



Legislative Bulletin.....June 26, 2012

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H.R. 4850 - Enabling Energy Saving Innovations Act (Aderholt, R-AL)

Order of Business: The bill is scheduled to be considered on June 25, 2012, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4850 amends the Energy Policy and Conservation Act of 2007 (42 U.S.C. 6313) and allows the Secretary to waive certain requirements for walk-in coolers and freezers that do not meet the specified “r-value” but still provide the same amount of reduced energy consumption.

Additional Information: The Energy Policy and Conservation Act of 2007 contained several energy efficiency standards that applied to numerous products, including walk-in coolers and freezers.

An “r-value” indicates insulation’s resistance to heat flow. A factor in determining the “r-value” is the thickness of the insulation. Requiring products to meet an “r-value” without exception prohibits technologies that are just as efficient but utilize other materials or innovations, or are not as thick.

The sponsor’s office states, “This simple fix will allow the Department of Energy to permit energy efficient products that may not be foam based if the Department determines those products meet EISA’s desired energy saving goals.”

Outside Group Support: The legislation is supported by the following:

- American Council for an Energy Efficient Economy

Committee Action: H.R. 4850 was introduced on April 26, 2012, and referred to the House Energy and Commerce Subcommittee on Energy and Power, that took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report detailing the cost to taxpayers 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. Aderholt states “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3--The Commerce Clause and Article I, Section 8, Clause 18--Necessary and Proper Clause.” The statement can be [found here](#).

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

H.R. 5625 - Collinsville Renewable Energy Promotion Act
(Murphy, D-CT)

Order of Business: The bill is scheduled to be considered on June 25, 2012, under a motion to suspend the rules and pass the bill.

Summary: The legislation allows the Federal Energy Regulatory Commission (FERC) to reinstate two currently expired licenses for 2 years. These licenses would reinstate the terminated licenses for the Upper and Lower Collinsville Dams hydroelectric projects, located in Canton, Connecticut.

H.R. 5625 directs these licenses be transferred to the town of Canton, Connecticut.

The legislation directs the FERC to complete an environmental assessment for both licenses. After completion of the assessment, the Commission shall initiate a 30-day comment period before transferring the licenses to the town.

Within 270 days of enactment, the Commission shall make a decision to reinstate the licenses. If the Commission decides to reinstate the licenses then the Commission shall transfer the licenses to the town.

Additional Information: Similar legislation, H.R. 4451, agreed to by voice vote on June 16, 2010. The RSC Legislative Bulletin for H.R. 4451 is [linked here](#).

The following information has been provided by the sponsor's office:

Originally, the two Collinsville hydroelectric dams were built on Connecticut's Farmington River to power an axe factory; however, both dams have been inactive since the factory's closure in 1966. This legislation would allow the Federal Energy Regulatory Commission (FERC) to reactivate existing licenses to operate both dams and transfer them to the town of Canton, Connecticut for municipal power generation. Taken together, these two small dams will be able to generate enough energy to power over a thousand homes.

Committee Action: H.R. 5625 was introduced on May 8, 2012, and was referred to the House Energy and Commerce Subcommittee on Health, which took no public action.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report detailing the cost to taxpayers 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. Murphy states “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8.” The statement can be [found here](#).

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

H.R. 5889 – Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012, as amended (Smith, R-TX)

Order of Business: H.R. 5889 is scheduled to be considered on Tuesday, June 26, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 5889 expands the federal penalties and prison times for convictions involving violence or hijacking against U.S. ships and maritime platforms involving weapons of mass destruction. Specifically, the bill prohibits hijacking a ship or maritime platform in an attempt to coerce government action, or to use a ship to discharge hazardous substances. It also prohibits the maritime transport of explosive or radioactive materials, biological, chemical or nuclear weapons if such is being transported with the intention of killing, injuring, or threatening a population. Convictions carry a maximum prison sentence of up to 20 years (or life if the violation results in a death) or five years for threats to commit any of these new offenses.

The bill also prohibits the possession of radioactive material with the intent to cause bodily harm or damage to the environment or property as well as interfering with the operation of a nuclear facility. Convictions for these offenses (including threats to carry out such) involve a life sentence and a \$2 million fine.

Background: Supporters of the bill explain that the bill will bring U.S. law into conformity with many international maritime treaties including the 1979 U.N. International Convention against the Taking of Hostages, the 1979 Rome Vienna Treaty on the Convention on the Physical Protection of Nuclear Material, and the 1988 Rome Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Judiciary Chairman Lamar Smith (R-TX) stated, “Advancing this legislation is a step toward better international cooperation and information sharing as it relates to international terrorism and the proliferation of weapons of mass destruction.”

Committee Action: Judiciary Chairman Lamar Smith (R-TX) introduced H.R. 5889 on June 5, 2012. The following day, the full Judiciary Committee reported the bill favorably by a voice vote.

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

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for H.R. 5889 on June 22, 2012 explaining that implementing the bill “would have no significant cost to the federal government.” Any increase in costs for law enforcement, court proceedings, or prison operations would not be significant and would be subject to the availability of appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government? The legislation creates new federal crimes for acts of violence on or against ships or maritime platforms and criminal acts involving the use of nuclear materials.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The CBO report indicates that the CBO did not review the bill for any intergovernmental or private-sector mandates because current law excludes this analysis of legislation necessary for the ratification or implementation of international treaty obligations.

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 1, of the Constitution; Article I, Section 8, Clause 3, of the Constitution; Article II, Section 2, Clause 2, of the Constitution.”

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

H.R. 4223— Safe Doses Act (Sensenbrenner, R-WI)

Order of Business: The bill is scheduled to be considered on Tuesday, June 26, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 4423 creates a new federal crime in the federal criminal code (Title 18) for the pre-market theft of medical devices, prescription drugs, medical products and infant formula that affect interstate or foreign commerce. It also authorizes federal wiretap surveillance of suspected criminals involved in premarket drug thefts and gives victims of such crimes the ability to seek civil restitution from criminal offenders. If other federal crimes (transporting, money laundering, etc.) associated with such thefts carry greater penalties, these other crimes can be prosecuted under the drug thefts’ criminal code. Convictions of this new crime can result in a maximum 20 year sentence for aggravated crimes (30 years if serious bodily harm or death results) with a maximum 15 year sentence for thefts involving products in value of \$5,000 or more. All other crimes carry a 3 year maximum sentence. It imposes penalties up to \$1 million or three times the value of the stolen product, whichever is greater.

Background: Reports suggest that the global supply chain of Food and Drug Administration products involve more than 150 countries. Over the last decade, concern

of tampering, manipulation, and theft of pre-market medical devices, prescription drugs, and other medical products has grown. For example, large quantities of insulin were [stolen](#) and then illegally reintroduced in the drug supply chain in 2009. Also, [testimony](#) received by FDA in 2010 officials included a report of a theft of more than \$75 million of anti-depressants, chemotherapy drugs, and blood thinners. Consequently, criminal justice organizations have stressed the need for stiffer criminal sanctions against those who profit from the adulteration and theft of such products.

Committee Action: Representative James F. Sensenbrenner (R-WI) introduced H.R. 4223 on March 20, 2012. The bill was referred to the House Committee on Judiciary, which reported the amended bill favorably by voice vote on June 6, 2012.

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

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) for the bill stating that implementing the bill would have no significant cost to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government?: The legislation creates a new federal crime pertaining to the theft of certain medical products.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report states that the bill does not contain any intergovernmental 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: The Constitutional Authority Statement published in the Congressional Record upon introduction of the bill states: “Congress has the power to enact this legislation pursuant to the following: The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.”

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

H.R. 4018— Public Safety Officers’ Benefits Improvement Act of 2012, as amended (Fitzpatrick, R-PA)

Order of Business: The bill is scheduled to be considered on Tuesday, June 26, 2012, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 4018 amends current law¹ by expanding federal death, disability, and education benefits and payments provided under the [Public Safety Officers' Benefit Program](#) (PSOB) to a new category of eligible beneficiaries: employees and volunteer members of an officially authorized or licensed non-profit or public agency that provide rescue activities or emergency medical services. Namely, these new beneficiaries include volunteer firemen, ambulance crews, and other rescue squad emergency personnel.

According to the Congressional Budget Office (CBO), the families of public safety officers who die as a result of injuries sustained in the line of duty (or who become permanently disabled) qualify for a one-time approximate \$320,000 federal payment—the current benefit is \$323,035.75 for eligible deaths occurring on or after October 1, 2011. This federal benefit applies currently to public safety personnel only employed by federal, state, and local governments.

The bill also eliminates the current \$5 million cap on total annual paid disability benefits. Deaths resulting from heart attack, stroke, or vascular rupture resulting from injuries incurred in the line of duty within 24 hours of a non-routine stressful condition would qualify for this federal death benefit under the bill.

CBO's report on the bill states that the bill prevents some from receiving certain benefits under the PSOB if they receive other payments from the [September 11th Victim Compensation Fund of 2001](#).

Lastly, the bill authorizes the use of funds for legal fees to appeal final determinations made by the Bureau of Justice Assistance.

Additional Information: The [home page](#) for the Bureau of Justice Assistance within the Department of Justice explains that the PSOB office reviews “nearly 700 claims submitted each year on behalf of America’s fallen and catastrophically disabled public safety heroes and their loved ones.”

Committee Action: Representative Michael G. Fitzpatrick (R-PA) introduced the bill on February 14, 2012. The full Committee on Judiciary reported the amended bill favorably by voice vote on June 6, 2012.

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

Cost to Taxpayers: The Congressional Budget Office (CBO) released a cost [estimate](#) estimating that implementing the bill would have no significant cost to the federal government. It also stated that total payments under this PSOB program over the FY2013-2022 period would be \$13 million, but that these costs would be offset by savings from other provisions of the bill that narrow the eligibility of some beneficiaries for benefits under the program.

¹ Omnibus Crime Control and Safe Streets act, P.L. 90-351

Does the Bill Expand the Size and Scope of the Federal Government?: The bill expands eligibility to a new category of beneficiaries for the Public Safety Officers Benefit program. However, it also limits beneficiaries of the September 11th Victims Compensation Fund from also receiving benefits under PSOB.

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 on introduction states, “Congress has the power to enact this legislation pursuant to the following: Art. I, Sec. 8, Clause 1: General Welfare Clause.”

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

H.R. 3501 - To designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the “SPC Nicholas Scott Hartge Post Office” (Stutzman, R-IN)

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

Summary: This [legislation](#) would designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the “SPC Nicholas Scott Hartge Post Office.”

Background: Nicholas Scott Hartge was born on April 24, 1987, in Toledo, Ohio. After being profoundly affected by the terrorist attacks of September 11, 2001, Hartge was adamant about joining the army.

A high school wrestler and member of his high school’s marching band, Army Pfc. Hartge was assigned to the 1st Battalion, 26th Infantry Regiment, 2nd Brigade combat Team, 1st Infantry Division. Hartge passed away on March 14, 2007 in Baghdad when his unit came in contact with enemy forces using grenades and IEDs.

More information about Nicholas Hartge can be found [here](#).

Committee Action: The bill was introduced on November 18, 2011, and referred to the House committee on Oversight and Government Reform. On February 7, 2012, a mark-up session was held, and H.R. 3501 was reported out by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill simply renames an existing post office.

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

Does the Bill Contain Earmarks: No.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.”

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

H.R. 3412 - To designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the “Sergeant Richard Franklin Abshire Post Office Building” (Boustany, R-LA)

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

Summary: This [legislation](#) would designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the “Sergeant Richard Franklin Abshire Post Office Building.”

Background: Sergeant Abshire served in the US Marine Corps during the Vietnam War. Sergeant Abshire’s unit was launched on a coordinated attack against a well-entrenched North Vietnamese Army force in the village of Dinh To. In order to protect his soldiers, Sergeant Abshire exposed his position to throw grenades at the enemy and coordinate orders— but was killed when he attempted to rejoin his unit.

Sergeant Abshire’s bravery earned him a posthumous Navy Cross and Purple Heart. Sergeant Abshire is buried at St. Mary Magdalen Cemetery in Abbeville, Louisiana.

More information can be found [here](#).

Committee Action: The bill was introduced on November 14, 2011, and referred to the House Committee on Oversight and Government Reform. On February 7, 2011, the

committee held a mark-up session and H.R. 3412 was ordered to be reported by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill simply renames an existing post office.

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

Does the Bill Contain Earmarks: No.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: ‘Article I, Section 8--To establish Post Offices and post roads.’”

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

H.R. 3593 - To designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the “National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office” (Hayworth, R-NY)

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

Summary: This [legislation](#) would designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the “National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office.”

Background: Gregg David Wenzel was born in Manhattan in 1969, graduating from Binghamton University and earning a J.D. from the University of Miami School of Law. Wenzel worked as an Assistant Public Defender before becoming a member of the first clandestine service training class to graduate after the September 11, 2001 terrorist attacks. Wenzel was known as being a leader with great intellect and sense of humor. He died in a car accident in Ethiopia in 2003 while serving for the CIA.

More information can be found [here](#).

Committee Action: The bill was introduced on December 7, 2011, and referred to the House Committee on Oversight and Government Reform. On February 7, 2012, a mark-up session was held, and H.R. 3593 was reported out by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill simply renames an existing post office.

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

Does the Bill Contain Earmarks: No.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: The constitutional authority on which this bill rests is the power of Congress to establish Post Offices and post roads, as enumerated in Article I, Section 8, Clause 7 of the United States Constitution.”

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

H.R. 3772 - To designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building" (*Thompson, D-MS*)

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

Summary: This [legislation](#) would designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building."

Background: Sergeant Landres Cheeks served in the US Army Medical Corps for thirty years, serving in World War II and in Vietnam. He is a decorated serviceman, having received the nine medals including the National Defense Medal, Army Commendation Medal, and the Bronze Star. After being honorably discharged from the military it was discovered that Sgt. Cheeks contracted Agent Orange and PTSD, but he dedicated the remainder of his life to sponsoring extracurricular activities for the youth of Canton, Mississippi.

More information can be found [here](#).

Committee Action: The bill was introduced on January 13, 2012, and referred to the House Committee on Oversight and Government Reform. On February 7, 2012, a mark-up session was held, and H.R. 3772 was reported out by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill simply renames an existing post office.

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

Does the Bill Contain Earmarks: No.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.”

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

H.R. 3276 - To designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the “Reverend Abe Brown Post Office Building” (Castor, D-FL)

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

Summary: This [legislation](#) would designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the “Reverend Abe Brown Post Office Building.”

Background: The Rev. Abraham Brown spent his life in Tampa where he taught high school and was a revered football coach. As a devout Christian, he was compelled to visit a former student in prison, where his talks transformed into full sermon for the prisoners, transforming the lives of many of the inmates. He ended his career as the minister of the First Baptist Church of College Hill.

More information about the Rev. Abe Brown can be found [here](#).

Committee Action: The bill was introduced on October 27, 2011, and referred to the House Committee on Oversight and Government Reform, then the Subcommittee on

Federal Workforce, U.S. Postal Service, and Labor Policy. On February 7, 2012, a mark-up session was held, and H.R. 3276 was reported out by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The CBO has not scored this bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill simply renames an existing post office.

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

Does the Bill Contain Earmarks: No.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: Section 8 of Article 1 of the Constitution.”

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

H.R. 2297 – To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes
(Holmes, D-DC)

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

Summary: This [legislation](#) would transfer the Southwest Waterfront Project Site from United States federal control to the District of Columbia Redevelopment Land Agency (henceforth known as Agency).

The Agency would be authorized to lease or sell this site. H.R. 2297 would also expand the District of Columbia’s authority to manage the municipal fish market (known as the Maine Avenue Fish Market).

The difference between this version and the version that the House previously approved is [S.AMDT. 1998](#) which was agreed to be unanimous consent in the Senate. This amendment de-authorized a portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia. This transfers a piece of property on the South-East Waterfront from the Army Corps of Engineers, which it does not use, to the District.

Committee Action: This legislation was introduced on June 22, 2011, and passed the House on December 6, 2011, by voice vote. On March 29, 2012, the Senate passed the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Information from the National Park Service and the National Capital Planning Commission indicates that the property that would be transferred is not being used by the federal government, and no income is generated from it under current law. Thus, CBO estimates that implementing H.R. 2297 would have no significant effect on the federal budget.

CBO's report can be viewed [here](#).

Does the Bill Expand the Size and Scope of the Federal Government?: No. The legislation decreases the size of the federal government by de-authorizing a governmental program.

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

Does the Bill Contain Earmarks?: No.

Constitutional Authority: [According](#) to its sponsor, "Congress has the power to enact this legislation pursuant to the following: Clause 17 of section 8 of article I of the Constitution."

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

H.R. 4251- Securing Maritime Activities through Risk-based Targeting for Port Security Act (Miller, R-MI)

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

Summary of the Legislation: [H.R. 4251](#) would require the Department of Homeland Security (DHS) to carry out two pilot programs relating to border and port security and would direct DHS and the Government Accountability Office (GAO) to prepare several reports on improving port security.

In addition, the legislation would authorize the appropriation of \$4 million for a security program jointly operated by the United States Coast Guard (USCG) and the Canadian government. H.R. 4251 also would direct DHS to make changes to procedures for issuing

Transportation Worker Identification Credentials (TWICs) to individuals who require unescorted access to secure areas of ports and certain other facilities.

Background: Based on a series of oversight hearings in June/July of 2011 with testimony from U.S. Customs and Coast Guard officials, the Committee on Homeland Security learned that coordination between the U.S. Coast Guard and Customs and Border Protection, and other state and local partners should be more fully developed.

A CRS report on this subject can be found [here](#).

Committee Action: H.R. 4251 was introduced on March 22, 2012 and referred Homeland Security. Subcommittee on Border and Maritime Security where a mark-up session was held. On June 6, 2012, the Full Committee held a mark-up session and the bill was reported as amended by voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: [CBO](#) estimates that implementing H.R. 4251 would cost \$9 million over the next five years, assuming appropriation of the necessary amounts.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill aims to streamline operations between state/local partners and U.S. Customs officials relating to port security. However, H.R. 4251 does authorize additional appropriations for a new security program between USCG and the Canadian government.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No, according to the [CBO](#), H.R. 4251 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits or limited tariff benefits.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to Article I, Section 8, Clause 1; Article I, Section 8, Clause 3; and Article I, Section 8, Clause 18 of the Constitution of the United States.”

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

H.R. 4005 – GAPS Act (*Hahn, D-CA*)

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

Summary of the Legislation: [H.R. 4005](#) directs the Department of Homeland Security (DHS) to conduct a study of the gaps in U.S. port security and to submit to Congress a classified report that includes a prioritization of such gaps and a plan for addressing them. The results of the DHS's study would be shared with appropriate federal agencies, state, local, and tribal governments, and port system owners and operators.

Background: More than 11 million cargo containers arrive in America's ports each year, coming from ports all over the world. The Secretary of Homeland Security is responsible for monitoring these ports, and this bill would ask that the Secretary of Homeland Security examine existing port security legislation to see if there are significant gaps that need to be addressed. If gaps exist, the Secretary would be asked to report how they can be addressed in a cost-effective manner.

Read the full CRS report on this subject [here](#).

Committee Action: This legislation was introduced on February 9, 2012, when it was referred to the House Subcommittee on Border and Maritime Security. On May 9, 2012, a mark-up session was held. H.R. 4005 was reported (as amended) and reported as amended by the Committee on Homeland Security on May 30, 2012.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to [CBO](#), implementing H.R. 4005 would cost about \$1 million in fiscal year 2013, from appropriated funds.

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. The [CBO](#) reports that "H.R. 4005 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments."

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits or limited tariff benefits.

Constitutional Authority: [According](#) to its sponsor, Congress has the power to enact this legislation pursuant to, "the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution."

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

H.R. 1447 – Aviation Security Stakeholder Participation Act of 2011
(Thompson, D-MS)

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

Summary of the Legislation: This [legislation](#) directs the Assistant Secretary of Homeland Security (TSA) to establish an Aviation Security Advisory Committee in the TSA. The legislation would require the Assistant Secretary to consult with the new Advisory Committee on aviation security matters, and requires the Advisory Committee to develop recommendations to improve aviation security.

The Assistant Secretary can appoint members from up to 27 organizations to the Advisory Committee, including air carriers, labor organizations, aircraft manufacturers, and the travel industry among others.

Background: The FAA established the Aviation Security Advisory Committee (ASAC) in 1989 after the bombing of Pan American World Airways Flight 103. When the TSA was established, control of ASAC was moved to the TSA. Despite strong support from aviation stakeholders and contributions to TSA policy, ASAC's charter was allowed to expire. On July 7, 2011, the TSA announced their desire to re-establish ASAC to assist TSA on aviation security matters. This legislation would codify that request.

A CRS report on this subject can be found [here](#).

Potential Conservative Concern: Some conservatives would argue that this legislation could lead to recommendation to increase the size of the TSA, when many conservatives would prefer to reduce the size and scope of the TSA.

Committee Action: H.R. 1447 was introduced on April 8, 2011, and was referred to the Homeland Security Subcommittee on Transportation Security. On September 21, 2011, the subcommittee discharged the legislation and a mark-up session was held followed by a voice vote. On November 4, 2011, H.R. 1447 was reported by the Committee on Homeland Security.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: [CBO](#) estimates that H.R. 1447 would total less than \$500,000 annually, subject to appropriated funds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The legislation creates a new governmental organization, the Aviation Security Advisory Committee within the TSA.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to the [CBO](#), "H.R. 1447 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments."

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits or limited tariff benefits.

Constitutional Authority: [According](#) to the bill’s sponsor, “Congress has the power to enact this legislation pursuant to the following: The U.S. Constitution, including Article 1, Section 8.”

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

H.R. 5843- To amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility (Lungren, R-CA)

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

Summary of the Legislation: [H.R. 5843](#) would amend the Homeland Security Act of 2002 to permit the use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

Committee Action: The bill was introduced on May 18, 2012, and referred to the House Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, which took no public actions

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: No CBO score 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 contains no earmarks, limited tax benefits or limited tariff benefits.

Constitutional Authority: [According](#) to its sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1 of the Constitution of the United States and Article I, Section 8, Clause 18 of the Constitution of the United States.”

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

H.R. 3173 - To direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center (Scalise, R-LA)

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

Summary of the Legislation: The [legislation](#) expresses the sense of Congress that it is urgent that the Transportation Worker Identification Credential (TWIC) application process be reformed by the end of 2012. H.R. 3173 also directs the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of the program to require no more than one in-person visit to a designated enrollment center.

Background: US workers at nearly 2,600 marine facilities and onboard 13,000 US-flag vessels are required to carry a TWIC under the Maritime Transportation Security Act of 2002 (MTSA). Nearly two million transportation workers have received a TWIC which requires paying \$132.50 and making two or more trips to an enrollment center to apply for, and pick up, their card. Often times these enrollment centers are hundreds of miles away from a workers' place of employment or residence. The card is only valid for five years, when employees must return to the enrollment center for another set of trips and pay an additional \$132.50. This legislation seeks to streamline the process of TWIC certification so it is less burdensome for these employees.

A CRS report can on this topic can be found [here](#).

Committee Action: H.R. 3173 was introduced on October 12, 2011, when it was referred to the House Committee on Homeland Security. On October 14, 2011, provisions of H.R. 3173 were offered as an amendment to H.R. 3116 while H.R. 3173 was referred to the Subcommittee on Border and Maritime Security. On May 9, 2012, a mark-up session was held for the bill, and was ordered to be reported as amended by a voice vote.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: According to the [CBO](#), the bill would not affect direct spending significantly in any year. CBO also states that "The costs of implementing reformed TWIC procedures under H.R. 3173 are uncertain and would depend on specific changes that TSA would make."

Does the Bill Expand the Size and Scope of the Federal Government?: No, the bill seeks to eliminate excessive waiting times and paperwork associated with TWIC certification.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No. According to the [CBO](#), “H.R. 3173 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.”

Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks, limited tax benefits or limited tariff benefits.

Constitutional Authority: [According](#) to the sponsor of the bill, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18.”

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

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