



Legislative Bulletin.....January 23, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 6

Total Cost of Discretionary Authorizations: \$118 million in FY 2008 and \$597 million over the FY 2008—FY 2012 period.

Effect on Revenue: Less than \$500,000 annually

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 1

H.R. 3873—Section 515 Rural Housing Property Transfer Improvement Act of 2007 (*Hodes, D-NH*)

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

Summary: H.R. 3873 would amend the Housing Act of 1949 to grant the Rural Housing Service (RHS), within the Department of Agriculture, the authority to make direct loans to developers to build multifamily rental housing in rural areas that are affordable to very low-income families, elderly people, and persons with disabilities.

Specifically, the bill would direct the Secretary of Agriculture to make “administrative and procedural changes as may be necessary to expedite the approval of applications to transfer ownership of projects for which a loan is made or insured under this section for the preservation, continued use restriction, and rehabilitation of such projects.” Additionally, the Secretary “shall actively facilitate transfers of the ownership of projects that will result in the preservation, continued use restriction, and rehabilitation of such projects.”

H.R. 3873 would also grant final regulatory authority over such property transfers to the Office of Rental Housing Preservation of the RHS. In addition, H.R. 3873 authorizes the Office of Rental House Preservation to work with and seek recommendations from the State Rural Development offices of the Department of Agriculture.

H.R. 3873 sets deadlines for the processing of transfer applications by the Office as well as by state and local offices.

Finally, H.R. 3873 instructs the Secretary of Agriculture to submit a report to certain congressional committees which:

- “identifies the actions that the Secretary has taken to coordinate with other Federal agencies, including the Department of Housing and Urban Development and the Internal Revenue Service, and, in particular, with the program for rental assistance under section 8 of the United States Housing Act of 1937, the multifamily mortgage insurance programs under title II of the National Housing Act, the program under section 42 of the Internal Revenue Code of 1986 for low-income housing tax credits, and the program for tax-exempt bonds under section 142 of such Code;
- “identifies and describes any resulting improvements within Rural Housing Service of the Department of Agriculture in expediting the transfer of ownership of projects with loans made or insured under section 515 of the Housing Act of 1949; and
- “makes recommendations for any legislative changes that are needed for the prompt processing of applications for such ownership transfers and for the transfer of such projects.”

Committee Action: H.R. 3873 was introduced on October 17, 2007 and was referred to the House Committee on Financial Services. On October 31, 2007, the Financial Services committee held a mark-up on H.R. 3873 and reported the bill by voice vote.

Cost to Taxpayers: A CBO score for H.R. 3873 estimates that implementing H.R. 3873 would cost about \$1 million annually over the 2008-2012 period (subject to appropriation of the necessary amounts). According to CBO, “some transfers of property would happen more expeditiously under this legislation, which could cause taxable events to occur sooner than they otherwise would. Although faster processing of property transfers could increase revenue from individual income taxes, CBO estimates that the total effect on revenues for any fiscal year would be less than \$500,000; the effect over the 2008-2017 period also would be less than \$500,000.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 3873 provides the Rural Housing Service (RHS) within the Department of Agriculture with the authority to make direct loans to developers to build multifamily rental housing in rural areas that are affordable to very low-income families, elderly people, and persons with disabilities.

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 [Financial Services Committee Report 110-464](#), “H.R. 3873 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: According to [Financial Services Committee Report 110-464](#), “the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).”

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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 (Garrett, R-NJ)

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

Summary: H.R. 3959 would require any purchaser of a pre-FIRM primary residential home that costs \$600,000 or higher to pay phased-in actuarial flood insurance prices using the same phase-in structure that non-residential and non-primary homes are

currently subject to in H.R. 3121, the Flood Insurance Reform and Modernization Act (FIRM) of 2007.

Additional Information: According to the sponsor's office, H.R. 3959 "would provide additional resources to the flood insurance program in a fair and reasonable way and not subject current home owners of pre-FIRM houses to unanticipated or unplanned for increases in the flood insurance premiums." In addition, "The higher rates would not go into effect until Jan. 1, 2011 and then they would be phased in at 15% a year. That date allows people to plan more and it is also tied to the date that the flood maps are tentatively scheduled to be completed. Now the flood map modernization process is ongoing so we set the day based on when FEMA estimated having majority of maps complete."

According to a Dear Colleague circulated by the sponsor's office, "The NFIP was created after many homeowners had already built their homes in flood prone areas and before any comprehensive flood maps existed. Because of this, Congress allowed the owners of these properties (otherwise known as pre-FIRM properties) to purchase flood insurance from the federal government at subsidized rates." The letter goes on to state:

Over the last 20 years, the NFIP has been largely self-sufficient. Claims going out have equaled receipts coming in. But in 2005, with the devastating storms of Hurricane Katrina and Hurricane Rita, the NFIP had to borrow over \$24 billion to meet its contractual obligations and pay out the affected policyholders. Because of this, some people have advocated for a total and immediate withdrawal of the subsidy for all pre-FIRM homes regardless of when they were purchased. Others believe that it is not fair to force someone who bought their home assuming one flood insurance rate to have their rate changed in the middle of their mortgage. H.R. 3959 would require any new purchaser of a pre-FIRM primary residential home that costs over \$600,000 to pay phased-in actuarial flood insurance prices using the same phase-in structure that non-residential and non-primary homes are currently subject to in this same legislation.

Committee Action: H.R. 3959 was introduced on October 17, 2007 and was referred to the House Committee on Financial Services. On October 31, 2007, the Financial Services committee held a mark-up on H.R. 3959 and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, "any premium increase implemented as a result of the bill would yield additional receipts to the National Flood Insurance Program (NFIP); however, CBO estimates that such funds would be spent to cover the ongoing costs of the program, resulting in no significant net effect on direct spending. Enacting this legislation would not affect revenues."

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to Financial Services [Committee Report 110-510](#), “H.R. 3959 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Constitutional Authority: According to Financial Services [Committee Report 110-510](#), “the Committee finds that the Constitutional Authority of Congress to enact this legislation is provided by Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).”

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H.Res. 916—Honoring the contributions of Catholic schools (Lipinski, D-IL)

Order of Business: H.Res. 916 is scheduled to be considered on Wednesday, January 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 916 would express the sense that the House:

- “supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America’s thousands of Catholic elementary and secondary schools; and
- “congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.”

The resolution lists a number of findings, including:

- “America’s Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;
- “Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America’s young people;
- “the total Catholic school student enrollment for the 2006-2007 academic year was more than 2,300,000 and the student-teacher ratio was 15 to 1;
- “more than 25 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;
- “Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

- “the Catholic high school graduation rate is 99 percent, with 80 percent of graduates attending four-year colleges and 17 percent attending two-year colleges or technical schools; and
- “January 27 to February 2, 2008, has been designated as Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops.”

Committee Action: H.Res. 916 was introduced on January 15, 2008, and referred to the Committee on House Committee on Education and Labor, where no further action was taken.

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. 908—Supporting the goals and ideals of National Mentoring Month (*McCollum, D-MN*)

Order of Business: H.Res. 908 is scheduled to be considered on Wednesday, January 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 908 would express the sense that the House:

- “supports the goals and ideals of National Mentoring Month;
- “acknowledges the diligent efforts of individuals and groups who promote mentoring and who are observing the month with appropriate ceremonies and activities that promote awareness of and volunteer involvement with youth mentoring;
- “recognizes with gratitude the contributions of the millions of caring adults and students who are already volunteering as mentors; and
- “encourages more adults and students to volunteer as mentors.”

The resolution lists a number of findings, including:

- “youth mentoring establishes a structured and trusting relationship between young people and caring individuals who offer guidance, support, and encouragement;
- “a growing body of mentoring research provides strong evidence that mentoring programs are successful in reducing delinquency, substance use and abuse, and academic failure;

- “research also shows that formal mentoring that is focused on developing the competence and character of the young person promotes positive outcomes such as improved academic achievement, self-esteem, social skills, and career development;
- “mentoring provides a supportive environment in which young people can grow, expand their vision of the future, and achieve goals that they never thought possible;
- “more than 4,000 mentoring programs in communities of all sizes across the United States focus on building strong, effective relationships between mentors and mentees;
- “public-private mentoring partnerships bring State and local leaders together to support mentoring programs by preventing duplication of efforts, offering training in best practices, and helping mentoring programs make the most of the limited resources available to benefit the Nation’s youth;
- “more than 15,000,000 young people in the United States fall into a mentoring gap and still need mentors;
- “coordinated national, State, regional, and local efforts need Federal support to connect more youth with the powerful benefits that result from mentoring;
- “designation of January 2008 as National Mentoring Month will help call attention to the critical role mentors play in helping young people realize their potential; and
- “the month-long celebration of mentoring will encourage more organizations across the United States, including schools, businesses, nonprofit organizations, faith institutions, foundations, and individuals to become engaged in mentoring.”

Committee Action: H.Res. 908 was introduced on December 19, 2007, and referred to the Committee on House Committee on Education and Labor, where no further action was taken.

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. 932—Expressing support for designation of the week of
February 4 through February 8, 2008 as “National School Counseling
Week” (Linda Sanchez, D-CA)**

Order of Business: H.Res. 932 is scheduled to be considered on Wednesday, January 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 932 would express the sense that the House:

- “honors and recognizes the contributions of school counselors to the success of students in our Nation’s elementary and secondary schools; and
- “encourages the people of the United States to observe ‘National School Counseling Week’ with appropriate ceremonies and activities that promote awareness of the crucial role school counselors play in preparing students for fulfilling lives as contributing members of society.”

The resolution lists a number of findings, including:

- “American School Counselor Association has declared the week of February 4 through February 8, 2008 as ‘National School Counseling Week’;
- “the House of Representatives has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the last reauthorization of the Elementary and Secondary Education Act of 1965;
- “school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for all students;
- “school counselors have long emphasized the importance of personal and social development in academic achievement;
- “school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;
- “school counselors play a vital role in ensuring that students are aware of financial aid and college opportunities;
- “school counselors may encourage students to pursue challenging academic courses to prepare them for college majors and careers in the science, technology, engineering, and mathematics fields;
- “school counselors help students cope with the serious and common challenges of growing up, including peer pressure, mental health issues, school violence, disciplinary problems, the deployment of family members to conflicts overseas, and problems in the home;
- “school counselors are also instrumental in helping students, teachers, and parents deal with personal trauma and community and national tragedies;
- “school counselors are among the few professionals in a school building that are trained in both education and mental health;
- “despite the important contributions of school counselors to student success, counseling positions are not always protected when budgets are cut;
- “the celebration of ‘National School Counseling Week’ would increase awareness of the important and necessary role school counselors play in the lives of students in the United States; and
- “the week of February 4 through February 8, 2008 would be an appropriate week to designate as ‘National School Counseling Week.’”

Committee Action: H.Res. 932 was introduced on January 17, 2008, and referred to the Committee on House Committee on Education and Labor, where no further action was

taken.

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. 493—Congratulating the women’s water polo team of the University of California, Los Angeles, for winning the 2007 NCAA Division I Women’s Water Polo National Championship, and congratulating UCLA on its 100th NCAA sports national title, making it the most accomplished athletic program in NCAA history (Lewis, R-CA)

Order of Business: H.Res. 493 is scheduled to be considered on Wednesday, January 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 493 would express the sense that the House:

- “congratulates the women’s water polo team of the University of California, Los Angeles, and Head Coach Adam Krikorian for winning the 2007 NCAA Division I Women’s Water Polo National Championship;
- “congratulates UCLA on becoming the first school to win 100 NCAA sports national championship titles, making it the most accomplished athletic program in NCAA history; and
- “recognizes the achievements of all the players, coaches, students, alumni, and staff of UCLA who were instrumental over the years in this prestigious achievement.”

The resolution lists a number of findings, including:

- “on May 13, 2007, the women’s water polo team of the University of California, Los Angeles (UCLA), defeated Stanford 5-4 in the championship game of the NCAA Division I Women’s Water Polo National Championship tournament;
- “the victory gave Head Coach Adam Krikorian and the Bruins women’s water polo team their third consecutive NCAA Championship and was the team’s fifth overall national title;
- “Kelly Rulon, a driver for the Bruins, was selected as the tournament’s Most Valuable Player;

- “UCLA women’s water polo players Kelly Rulon, Emily Feher, Courtney Mathewson, Jillian Kraus, and Kacy Kunkel were named to the NCAA All-Tournament First Team;
- “the UCLA women’s water polo team finished the 2007 season with a record of 28 wins and 2 losses, and now has a record of 90 wins and 6 losses over the past 3 seasons;
- “the 2007 Women’s Water Polo National Championship makes UCLA the first school ever to win 100 NCAA sports national titles; and
- “UCLA won its 100th NCAA title less than 58 years after the UCLA men’s tennis team won the school’s first NCAA title in 1950.”

Committee Action: H.Res. 493 was introduced on June 18, 2007, and referred to the Committee on Education and Labor’s Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, 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. 852—Raising awareness and encouraging prevention of stalking by establishing January 2008 as “National Stalking Awareness Month” (Poe, R-TX)

Order of Business: H.Res. 852 is scheduled to be considered on Wednesday, January 23, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 852 would express the sense of the House that:

- “National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;
- “all Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking;
- “policymakers, criminal justice officials, victim service and human service agencies, nonprofits, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims.” and
- “Congress urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through National Stalking Awareness Month.”

The resolution lists a number of findings, including:

- “an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;
- “81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;
- “74.2 percent of stalking victims reported that the stalking partner interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent never return to work;
- “rapid advancements in technology have made cyber-surveillance the new frontier in stalking;
- “there are national organizations, local victim service organizations, prosecutors’ offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking; and
- “there is a need to enhance the criminal justice system’s response to stalking and stalking victims, including aggressive investigation and prosecution.”

Committee Action: H.Res. 852 was introduced on December 6, 2007, and referred to the Committee on the Judiciary, 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. 3992—Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007 (*Scott, D-VA*)

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

Summary: H.R. 3992 would reauthorize and expand Department of Justice (DOJ) grant programs for state and local governments that treat mentally ill criminal offenders through FY 2013. H.R. 3992 includes reauthorizations of programs created by the Mentally Ill Offender Treatment and Crime Reduction Act of 2003, as well as new programs created by this legislation.

Reauthorization of the Adult and Juvenile Collaboration Program Grants

- Reauthorizes grants for eligible State and local governments, Indian tribes and private organizations, to plan and implement programs to improve the treatment of criminal offenders with mental illnesses or substance abuse disorders.
- Allows grants to be used for a range of programs, including establishing mental health courts, training for mental health and law enforcement personnel, coordination programs between law enforcement and mental health services, and transition programs to help offenders get back into the community.
- Increases the authorization level under this section from \$50 million annually to \$75 million annually through FY 2013.

Law Enforcement Response to Mentally Ill Offenders Improvement Grants

- Authorizes the creation of a **new federal grant program** to provide local law enforcement with training, improved technology, and cooperative programs to assist in dealing with mentally ill offenders.
- Limits the federal share of any program funded under this section to 75%.
- Authorizes \$10 million annually through FY 2013 to carry out these programs.

Grants for the Effective Treatment of Offenders with Mental Illness

- Authorizes the creation of a **new federal grant program** to provide local governments with resources to provide treatment, case management, and family services to mentally ill female offenders.
- Authorizes \$5 million annually through FY 2013 to carry out these programs.

Grants to Expand the Capabilities and Effectiveness of Correctional Agency Identification and Treatment Plans for Mentally Ill Offenders

- Authorizes the creation of a **new federal grant program** to provide local governments the capacity to better assess and treat mentally ill offenders in correctional facilities.
- Authorizes the use of grants to continue, improve, or create mental health programs for incarcerated individuals.
- Requires the Attorney General to allocate funds under this grant program based on the percentage of inmates with mental illness.
- Authorizes \$10 million annually through FY 2013 to carry out these programs.

Statewide Planning Grants to Improve Treatment of Mentally Ill Offenders

- Authorizes the creation of a **new federal grant program** for state and local governments to coordinate and administer treatment for mentally ill offenders.

- Authorizes \$10 million annually through FY 2013 to carry out these programs.

Improving the Mental Health Courts Grant Program

- Reauthorizes \$10 million annually to fund the mental health courts grant program through FY 2013.

Study and Report on the Prevalence of Mentally Ill Offenders

- Authorizes \$2 million in FY 2009 for the Attorney General to conduct a study regarding the rate of occurrence of serious mental illness in different segments of the incarcerated population.
- Requires the Attorney General to submit the findings of the report within 18 months of the passage of the bill's enactment.

Additional Background: According to the DOJ, mental health programs in courts and correctional facilities are administered by the Bureau of Justice Assistance to support projects that “seek to mobilize communities to implement innovative, collaborative efforts that bring systemwide improvements to the way the needs of adult offenders with mental disabilities or illnesses are addressed.” The Mental Health Courts Program was initially created by America’s Law Enforcement and Mental Health Project, which was enacted in 2000. Mental health programs for offenders were increased with the enactment of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004, which authorized \$50 million annually through FY 2009 for mental treatment geared toward offenders. Currently, there are 150 mental health courts in operation with more being planned.

Possible Conservative Concerns: Some conservatives may be concerned that the bill would increase the annual authorization for programs to improve the treatment of criminal offenders with mental illnesses or substance abuse disorders by \$25 million. Some conservatives may also be concerned that H.R. 3992 would authorize \$175 million to create four new federal programs to assist offenders with mental disorders.

Committee Action: H.R. 3992 was introduced October 31, 2007, and was referred to the Committee on the Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security. On November 1, 2007, a subcommittee mark-up was held and the bill was referred to the full committee, which held a mark-up one week later and reported the bill by voice vote.

Cost to Taxpayers: According to CBO, H.R. 3992 would authorize \$117 million in FY 2008 and \$592 million over the FY 2008 through FY 2013. CBO estimates that, subject to appropriation, outlays would increase by \$390 million over the FY 2008 through FY 2013 period and by \$310 million in later years.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it creates new federal grant programs for state and local governments that treat mentally ill criminal offenders.

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 listing Earmarks, Limited Tax Benefits, or Limited Tariff Benefits was not available.

Constitutional Authority: A committee report citing constitutional authority is unavailable. 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*]

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H.R. 3971—Death in Custody Reporting Act of 2007 (Scott, D-VA)

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

Summary: H.R. 3971 would require states receiving certain federal prison funds to make quarterly reports to the Attorney General regarding the death of any person detained by the state at the time of their death. The report must include:

- the name, gender, race, and age of the deceased;
- the date, time, and location of death;
- the law enforcement agency that detained or arrested the deceased; and
- a brief description of the events surrounding the death.

Each state would be required to comply with the bill’s stipulations within 30 days of enactment. States that failed to comply would have the amount of their federal funds for prisons reduced by ten percent. H.R. 3971 would require that any funds withheld from a state as a result of noncompliance be reallocated to compliant states.

The bill would also authorize \$500,000 for the Attorney General to conduct and report a study to determine how the information can be used to reduce prison deaths.

Additional Background: According to [House Report 110-512](#), no federal requirement for reporting deaths of prisoners existed before the enactment of the Death in Custody Reporting Act of 2000. The Committee on the Judiciary reports that the lack of information regarding the circumstances surrounding prisoners’ deaths “made oversight of prisoner treatment inadequate at the very least.” The lack of uniform reporting

regulations makes it difficult to collect standard and consistent information regarding the number and types of deaths in prison annually. H.R. 3971 attempts to apply a uniform and regulated accounting procedure to all prisoners' deaths in order to improve the safety of the prison system nationwide.

Committee Action: H.R. 3971 was introduced on October 25, 2007, and referred to the Committee on the Judiciary's Subcommittee on Crime, Terrorism, and Homeland Security. On November 1, 2007, the subcommittee forwarded the bill back to the full committee by voice vote. A full committee mark-up was held on November 7, 2007, and the bill was reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, H.R. 3971 would authorize \$500,000 in FY 2009.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it creates new federal regulations and requirements for reporting deaths of prisoners in state custody.

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 110-512](#), H.R. 1943 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 110-512](#) cites constitutional authority in Article I, Section 8, but does not cite a specific clause. 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*]

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