THE REPUBLICAN STUDY COMMITTEE
Rep. Jim Jordan, Chairman
Paul Teller, Executive Director
RSC
202.226.9717
rsc.jordan.house.gov

# Legislative Bulletin……Wednesday, September 19, 2012

**Contents:**

# H.R. 6324 – Cutting Federal Unnecessary and Expensive Leasing Act of 2012 (Hanna, R-NY)

**Order of Business:** The bill is scheduled to be considered on September 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** This legislation caps vehicle spending at FY 20120 levels for most Executive agencies (not the defense organization). The legislation specifically requires that the Office of Management and Budget, in consultation with the head of each Executive agency, shall:

1. "Determine the total dollar amount obligated by each Executive agency to purchase civilian vehicles in fiscal year 2010.
2. Determine the total dollar amount obligated by each Executive agency to lease civilian vehicles in fiscal year 2010.
3. Determine the total number of civilian vehicles purchased by each Executive agency in fiscal year 2010.
4. Determine the total number of civilian vehicles leased by each Executive agency in fiscal year 2010.
5. Determine the total dollar amount that would be 20 percent less than the dollar amount determined [under 1 and 2] for each Executive agency."

For each fiscal year 2013-2017, each Executive agency may not obligate more than the total dollar amount obligated by each Executive agency in FY 2010 to purchase and lease civilian vehicles.

**Committee Action:** The legislation was introduced on August 2, 2012 and assigned to the House Committee on Oversight and Government Reform.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The legislation decreases the size of the federal government by capping the amount spent on purchasing and leasing vehicles.

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

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

**Constitutional Authority:** According to the sponsor – "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 - To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

**RSC Staff Contact**: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718

# H.R. 4158 – To confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space mission (Hall, R-TX)

**Order of Business:** The bill is scheduled to be considered on September 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** The legislation allows a United States astronaut who participated in any of the "Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project, who received an artifact during his participation in any such program, shall have full ownership and clear title to such artifact."

The legislation defines "artifact" as any expendable item utilized in missions for the Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project not expressly required to be returned to the National Aeronautics and Space Administration (NASA) at the completion of the mission and other expendable, disposable, or personal-use items utilized by such an astronaut during participation in any such program, excluding lunar rocks and other lunar material.

**Background:** According to the committee, through the Mercury, Gemini, and Apollo programs, NASA managers routinely allowed astronauts to keep mementos from the spacecraft. In the mid-2000s, NASA began to challenge the ownership of these artifacts by Apollo-era astronauts. As a result of the actions by NASA, rightful ownership of artifacts still in the astronauts possession, or those sold/donated, has been brought into question, exposing astronauts to possible damages if ownership is not clearly established.

**Committee Action:** The legislation was introduced on March 7, 2012, and referred to the House Committee on Science, Space and Technology.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 4158 would have no significant impact on the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The legislation decreases the size of the federal government by granting property rights to materials previously under federal government control.

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

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

**Constitutional Authority:** According to its sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18."

**RSC Staff Contact**: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718

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# H.R. 6375 – To authorize certain Department of Veterans Affairs major medical facility projects and leases, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes (Gingrey, R-GA)

**Order of Business:** The bill is scheduled to be considered on September 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** This legislation authorizes:

- FY 2013 major medical facility projects
- A major medical facility project in Miami, Florida
- FY 2013 major medical facility leases
- Reduces amount for major facility leases; and
- Authorizes appropriations.

It also extends expiring authorities 1) to calculate the net value of real property securing a defaulted loan for purposes of liquidation, 2) for operation of the Department of Veterans Affairs regional office in Manila, Phillipines, 3) to provide treatment, rehabilitation, and certain other services for seriously mentally ill and homeless veterans, 4) to provide expanded services to homeless veterans, 5) to provide housing assistance for homeless veterans, 6) for the Advisory Committee on Homeless Veterans, and 7) for the performance of medical disability examinations by contract physicians.

**Committee Action:** The legislation was introduced on September 11, 2012, and referred to the House Committee on Veterans' Affairs.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The legislation decreases the size of the federal government by reducing the amount for leases.

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

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

**Constitutional Authority:** According to its sponsor, "Congress has the power to enact this legislation pursuant to the following: Clauses 12, 13, 14, and 18 of Section 8 of Article 1 of the United States Constitution."

**RSC Staff Contact**: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718

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# H.R. 5948 – Veterans Fiduciary Reform Act of 2012 (Johnson, R-OH)

**Order of Business:** The bill is scheduled to be considered on September 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** This legislation is designed to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs. Advocates of the legislation argue that it will help prevent financially incompetent veterans from being cheated by fiduciaries appointed to help manage their money.

H.R. 5948 would require background checks of future fiduciaries, including family members appointed to handle a veterans' finances. Existing fiduciaries would not automatically undergo a background check unless they were appointed as fiduciary for another veteran. Veterans would be allowed to suggest a preferred fiduciary, increasing the chance that a family member or close friend would be the fiduciary. New caps are instituted for payment to fiduciaries, according to the Veterans Committee, for the intention of weeding out those with purely financial motives for handling another's finances.

New rules are instituted in the event that a fiduciary is misusing funds. Veterans or family members can appeal to the Veterans Affairs Department to have the person removed. And a person who is found to have misused any payment or benefit to a veteran is not just fired but would lose the right to be appointed as a fiduciary for any other veterans.

**Committee Action:** The legislation was introduced on August 11, 2012, and assigned to the House Veterans Affairs Committee. It was reported out of committee by voice vote.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO estimate is available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The legislation increases the scope of the federal government by providing new oversight for fiduciary responsibilities.

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

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

**Constitutional Authority:** According to its sponsor, "Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States."

**RSC Staff Contact**: Derek S. Khanna, Derek.Khanna@mail.house.gov, (202) 226-0718

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## H.R. 5912 – To amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction, as amended (Cole, R-OK)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 5912 repeals section 9008 of chapter 95 of the Internal Revenue Code of 1986 and, thereby, prevents taxpayer monies from the Presidential Election Campaign Fund (PECF) from subsidizing the costs of national political party conventions. The bill takes effect beginning January 1, 2013.

Since the inception of taxpayer funding for political party conventions in 1976, over $220 million in taxpayer funds have been spent for these conventions. It is estimated that over $36 million of taxpayer funds were spent for this cycle's national party conventions. Some conservatives believe that the political parties are fully capable of funding their respective party conventions without the aid of the American taxpayer having to subsidize their costs.

The RSC's Sunset Caucus featured Rep. Cole's H.R. 5912 in this Waste Action Alert earlier this year. Also, the House passed H.R. 359 in January of 2011, which repealed the Presidential Election Campaign fund.

**Background**
Senator Tom Coburn (R-OK) amendment to the Senate farm bill (S. 3240) would accomplish the goal of this bill by preventing any federal money from the PECF from being spent for party conventions.

**Additional Background**: Rep. Cole issued the following statement upon introduction of H.R. 5912:

*"There is no justification for spending taxpayer money on political conventions while we face a $16 trillion debt and 8 percent unemployment. It's outrageous for the federal government to waste millions on multi-day, lavish conventions that exist solely to promote presidential candidates while the military and other vital government functions are being cut. The political parties are fully capable of funding their conventions through voluntary contributions without squandering taxpayer dollars that would be better spent saving legitimate government programs. This is a frivolous, outdated expenditure that we can't afford."*

**Committee Action:** Representative Tom Cole (R-OK) introduced H.R. 5912 on June 7, 2012. No further Committee action has taken place on the bill.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate for the bill has been released. Some reports explain that this bill would save at least $36 million every four years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill reduces the size of the federal government by repealing taxpayer funding of political party conventions.

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Amendment XVI to the United States Constitution. Additionally, since the Constitution does not provide Congress with the power to provide financial support to U.S. political parties, the general repeal of the Presidential Election Campaign Fund for this purpose is consistent with the powers that are reserved to the States and to the people as expressed in Amendments IX and X to the United States Constitution. Further, Article I Section 8 defines the scope and powers of Congress and does not include this concept of taxation in furtherance of funding U.S. political parties within the expressed powers.

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

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## H.R. 6296 – Disaster Loan Fairness Act of 2012, as amended (Barletta, R-PA)

**Order of Business:** H.R. 6296 is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

**Summary:** H.R. 6296 amends the Small Business Act to prohibit the interest rate of Small Business Administration (SBA) disaster-related loans to businesses and non-profit entities from rising above 4% for four years after enactment. Under current law, businesses of any size and non-profit organizations located in presidentially-declared disaster areas are eligible to apply for two types of disaster-related SBA loans: a physical disaster loan to help repair or replace damaged real estate, equipment, inventory, etc., or an economic injury disaster loan to entities that suffer substantial economic injury and fail to meet necessary financial obligations.

Both types of loans have a maximum loan amount of $2 million[1] and interest rate of 4% if no other private credit is available. If private credit is available elsewhere, the SBA loan interest rate cannot exceed 8%. The SBA determines whether private credit is available elsewhere.

H.R. 6296 requires that the 4% interest rate is the maximum rate a business or non-profit will pay on either of the disaster-related SBA loans regardless of whther private credit is available. This provision applies retroactively to loans made starting January 1, 2011 and remains in effect for four years after enactment of the bill. Also, the SBA is required to refund any overpaid interest already paid by loan recipients.

The bill requires the SBA to report to Congress within one year after enactment whether the bill causes:

- "A greater number of applications for disaster related loans.
- A greater number of approvals of disaster related loans.
- A decreased default rate on disaster related loans."

Lastly, similar to H.R. 5912 on the floor this week as well, H.R. 6296 eliminates federal funding of national party conventions saving an estimated $36 million over four years.

**Committee Action:** Representative Lou Barletta (R-PA) introduced H.R. 6296 on August 2, 2012. No further Committee action has taken place on the bill.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate has been released. RSC staff analysis based on conversations with CBO indicates that the bill is budget neutral in terms of direct spending and revenue projections. Any future costs for new SBA loans originated after enactment depends on future funding subject to appropriated funds, which unofficial reports indicate would be approximately $82 million over five years.

[1] The Physical Disaster Loan may be increased by up to 20% of the total amount of disaster damage to real estate and/or leasehold improvements to protect the property against future disasters of the same type.

**Does the Bill Expand the Size and Scope of the Federal Government?** The bill reduces the maximum interest rate that SBA disaster-related loan recipients could pay on their SBA loan. Therefore, the federal government's financial exposure for some loans would increase by offering lower interest loans than it would otherwise be able to offer under current law. In other words, less revenue would be received by the federal government in the form of less interest payments received by the SBA for its disaster-related loans. Also, given that the bill requires the SBA to report to Congress on the effects that the bill would have on any increase in disaster-related loan applications and loan approvals, there appears to be a sense that the bill will have the effect of increasing the use of such SBA loans. Additionally, there is a reduction in the size of the federal government as a result of the off-set.

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: This bill makes changes to existing law relating to Article 1 Section 8 of the U.S. Constitution Clause 18."

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

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## H.R. 6368 – Border Security Information Improvement Act of 2012 (Canseco, R-TX)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring a two thirds majority vote for passage.

**Summary:** H.R. 6368 requires the Attorney General, in consultation with the Secretary of Homeland Security, to submit to four congressional committees (House Homeland Security and Judiciary Committees; Senate Homeland Security and Government Affairs and the Judiciary Committees) a report on cross-border violence on the Southwest Border of the United States within six months after enactment. According to the bill text, the report shall include:

- "the definition of cross-border violence used by law enforcement components within the Departments of Justice and Homeland Security;
- the ability of the Departments of Justice and Homeland Security and their law enforcement components to track, investigate, quantify, and report on the level of cross-border violence occurring along the Southwest Border of the United States;

- the extent to which the Departments of Justice and Homeland Security define and track cross-border violence and steps being taken to address the effects of cross-border violence along the Southwest Border of the United States;
- the information and data on cross-border violence collected and made available through inter-agency taskforces on the Southwest Border of the United States, including the Southwest Border High Intensity Drug Trafficking Area, Arizona's Alliance to Combat Transnational Threats, the El Paso Intelligence Center, the Border Enforcement and Security Task Force, and State and Local Fusion Centers; and
- the additional resources needed to track, investigate, quantify and report on the level of cross-border violence occurring along the United States-Mexico border."

**Committee Action:** Representative Francisco "Quico" Canseco (R-TX) introduced H.R. 6368 on September 10, 2012. No further committee action has occurred on the bill.

**Administration Position:** No Statement of Administration Policy is available.

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

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

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1 of the United States Constitution which states that Congress shall have the power to provide for our nation's common defense. This legislation would increase our nation's security, which falls under the purview of Congress' granted power to provide for the common defense, as stated above.

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

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## H.R. 4124 – Veteran Emergency Medical Technician Support Act, as amended (Kinzinger, R-IL)

**Order of Business:** H.R. 4124 is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

**Summary:** H.R. 4124 amends the Public Health Service Act (42 U.S.C 243 et seq.) requiring the Secretary of Health and Human Services (HHS) to create a grant program intended to assist states in streamlining certification requirements of U.S. Armed forces Veteran emergency medical technicians. States must demonstrate that they are experiencing a shortage of emergency medical technicians in order to be eligible for federal grants under the bill. The HHS Secretary is required to submit an annual report to Congress on this grant program.

The grants can be used by states to prepare and implement "a plan to streamline State requirements and procedures…including:

- determining the extent to which the requirements for the education, training, and skill level of emergency medical technicians in the State are equivalent to requirements for the education, training, and skill level of military emergency medical technicians; and
- identifying methods, such as waivers, for military emergency medical technicians to forego or meet any such equivalent State requirements."

The bill authorizes a total of $1 million dollars for FY2013 through FY2017. This $1 million authorization for these new state grants is taken from the $125 million previously authorized FY2013 amount in ***Obamacare*** for infrastructure development and maintenance and enhancement grants for Area Health Education Centers.

**Additional Background**: According to this 2010 Institute for Homeland Security Solutions report, "Anecdotal information suggests that there may be substantial shortages among these [EMTs] professionals." Other articles express similar views that EMT shortages exist and are threatening the health of states' citizens. Some states have already begun to take EMT military training into account in determining state EMT eligibility standards.

**Committee Action:** Representative Adam Kinzinger (R-IL) introduced H.R. 4124 on March 1, 2012. On September 11, 2012, the House Energy and Commerce Subcommittee on Health marked up the bill and reported an amended version out favorably by voice vote. The full Committee has not acted on the bill.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate has been released. The bill authorizes $1 million subject to appropriations which is taken from the previously authorized FY2013 funds in Obamcare.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes. The bill requires the HHS Secretary to create a new grant program to assist states in establishing a process for U.S. Armed forces EMTs to meet certification, licensure, and other applicable state EMT requirements to address EMT shortages in their respective state.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No. The bill does not require any state to establish a streamline process for veteran EMT compliance with state EMT licensure. It permits states with demonstrated EMT shortages to apply to receive federal grants to implement a process to assist veteran EMTs obtain state EMT certification.

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: According to clause 7 of Section 9 of Article I of the Constitution, Congress has the authority to control the expenditures of the federal government."

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

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## H.R. 6163 – National Pediatric Research Network Act, as amended (McMorris Rodgers, R-WA)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 6163 authorizes (but does not require) the Director of the National Institutes for Health (NIH) to create a new National Pediatric Research Network consisting of consortia of pediatric researchers eligible to receive up to twenty research grants that can last for up to five years. The funding must be used to supplement any current public or private research funding. In other words, this funding cannot "supplant" other public or private support for authorized activities. Grants can be provided to public research institutions or private nonprofit entities:

- "for planning, establishing, or strengthening pediatric research consortia; and
- for providing basic operating support for such consortia, including with respect to:
  - basic, clinical, behavioral, or translational research to meet unmet needs for pediatric research; and
  - training researchers in pediatric research techniques."

The NIH Director must ensure that an "appropriate" number of these grant awards are granted to consortia that agree to:

- "focus primarily on pediatric rare diseases or conditions (including any such diseases or conditions that are genetic disorders (such as spinal muscular atrophy and Duchenne muscular dystrophy) or are related to birth defects (such as Down syndrome and fragile X));

- conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions; and
- rapidly and efficiently disseminate scientific findings resulting from such trials."

The bill also requires the NIH Director to establish a "data coordinating center" to manage interactions and distribute scientific findings for research activities for all participating consortia as well as report to the NIH Director and Commissioner of the Food and Drug Administration on consortia research.

According to the bill's sponsor, "Children make up approximately 20 percent of the U.S. population while the NIH budgets approximately 5 percent of its extramural funds to pediatric research… A research consortia that is developed specifically with children in mind, will lead to better treatments for diseases that start in childhood and may lead to healthier, able-bodied adults."

**Committee Action:** Representative Cathy McMorris Rodgers (R-WA) introduced H.R. 6163 on July 19, 2012. On September 11, 2012, the House Energy and Commerce Subcommittee on Health reported the bill out favorably by voice vote. The full Committee has not acted further on the bill.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** The Congressional Budget Office (CBO) has not released a cost estimate for the bill. According to RSC staff communications with CBO, the main cost components of the bill involve establishing a network of pediatric research consortia as well as building a data coordinating center. The NIH is already engaging in the types of pediatric research envisioned under the bill, so the bill would mainly direct NIH to award grants within its existing funding authorized by appropriation.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill provides authority for (but does not require) the NIH Director to establish a new network of up to twenty pediatric research consortia in an effort to coordinate pediatric research of rare diseases as well as a data coordinating center. Since any federal grant funding cannot replace current public or private research funding, the grant funding appears to be in excess to whatever amount of research funding in pediatric research currently exists.

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce, which is significantly affected by genetic disorders and

can be enhanced by research breakthroughs therein, as enumerated by Article I, Section 8, Clause 3 of the United States Constitution."

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

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## H.R. 6118 – Taking Essential Steps for Testing Act (Grimm, R-NY)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 6118 permits the Centers for Medicare and Medicaid Services (CMS) the authority and flexibility to impose different sanctions than required under current law against clinical laboratories who violate procedures for processing human proficiency testing samples.

Under the Clinical Laboratory Improvements Amendments (CLIA, 42 U.S.C. 263a), laboratories that test or examine human specimens must be registered as an approved entity with CMS. CMS requires these labs to submit periodic proficiency testing that prohibits a transfer of any proficiency test to another lab. If a lab violates this required procedure, and transfers the proficiency test to another lab, current law requires CMS to immediately revoke the violating lab's approval certification as well as bar the owner and operators from operating any other certified lab for two years. The medical industry has complained that such stringent repercussions for sometimes inadvertent violations of periodic proficiency testing transfers to other labs are not rational and are overly burdensome.

H.R. 6118 permits CMS with the authority to impose alternate sanctions (instead of a two-year prohibition on operating another lab) to an offending lab for an intentional referral of a periodic proficiency testing to another lab such as monetary fines or lab retraining. It also allows CMS to waive the immediate approval certification for an intentional referral if CMS determines that the lab was acting in good faith. Many labs have expressed confusion as to how they can comply with submitting a verifiable periodic proficiency test without transferring it to another lab due to the complexity of the test for certain procedures, human error, or sometimes automated transfers to other labs.

**Committee Action:** Representative Michael Grimm (R-NY) introduced H.R. 6118 on July 12, 2012. On September 11, 2012, the House Energy and Commerce Subcommittee on Health reported the bill out favorably by voice vote. No further committee action has occurred on the bill.

**Administration Position:** No Statement of Administration Policy is available.

**Outside Group Support**: American Clinical Laboratory Association, American Hospital Association, College of American Pathologists, American College of Surgeons, American Association for Clinical Chemistry, American Medical Technologists, Clinical Laboratory Management Association, Greater New York Hospital Association, Health Care Association of New York State, and Ministry Health Care and Affinity Health System.

**Cost to Taxpayers:** The Congressional Budget Office (CBO) has not released a cost estimate for the bill. According to the bill sponsor, the bill has been drafted specifically not to incur any cost to the federal government.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. The bill provides CMS with additional discretionary regulatory flexibility in reducing penalties to offending labs for either intentional or unintentional violations of its proficiency testing procedures.

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

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## H.R. 733 – Recalcitrant Cancer Research Act of 2012, as amended
## *(Eshoo, D-CA)*

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 733 requires the Director of the National Cancer Institute (NCI) to create a scientific framework for the conduct or support of research into "recalcitrant" cancers. The bill defines a recalcitrant cancer as any cancer for which the five-year relative survival rate is below 50 percent. Each recalcitrant cancer will receive its own scientific framework that shall include the following:

- a review of medical literature;

- scientific advances;
- a description of the availability of qualified individuals to conduct scientific research in the prevention, diagnosis, and treatment of cancer and the fundamental biologic process that regulate such cancers;
- the identification of the types of initiatives of intramural and extramural research at the NCI with research of the relevant national research institutes, federal agencies, and non-federal public and private entities;
- the identification of public and private resources that are available to facilitate research;
- the identification of research questions relating to basic, translational, and clinical science that have not been adequately addressed with respect to such recalcitrant cancer; and
- recommendations for action to advance research involving recalcitrant cancer.

Within six months of enactment, the NCS Director must identify at least two recalcitrant cancers that have a five-year relative survival rate of less than 20 percent and are estimated to cause the death of at least 30,000 individuals in the United States. For each identified recalcitrant cancer, the bill requires the NCI Director to develop a specific scientific framework within 18 months after enactment with review and updates of the framework within five years of the framework's development.

The bill requires the development of a Working Group for each identified recalcitrant cancer comprised of representatives of federal agencies and non-federal entities to provide expertise or assistance in development respective frameworks.

It also requires biennial reports to Congress on research grants awarded by the National Institutes of Health (NIH) for cancer research and actions and progress undertaken to carry out each scientific framework as well as a one-time report within six years after development on the effectiveness of each framework.

H.R. 733 currently lists 292 cosponsors.

**Additional Background**: Medicine.net defines recalcitrant as medical term meaning "stubborn." The most common examples of recalcitrant cancers are ovarian cancer and pancreatic cancer. This medical article describes the difficulty in treating such cancers:

> *"While the mortality rate for these cancers remains unacceptably high, in raw numbers the death toll from them is comparatively small. For instance, there are about 14,000 deaths a year in the U.S. from ovarian cancer compared with 40,000 for breast cancer; or 8,700 melanoma deaths to colorectal cancer's 51,000. The incidence rate of these cancers is correspondingly low compared with the more common forms. Right or wrong, this lower incidence rate may have dampened research into screening tools and treatment methods for them."*

NIH funding for ovarian cancer research this fiscal year is estimated to be $138 million (same amount in FY2011). For pancreatic cancer, the amount is estimated to be $113 million ($112 in FY2011).

**Committee Action:** Representative Anna Eshoo *(D-CA)* introduced H.R. 733 on February 16, 2011. On September 11, 2012, the House Energy and Commerce Subcommittee on Health reported the bill out favorably by voice vote. No further committee activity has occurred on the bill.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate has been released on the bill. Presumably, there would be costs, subject to appropriations, for the NCI to develop scientific frameworks for any identified recalcitrant cancers.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill requires the National Cancer Institute to develop a scientific framework for recalcitrant cancer research on each recalcitrant cancer that has a five-year survival rate of less than 20% and causes at least 30,000 deaths in the United States annually.

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: The U.S. Constitution, Article I, Section 8, the General Welfare Clause."

**RSC Staff Contact:** Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678.

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## H.R. 2827 – To amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes (Dold, R-IL)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 2827 amends the Securities Exchange Act of 1934 to clarify the scope of financial advisors who would be subject to federal regulation for their work with municipalities. The legislation redefines municipal advisor as a person, who is not a municipal entity or an employee of a municipal entity, that:

- is formally engaged, in writing and for compensation, by a municipal entity to provide advice to a municipal entity with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues; or
- undertakes a solicitation of a municipal entity for such purpose.

The legislation also allows for the definition of a municipal advisor to include financial advisors, guaranteed investment contract brokers, third-party marketers, placement agents, solicitors, finders, and swap advisors, if such person engages in the activities described above. The legislation lastly defines a municipal advisor to not include:

- any broker, dealer, or municipal securities dealer (or person associated with such broker, dealer or municipal securities dealer);
- any investment adviser registered under the Investment Advisers Act of 1940 or with a State or territory of the United States (or person associated with such an investment adviser);
- any commodity trading advisor, swap dealer, major swap participant, futures commission merchant or introducing broker registered under the Commodity Exchange Act (or person associated with a commodity trading advisor, swap dealer, major swap participant, futures commission merchant or introducing broker) who is providing advice related to, engaging in, or arranging any swap;
- any security-based swap dealer or major security-based swap participant registered under the Securities Exchange Act of 1934 (or any person associated with a security-based swap dealer or major security-based swap participant) who is providing advice related to, engaging in, or arranging any security-based swap;
- any attorney offering legal advice or providing services that are of a traditional legal nature;
- any engineer providing engineering advice;
- any financial institution or person associated with a financial institution; or
- any elected or appointed member of a governing body of a municipal entity, with respect to such member's role on the governing body.

The legislation expands the definition of investment strategies to mean plans or programs for the investment of the proceeds of municipal securities (but not other public funds) that are not municipal derivatives or guaranteed investment contracts, and the recommendation of and brokerage of municipal escrow investments, where, with respect to the municipal advisor offering such plans, programs, or recommendations, such proceeds of municipal securities and municipal escrow investments:

- are known to the municipal advisor to be comprised of funds or investments maintained in a segregated account that is exclusively for the purpose of maintaining such proceeds or escrow investment; or
- have been identified to the municipal advisor, in writing, as funds or investments that constitute the proceeds of municipal securities or municipal escrow investments.

The definition of investment strategies does not include:

- merely acting as a broker or principal with respect to the purchase or sale of a security or other instrument;
- providing a list of, or price quotations for, investment options or securities or other instruments which may be available for purchase or investment or which satisfy investment criteria specified by a municipal entity;
- acting as a custodian;
- providing generalized information concerning investments which are not tailored to the specific investment objectives of the municipal entity; or
- providing advice with respect to matters other than the investment of funds or financial products.

The legislation eliminates the federal fiduciary standard for municipal advisors by amending the Security Exchange Act of 1934. The legislation amends the Security Exchange Act 1934 by stating that no municipal advisor may engage in any act, practice, or course of business that is in contravention of any rule of the Board. In issuing regulations to carry out this paragraph, the Board shall:

- limit the duties of municipal advisors in relation to municipal entities to those specific activities involving such municipal entity described under the definition of municipal advisor;
- specify when such duties begin and terminate in relation to such activities; and
- not prohibit principal transactions by municipal advisors.

**Committee Action:** The legislation was introduced August 26, 2011 and was refereed to the House Committee on Financial Services. On September 12, 2012, the legislation was marked up and reported by the yeas and nays: 60-0.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO Statement 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the the bill states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, clause 3, which provides Congress the power to ``regulate commerce with foreign Nations and among the several States." This legislation clarifies language in the Dodd-Frank Act regarding the registration and regulation of municipal advisors. It does this by amending the Securities Exchange Act of 1934."

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

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## H.R. 6361 – Vulnerable Veterans Housing Reform Act of 2012, as amended (Heck, R-NV)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 6361 would exclude from consideration as income, under the United States Housing Act of 1937, payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance, and for other purposes. The legislation amends allows the veterans to exclude any amounts, deferred payments, and any expenses related to aid and attendance as detailed under section 1521 of title 38, United States Code. The legislation also requires that in determining the monthly assistance payment for a family, the amount allowed for tenant-paid utilities shall not exceed the appropriate utility allowance for the family unit size as determined by the public housing agency regardless of the size of the dwelling unit leased by the family. The legislation requires that upon request by a family that includes a person with disabilities, the public housing agency shall approve a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Lastly the legislation requires the Housing and Urban Development Secretary to regularly publish such data regarding utility consumption and costs in local areas as the Secretary determines will be useful for the establishment of allowances for tenant-paid utilities for families assisted to the extent that data can be collected cost effectively. The Secretary is requires to provide such data in a manner that:

- avoids unnecessary administrative burdens for public housing agencies and owners; and
- protects families in various unit sizes and building types, and using various utilities, from high rent and utility cost burdens relative to income.

**Committee Action:** The legislation was introduced on September 10, 2012. On September 12, 2012, the House Committee on Financial Services reported the bill out favorably by voice vote.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** No CBO Statement 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof."

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

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## H.R. ___ – To provide flexibility with respect to U.S. support for assistance provided by international financial institutions for Burma, and for other purposes (Lungren, R-CA)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** The legislation allows the Secretary of Treasury to require the U.S. Executive Director to vote in favor of the provision of assistance for Burma at any international financial institution. The legislation also requires the president to provide notice to all the congressional committees of jurisdiction at least 15 days before making a decision.

**Background**: The term "assistance" means any loan or financial or technical assistance, or any other use of funds.

The term "international financial institutions" includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the **International Monetary Fund**, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank and the African Development Fund.

**Committee Action:** The legislation was introduced on September 17, 2012.

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

**Cost to Taxpayers:** No CBO Statement 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** No Statement of Constitutional Authority was available.

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

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## H.R. 2903 – FEMA Reauthorization Act of 2011, as amended (Denham, R-CA)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 2903 would reauthorize the programs and activities of the Federal Emergency Management Agency (FEMA) for three years, FY2012 through FY2014. The legislation would also reform and streamline certain activities and programs of FEMA. In addition to the overall reauthorization of FEMA's salaries and expenses, H.R. 2903 also reauthorizes other programs to disaster preparedness and response, including the Urban Search and Rescue system, the Emergency Management Assistance Compact grants, and the National Dam Safety Program. The following are highlights of the legislation.

### Authorizations

The legislation authorizes the following for salaries and expenses each year from FY 2012 through FY2014:

- FY2012 - *$1,031,378,000*
- FY2013 - *$1,031,378,000*
- FY2014 - *$1,031,378,000.*

### Integrated Public Alert and Warning Modernization

This legislation authorizes the Integrated Public Alert and Warning System (IPAWS) at $13.3 million out of the S&E account consistent with existing funding levels. This section also would establish a clear framework for the development of IPAWS and ensure stakeholder input through an advisory committee. The legislation requires that the President, acting through the Administrator of the Federal Emergency Management Agency, shall:

- modernize the integrated public alert and warning system of the United States (in this section referred to as the `public alert and warning system') to ensure that the

President under all conditions is able to alert and warn governmental authorities and the civilian population in areas endangered by disasters; and
- implement the public alert and warning system.

The legislation also requires that the FEMA Administrator shall, consistent with the recommendations in the final report of the Integrated Public Alert and Warning System Advisory Committee:

- establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;
- include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, or personal user preferences, as appropriate;
- include in the public alert and warning system the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;
- ensure that training, tests, and exercises are conducted for the public alert and warning system;
- establish and integrate into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, Tribal, and local government officials in the use of the Common Alerting Protocol enabled Emergency Alert System; and
- consider conducting, at least once every 3 years, periodic nationwide tests of the public alert and warning system.

The legislation requires that not later than 180 days after the date of submission of the report of the Integrated Public Alert and Warning System Advisory Committee, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed plan to implement the public alert and warning system. The plan shall include a timeline for implementation, a spending plan, and recommendations for any additional authority that may be necessary to fully implement. The legislation also requires that not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall establish an advisory committee to be known as the Integrated Public Alert and Warning System Advisory Committee.

## Reauthorization of Urban Search and Rescue Response System

This legislation reauthorizes the Urban Search and Rescue system (USAR) at $35.25 million for fiscal years 2012 through 2014 consistent with previous funding levels. This section also codifies the system in statute and clarifies liabilities and compensation issues related to participants in the system. The legislation amends the Robert T. Safford disaster Relief and Emergency Assistance Act by requiring the FEMA Administrator to provide for a national network of standardized search and rescue resources to assist States and local governments in responding to hazards. The FEMA administrator is required to

designate task forces to participate in the system and the Administrator must determine the criteria for such participation. The legislation requires that a system member who is appointed into Federal service and who suffers personal injury, illness, disability, or death as a result of a personal injury sustained while acting in the scope of such appointment shall, for the purposes of subchapter I of chapter 81 of title 5, United States Code, be treated as though the member were an employee (as defined by section 8101 of that title) who had sustained the injury in the performance of duty. A System member appointed into Federal service, while acting within the scope of the appointment, is deemed an employee of the Government under section 1346(b) of title 28, United States Code, and chapter 171 of that title, relating to tort claims procedure. With respect to a System member who is not a regular full-time employee of a sponsoring agency or participating agency, the following terms and conditions apply:

- Service as a System member is deemed "service in the uniformed services" for purposes of chapter 43 of title 38, United States Code, relating to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in such chapter.
- Preclusion of giving notice of service by necessity of appointment under this section is deemed preclusion by "military necessity" for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to judicial review.

The legislation requires the FEMA administrator to establish and maintain an advisory committee to provide expert recommendations to the Administrator in order to assist the Administrator in administering the System. Subject to the availability of appropriations for such purpose, the Administrator shall enter into an annual preparedness cooperative agreement with each sponsoring agency. Amounts made available to a sponsoring agency under such a preparedness cooperative agreement shall be for the following purposes:

- Training and exercises, including training and exercises with other Federal, State, and local government response entities.
- Acquisition and maintenance of equipment, including interoperable communications and personal protective equipment.
- Medical monitoring required for responder safety and health in anticipation of and following a major disaster, emergency, or other hazard, as determined by the Administrator.

## Emergency Management Assistance Compact Grants

The legislation reauthorizes the Emergency Management Assistance Compact (EMAC) grants at two million dollars each year through fiscal year 2014. Authorization levels are consistent with existing funding. The legislation allows the Administrator of FEMA to

make grants to provide for implementation of the EMAC consented to by Congress in the joint resolution entitled "Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact" (Public Law 104-321; 110 Stat. 3877). The legislation allows for states and the administrator of the Emergency Management Assistance Compact to be eligible to receive grants and the grants shall be used:

- to carry out recommendations identified in the Emergency Management Assistance Compact after-action reports for the 2004 and 2005 hurricane seasons;
- to administer compact operations on behalf of States, as such term is defined in the compact, that have enacted the compact;
- to continue coordination with the Federal Emergency Management Agency and appropriate Federal agencies;
- to continue coordination with States and local governments and their respective national organizations; and
- to assist State and local governments, emergency response providers, and organizations representing such providers with credentialing the providers and the typing of emergency response resources.

## National Dam Safety Program Act Reauthorization

The legislation allows for $10.6 million in annual authorization for the programs including $8.024 million each year for committees and safety programs, $383,000 each year for dam inventory, $1 million each year for research, $750,000 each year for safety training and $436,000 each year for staff.

## Disposal of Excess Property to Assist other Disaster Survivors

The legislation streamlines the process for FEMA to transfer excess materials, supplies, or equipment to state and local governments, or relief or disaster assistance organization to assist disaster survivors in incidents other than declared major disasters or emergencies.

## Storage, Sale, Transfer, and Disposal of housing units

The legislation requires FEMA to review the existing inventory of temporary housing units (THUs), determine the number of excess THUs and streamlines the process for transferring excess THUs to states or disposing of such units. In the past, FEMA incurred costs of $100 million to $120 million to store and maintain unneeded trailers and temporary housing units. In recent years, FEMA has sold the unused THUs, saving taxpayers storage and maintenance costs. In addition to the costs, following certain localized disasters it became apparent that FEMA lacks a streamlined process to make THUs it no longer needs available to states and local communities devastated by disasters that may not result in a declaration. The legislation would streamline the process of such transfers--allowing those who find themselves homeless from a disaster to have shelter and at the same time reducing FEMA's costs to store and maintain units that are no longer needed by FEMA.

## Review of Regulation and Policies

The legislation requires that not later than 180 days after the date of enactment of this Act, the President, acting through the Administrator of the Federal Emergency Management Agency, shall review regulations and policies relating to Federal disaster assistance to eliminate regulations the President determines are no longer relevant, to harmonize contradictory regulations, and to simplify and expedite disaster recovery and assistance.

The legislation requires that not later than 1 year after the date of enactment of this Act, the President shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing changes made to regulations as a result of the review required under subsection (a), together with any legislative recommendations relating thereto. The President, acting through the Administrator, shall revise regulations related to the submission of State Hazard Mitigation Plans to extend the hazard mitigation planning cycle to every 5 years, consistent with local planning cycles.

## Public Assistance Pilot Program

The legislation requires the President, acting through the Administrator of the Federal Emergency Management Agency, and in coordination with States, tribal and local governments, and owners or operators of private non-profit facilities, shall establish and conduct a pilot program to:

- reduce the costs to the Government of providing assistance to States, tribal and local governments, and owners or operators of private non-profit facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172);
- increase flexibility in the administration of this Act; and
- expedite the provision of assistance to States, tribal, and local governments provided is this Act.

The legislation, for the purposes of the pilot program, the Administrator shall establish the following new procedures:

- making grants on the basis of estimates agreed to by the State, tribal, or local government, or owner or operator of a private non-profit facility and the Administrator to provide financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private non-profit facility for the timely and cost-effective completion of projects under section 406 of the Act;
- providing an option for a State, tribal, or local government, or owner or operator of a private non-profit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of the cost of repair, restoration,

reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government and of management expenses;

- consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates established under the pilot procedures; and
- notwithstanding any other provision of law, if the actual costs of a project completed under the pilot procedures are less than the estimated costs thereof, the Administrator may permit a grantee or sub grantee to use all or part of the excess funds for cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

The Administrator may waive such regulations or rules applicable to the provisions of assistance in section 406 of the Act as the Administrator determines are necessary to carry out the pilot program. Lastly, not later than October 31, 2015, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the effectiveness of the pilot program.

## Debris Removal Procedures

The legislation establishes new procedures for debris removal which include:

- making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion of projects if the State, tribal, or local government, or owner or operator of the private non-profit facility agrees to be responsible to pay for any actual costs that exceed the estimate;
- using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;
- allowing utilization of program income from recycled debris without offset to grant amount;
- reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private non-profit facility performing or administering debris and wreckage removal; and
- notwithstanding any other provision of law, if the actual costs of projects are less than the estimated costs thereof, the Administrator may permit a grantee or sub grantee to use all or part of the excess funds for any of the following purposes:
    - Debris management planning.
    - Acquisition of debris management equipment for current or future use.
    - Other activities to improve future debris removal operations, as determined by the Administrator.

**Committee Action:** The legislation was introduced on September 13, 2011, and on September 14, 2012, the legislation was reported and amended by the House committee

on Transportation. On September 17, 2012 the legislation was discharged from the committee on Homeland Security.

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

**Cost to Taxpayers:** According to the CBO letter:

"H.R. 2903 would authorize appropriations totaling about $2.2 billion over the next two years for the Federal Emergency Management Agency (FEMA). The legislation would authorize about $2.1 billion for salaries and expenses of the agency, including $37 million to modernize the Integrated Public Alert and Warning System (IPAWS); $71 million for the Urban Search and Rescue (US&R) Response System; $32 million for dam safety activities; and $4 million for emergency management assistance compact grants. Based on historical expenditure patterns, CBO estimates that implementing the legislation would cost $2.1 billion over the 2013-2017 period, assuming appropriation of the specified amounts. Enacting this legislation would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would probably be zero or insignificant for each year. Enacting H.R. 2903 would not affect revenues."

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the legislation creates or expands several new programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** Yes, according to the CBO letter:

"H.R. 2903 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), by eliminating an existing right to seek compensation for damages and by requiring employers to allow members of the urban search and rescue response system to reclaim their jobs upon completing a deployment to a disaster. Based on information from FEMA, CBO estimates that the cost to comply with the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates ($73 million and $146 million, respectively, in 2012, adjusted annually for inflation)."

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article I, Section 10, Clause 3 (relating to interstate compacts)."

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

## H.R. 3110 – Grape Region Accelerated Production and Efficiency Act of 2011 (Reed, R-NY)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 3110 would exempt drivers from certain regulations if transporting grapes during a harvest period. The legislation allows regulations issued by the Secretary of Transportation under sections 31136 and 31502 of title 49, United States Code, regarding maximum driving and on-duty time for a driver used by a motor carrier, shall not apply, beginning on the date of enactment of this Act, to a driver transporting grapes in a State if the transportation:

- is during a harvest period (as that period is determined by the State); and
- is limited to an area within a 175 air mile radius from the location where the grapes are picked or distributed.

**Committee Action:** The legislation was introduced on October 5, 2011, and was referred to the House Committee on Transportation and Infrastructure.

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

**Cost to Taxpayers:** No Congressional Budget Office cost estimate for the bill has been released.

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

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3--the Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

## H.R. 2440 – Market Transparency and Taxpayer Protection Act of 2011 (Hurt, R-VA)

**Order of Business:** The bill is scheduled to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 2440 would require Fannie Mae and Freddie Mac to sell or dispose of the assets of such enterprises that are not critical to their missions. The legislation requires the Director of the Federal Housing Finance Agency (FHFA) to require each enterprise to submit a report to the Director, not later than the expiration of the 180-day period beginning upon the date of the enactment of this Act, that:

- identifies all assets of value of the enterprise; and
- describes the functions, characteristics, and estimated value of each such asset.

The legislation requires that after reviewing the report submitted by an enterprise, the Director shall make a determination of which assets of such enterprise are critical, and which are not critical, to carrying out the mission of the enterprise in accordance with the charter Act for the enterprise and other applicable laws. The determination shall include determinations with regard to any patents and historical mortgage data of the enterprise. The legislation also requires that not later than the expiration of the 12- and 24-month periods beginning upon the date of the enactment of this Act, the Director shall establish a plan for each enterprise for sale or other disposition, during the annual plan period for each such plan, of assets of such enterprise that the Director has determined to be non-mission critical assets of such enterprise in a manner that complies with the requirements (relating to implementation, commencement, and divestment).

The legislation requires that each annual plan:

- identify the non-mission critical assets of the enterprise to be sold or otherwise disposed of during the annual plan period;
- specifically address whether and how patents and historical mortgage data of the enterprise that are non-mission critical assets should be sold or disposed of during the annual plan period, which may include making such assets available in the public domain;
- provide for any sales or other dispositions to be conducted in accordance with section 1367(b)(11)(E) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617(b)(11)(E)); and
- include any other information as the Director considers appropriate.

The legislation requires that not later than the expiration of the 90-day period beginning upon establishment of each annual plan the Director shall commence implementation of such plan. Also, the Director shall prohibit each enterprise from owning or holding, after the expiration of the 36-month period beginning upon the date of the enactment of this Act, any asset that the Director has determined to be a non-mission critical asset of such enterprise.

**Committee Action:** The legislation was introduced on July 7, 2011, and was referred to the House Committee on Financial Services. On July 12, 2012 the legislation was amended and agreed to by voice vote.

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

**Cost to Taxpayers:** No Congressional Budget Office cost estimate for the bill has been released.

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

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

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

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Article I, section 8, clause 1, clause 3, and clause 18."

**RSC Staff Contact:** Ja'Ron Smith, ja'ron.smith@mail.house.gov, (202) 226-2076

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## H.R. 6410—Buffett Rule Act of 2011
## (Scalise, R-LA)

**Order of Business**: The legislation is scheduled to be considered on Wednesday, September 19, 2012 under a motion to suspend the rules and pass the legislation.

**Summary**: The legislation would facilitate donations (beyond tax liability), on income tax returns, to be used to pay down the national debt. Donations made would be deposited into the general fund of the Treasury, and then the Secretary of the Treasury would transfer the funds to an account to reduce the public debt. The bill sets requirements on how the tax form is to be changed to accommodate these donations, including:

- The designation to make a donation is to be either on the first page of the return or on the page of the signature; and
- The designation is to be a box added to the return.

**Committee Action**: The legislation was introduced on October 5, 2011. It was referred to the House Ways and Means Committee.

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

**Cost to Taxpayers**: The projection is that the legislation would increase revenues by $135 million over ten years. Obviously if this legislation leads to more donations, the Treasury would receive more money, and the debt reduction would be greater.

**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 CBO score containing any potential such mandates is available.

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

**Constitutional Authority:** "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 of the United States Constitution."

**RSC Staff Contact**: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719

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## H.R. 5044—Andrew P. Carpenter Tax Act
## (Scott DesJarlais, R-TN)

**Order of Business**: The legislation is scheduled to be considered on Wednesday, September 19, 2012 under a motion to suspend the rules and pass the legislation.

**Summary**:

**Discharge of Indebtedness Income on Education Loans of Deceased Veterans:** The legislation would exclude from gross income any discharge of indebtedness income on education loans of deceased veterans. This provision reduces tax revenues by $2 million over ten years.

**TSP Provision:** The legislation includes H.R. 4365, which previously passed the House by a vote of 414 to 6. This provision amends the Internal Revenue Code to make Thrift Savings Fund accounts subject to a federal tax levy if the individual has unpaid tax liability. In other words, it ensures that TSPs are accessible for purposes of collecting delinquent taxes from federal employees. The legislation would bring the TSP in line with the private sector, as 401(k) savings plans are already subject to such a levy. This provision increases tax revenues by $24 million over ten years.

**Committee Action**: The legislation was introduced on April 27, 2012. It was referred to the Committee on Ways and Means.

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

**Cost to Taxpayers**: The legislation would lead to a net of $22 million more revenue over ten 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 CBO score containing any potential such mandates is available.

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

**Constitutional Authority:** "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

**RSC Staff Contact**: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719

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## H.R. 6060 - Endangered Fish Recovery Programs Extension Act of 2012 (Bishop, R-UT)

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

**Summary:** H.R. 6060 would extend the Secretary of Interior's authority to utilize revenues (without congressional authorization) that were generated from the sale of hydroelectric power by the Western Area Power Administration in their annual base funding through FY 2019. This authority expired at the end of FY 2011 pursuant to PL 106-392.

The legislation also directs the Secretary to report to Congress by the end of FY 2018 on the Secretary's utilization of those revenues. This report will also describe the Recovery Implementation Programs actions and accomplishments to date, and the status of the endangered species of fish and projected dates for downlisting and delisting under the Endangered Species Act of 1973.

The legislation also reduces the indirect cost recovery rate for any transfer of funds to the U.S. Fish and Wildlife Service from another agency to 3% from 22% (according to House Report 112-672).

The legislation prohibits federal funding from being used to cover any expenses incurred by an employee or detailee of the Department of the Interior to travel to any location (other than the field office that the individual is assigned) to advocate, lobby, or attend meetings that advocate or lobby for the Recovery Implementation Programs.

**Committee Action:** H.R. 6060 was introduced on June 29, 2012, and was referred to the House Natural Resources Subcommittee on Water and Power. The full committee held a markup on August 1, 2012, and favorably reported the legislation by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that enacting H.R. 6060 would not affect the federal budget. CBO's report can be viewed here.

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

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

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

**Constitutional Authority:** Rep. Bishop states "Congress has the power to enact this legislation pursuant to the following: Article I, Section VIII, Clause 18 of the Constitution." The statement can be found here.

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

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## H.R. 5987 - Manhattan Project National Historical Park Act, as amended (Hastings, R-WA)

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

**Summary:** H.R. 5987 establishes the Manhattan Project National Historical Park as a unit of the National Park System. The legislation prohibits non-federal property from being included in the Historical Park unless written consent is obtained from the owner. The Secretary is authorized to acquire the below specified properties donation or exchange, but not condemnation.

The Historical Park may consist of the following areas located in Oak Ridge, Tennessee:

- Buildings 9204-3 and 9731 at the Y-12 National Security Complex;
- The X-10 Graphite Reactor at the Oak Ridge National Laboratory;
- The K-25 Building site at the East Tennessee Technology Park; and
- The former Guest House located at 210 East Madison Road.

The Historical Park may consist of the following areas located in Los Alamos, New Mexico:

- The Los Alamos Scientific Laboratory National Historic Landmark District, or any addition to the Landmark District proposed in the National Historic Landmark Nomination--Los Alamos Scientific Laboratory (LASL) NHL District (Working Draft of NHL Revision), Los Alamos National Laboratory document LA-UR 12-00387 (January 26, 2012);
- The former East Cafeteria located at 1670 Nectar Street; and
- The former dormitory located at 1725 17th Street.

The Historical Park may consist of the following areas located in Hanford, Washington:

- The B Reactor National Historic Landmark;
- The Hanford High School in the town of Hanford and Hanford Construction Camp Historic District;
- The White Bluffs Bank building in the White Bluffs Historic District;
- The warehouse at the Bruggemann's Agricultural Complex;
- The Hanford Irrigation District Pump House; and
- The T Plant (221-T Process Building).

Within one year of enactment, the Secretary of Energy and the Secretary of Interior shall enter into an agreement governing the respective roles of the Secretaries in administering the acquired facilities, land, or interest in land.

The legislation states that nothing in the Act shall be construed to create buffer zones outside the Historical Park.

**Possible Conservative Concerns:** The National Park Service (NPS) has a maintenance backlog of around $10.17 billion (as of FY2009). This legislation does not contain an offset, or any other reduction to existing NPS responsibilities, to counteract the cost that the NPS would incur in order to carry out this legislation.

**Committee Action:** H.R. 5987 was introduced on June 21, 2012, and was referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands. The full committee held a markup on June 11, 2012, and the legislation was favorably reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that including all eligible sites would cost $21 million over the 2013-2017 period, subject to appropriation. CBO's report can be viewed here.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation establishes a new historical park as a unit of the National Park System.

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

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

**Constitutional Authority:** Rep. Hastings states: "Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, clause 2." The statement can be found here.

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

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## H.R. 1461 - Mescalero Apache Tribe Leasing Authorization Act (Pearce, R-NM)

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

**Summary:** H.R. 1461 allows the Mescalero Apache Tribe to lease or transfer water rights that were adjudicated to the Tribe in State v. Lewis (116 N.M. 194, 861 P. 2d 235 (1993)).

The tribe is directed to comply with all state laws when leasing or transferring the water rights. The tribe may lease the water rights for up to 99 years.

**Additional Information: According to House Report 112-307:** The Mescalero Apache Tribe consists of approximately 3,000 members in south central New Mexico. After a series of court cases and litigation beginning in 1975 with the State of New Mexico suing the United States in state court, the state court finally determined that Mescalero Tribe was entitled to consumptive water right of 2,322.4 acre feet per year. However, under current law (25 U.S.C. 117), a tribe cannot lease its water without authorizing legislation from Congress. H.R. 1461 would authorize the Mescalero Apache Tribe to lease its adjudicated water rights for no more than 99 years.

**Committee Action:** H.R. 1461 was introduced on April 8, 2011, and was referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. The full committee held a markup on October 5, 2011, and the legislation was favorably reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO expects that the legislation would have no significant impact on the agency's administrative costs. CBO's report can be viewed here.

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

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

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

**Constitutional Authority:** Rep. Pearce states: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3 of the Constitution of the United States grants Congress the power to enact this law." The statement can be found here.

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

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## H.R. 3319 - To allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe *(Grijalva, D-AZ)*

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

**Summary:** H.R. 3319 amend public law 95-375 (S. 1633 from the 95th Congress) to allow the Pascua Yaqui tribe to determine the requirements for adding new members to the tribe. The legislation specifically states that "membership of the Pascua Yaqui Tribe shall consist of any United States citizen of Pascua Yaqui blood enrolled by the tribe

**Committee Action:** H.R. 3319 was introduced on November 2, 2011, and was referred to the House Natural Resources Subcommittee on Indian and Alaska Native Affairs. A full committee markup was held on August 1, 2012, and the legislation was favorably reported, as amended, by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A report from CBO is not available.

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

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

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

**Constitutional Authority:** Rep. Grijalva states: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." The statement can be found here.

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

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## H.R. 5910 - Global Investment in American Jobs Act of 2012, as amended
## (Dold, R-IL)

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

**Summary:** H.R. 5910 directs the Secretary of Commerce, in coordination with other relevant agency heads, to conduct an interagency review of United States law and policies on foreign direct investment in the U.S. and develop recommendations to make the U.S. more competitive in attracting and retaining strong investment flows from abroad.

The agencies are also directed to review the:

- "Current economic impact of foreign direct investment in the United States and broader trends in global cross-border investment flows, including an assessment of the current United States competitive position as an investment location for companies headquartered abroad.
- "United States laws and policies that uniquely apply to foreign direct investment in the United States, with particular focus on those laws and policies that may have the effect of diminishing the ability of the United States to attract and retain foreign direct investment.
- "Ongoing efforts of the Federal Government to reduce investment barriers and facilitate greater levels of foreign direct investment in the United States.
- "Recommendations based on an assessment of United States laws and policies, including a comparative analysis of efforts of other competing countries, to make the United States more competitive in attracting global investment.

The Secretary of Commerce shall report to Congress on their findings.

The legislation contains a sense of Congress that:

- "The ability of the United States to attract inbound investment is directly linked to the long-term economic prosperity, competitiveness, and security of the United States;
- "In order to remain the most attractive location for global investment, Congress and Federal departments and agencies should consider potential impact upon the

ability of the United States to attract foreign direct investment when evaluating proposed legislation or regulatory policy; and

- "It is a top national priority to enhance the competitiveness, prosperity, and security of the United States by--
  - "Removing unnecessary barriers to inward global investment and the jobs that it creates throughout the United States; and
  - "Promoting policies to ensure the United States remains the premier destination for global companies to invest, hire, innovate, and manufacture their products."

**Committee Action:** H.R. 5910 was introduced on June 7, 2012, and was referred to the House Energy and Commerce Subcommittee on Commerce, Manufacturing, and Trade.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A report from CBO is unavailable.

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

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

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

**Constitutional Authority:** Rep. Dold states: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, clause 3, which provides Congress the power to ``regulate commerce with foreign Nations and among the several States." The statement can be found here.

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

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## H.R. 4212 - Contaminated Drywall Safety Act of 2012, as amended (Rigell, R-VA)

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

**Summary:** H.R. 4212 classifies contaminated drywall as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and as an imminent hazard under section 12 of the Consumer Product Safety Act (15 U.S.C. 2061).

The Consumer Product Safety Commission is directed to issue a rule that allows the Commission to exempt certain drywall that the Commission determines to be non-hazardous. Within 180 days of enactment, the Commission shall issue a rule regarding

the disposal of contaminated drywall as well as a standard test to identify contaminated drywall.

The legislation creates a new penalty for persons who violate the Commission's rules regarding contaminated drywall. The Commission shall issue a report to Congress, within one year of enactment, and annually thereafter for the next 2 years, regarding the criminal and civil imposed by this legislation.

The legislation contains a sense of Congress that:

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

The legislation also contains a number of findings, including:

- "Between 2001 through 2009, contaminated drywall manufactured in China was imported into the United States and used in home construction.
- "It has been found through scientific studies, including a study by Sandia National Laboratories in New Mexico, that the contaminated drywall imported from China creates a corrosive environment for fire safety alarm devices, such as smoke and carbon monoxide alarms; electrical distribution components, such as receptacles, switches, and circuit breakers; and gas service piping and fire suppression sprinkler systems installed in the affected homes.
- "Based on these scientific findings, the United States Consumer Product Safety Commission issued an updated Remediation Protocol for Homes with Problem Drywall on March 18, 2011, which recommends the replacement of all contaminated drywall and replacement of fire safety alarm devices, electrical distribution components, and gas service piping and fire suppression sprinkler systems.
- "In addition, homeowners with contaminated drywall from China have indicated that the drywall releases a strong sulfur-like odor that renders the home uninhabitable.
- "Companies in China that manufactured and exported the contaminated drywall to the United States have refused to meet with United States officials, including representatives of the Consumer Product Safety Commission, have not provided financial assistance to homeowners with contaminated drywall from China, and have not submitted to jurisdiction in United States federal Courts that are hearing cases on contaminated drywall from China."

The legislation defines "contaminated drywall" as drywall that are goods of the People's Republic of China classifiable under subheading 6809.11.00 or 6809.19.00 of the Harmonized Tariff Schedule of the United States.

**Committee Action:** H.R. 4212 was introduced on March 19, 2012, and was referred to the House Energy and Commerce Committee, as well as the House Foreign Affairs Subcommittees on Asia and the Pacific, and Terrorism, Nonproliferation, and Trade. Neither committee took public action.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A CBO score is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation prohibits the importation and use of certain contaminated drywall.

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

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

**Constitutional Authority:** Rep. Rigell states: "Congress has the power to enact this legislation pursuant to the following: Clause 3 of Section 8 of Article 1 of the Constitution, authorizing Congress 'To regulate Commerce with foreign Nations, and among, the several States and with the Indian Tribes.'" The statement can be found here.

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

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H.R. 4124 - Veteran Emergency Medical Technician Support Act, as amended (Sponsored by Rep. Adam Kinzinger / Energy and Commerce Committee)
H.R. 6163 - National Pediatric Research Network Act, as amended (Sponsored by Rep. Cathy McMorris Rodgers / Energy and Commerce Committee)
H.R. 6118 - Taking Essential Steps for Testing Act (Sponsored by Rep. Mike Grimm / Energy and Commerce Committee)
H.R. 733 - Recalcitrant Cancer Research Act of 2012, as amended (Sponsored by Rep. Anna Eshoo / Energy and Commerce Committee)

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## H.R. 3783 - Countering Iran in the Western Hemisphere Act of 2012, as amended (Duncan, R-SC)

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

**Summary:** H.R. 3783 states that it is the policy of the United States "to use a comprehensive government-wide strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere by working together with United States allies and partners in the region to mutually deter threats to United States interests by the Government of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), the IRGC's Qods Force, and Hezbollah."

The legislation requires the Secretary of State to conduct an assessment of the threats posed to the U.S. by Iran's growing presence and activity in the Western Hemisphere. The results of this assessment will be submitted to Congress.

The legislation sets requirements for the strategy, including that it take into account:

- "A description of the presence, activities, and operations of Iran, the Iranian Islamic Revolutionary Guard Corps (IRGC), its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere, including information about their leaders, objectives, and areas of influence and information on their financial networks, trafficking activities, and safe havens;
- "A description of the relationship of Iran, the IRGC, its Qods Force, and Hezbollah with transnational criminal organizations linked to Iran and other terrorist organizations in the Western Hemisphere, including information on financial networks and trafficking activities;
- "A description of the Federal law enforcement capabilities, military forces, State and local government institutions, and other critical elements, such as nongovernmental organizations, in the Western Hemisphere that may organize to counter the threat posed by Iran, the IRGC, its Qods Force, Hezbollah, and other terrorist organizations linked to Iran that may be present in the Western Hemisphere;
- As well as a plan to:
    - "To address any efforts by foreign persons, entities, and governments in the region to assist Iran in evading United States and international sanctions;
    - "To protect United States interests and assets in the Western Hemisphere, including embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to United States allies; and
    - "To address the vital national security interests of the United States in ensuring energy supplies from the Western Hemisphere that are free from the influence of any foreign government that would attempt to manipulate or disrupt global energy markets."

**Committee Action:** H.R. 3783 was introduced on January 18, 2012, and was referred to the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, the

Subcommittee on Middle East and South Asia, and the Subcommittee on Western Hemisphere. A full committee markup was held on March 7, 2012, and the legislation was reported by unanimous consent.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** CBO estimates that implementing the bill would have discretionary costs (subject to appropriation) of $18 million over the 2013-2017 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation increases discretionary spending (subject to appropriation) of $18 million over the 2013-2017 period.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:**

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

**Constitutional Authority:** Rep. Duncan states that Congress has the power to enact this legislation pursuant to the following: "This bill follows the Constitutional prerogatives of Congress under Article I, Section 8, pertaining to the clauses to 'provide for the common Defense' and 'make Rules for the Government.'" The statement can be found here.

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

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## H.Res. 526 - Expressing the sense of the House of Representatives with respect toward the establishment of a democratic and prosperous Republic of Georgia and the establishment of a peaceful and just resolution to the conflict with Georgia's internationally recognized borders, as amended (Shuster, R-PA)

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

**Summary:** H.Res. 526 resolves that the House of Representatives:

- "Supports strengthened United States engagements with the Republic of Georgia aimed at helping Georgia enhance its security and to restore its territorial integrity through exclusively peaceful means;
- "Views with particular gravity direct threats to Georgia's security and encourages the United States Government, in the event of such a threat, to consult promptly with the Government of Georgia with respect to what support, diplomatic or otherwise, or assistance it can extend to Georgia;

- "Supports the implementation of the United States-Georgia Charter on Strategic Partnership, with a mutual desire to strengthen the bilateral relationship across political, economic, trade, energy, cultural, scientific, people-to-people, defense, and security fields;
- "Supports Georgia's North Atlantic Treaty Organization (NATO) membership aspirations and to advance further implementation of decisions taken by the allies at the NATO Summits in Bucharest, Strasbourg and Kehl, and Lisbon with regard to Georgia's NATO membership;
- "Affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders, and to recognize Abkhazia and South Ossetia as regions of Georgia illegally occupied by the Russian Federation and calls on the Russian Federation to end the occupation of those regions and fulfill all terms and conditions of the August 12, 2008, ceasefire agreement;
- "Calls upon the Russian Federation, Venezuela, Nicaragua, and Nauru to reverse the recognition of the occupied Georgian regions of Abkhazia and South Ossetia as independent and respect the independence, sovereignty, and territorial integrity of Georgia within its internationally recognized borders;
- "Welcomes Georgia's `State Strategy on Occupied Territories' and `Engagement Action Plan', and supports peaceful, constructive engagement and confidence building measures between the Government of Georgia and the authorities in control in the regions of Abkhazia and South Ossetia, and encourages increased people-to-people contacts;
- "Urges the Government of Russia and the authorities in control in the regions to allow for the full and dignified, secure, and voluntary return of internally displaced persons and international missions access to the regions of Abkhazia and South Ossetia;
- "Recognizes progress and encourages Georgia to continue strengthening its democracy by implementing reforms that expand media transparency and freedoms, increase government transparency, accountability, and responsiveness, promote political competition and democratic electoral processes, strengthen the rule of law and judicial independence, and further implement judicial reforms; and
- "Affirms that a peaceful resolution to the conflict is a key priority for the United States in the Caucasus region, and that lasting regional stability can only be achieved through peaceful means and long-term diplomatic and political dialogue between all parties."

The resolution also contains a number of findings, including:

- "The security of the Black Sea and South Caucasus region is important for Euro-Atlantic security, transportation, and energy diversification to and from Central Asia;
- "The United States-Georgia Charter on Strategic Partnership, signed in January 2009, outlines the importance of the bilateral relationship as well as the intent of both countries to expand democracy and economic programs, enhance defense

and security cooperation, further trade and energy cooperation, and build people-to-people cultural exchanges;

- "In October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Hillary Rodham Clinton stated, `the United States will not waver in its support for Georgia's sovereignty and territorial integrity';
- "The August 2008, military conflict between Russia and Georgia resulted in civilian and military causalities, the violation of Georgia's sovereignty and territorial integrity, and increased the number of internally displaced persons there;
- "The August 12, 2008, ceasefire agreement negotiated by the European Union Presidency and agreed to by the Presidents of Georgia and the Russian Federation, provides that all Russian troops shall be withdrawn to pre-conflict positions;
- "The White House released a Fact Sheet on July 24, 2010, calling for `Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia . . .' and for `a return of international observers to the two occupied regions of Georgia';
- "The Senate of the 112th United States Congress adopted a resolution in July 2011 affirming the United States' support for the sovereignty, independence, and territorial integrity of the country of Georgia and calling upon Russia to remove its occupying forces from Abkhazia and South Ossetia."

**Committee Action:** H.Res. 526 was introduced on January 24, 2012, and was referred to the House Foreign Affairs Subcommittee on Europe and Eurasia. The full committee held a markup on June 7, 2012, and reported the resolution by voice vote, as amended.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A CBO score is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. However, the resolution calls for enactment of a Treaty with Georgia that would bind the United States to that country's defense, which would increase our defense commitment overseas. Many conservatives support that objective.

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

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

**Constitutional Authority:** House rules do not require a statement of constitutional authority for House resolutions.

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

## H.Res. 786 - Honoring the four United States public servants who died in Libya and condemning the attacks on United States diplomatic facilities in Libya, Egypt, and Yemen (Boehner, R-OH)

**Order of Business:** The resolution is expected to be considered on Wednesday, September 19, 2012, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 786 resolves that the House of Representatives:

- "Recognizes the selfless commitment to United States national security and to Libya's hard won, transitional democracy by the brave United States citizens who lost their lives in the unjustified attack on the United States consulate in Benghazi, Libya;
- "Expresses its deepest condolences to the families and loved ones of those United States public servants killed in Benghazi, Libya;
- "Condemns in the strongest possible terms the terrorists who planned and conducted the attack on the United States consulate in Benghazi, Libya, and those who vandalized the United States embassies in Cairo, Egypt, and Sana'a, Yemen;
- "Expresses profound concern about the security situation in Libya, Egypt, and Yemen, and with the continuing threat posed to the region and United States interests by extremists and terrorists;
- "Appreciates the actions of those who sought to protect the United States' diplomats and diplomatic facilities;
- "Reaffirms that nothing can justify terrorism or attacks on innocent civilians and diplomatic personnel;
- "Calls upon all governments to continue to work closely with the United States Department of State to ensure security of diplomatic facilities throughout their countries, to secure their borders, and to aggressively combat terrorists and extremists who operate within their sovereign territory;
- "Calls upon the Governments of Libya, Egypt, and Yemen, in full cooperation with the United States Government, to investigate and bring to justice the perpetrators of these attacks; and
- "Reiterates the United States' commitment to promoting its core values, including support for democracy, universal human rights, individual and religious freedom, and respect for human dignity."

The resolution contains a number of findings, including:

- "On September 11, 2012, terrorists attacked the United States consulate in Benghazi, Libya, killing four United States citizens, including the United States Ambassador to Libya, John Christopher Stevens, Foreign Service Information Management Officer Sean Smith, and security officers Tyrone S. Woods and Glen A. Doherty, and injured other United States citizens;

- "On September 11, 2012, violent protesters stormed the United States embassy in Cairo, Egypt, committing acts of vandalism and violence and endangering the welfare of United States diplomats;
- "On September 13, 2012, violent protestors were repelled from an attempt to storm the United States embassy in Sana'a, Yemen;
- "Ambassador Stevens was a champion of the Libyan people's efforts to remove Muammar Qaddafi from power, and served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;
- "On a daily basis, United States diplomats, military personnel, foreign service nationals and locally employed staff, and other public servants make professional and personal sacrifices to faithfully serve the United States and its people to advance the ideals of freedom, democracy, and human dignity around the globe; and
- "Article 22 of the Vienna Convention on Diplomatic Relations obligates host governments to 'take all appropriate steps to protect the premises of the [diplomatic] mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.'"

**Committee Action:** H.Res. 786 was introduced on September 18, 2012, and was referred to the House Committee on Foreign Affairs, which took no public action.

**Administration Position:** No Statement of Administration Policy is available.

**Cost to Taxpayers:** A CBO score is not available.

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

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

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

**Constitutional Authority:** House Rules do not require a statement of constitutional authority for House Resolutions.

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