice (*Cummings, D-MD*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1159 would express that it is resolved that the House or Representatives:

- “recognizes the historical and educational significance of USS Constellation, a 153-year-old American warship, berthed in Baltimore, Maryland, as a reminder of both American participation in the slave trade and the efforts of the United States Government to suppress this inhumane practice;
- “applauds the preservation of this historic vessel and the efforts of the USS Constellation Museum to engage people from all over the world with this vital part of our history; and

- “supports USS Constellation as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade.

The resolution lists a number of findings, including:

- “on September 17, 1787, the United States Constitution was adopted and article I, section 9 of the document declared that Congress could prohibit the importation of slaves into the United States in the year 1808;
- “on March 22, 1794, the United States Congress passed ‘An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country’, thus beginning American efforts to halt the slave trade;
- “on May 10, 1800, Congress enacted legislation that outlawed all American participation in the international trafficking of slaves and authorized the United States Navy to seize American vessels engaged in the slave trade;
- “on March 2, 1807, President Thomas Jefferson signed a bill that declared the importation of slaves into the United States illegal;
- “on January 1, 1808, the act ‘to prohibit the importation of slaves into any port or place within the jurisdiction of the United States’ took effect;
- “on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and those convicted subject to the death penalty;
- “on the night of September 25, 1860, USS Constellation sighted the barque Cora near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her ‘slave deck’. A detachment of the Constellation's crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African-Americans that became the destination for all Africans freed on slave ships captured by the Navy;
- “on September 25, 2008, the USS Constellation Museum will hold a ceremony to commemorate the bicentennial of the abolition of the Transatlantic Slave Trade aboard the same ship that, 149 years before, forced the capitulation of the slave ship Cora and freed the 705 Africans confined within.”

Committee Action: H.Res. 1159 was introduced on April 29, 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. 1254—Supporting the values and goals of the “Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality”, signed by Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos on March 13, 2008 (Engel, D-NY)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1254 would express that it is resolved that the House or Representatives:

- “recognizes the need to promote equality and continue to work towards eliminating racial discrimination in both the United States and Brazil;
- “commends Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos for signing the ‘Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality’;
- “supports the continued involvement of the Government of the United States in the bilateral partnership of the United States-Brazil Joint Action Plan Against Racial Discrimination through funding that may be designated for programs as part of this initiative;
- “encourages the participation of the Departments of State, Labor, Justice, and Education; the Equal Employment Opportunity Commission; Congress; Federal, State, and local court systems; and other agencies in the collaborative process of the United States-Brazil Steering Group on Equality of Opportunity; and
- “urges the involvement of the private sector, civil society, and experts on race relations and other relevant topics to be considered as part of the Steering Group Advisory Board.”

The resolution lists a number of findings, including:

- “the United States and Brazil have many qualities in common, such as the rich ethnic and cultural diversity of their populations and each country’s efforts to protect democracy and the civil rights and liberties of all their citizens;
- “the United States and Brazil share common histories of slavery and colonialism, a diverse cultural demographic of European, African, Asian, and indigenous peoples, and strong values of democracy;
- “due to social disparities that exist as a result of racial discrimination in the United States and Brazil, there is a continuing need to combat racial discrimination and promote equality throughout both societies;
- “in recognition of the need to address racial and ethnic discrimination and promote equality in both countries, the Department of State, Brazil’s Ministry of Exterior Relations, and the Special Secretariat for the Promotion of Racial Equality began formal talks in October 2007 to negotiate areas of bilateral cooperation on combating

- “on March 13, 2008, Secretary of State Condoleezza Rice and Brazilian Minister of Racial Integration Edson Santos signed the ‘Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality’, also known as the United States-Brazil Joint Action Plan Against Racial Discrimination;
- “the Steering Group on Equality of Opportunity will make combating discrimination and the promotion of equality in education a main priority on primary, secondary, vocational, undergraduate, and graduate levels;
- “the promotion of cultural exchanges between minority groups in the two countries will create opportunities for the exchange of perspectives and experiences in race relations in both countries, as well as academic opportunities to study abroad and learn foreign languages; and
- “the struggle to eliminate racial discrimination is an ongoing process and requires the commitments of both countries in order to achieve equal opportunity societies for every citizen in the United States and Brazil.”

Committee Action: H.Res. 1254 was introduced on June 9, 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. 1383—Recognizing the 100th anniversary of the independence of Bulgaria (Wilson, R-SC)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1383 would express that it is the sense that the House or Representatives:

- “commends the Republic of Bulgaria for developing increasingly friendly and meaningful relations with the United States over the past 100 years;
- “recognizes the continued contributions of Bulgaria toward bringing peace, stability, and prosperity to the region of South Eastern Europe, including its contributions to regional security and democratic stability;
- “salutes the willing cooperation of Bulgaria and its increasingly vital role as a valuable ally in the war against international terrorism; and

- “encourages opportunities for greater cooperation between the United States and Bulgaria in the political, military, economic, and cultural spheres.”

The resolution lists a number of findings, including:

- “on September 22, 1908, Bulgaria proclaimed its independence to become a full-fledged sovereign state under the name of the Kingdom of Bulgaria;
- “this act marked the end of a long and dedicated struggle the Bulgarian people waged against their ages-long foreign occupier, the Ottoman Empire, which conquered the medieval Bulgarian state in the 14th Century;
- “at present, 100 years after having gained its sovereignty and independent statehood, the Republic of Bulgaria is a democratic nation and a staunch ally of the United States;
- “Bulgaria shares the universal values of freedom and human rights, making its own contribution to a safer and better world;
- “the United States established diplomatic relations with the Republic of Bulgaria on September 19, 1903;
- “the United States acknowledges the courage of the Bulgarian people in deciding to pursue a free, democratic, and independent Bulgaria and their steadfast perseverance in building a society based on the rule of law, respect for human rights, and a free market economy;
- “the people of the Republic of Bulgaria strive to preserve and continue their tradition of ethnic and religious tolerance;
- “the Bulgarian Parliament, the Bulgarian Orthodox Church, King Boris III, politicians, intellectuals, and citizens all played a part in the resistance to Nazi pressure to carry out the deportation of Jews living in Bulgaria by preventing the deportation of 50,000 Jews to Nazi concentration camps;
- “Bulgaria was the only European country during World War II to increase its Jewish population;
- “Bulgaria experienced its first free election after the end of the Cold War in June 1990;
- “Bulgaria was welcomed into the European Union in January 2007;
- “Bulgaria has promoted stability in the Balkans by rendering support to Operation Allied Force and Operation Joint Guardian led by the NATO, and by providing peacekeeping troops to the Stabilisation Force in Bosnia and Herzegovina (SFOR) in Bosnia and Herzegovina, and to the Kosovo Force (KFOR) in Kosovo;
- “at the invitation of the Government of Bulgaria, United States Armed Forces will begin joint military activities with Bulgarian military forces in Bulgaria, which is the first defense cooperation agreement of its kind in the course of over 1,300 years of Bulgarian statehood; and
- “Bulgaria has stood firmly by the United States in the cause of advancing freedom worldwide during its tenure as a non-permanent member of the United Nations Security Council.”

Committee Action: H.Res. 1383 was introduced on July 29, 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. Con. Res. 344—Recognizing the 100th anniversary of the independence of Bulgaria (*Jackson-Lee, D-TX*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1383 would express that it is the sense that it is the sense of Congress that:

- “in emergency situations, children have different needs than those of adults, and nutritional deficiencies disproportionately affect children; and
- “in the context of the current global food crisis, the nutritional needs of children must be a humanitarian priority; and
- “Congress recognizes that we are facing a global food crisis caused by, among other things, rising fuel prices, increased diversion of land to biofuel production, drought, and increases in population;
- “recognizes that lack of adequate nutrition is particularly damaging to children, as it stunts their growth, leaves them more vulnerable to numerous diseases, and hunger affects children’s ability to learn; and
- “calls for a world forum to be held, on the issue of rising food prices and international response, and for the United States to play an active role in alleviating the crisis.”

The resolution lists a number of findings, including:

- “according to the United Nations, over 850,000,000 people in the world are chronically or acutely malnourished, and over 300,000,000 of these are children;
- “the 2000 United Nations Millennium Development Summit called for halving the proportion of hungry people in the world by the year 2015, but progress reaching this goal has been slow, and, according to the United Nations Food and Agricultural Organization, only the Latin American and Caribbean region has been reducing the prevalence of hunger quickly enough to reach this target;
- “every year, malnutrition caused by chronic hunger leads to the death of an estimated 5,600,000 children under 5 years old;
- “according to UNICEF, an estimated 146,000,000 children, or roughly one in every four children under 5 years old, are underweight;
- “hunger and malnutrition weaken the immune system, and as a result treatable diseases pose a greater risk to malnourished children;

- “children who are only mildly underweight are twice as likely to die of infectious diseases as children who are better nourished, and children who are moderately or severely underweight are 5 to 8 times more likely to die of infectious diseases;
- “women whose growth was retarded face ongoing health complications as adults, when they are more likely to have obstructed labor, are at greater risk of dying during childbirth, and are more likely to deliver low-birthweight and stunted children;
- “the global community is currently facing a food crisis, with food prices doubling over the past 3 years and rising 65 percent between January and April 2007 alone, and the World Bank has estimated that the emergency situation could push 100,000,000 people in low-income countries deeper into poverty; and
- “rising food prices have caused riots in Haiti, Bangladesh, Egypt, Burkina Faso, Mauritania, Mozambique, and Senegal, and, as of December 2007, 37 countries faced food crises.”

Committee Action: H. Con. Res. 344 was introduced on May 7, 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. 1307— Commemorating the Kingdom of Bhutan’s participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation (*Baird, D-WA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1307 would express that it is the sense that it is the sense of Congress that:

- “commemorates Bhutan’s participation in the 2008 Smithsonian Folklife Festival;
- “recognizes the important cultural, artistic, agricultural, and environmental achievements of Bhutan and the Bhutanese people;
- “commends the Bhutanese people, the Government of the Kingdom of Bhutan, and His Majesty King Jigme Khesar Namgyel Wangchuck for their commitment to conducting parliamentary elections and transitioning from an absolute monarchy to a parliamentary democracy; and
- “remains committed to working with Bhutan, should it so desire, to foster cultural exchange and to assist in promoting democratic reform.”

The resolution lists a number of findings, including:

- “Bhutan is a nation cloistered among some of the highest peaks in the eastern Himalayas and has for hundreds of years served as a sanctuary for the rich and unique Bhutanese culture;
- “Bhutan hosts some of the most pristine and biologically diverse natural environments in the modern world, owing to the agrarian society’s unique farming traditions that are rooted in a deep appreciation for the land and humble devotion to its protection;
- “Bhutan is participating in the 2008 Smithsonian Folklife Festival and sharing with the people of the United States many aspects of its unique culture and traditions, including its special approach towards life, described in national policy as the pursuit of ‘Gross National Happiness’;
- “Bhutan was only in recent decades accessible by road and airplane but is now sharing with people throughout the world its special cultural traditions that include 13 traditional arts, zorig chusum, monastic dancers who perform ritual dances from sacred tsechus festivals, and weavers who create some of the most coveted textiles in the world;
- “Bhutan is transitioning to a parliamentary democracy, owing to the leadership of King Jigme Singye Wangchuck, who abdicated his throne on December 14, 2006, and his son King Jigme Khesar Namgyel Wangchuck, who is committed to conducting parliamentary elections; and
- “King Jigme Singye Wangchuck devolved all executive authority from the throne to the cabinet in 1998, initiated the process of drafting a constitution in 2001, ordered by royal decree an end to Bhutan’s absolute monarchy and the establishment of a parliamentary democracy in 2008, and issued to the people of Bhutan a historic document, or tsathrim, stating that ‘Bhutan is a sovereign Kingdom and the Sovereign power belongs to the people of Bhutan’.”

Committee Action: H. Res. 1307 was introduced on June 26, 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.R. 5683—Government Accountability Office Act of 2008
(Davis, D-IL)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5683 would amend current laws regarding the Government Accountability Office (GAO) to provide retroactive pay increases to certain employees, increase the agency's investigative authority, and provide reimbursements from agencies when the GAO conducts audits. The particular provisions in the bill are listed below.

Future Annual Pay Adjustments

- H.R. 5683 would require the GAO to guarantee that all GAO employees who perform at a level that “meets expectations” receive an annual pay increase equal to the annual adjustment for General Schedule (GS) employees in the same locality.

Pay Adjustments for Previous Years

- The bill would require that GAO retroactively reimburse some 300 employees who met the expectations of the job but were not given pay increases in 2006 and/or 2007. The payment must be given as a lump sum of the difference of what the employee earned over the period and what they would have earned with the annual GS increase.

Payment for Performance-Based Compensation

- The bill would require the GAO to retroactively reimburse employees who met the expectations of the job but were not given pay increases in 2006 and/or 2007 for any performance-based compensation that was limited by their rate of pay.

Reimbursement of Audit Costs

- This section would provide GAO the authority to demand reimbursement from federal agencies for any financial statement audits that GAO initiates. This provision has been opposed by the Office of Management and Budget in the past, since GAO's (and, indirectly Congress') ability to initiate audits would no longer be constrained by GAO's budgetary limitations but instead would intrude on an Executive Branch agency's authority and ability to administer that agency's own appropriations.

Financial Disclosure

- The bill would allow alter requirements for GAO employees regarding financial disclosure requirements. Under current law GAO employees are required to file financial disclosure forms if their basic pay is more than 120% of the basic GS-15 step-1 rate (\$95,390 in 2008). H.R. 5683 would allow GAO employees to subtract additional locality pay from the financial disclosure calculation.

Increased Highest Pay Rate

- H.R. 5683 increases the highest pay rate for GAO employees from GS-15 step 10 (\$124,010), to Executive Level III (\$158,500).

Treatment of Pay for Retirement

- Finally, H.R. 5683 would provide that when determining a GAO employee's salary for the purpose of computing their federal retirement benefits, the calculation must include any non-permanent merit bonuses. Under current law, a federal employee's retirement benefits are based on an average salary of the three highest-paid years of the employee's

career, but the calculation does not consider bonuses as income. The application of bonuses would only apply to GAO employees and no other federal workers.

Additional Information: According to [House Report 110-671](#), many of H.R. 5683's provisions were first considered during hearings for the GAO Reform Act of 2004. During consideration of the bill, then Comptroller General (CG) David Walker reported that the GAO was in the process of implementing across-the-board annual pay increases for employees performing at a satisfactory level. According to the report, the CG did not raise pay across-the-board for every employee who met minimum expectations in 2006 and 2007. In testimony before the House and Senate Subcommittees on the Federal Workforce, Mr. Walker stated that a study had determined that employees who did not receive annual pay increases had been paid above the market rate, and therefore did not need a pay increase to maintain a standard of living. Members of the House Subcommittee, including the bill's sponsor, disputed the validity of the report, and the ongoing investigations resulted in H.R. 5683. The bill's purpose, among other things, is to guarantee annual across-the-board pay increases to every GAO employee who meets minimum performance standards.

Many of the additional provisions in H.R. 5683 are highly controversial. The bill's requirement that agencies pay for GAO investigations have brought up certain constitutional concerns regarding agency spending authority. In addition, there have been concerns raised regarding retroactive payments and the Comptroller General's increased access to secure information. Because of these and other concerns, the Administration had indicated that it was very likely to issue a veto threat against H.R. 5683. However, certain provisions from the reported version of the bill have since been removed. Though the Administration is still reported to have problems with portions of the bill, it is now unlikely that a veto threat will be issued.

Senate Amendment: According to the House Government Reform Committee Republican Staff, the Senate's amendment would "provide a compromise between the Senate Committee (HSGAC)-passed and House-passed bills which would add four percent to the lump sum payments under section three (pay adjustments for certain GAO employees). This is intended to compensate employees for the fact that, under the Senate bill, employees would have to make contributions into the retirement system." In addition, the Senate amendment make minor technical corrections to the Inspector General's personnel authority and makes revisions to the reimbursement of GAO audit costs to allow GAO to be reimbursed for other audits, but only with the concurrence of the agency's Inspector General.

Possible Conservative Concerns: Some conservatives may have some concerns with provisions that were not removed from H.R. 5683, including:

- **Reimbursements:** Some conservatives may be concerned that H.R. 5683 would provide the GAO authority to demand reimbursement from federal agencies for any financial statement audits that GAO initiates. Some conservatives may be concerned that this would establish a precedent with constitutional implications, because GAO's ability to initiate audits would no longer be constrained by GAO's budgetary limitations. As a result the GAO could intrude on an executive branch agency's authority and ability to administer its own appropriations.

- **Retroactive Payment:** Some conservatives may be concerned that H.R. 5683 would provide an unfunded retirement liability by providing certain GAO employees with retroactive payments that must be used in calculating retirement benefits without requiring the related retirement contributions based on these payments. In addition, some conservatives may be concerned that these payments would be made despite that Comptroller General's assertion that those employees receiving retroactive payment under this act had already been paid above the market rate, and therefore did not need a pay increase to maintain a standard of living.
- **Treatment of Pay for Retirement:** Some conservatives may be concerned that H.R. 5683 would include any non-permanent merit bonuses when determining a GAO employee's salary for the purpose of computing their federal retirement benefits. Some conservatives may be concerned that this provision would increase direct spending by including bonuses in federal employee's benefits determinations (which are already calculated more generously than the private sector).

Committee Action: H.R. 5683 was introduced on April 2, 2008, and referred to the Committee on Natural Resources and the Oversight and Government Reform. On September May 1, 2008, the committee held a markup and reported the bill, as amended, by voice vote. On June 9, 2008 the House passed H.R. 5683 by voice vote. On August 1, 2008, H.R. 5683 passed the Senate, with amendment, by unanimous consent. The bill under consideration today includes the Senate amendment.

Cost to Taxpayers: According to CBO, H.R. 5683 would authorize \$3 million in FY 2009 and \$11 million over the FY 2009—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 the Committee on Agriculture, in [House Report 110-671](#), "H.R. 5683 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: The Committee on Agriculture, in [House Report 110-671](#), cites constitutional authority in Article I, Section 8, Clause 18, (the "necessary and proper" clause).

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H.R. 6168— To designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the “Lance Corporal Drew W. Weaver Post Office Building” (Akin, R-MO)

Order of Business: H.R. 6168 is scheduled for consideration on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6168 would designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, shall be known and designated as the ‘Lance Corporal Drew W. Weaver Post Office Building’.

Additional Information: Lance Corporal Drew W. Weaver served in Operation Iraqi Freedom and was killed while conducting combat operations in Anbar province on February 21, 2008.

Committee Action: H.R. 6168 was introduced on June 3, 2008, and referred to the House Committee on Oversight and Government Reform. On July 16, 2008 the Committee held a mark-up and ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6168 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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

H.R. 6169—To designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the “Specialist Peter J. Navarro Post Office Building” (Akin, R-MO)

Order of Business: H.R. 6169 is scheduled for consideration on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6169 would designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, shall be known and designated as the ‘Specialist Peter J. Navarro Post Office Building’.

Additional Information: Specialist Peter J. Navarro served in Operation Iraqi Freedom and was killed on December 13, 2007 while conducting combat operations.

Committee Action: H.R. 6169 was introduced on June 3, 2008, and referred to the House Committee on Oversight and Government Reform. On July 16, 2008 the Committee held a mark-up and ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6169 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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

H.R. 6575—The Over-Classification Reduction Act (*Waxman, D-CA*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6575 would require the Archivist of the United States in coordination with the Director of National Intelligence and the heads of other affected Federal agencies to promulgate and administer regulations to prevent the over-classification of information.

The bill would require the regulations to identify specific thresholds standards, and requirements to prevent the over classification of information. The bill would also require that the regulations ensure that national security and privacy rights are protected.

H.R. 4806 would require that when information is made classified, the person classifying the information must leave his name or personal identifier and his agency, office, and position with the information. The purpose of this requirement is to encourage proper classification and identify potential over classification problems.

The bill would also require the secretary to establish a training program for the proper use of and compliance with the classification regulations. The annual training would be mandatory for every employee or contractor with classification authority.

Additional Background: According to [Committee Report 110-809](#), the 9/11 Commission Report “recommended limiting the unnecessary classification of documents and providing incentives for information sharing.” In the past, the Committee on Oversight and Government Reform has defined over-classification of documents as “the automatic decision to classify government information rather than an informed, deliberative process.” The committee is concerned that certain intelligence and security information has been “over-classified” by the government, meaning that the information has been labeled as classified without proper review. As classified information may not be widely disseminated throughout agencies, some have expressed a concern that over-classification limits information sharing that is vital to the nation’s defense. This legislation requires the Archivist of the United States in coordination with the Director of National Intelligence and the heads of other affected Federal agencies, to promulgate and administer regulations to prevent the over-classification of information.

Committee Action: H.R. 6575 was introduced on July 23, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up the same day and reported the bill by voice vote.

Cost to Taxpayers: According to CBO, H.R. 6575 would cost \$2 million in FY 2009 and \$22 million over the FY 2009 through FY 2013 period for the Archivist to promulgate and carry out regulations to reduce over classification.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it would create new regulations regarding the classification of government documents.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? The Committee on Oversight and Government Reform, in [Committee Report 110-809](#), cites that “H.R. 6575 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 of the Rules of the House of Representatives.”

Constitutional Authority: The Committee on Oversight and Government Reform, in [Committee Report 110-809](#), cites constitutional authority in Article I, Section 8, Clause 18 (the “necessary and proper” clause).

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

H.R. 6513— Securities Act of 2008 (*Kanjorski, D-PA*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: HR 6513 would enact components of the U.S. Securities and Exchange Commission's (SEC) legislative requests submitted to Congress in 2007 and 2008 to enhance its corporation finance, enforcement, investment management, trading and markets, examinations programs and administrative functions. The bill is meant to enhance investor protection and capital market competitiveness, as well as improve the SEC's effectiveness.

The bill also amends the Securities Investor Protection Act (SIPA) to allow investors to hold all equity-related positions in a single portfolio margining account approved by the SEC.

The legislation includes a portion of [H.R. 6069](#) (Campbell, R-CA) and three bills that passed the House last year under suspension: [H.R. 755](#) (Davis, R-KY), [H.R. 2868](#) (Meeks, D-NY), and [H.R. 3505](#) (Roskam, R-IL).

Additional Information: According to the Committee on Financial Services Republican Staff, SEC Chairman Cox has endorsed the legislation, as did the North American Securities Administrators Association. A coalition of U.S. exchanges (American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, International Securities Exchange, NYSE Arca, Philadelphia Stock Exchange and The Options Clearing Corporation) have endorsed the SIPA amendment.

Committee Action: H.R. 6513 was introduced on July 16, 2008 and was referred to the House Committee on Financial Services, which took no official action.

Cost to Taxpayers: No CBO score is 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.

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

H.Res. 1207—Directing the Chief Administrative Officer of the House of Representatives to provide individuals whose pay is disbursed by the Chief Administrative Officer by electronic funds transfer with the option of receiving receipts of pay and withholdings electronically (Foxx, R-NC)

Order of Business: H.Res. 1207 is scheduled for consideration on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 1207 would require the Chief Administrative Officer (CAO) of the House of Representatives to ensure that all House of Representative employees who receive their pay by electronic deposit have the option of receiving their pay stubs electronically.

On July 29, the House passed similar legislation, authored by Rep. Foxx, which would give every federal agency employee managed by the Office of Personnel Management the option to receive electronic pay stubs if they receive their pay by electronic deposit. H.Res. 1207 would provide the same option for House employees.

Committee Action: H.Res. 1207 was introduced on May 16, 2008, and referred to the Committee on House Administration, which held a mark-up and reported the resolution, as amended, on July 30, 2008.

Cost to Taxpayers: According to CBO, H.Res. 1207 would have no effect on federal spending because the CAO is already planning to offer electronic pay stubs in the near future.

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.

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

H.R. 6608—House Reservists Pay Adjustment Act of 2008 (*Brady, D-PA*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6608 would require the Chief Administrative Officer (CAO) of the House of Representatives to pay lost income to House employees who are reservists and are called up for in active duty military service while working in the House. The bill would require the CAO to compensate the difference between an employee's regular salary and the amount they are paid while on active duty. The bill would apply to House employees who are employed by the House for at least 90 days prior to reporting for active duty.

Under the legislation, the CAO would not make payments if the amount would be less than \$50. In addition, the CAO would be required to reduce the House employee's payments if their income is supplemented by a third source. The bill would not apply to employees of the Senate.

H.R. 6608 would authorize "such sums" as necessary for the CAO to provide payments to reservist House employees that are called into active duty service.

Additional Background: According to a cost estimate prepared by CBO, there are "very few" House employees that have ever been called up to active duty as reservists. Therefore, although CBO does not specify the exact number of House employees that are members of an armed force's reserve branch, they predict that enacting the legislation would cost very little in discretionary spending.

Committee Action: H.R. 6608 was introduced on July 24, 2008, and referred to the Committee on House Administration and the Committee on Standards of Official Conduct. The Committee on House Administration held a mark-up the same day and reported the bill by voice vote.

Cost to Taxpayers: According to CBO, H.R. 6608 would not have an impact on federal 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 regarding compliance with House Rules regarding earmarks and limited tax benefits or limited tariff benefits was not available.

Constitutional Authority: A committee report citing constitutional authority was not available.

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

H.R. 6475—Daniel Webster Congressional Clerkship Act of 2008 *(Lofgren, D-CA)*

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6475 would establish a new program, known as the Daniel Webster Congressional Clerkship Program, to give young lawyers clerkships in the House of Representatives. In addition, the legislation would authorize the House Committee on Administration and Senate Committee on Rules and Administration to select at least six clerks to participate in the program for each chamber annually. The bill would authorize “such sums” to pay the salaries of each of the twelve (or more) clerks during their one-year term.

H.R. 6475 would require that clerks are selected to be in the program based on:

- An excellent academic record;
- A strong record of achievement in extracurricular activities;
- A demonstrated commitment to public service; and
- Outstanding analytic, writing, and oral communication skills

The bill would also stipulate that an equal number of clerks must work for the minority and the majority parties at any given time. According to H.R. 6475, each clerk would receive a one-year compensation equal to “an individual who holds the position of a judicial clerkship for the United States District Court for the District of Columbia within 3 months of graduating from law school.” CBO estimates that the average one-year salary for clerks in the program would likely be \$60,000.

Additional Background: According to findings listed in the bill, other federal branches and departments conduct similar clerkship programs that offer recently graduated law students an opportunity to work in government. The text of the bill states that “the White House, the administrative agencies of the Executive Branch, the Administrative Office of the United States Courts, the Federal Judicial Center, and the United States Sentencing Commission, all operate analogous programs for talented young professionals at the outset of their careers.” The findings go on to say that the program would benefit Congress as well as the law students by involving the nation’s best, young law students to work in the legislative process.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 6475 would authorize “such sums” to pay promising lawyers to participate in a newly created clerkship program in the House of Representatives. Some conservatives may feel that the clerkship program is superfluous and that taxpayer funds may be better utilized on other government expenditures—or by being returned to the taxpayers—rather than on new programs for law school graduates.

Committee Action: H.R. 6475 was introduced on July 10, 2008, and referred to the Committee on House Administration, which held a mark-up the same day and reported the bill by voice vote on July 30, 2008.

Cost to Taxpayers: According to CBO, H.R. 6475 would cost about \$1 million annually to pay the salaries of program participants starting in FY 2010.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it creates a new government program, known as the Daniel Webster Congressional Clerkship Program, to give young lawyers clerkships in the House of Representatives.

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 regarding compliance with House Rules regarding earmarks and limited tax benefits or limited tariff benefits was not available.

Constitutional Authority: A committee report citing constitutional authority was not available.

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

H.R. 1527—Rural Veterans Access to Care Act (*Moran, D-KS*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1527 would create a three-year pilot program to allow certain rural veterans to obtain covered health care outside the traditional VA system. The pilot program would be created in four Veterans Integrated Service Networks (VISNs)—Networks 1, 15, 18, and 19—that provide medical services to veterans.

In order to be eligible for the pilot program, the rural veteran living in one of the four VISNs referenced above must also:

- Live more than 60 miles' driving distance from the nearest VA primary care clinic, if the enrollee requires primary care;
- Live more than 120 miles' driving distance from the nearest VA acute care clinic, if the enrollee requires acute care; or
- Live more than 240 miles' driving distance from the nearest VA tertiary care clinic, if the enrollee requires tertiary care.

The bill includes provisions permitting the Secretary to expand eligibility for the program beyond the criteria listed above in cases where the Secretary believes that travel to VA clinics represents a hardship for the enrollee.

The bill requires annual reporting to Congress by the Veterans Administration for each of the pilot program's three years on its effectiveness, and whether the program should be continued, expanded, and/or made permanent.

Committee Action: H.R. 1527 was introduced on March 14, 2007, and referred to the Committee on Veterans Affairs, which held hearings and on July 16, 2008 ordered the bill reported by voice vote.

Possible Conservative Concerns: While supporting the concept that veterans should have access to care through the private sector, some conservatives may be concerned that H.R. 1527 would increase spending subject to appropriations by nearly \$1.6 billion, according to the Congressional Budget Office, without an appropriate offset. CBO also notes that making the pilot program permanent could cost as much as \$2 billion per year.

Cost to Taxpayers: According to CBO, implementing the three-year pilot program created in H.R. 1527 would increase spending subject to appropriations by \$210 million in FY09, and \$1.57 billion over the FY09-FY13 period. CBO estimates that approximately 200,000 of the 800,000 veterans eligible to receive benefits through the pilot program would choose to do so in 2009.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it would create a new pilot program to allow rural veterans to obtain covered health care outside the traditional VA system.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? The Committee on Veterans Affairs, in [House Report 110-817](#), cites that "H.R. 1527 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 of the Rules of the House of Representatives."

Constitutional Authority: The Committee on Veterans Affairs, in [House Report 110-817](#), cites general constitutional authority in Article I, Section 8 of the Constitution. However, 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*]

RSC Staff Contact: Chris Jacobs; christopher.jacobs@mail.house.gov; 202-226-8585.

S. 2617—Veterans’ Compensation Cost-of-Living Adjustment Act of 2008 (Akaka, D-HI)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2617 would provide a cost-of-living adjustment (COLA) for disability compensation for veterans with service-connected disabilities and for dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The COLA is equal to the increase provided under the Social Security Act (based on changes in the Consumer Price Index for urban wage earners and clerical workers or CPI-W), effective December 1, 2008, and will likely represent an increase in benefits of 2.8% over last year.

S. 2617 would increase the amounts for:

- Wartime disability compensation;
- Additional compensation for benefits;
- Clothing allowance;
- Dependency and indemnity compensation to surviving spouse; and
- Dependency and indemnity compensation to children.

Additional Background: Veteran disability compensation provides cash payments to veterans that have been disabled during their service in the armed forces. The amount of the cash benefits that service disabled veterans receive each month is based on the severity of their injuries. According to [Senate Report 110-430](#), which accompanied S. 2617, the Department of Veterans Affairs (VA) will make payments to over 3 million disabled veterans in 2009. Congress is responsible for monitoring and increasing disability compensation for veterans with service-related disabilities on an annual basis. On March 21, 2007, the House passed H.R. 1284, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2007, by a roll call vote of [418-0](#). That legislation gave VA disability recipients a COLA of 1.5 %, which took effect on December 1, 2007.

Committee Action: S. 2617 was introduced on February 8, 2008, and referred to the Senate Committee on Veterans’ Affairs, which ordered the bill reported on June 26, 2008. On July 24, 2008, the Senate passed the legislation by unanimous consent. On July 30, 2008, the bill was received in the House, which took no further action.

Cost to Taxpayers: According to CBO, “Because the COLA is assumed in CBO’s baseline, the COLA provision would have no budgetary effect relative to that baseline. The additional costs assumed in the baseline are \$857 million in 2009 and about \$1.1 billion in subsequent years.”

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? [Senate Report 110-430](#) does not cite compliance with House Rules regarding earmarks and limited tax benefits or limited tariff benefits was not available.

Constitutional Authority: [Senate Report 110-430](#) does not cite constitutional authority.

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

H.R. 6832—Veterans’ Construction and Extensions Act (*Filner, D-CA*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6832 would authorize funding for capital improvements of Department of Veterans Affairs (VA) facilities, including construction, leasing, and renovating. The bill would also extend a number of authorities of the VA. The specific provisions of the bill are listed below.

Construction and Leasing Authorizations

H.R. 6832 would authorize \$345.9 million for major construction and repairs at three VA facilities. The bill would authorize \$54 million for seismic corrections in Palo Alto, California; \$225.9 million for seismic corrections in San Juan, Puerto Rico; and \$66 million for the construction of a polytrauma center San Antonio, Texas.

H.R. 6832 would increase amounts for previously authorized major VA construction projects at seven facilities around the country as follows:

- For new construction or replacement of the VAMC in New Orleans, Louisiana, \$625 million;
- For a replacement VAMC in Denver, Colorado, \$769.2 million.
- For the correction of patient privacy deficiencies at the VAMC in Gainesville, Florida, \$136.7 million.
- For the construction of a new VAMC in Las Vegas, Nevada, \$600.4 million.
- \$131.8 million the construction of a new outpatient clinic in Lee County, Florida.
- For the construction of a new VAMC in Orlando, Florida, \$656.8 million.
- For the consolidation of medical facility campuses in Pittsburgh, Pennsylvania, \$295.6 million.

H.R. 6832 would also authorize the Secretary to carry out major leases for VA facilities as follows:

- For an outpatient clinic, Brandon, Florida, \$4,326,000.
- For an outpatient clinic, Colorado Springs, Colorado, \$3,995,000.
- For an outpatient clinic, Eugene, Oregon, \$5,826,000.

- For the expansion of an outpatient clinic, Green Bay, Wisconsin, \$5,891,000.
- For an outpatient clinic, Greenville, South Carolina, \$3,731,000.
- For an outpatient clinic, Mansfield, Ohio, \$2,212,000.
- For an outpatient clinic, Mayaguez, Puerto Rico, \$6,276,000.
- For an outpatient clinic, Mesa, Arizona, \$5,106,000.
- For interim research space, Palo Alto, California, \$8,636,000.
- For the expansion of an outpatient clinic, Savannah, Georgia, \$3,168,000.
- For an outpatient clinic, Sun City, Arizona, \$2,295,000.
- For a primary care annex, Tampa, Florida, \$8,652,000.

The bill would also authorize \$54.5 million for the Secretary of Veterans Affairs to construct a new medical facility in Okaloosa County, Florida.

Extension of VA Authorities

In addition to authorizing funds for construction and leasing, H.R. 6832 would extend a number of the VA's authorities. The bill would make permanent the VA's authority to:

- Provide non-institutional extended care services.
- Maintain and operate the Advisory Committee on Minority Veterans.
- Establish research corporations.
- Provide medical care and hospital services to veterans that participated in Project SHAD, the DoD's chemical warfare testing program.

In addition, H.R. 6832 would permanently require the VA to produce a biannual report on the Women's Advisory Committee.

The bill would also temporarily extend the VA's authority to do the following:

- Provide nursing home care to veterans with 70 percent service-connected disability.
- Access IRS data to verify a veteran's pension eligibility.
- Collect copayments.
- Bill third-party insurance companies for services that the VA provides to veterans with non-service connected disabilities.
- Guarantee adjustable rate mortgages.
- Guarantee the temporary Freddie Mac conforming limit (\$417,000).

H.R. 6832 would also extend the requirement that the VA make annual reports on the Special Committee on Post Traumatic Stress Disorder. Finally, the bill would raise the limit on beneficiaries for the VA's Independent Living Program from 2,500 to 2,600 and raise the VA's guarantee for refinancing loans to the Freddie Mac standard conforming limit (\$417,000).

Additional Background: On May 21, 2008, the House Passed H.R. 5856, the Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008, by a roll call vote of [416-0](#). H.R. 5856 authorized funds for the same VA construction and leasing at the same level as this measure, but did not include the extensions of VA authorities. According to [House](#)

[Report 110-648](#), which accompanied H.R. 5856, the average VA medical facility is over 50 years old and much of the systems infrastructure is outdated. In 1998, the VA began to implement the Capital Asset Realignment for Enhanced Services (CARES) program which created a new blueprint for VA construction and leasing with renewed focus on outpatient rather than inpatient care. The Committee of Veterans' Affairs reports that the construction and leasing programs authorized by this bill are a continuation of the CARES process. Current law requires Congress to give statutory consent to any VA construction project over \$10 million and any VA lease in excess of \$600,000.

Committee Action: H.R. 6832 was introduced on September 8, 2008, and no committee action is likely to be taken.

Cost to Taxpayers: Although a CBO score for H.R. 6832 is not available, a score for H.R. 5856 (which contained almost identical construction and leasing projects) stated that the bill would authorize \$1.5 billion in FY 2009 and \$3.336 billion over the FY 2009 through 2013 period (subject to appropriation) for construction and leasing activities authorized in the underlying 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 regarding compliance with House Rules regarding earmarks and limited tax benefits or limited tariff benefits was not available.

Constitutional Authority: A committee report citing constitutional authority was not available.

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

H.R. 6630—To prohibit the Secretary of Transportation from granting authority to motor carriers domiciled in Mexico (*DeFazio, D-OR*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6630 would require the Secretary of Transportation to terminate its cross-border trucking pilot program which allows Mexican-based trucking companies to operate beyond the 25-mile commercial zone north of the U.S.-Mexican border. The bill would require the program to terminate effective on September 6, 2008. The program was originally created as a one year pilot program on September 6, 2007, but the Department of Transportation (DOT) has announced that it will extend the program for an additional two year. The bill would also specifically prohibit the Secretary from continuing the program without expressed authorization from Congress.

In addition, H.R. 6630 would require the DOT to submit two reports, one regarding the final outcome of the pilot program and one outlining the implementation of pilot program and the participation of motor carriers in the project. Finally, the bill would require a report from the independent review panel created to monitor the pilot program.

Additional Background: As a stipulation of the North American Free Trade Agreement (NAFTA), the U.S. and Mexico were required to establish a settlement that would end the prohibition on trucking access between the two countries. While this settlement was being negotiated, Mexican trucks were authorized to travel into U.S. commercial zones approximately 25 miles inside of the U.S. border. Under this arrangement, Mexican trucks would enter the U.S. and drive to some commercial location where the freight was unloaded and loaded on to U.S. trucks. Since 2001, the Bush administration has sought a way to permit Mexican and U.S. trucks to operate beyond the current commercial zones in order to streamline international shipping, encourage the free trade authorized by NAFTA, lower the cost of goods, and boost the U.S. economy.

In early 2007, the DOT announced that a year-long pilot program would allow up to 100 Mexican trucking companies to operate beyond U.S. commercial zones if they complied with agreed upon safety standards. The pilot program was slated to begin on September 6, 2007. Since the Bush administration announced its decision to move forward with a pilot program that would allow Mexican trucks beyond commercial zones, many in Congress have expressed their opposition to the plan. Concerns have been raised about safety, citing the fact that Mexican regulations are more lax than those in the U.S. In addition, Members have expressed their concern that opening the border to international shipping between the U.S. and Mexico may create problems with drug smuggling or illegal immigration. Still others worried about the environmental effects and the potential loss of U.S. jobs as a result of increased free trade with Mexico.

In order to address these concerns, the House passed H.R. 1773 on May 15, 2007, by a vote of 411-3. This legislation required drug and alcohol testing, hours of service, verification of proof of insurance, and a number of other safety regulations—22 in total—to be met by Mexico based motor carriers. The bill also prohibited motor carriers based in Mexico from operating beyond the U.S.-Mexico border, unless U.S. based motor carriers are allowed similar treatment. The number of Mexico based motor vehicles allowed to participate in the pilot program could not exceed 1,000. Though the bill did not get out of the Senate, the Bush Administration adhered to the majority of the bill's requirements when it began implementing the pilot program on September 6, 2007.

On August 4, 2008, the DOT announced that it planned to extend the pilot program for two additional years, through September 6, 2010. As a result of this announcement, Transportation Committee Chairman, Rep. James Oberstar, announced that he would bring a bill to the floor shortly after recess that would stop the extension of the pilot program. H.R. 6630 is that bill.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 6630 would stop the extension of Department of Transportation's pilot program that allows Mexican trucks

to make deliveries in the interior U.S. if the U.S. has certified that the trucks and companies operating them are safe. Some conservatives may be concerned that the U.S. has a treaty obligation with Mexico (NAFTA) which stipulates that each country must allow reciprocal trucking access. Some conservatives may be concerned that H.R. 6630 would violate that agreement. In addition, some conservatives may be concerned that H.R. 6630 may hurt the U.S. economy by stifling free trade and making U.S.-Mexican trading more cumbersome and costly.

Committee Action: H.R. 6630 was introduced on July 29, 2008, and referred to the Committee on Transportation and Infrastructure, which held a mark-up and reported the bill by voice vote on July 31, 2008.

Cost to Taxpayers: According to CBO, H.R. 6630 would not have a significant impact on federal 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? Yes, according to CBO, H.R. 6630 would impose a private-sector mandate, as defined in UMRA, on certain motor carriers based in Mexico. By terminating the pilot program, those carriers that participate in the project would be prohibited from making long-haul trips beyond designated zones along the border.” However, the cost of those mandates would not be above the annual threshold for private-sector mandates (\$136 million in 2008).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A committee report regarding compliance with House Rules regarding earmarks and 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. 4081—Prevent All Cigarette Trafficking (PACT) Act (*Weiner, D-NY*)

Order of Business: The bill is scheduled to be considered on Tuesday, September 9, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4081 would establish new requirements and standards for tobacco distributors that ship cigarettes or smokeless tobacco directly to customers. The bill would require any such tobacco seller to comply with any applicable state, local, or tribal laws regarding the sale of tobacco and imposition of taxes. Under the bill tobacco sellers would also be required to clearly label any package contain cigarettes or smokeless tobacco for sale. The bill would make it illegal for the U.S. Postal Service (U.S.P.S.) to ship any tobacco product for sale without a clear label. The bill would also make it illegal to ship a package containing more than ten pounds of tobacco product directly to a consumer. H.R. 4081 would allow businesses to ship tobacco to other businesses via the U.S.P.S.

H.R. 4081 would prohibit the delivery of tobacco products to consumers whose age has not been verified. The bill would require direct delivery tobacco sellers to establish a method for taking tobacco orders and shipping tobacco to customers so as to verify the name, age and address of the customer. The bill would require that the tobacco sellers keep information regarding their customers for four years and would grant the Department of Justice (DOJ) the authority to review the records.

The bill would require every direct delivery seller of tobacco products to register with the DOJ. The agency would be required to maintain a list of all registered direct sellers as well as a list of sellers that have failed to register. Sellers that have been placed on the list denoting that they have failed to register would be notified by the DOJ. A direct delivery tobacco seller would be allowed to appeal their inclusion on the list and the bill would require the DOJ to remove a seller from the non-compliance list if they have been incorrectly included.

H.R. 4081 would require direct delivery tobacco sellers to collect all federal, state, local, or tribal taxes applicable in the location where the customers receives their tobacco product. The bill would require that all applicable taxes be collected prior to the shipping of tobacco products.

Finally, H.R. 4081 would establish new penalties for failure to comply with the bill's provisions. Sellers would be subject to fines of up to 2% of their total tobacco sales. Violations of the bill's stipulations would also be considered felonies, and violators would be subject to fines of up to \$10,000 and/or imprisonment if they are repeatedly found to be in violation.

Additional Background: Under current law, tobacco sellers that ship products directly to consumers must submit monthly tax reports to state tax collection agencies in states where they do business. However, the findings listed in the bill indicate that there is concern that direct delivery tobacco sales have been used to get around paying local, state, and federal taxes that are associated with the sale of tobacco products. In addition, the bill states that "Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps" and that "terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn." According to a Government Accountability Office (GAO) report cited by the Senate Committee on the Judiciary, terrorists often raise funds "through illicit trade in myriad commodities, such as drugs, weapons, cigarettes, and systems, such as charities."

In an effort to require all direct delivery tobacco sellers to comply with local, state, and federal taxes, H.R. 4081 would establish new requirements and regulations regarding the shipping of tobacco products to consumers. As the rate of taxes on tobacco has grown over the past decade, the findings in the bill point out that the number of Internet vendors that sell tobacco products in the U.S. jumped from 40 in 2000 to over 500 in 2005. As the number of online vendors has increased, traditional tobacco sellers have expressed their concern that their market is being under cut by illicit, overseas sellers. There have also been concerns raised that under age customers are utilizing direct delivery tobacco sellers because they are not old enough to purchase cigarettes and the current age reporting and verification requirements are not well documented.

According to Congressional Quarterly, United Parcel Service, Federal Express, and DHL have all implemented policies banning the shipment of tobacco products to consumers. For the time being, only the U.S.P.S. delivers tobacco products directly to consumers.

Committee Action: H.R 4081 was introduced on November 5, 2007, and referred to the Committee on the Judiciary, which held a mark-up and reported the bill, as amended, by voice vote on July 16, 2008.

Cost to Taxpayers: According to CBO, H.R. 4081 would authorize \$18 million in FY 2009 and \$124 million over the FY 2009 through FY 2013 period to fund increased regulatory and enforcement efforts.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would create new regulations regarding the sale and transportation of tobacco products.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes. According to CBO, “H.R. 4081 would impose new requirements related to certain sales of tobacco products by private and tribal entities and preempt certain state, local, and tribal laws. According to ATFE and industry sources, most of the entities affected by the requirements already perform many of the duties that would be imposed by this bill, and CBO estimates that the additional requirements would impose minimal costs.”

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A committee report regarding compliance with House Rules regarding earmarks and 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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