



Legislative Bulletin.....December 13, 2011

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H.R. 3421 – Fallen Heroes (Shuster, R-PA)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 3421 would authorize the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make appropriate arrangements for the award, on behalf of the Congress, of 3 gold medals of appropriate design in honor of the men and women who perished as a result of the terrorist attacks on the United States on September 11, 2001. The legislation requires that following the award of the gold medals, one gold medal shall be given to each of the following, with the understanding that each medal is to be put on permanent, appropriate display:

- the Flight 93 National Memorial in Pennsylvania;
- the National September 11 Memorial and Museum in New York; and
- the Pentagon Memorial at the Pentagon.

For the purposes of the awards, the Secretary of the Treasury shall strike 3 designs of the gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary. The legislation also requires the Secretary may strike and sell duplicates in bronze of the gold medals struck under this Act, at a price sufficient to cover the costs of

the medals, including labor, materials, dyes, use of machinery, and overhead expenses. Lastly, amounts received from the sale of duplicate bronze shall be deposited in the United States Mint Public Enterprise Fund.

Background: According to the bill text, Congress finds that:

- “the tragic deaths at the World Trade Center, at the Pentagon, and in rural Pennsylvania on September 11, 2001, have forever changed our Nation;
- “the officers, emergency workers, and other employees of State and local government agencies, including the Port Authority of New York and New Jersey, and of the United States government and others, who responded to the attacks on the World Trade Center in New York City and perished as a result of the tragic events of September 11, 2001 (including those who are missing and presumed dead), took heroic and noble action on that day;
- “the officers, emergency rescue workers, and employees of local and United States government agencies, who responded to the attack on the Pentagon in Washington, DC, took heroic and noble action to evacuate the premises and prevent further casualties of Pentagon employees;
- “the passengers and crew of United Airlines Flight 93, recognizing the imminent danger that the aircraft that they were aboard posed to large numbers of innocent “men, women and children, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft could not be used as a weapon; and
- “given the unprecedented nature of the attacks against the United States of America and the need to properly demonstrate the support of the country for those who lost their lives to terrorism, it is fitting that their sacrifice be recognized with the award of an appropriate medal.”

Background: The Congressional Gold Medal of Honor, the nation’s highest and most distinguished civilian award, was first awarded in 1776, to General George Washington, and since then, to over one hundred individuals. It was originally awarded to military leaders for achievement in battle, but became a civilian medal after the institution of the Medal of Honor. The Gold Medal is presented both for singular acts of exceptional service and for lifetime achievement.

Committee Action: H.R. 3421 was introduced on November 14, 2011 by Rep. Bill Shuster, and was referred to the House Financial Committee.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: Though no CBO estimate is available, the Congressional Budget Office has previously estimated that it costs \$30,000 to design a Gold medal. Although

according to the Treasury Department, this figure was based on lower gold prices of between \$6,000 and \$6,500 per medal. According to the Treasury, each Congressional Gold Medal contains 14.5 troy ounces or 16 regular ounces of gold. As of December 12, 2011, gold was trading at \$1,668.20 an ounce. Since the cost of price of gold has increased since that figure was produced, the cost of these medals would be higher. The bills often authorize funds to be spent from the U.S. Mint's Public Enterprise Fund to pay for the cost of medals, with sales of most duplicate bronze medal authorized to "offset" the cost of the gold medal. While sales of most duplicate medals are not strong enough to offset the cost of the gold, medals for individuals such as George Washington, Pope John Paul II, and Ronald Reagan have offset their medal cost (Something like this may also be example of a medal that will end up offsetting its costs).

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: According Rep. Shuster's statement of constitutional authority, "Congress has the power to enact this legislation pursuant to the following: article I, Section 8, Clause 18."

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H.R. 886 - United States Marshals Service 225th Anniversary Commemorative Coin Act (Womack, R-AR)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 886 requires the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service. H.R.886 would authorize the U.S. Mint to produce a \$5 gold coin, a \$1 silver coin, and a half-dollar clad coin in calendar year 2015 to recognize 225th anniversary of the establishment of the Nation's first Federal law enforcement agency The following entails a detailed summary of the bill.

Coin Specifications

- The legislation would require the Secretary of the Treasury to mint and issue the following coins:
 - Not more than 100,000 \$5 coins, which will:
 - weigh 8.359 grams;
 - have diameter of 0.850 inches; and
 - contain 90 percent gold and 10 percent alloy.
 - Not more than 500,000 \$1 coins, which will:
 - weigh 26.73 grams;
 - have a diameter of 1.500 inches; and
 - contain 90 percent silver and 10 percent copper.
 - Not more than 750,000 half-dollar coins which will:
 - weigh 11.34 grams;
 - have a diameter of 1.205 inches; and
 - be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.
- The coins minted under this bill must be legal tender, as provided in section 5103 of title 31, United States Code.
- For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

Design of the Coins

- The legislation would require the design of the coins minted under this bill to be emblematic of the 225 years of exemplary and unparalleled achievements of the United States Marshals Service. The bill would require that each minted coin have a designation of the value of the coin, an inscription of the year “2015”, the years 1789 and 2014, and inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.
- The legislation requires the images for the designs of coins issued under this Act shall be selected on the basis of the realism and historical accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called ‘Golden Age of Coinage’ in the United States, at the beginning of the 20th Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.
- The bill requires design for the coins to be selected by the Secretary after consultation with the Director of the United States Marshals Service and the Commission of Fine Arts; and reviewed by the Citizens Coin Advisory Committee.

Issuance of Coins

- The legislation requires coins minted under this Act shall be issued in proof quality and uncirculated quality. The legislation also requires that only one facility of the United States Mint may be used to strike any particular combination

of denomination and quality of the coins minted under this Act. The Secretary may issue coins, to the public, minted under this Act beginning on or after January 1, 2015, except for a limited number to be issued prior to such date to the Director of the United States Marshals Service and employees of the Service for display and presentation during the 225th Anniversary celebration.

Sale of Coins

- The legislation requires the coins issued under this bill will be sold by the Secretary at a price equal to the sum of the face value of the coins, the surcharge with respect to such coins; and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping). The Secretary is required to make bulk sales of the coins issued under this bill at a reasonable discount. The Secretary is also required to accept prepaid orders for the coins minted under this bill before the issuance of the coins, and the sale prices with respect to prepaid orders must be at a reasonable discount.

Surcharges

- H.R. 2527 requires that all sales of coins minted under this bill include a surcharge as follows:
 - A surcharge of \$35 per coin for the \$5 coin.
 - A surcharge of \$10 per coin for the \$1 coin.
 - A surcharge of \$3 per coin for the half-dollar coin.
- The legislation also requires that the first \$5,000,000 available for distribution under this section, to the U.S. Marshals Museum, Inc., also known as the United States Marshals Museum, for the preservation, maintenance, and display of artifacts and documents. Of amounts available for distribution after the payment:
 - Thirty-three and one-third percent shall be distributed to The National Center for Missing & Exploited Children.
 - Thirty-three and one-third percent shall be distributed to the National Law Enforcement Officers Memorial Fund, in support of the National Law Enforcement Museum and the National Law Enforcement Officers Memorial.
 - Thirty-three and one-third percent shall be distributed to the Federal Law Enforcement Officers Association Foundation.
- The legislation requires all organizations, associations, and funds shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received.
- Lastly, the legislation requires, notwithstanding the other surcharges, that no surcharge may be included with respect to this issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin

would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Committee Action: H.R. 886 was introduced on March 3, 2011 by Rep. Steve Womack, and referred to the House Financial Services. On the April 4, 2011 the bill was referred to the Subcommittee on Domestic Monetary Policy and Technology.

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?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: H.R. 886 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: According Rep. Shuster's statement of constitutional authority, "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 5 states ``The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."`

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H.R. 1905 - Iran Threat Reduction Act of 2011 (Ros-Lehtinen, R-FL)

Order of Business: The bill is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 1905 states that it is the policy of the United States to:

“Prevent Iran from--

- “Acquiring or developing nuclear weapons and associated delivery capabilities;
- “Developing its unconventional weapons and ballistic missile capabilities; and

- “Continuing its support for Foreign Terrorist Organizations and other activities aimed at undermining and destabilizing its neighbors and other nations; and
- “Fully implement all multilateral and bilateral sanctions against Iran in order to compel the Government of Iran to--
- “Abandon and verifiably dismantle its nuclear capabilities;
 - “Abandon and verifiably dismantle its ballistic missile and unconventional weapons programs; and
 - “Cease all support for Foreign Terrorist Organizations and other activities aimed at undermining and destabilizing its neighbors and other nations.”

The legislation urges the President to immediately initiate diplomatic efforts to expand the multilateral sanctions regime regarding Iran, including:

- “Qualitatively expanding the United Nations Security Council sanctions regime against Iran;
- “Qualitatively expanding the range of sanctions by the European Union, South Korea, Japan, Australia, and other key United States allies;
- “Further efforts to limit Iran's development of petroleum resources and import of refined petroleum; and
- “Initiatives aimed at increasing non-Iranian crude oil product output for current purchasers of Iranian petroleum and petroleum byproducts.”

The President will be required to report to Congress, within 180 days after enactment, and annually thereafter, on the extent to which those diplomatic efforts have been successful. Additionally, the President will issue an interim report, within 90 days of enactment, regarding:

- “The countries that have established legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates that conduct business or have investments in Iran;
- “The extent and duration of each instance of the application of such sanctions; and
- “The disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.”

Imposition of Sanctions:

H.R. 1905 directs the President to impose sanctions to persons whom invest in the development of petroleum resources of Iran:

- \$20,000,000 or more; or
- A combination of investments in a 12-month period if that investment is of at least \$5,000,000 and those investments equal or exceed \$20,000,000 in the aggregate.

Additionally, the legislation directs the President to impose sanctions to persons that sell, lease, or provide Iran with goods, services, technology, information, or support that is worth \$1,000,000 or more.

H.R. 1905 directs the President to impose sanctions to persons that sell or provide Iran with refined petroleum products, or to persons that sell, lease, or provide Iran with goods, services, technology, information, or support:

- That has a fair market value of \$1,000,000 or more, or
- Has an aggregate fair market value of \$5,000,000 or more during a 12-month period.

The legislation directs the President to impose sanctions to persons that knowingly export, transfer, permit, host, or otherwise facilitate the transshipment of any goods, services, technology, or other items that would contribute materially to the ability of Iran to acquire or develop chemical, biological, or nuclear weapons or related technologies.

Description of Sanctions:

The President may direct the Export-Import Bank of the U.S. to not give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

The United States Government may prohibit any U.S. financial institution from making loans or providing credit to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless that individual is engaged in activities to relieve human suffering and the loans or credits are provided for those activities.

The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

The President may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the sanctioned person has any interest.

The President may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the sanctioned person.

The President may prohibit any sanctioned person from acquiring, holding, withholding, using, transferring, withdrawing, transporting, importing, or exporting any property that is subject to the jurisdiction of the United States.

The Secretary of State may deny a visa to, and the Secretary of Homeland Security may exclude from the U.S., any alien whom the Secretary of state determines is a:

- “Corporate officer, principal, or shareholder with a controlling interest of a person against whom sanctions have been imposed;
- “Corporate officer, principal, or shareholder with a controlling interest of a successor entity to or a parent or subsidiary of such a sanctioned person;
- “Corporate officer, principal, or shareholder with a controlling interest of an affiliate of such a sanctioned person, if such affiliate engaged in a sanctionable

activity described” by the legislation “if such affiliate is controlled in fact by such sanctioned person; or

- “Spouse, minor child, or agent of a person excludable.”

The President may impose on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions and with similar authorities as such officer or officers, any of the sanctions under this subsection.

These sanctions shall terminate when the President determines that Iran:

- “Has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire—
 - “A nuclear explosive device or related materials and technology;
 - “Chemical and biological weapons; and
 - “Ballistic missiles and ballistic missile launch technology;
- “No longer provides support for acts of international terrorism; and
- “Poses no threat to the national security, interests, or allies of the United States.”

Iran Freedom Support:

The legislation states that it shall be the policy of the United States to “support those individuals in Iran seeking a free, democratic government that respects the rule of law and protects the rights of all citizens.”

H.R. 1905 authorizes the President to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran.

Financial and political assistance authorized shall be provided only to an individual, organization, or entity that:

- “Officially opposes the use of violence and terrorism and has not been designated as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) at any time during the preceding four years;
- “Advocates the adherence by Iran to nonproliferation regimes for nuclear, chemical, and biological weapons and materiel;
- “Is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;
- “Is dedicated to respect for human rights, including the fundamental equality of women;
- “Works to establish equality of opportunity for all people; and
- “Supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.”

Within 90 days of enactment, and annually thereafter, the Secretary of State shall submit to Congress a comprehensive strategy to:

- “Help the people of Iran produce, access, and share information freely and safely via the Internet, including in Farsi and regional languages;
- “Support the development of counter-censorship technologies that enable the citizens of Iran to undertake Internet activities without interference from the Government of Iran;
- “Increase the capabilities and availability of secure mobile communications among human rights and democracy activists in Iran;
- “Provide resources for digital safety training for media, unions, and academic and civil society organizations in Iran;
- “Increase the amount of accurate Internet content in local languages in Iran;
- “Increase emergency resources for the most vulnerable human rights advocates seeking to organize, share information, and support human rights in Iran;
- “Expand surrogate radio, television, live stream, and social network communications inside Iran;
- “Expand activities to safely assist and train human rights, civil society, and union activists in Iran to operate effectively and securely;
- “Defeat all attempts by the Government of Iran to jam or otherwise deny international satellite broadcasting signals; and
- “Expand worldwide United States embassy and consulate programming for and outreach to Iranian dissident communities.”

Iran Regime and Iran Revolutionary Guard Corps Accountability:

The President shall impose sanctions on individuals who refine or process petroleum oil or liquefied natural gas, provide shipping services, or assist in financing, brokering, underwriting, or providing insurance or reinsurance.

The legislation also freezes assets and travel restrictions on the Iranian Revolutionary Guard Corps, and their affiliates.

The President shall develop a strategy, known as the “National Strategy to Counter Iran” that “provides strategic guidance for activities that support the objective of addressing, countering, and containing the threats posed by Iran.” By January 30th of each year, the President shall transmit a report to Congress on the implementation of this strategy. The legislation lists several requirements that the report must address.

General Provisions:

The legislation directs the Secretary of State to deny visas from persons of the Government of Iran. The legislation further directs the Secretary of Homeland Security to restrict those persons entry to the U.S. The legislation makes exceptions to these visa/entry prohibitions in cases where they might violate existing U.S. obligations between the United Nations, regarding the Headquarters of the United Nations.

Sunset Date:

The provisions of this legislation shall sunset 30 days after the President certifies to Congress that Iran:

- “Has ceased and verifiably dismantled its efforts to design, develop, manufacture, or acquire--
 - “A nuclear explosive device or related materials and technology;
 - “Chemical and biological weapons; and
 - “Ballistic missiles and ballistic missile launch technology;
- “No longer provides support for acts of international terrorism; and
- “Poses no threat to United States national security, interests, or allies.”

Additional Information from the Committee on Foreign Affairs:

- “Iran may be as close as 6 months to a year away from a nuclear weapon;
- “The recently uncovered plot to assassinate the Saudi ambassador to the U.S. demonstrates that the U.S. is already being directly targeted by Tehran for terrorist activities;
- “Iran’s acquisition of nuclear weapons capabilities would exponentially increase the threat to the U.S. and our allies;
- “We must impose the greatest possible pressure to stop Tehran before it is too late;
- “Sanctions are working, but they must be made much stronger and more effective
- “Iran’s Ahmadinejad admitted the potential impact of sanctions when he recently complained to the Iranian parliament about Tehran’s inability to make international financial transactions;
- “The President has undermined the effectiveness of existing sanctions by not fully implementing them, including giving a free pass to Russian and Chinese companies which continue to do business with Iran; and
- “This bipartisan legislation would impose the crippling sanctions needed to stop Iran before it can threaten us with nuclear destruction.

Committee Action: H.R. 1905 was introduced on May 13, 2011, and referred to the House Committee on Foreign Affairs, and Financial Services. The legislation was also referred to the House Oversight and Government Reform Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, in addition to the Ways and Means Subcommittee on Trade, and the Judiciary Subcommittee on Immigration Policy and Enforcement. The Foreign Affairs Committee held a markup on November 2, 2011, and reported the legislation, as amended, by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: A CBO report 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Ros-Lehtinen’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 (The Constitutional authorities cited in our Committee reports on legislation during the past several years are highlighted on the other side of this page. The overwhelming majority have cited “article I, section 8 of the Constitution.” A handful had slightly more specific citations to “article I, section 8, clause 18 of the Constitution.” A couple bills with trade/sanctions components have cited “article I, section 8, clauses 3 and 18 of the Constitution.” And one anti-trafficking bill (with significant domestic law enforcement components) cited “article I, section 8 of the Constitution and the Thirteenth Amendment to the Constitution.” The one consistent exception is Resolutions of Inquiry, which always cite “article I, section 1 of the Constitution.”) The statement can be [viewed here](#).

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H.R. 2105 - Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011 (Ros-Lehtinen, R-FL)

Order of Business: The bill is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 2105 requires a Presidential report within 90 days of enactment, and every 180 thereafter. This report must identify foreign individuals who, on or after January 1, 1999, transferred to or acquired from Iran, on or after January 1, 2005, transferred to or acquired from Syria, or on or after January 1, 2006, transferred to or acquired from North Korea, certain goods, services, or technology. This report may be transmitted in classified form if the President so chooses. Additionally, the report will include detailed information regarding the type and quantity of the goods, services, or technology transferred those individuals.

The President shall apply the following measures to individuals listed in the report:

- Executive Order 12938 prohibitions - relating to proliferation of weapons of mass destruction.
- Arms Export Prohibition- includes the prohibition of any item listed in the United State Munitions List, [viewed here](#).
- Dual Use Export Prohibition –includes the denial of licenses and the suspension of licenses regarding items controlled by the Export Administration Act of 1979.
- Investment Prohibition –includes the purchase of property or business investment
- Financing Prohibition – including a prohibition on any approval, financing, or loan guarantee.
- Financial Assistance Prohibition – including the denial of any credit, credit guarantees, grants, etc.

The legislation makes exemptions for certain individuals listed in the report:

- That did not knowingly transfer or acquire the good or service from Iran, North Korea, or Syria;
- Whose transfer did not materially contribute to the efforts of Iran, North Korea, or Syria's efforts in developing a nuclear, biological, or chemical weapon, or missile system;
- Who are under the jurisdiction of a government that is an adherent to a nonproliferation regime; or
- Whose government of primary jurisdiction has imposed meaningful penalties on such person on account of their transfer.

This legislation states that Congress urges the President to “contact in a timely fashion each person described” in the report “or the government with primary jurisdiction over such person, in order to afford such person, or such government, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer.”

H.R. 2105 prohibits the United States from entering into an agreement for cooperation with any country that is assisting the nuclear program of Iran, North Korea, or Syria, or that has transferred conventional weapons to those countries. This includes the trade of any nuclear material, facilities, components, or other goods, services, or technology.

The above prohibitions will remain in effect until the President submits a report to the House Foreign Affairs Committee and the Senate Foreign Relations Committee that Iran, North Korea, or Syria have ceased their efforts to design and acquire nuclear weapons. The prohibitions will further remain in effect to various governments operating with Iran, North Korea, or Syria, unless the President submits a similar report stating they have suspended all nuclear assistance and are committed to maintaining that suspension.

H.R. 2105 also prohibits any U.S. government agency from making payments in connection with the International Space Station to the Russian Aviation and Space Agency unless the President determines that:

- The Russian Federation opposes the proliferation of Iran, North Korea and Syria;
- The Russian Federation has taken steps to prevent the transfer to or from Iran, North Korea, and Syria of goods, services, and technology that could be used to make nuclear or chemical weapons, or missile systems;
- Neither the Russian Aviation and Space Agency, or an organization under their control, has, during the prior one-year, made transfers to or from Iran, North Korea, or Syria of certain goods.

The legislation allows the National Aeronautics and Space Administration (NASA) to make payments, that would otherwise be prohibited, if the President notifies Congress in writing that such payments are necessary to prevent the loss of life to individuals aboard the International Space Station. H.R. 2105 also allows NASA to make payments for the

construction, testing, launch and maintenance of the Service Module (at a cost not to exceed \$14,000,000).

The legislation directs the Secretary of State to deny visa applications, and directs the Secretary of Homeland Security to prohibit entry to the U.S. of, aliens who are determined to be a:

- “Corporate officer, principal, or shareholder with a controlling interest of a foreign person identified in” the aforementioned report;
- “Corporate officer, principal, or shareholder with a controlling interest of a successor entity to, or a parent or subsidiary of, a foreign person identified in such a report;
- “Corporate officer, principal, or shareholder with a controlling interest of an affiliate of a foreign person identified in such a report, if such affiliate engaged in the activities referred to in such report, and if such affiliate is controlled in fact by the foreign person identified in such report;
- “Spouse, minor child, or agent of a person excludable under” this legislation;
- “Senior official of a foreign government identified in such a report; or
- “Senior official of a foreign government with primary jurisdiction over a foreign person identified in such a report.”

This legislation prohibits certain vessels from landing at any U.S. port if the vessel has entered a port in Iran, North Korea, or Syria within 180 days.

Committee Action: H.R. 2105 was introduced on June 3, 2011, and was referred to the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade, the Committee on Oversight and Government Reform, the Judiciary Subcommittee on Immigration Policy and Enforcement, the Ways and Means Subcommittee on Trade, the Science, Space, and Technology Subcommittee on Space and Aeronautics, the Financial Services Subcommittee on International Monetary Policy and Trade, the Transportation and Infrastructure Subcommittee on Aviation, and the Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation. The Foreign Affairs Committee held a markup on November 2, 2011, and reported the bill by unanimous consent.

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?: Yes. The legislation increases government sanctions on individuals assisting Iran, North Korea, and Syria with their nuclear and weapons programs.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Ros-Lehtinen’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Section 8 of Article I of the Constitution.” The statement can be [viewed here](#).

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H.Res. 306 - Urging the Republic of Turkey to Safeguard Its Christian Heritage and to Return Confiscated Church Properties (Royce, R-CA)

Order of Business: The resolution is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 306 resolves that it is the sense of the House of Representatives that the Secretary of State, in all official contacts with Turkish leaders and other Turkish officials, should emphasize that Turkey should:

- “End all forms of religious discrimination;
- “Allow the rightful church and lay owners of Christian church properties, without hindrance or restriction, to organize and administer prayer services, religious education, clerical training, appointments, and succession, religious community gatherings, social services, including ministry to the needs of the poor and infirm, and other religious activities;
- “Return to their rightful owners all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties, including movable properties, such as artwork, manuscripts, vestments, vessels, and other artifacts; and
- “Allow the rightful Christian church and lay owners of Christian church properties, without hindrance or restriction, to preserve, reconstruct, and repair, as they see fit, all Christian churches and other places of worship, monasteries, schools, hospitals, monuments, relics, holy sites, and other religious properties within Turkey.”

Note: The text of this resolution is different than the text available on LIS. The text of this resolution can be [viewed here](#), via the Rules Committee website.

Committee Action: H.Res. 306 was introduced on June 15, 2011, and referred to the House Foreign Affairs Subcommittee on Europe and Eurasia.

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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The resolution contains no earmarks.

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

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H.Res. 376 - Calling for the repatriation of POW/MIAs and abductees from the Korean War (*Rangel, D-NY*)

Order of Business: The resolution is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 376 resolves that the House of Representatives:

- “Recognizes that there are South Korean prisoners of war (POWs) and civilian abductees from the Korean War who are still alive in North Korea and want to be repatriated;
- “Takes note of the U.S.-North Korean agreement of October 20, 2011, on resuming operations to search for and recover remains of American POW/MIAs and calls upon the United States Government to continue to explore the possibility that there could be American POW/MIAs still alive inside North Korea;
- “Recommends that the United States and South Korean Governments jointly investigate reports of sightings of American POW/MIAs;
- “Encourages North Korea to repatriate any American and South Korean POWs to their home countries to reunite with their families under the International Humanitarian Law set forth in the Geneva Convention relative to the treatment of Prisoners of War;
- “Calls upon North Korea to admit to the abduction of more than 100,000 South Korean civilians and reveal the status of the abductees; and
- “Calls upon North Korea to agree to the family reunions and immediate repatriation of the abductees under the International Humanitarian Law set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War.”

The resolution contains a number of findings, including:

- “The Defense Prisoner of War/Missing Personnel Office of the Department of Defense (DPMO) lists more than 8,000 members of the United States Armed

- Forces as POWs or missing in action who are unaccounted for from the Korean War, including an estimated 5,500 in North Korea;
- “Many South Korean POWs were never reported as POWs during the negotiations, and it is estimated as many as 73,000 South Korean POWs were not repatriated;
 - “The Joint Field Activities conducted by the United States between 1996 and 2005 yielded over 220 sets of remains that are still being processed for identification at Joint Prisoners of War, Missing in Action Accounting Command in Hawaii;
 - “The United States recovery operations in North Korea were suspended on May 25, 2005, because of disagreements over communications facilities;
 - “North Korea has consistently refused to discuss the POW issue, and the exact number of South Korean POWs who were detained in North Korea after the war is unknown, as is the number of those still alive in North Korea; and
 - “Former South Korean POWs and abductees who escaped from North Korea have provided valuable and credible information on sightings of American and South Korean POWs in concentration camps.”

Note: The text of this resolution is different than the text available on LIS. The text of this resolution can be [viewed here](#), via the Rules Committee website.

Committee Action: H.Res. 376 was introduced on July 27, 2011, and referred to the House Foreign Affairs Subcommittee on Asia and the Pacific. The subcommittee held a markup on November 30, 2011, and reported the legislation, as amended, by voice vote.

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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The resolution contains no earmarks.

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

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**H.R. 2719 - Rattlesnake Mountain Public Access Act of 2011
(Hastings, R-WA)**

Order of Business: The bill is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 2719 directs the Secretary of the Interior to provide public access to the summit of Rattlesnake Mountain for educational, recreational, historical, scientific, and cultural purposes. This access shall be adequate for motor vehicles and pedestrians. The Secretary of the Interior may cooperate with the Secretary of Energy, the State of Washington, or local government agencies for providing guided tours, and maintaining the access road, to the summit of Rattlesnake Mountain.

Rattlesnake Mountain is located in Hanford Reach National Monument in Washington State.

This legislation does not authorize for appropriation any new spending.

Committee Action: H.R. 2719 was introduced on August 1, 2011, and referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands, and the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The full committee held a markup on December 8, 2011, and reported the legislation by unanimous consent.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO states: “The legislation could influence the magnitude and timing of federal expenditures related to Rattlesnake Mountain; however, CBO expects that any change in costs relative to those expected under current law would be minimal. There is an existing road to the summit; however, providing public access to it may require road improvements that would cost a few million dollars according to the agency. Any such costs would be subject to the availability of appropriated funds.” 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?: House Report 112-321 states H.R. 2719 “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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: House Report 112-321 states H.R. 2719 “does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.”

Constitutional Authority: Rep. Hastings’ statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article 4,

Section 3, Clause 2--The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in the Constitution shall be construed to as to Prejudice any Claims of the United States, or of any particular State.” The statement can be [viewed here](#).

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H.R. 443 - To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska (Young, R-AK)

Order of Business: The bill is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the legislation.

Summary: H.R. 443 directs the Secretary of Health and Human Services to convey to the Maniilaq Association located in Kotzebue, Alaska, three parcels totaling approximately 14.619 acres. This property is to be used by the Maniilaq Association for health and social services programs. This property is to be transferred within 180 days after enactment.

H.R. 443 states that the Maniilaq Association will not be held liable for any soil, surface water, groundwater, or other contamination that currently exists on the conveyed property.

Committee Action: H.R. 443 was introduced on January 25, 2011, and referred to the Natural Resources Subcommittee on Indian and Alaska Native Affairs. A full committee markup was held 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 estimates that enactment of H.R. 443 would not have a significant impact on 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?: House Report 112-318 states, “H.R. 443 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Rep. Young’s statement of constitutional authority states: “Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3, Clause 2 and Article 1, Section 8, Clause 3.” The statement can be [viewed here](#).

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S. 278 - Sugar Loaf Fire Protection District Land Exchange Act (*Sen. Udall, D-CO*)

Order of Business: The bill is scheduled to be considered on Monday, December 5, 2011, under a motion to suspend the rules and pass the legislation.

Summary: S. 278 authorizes a land transfer between the Sugar Loaf Fire Protection District, in Boulder, Colorado, and the Secretary of Agriculture.

If the District conveys to the Secretary a specified parcel of approximately 5.17 acres, then the Secretary will convey to the District two specified parcels totaling approximately 5.08 acres.

The District is responsible for paying for the land to be surveyed and appraised. In the event that the land currently owned by the federal government is worth more than the private land, the Secretary is authorized to receive a cash equalization payment.

If this land exchange is not completed with one year after enactment, the Secretary is authorized to sell the land to the District.

Committee Action: S. 278 was introduced on February 3, 2011, and referred to the Senate Energy and Natural Resources Subcommittee on Public Lands and Forests. The full committee held a markup on August 30, 2011, and favorably reported the legislation without amendment. The legislation passed the Senate on November 2, 2011, by unanimous consent, and was held at the desk.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: CBO estimates that implementing the bill would have no impact on discretionary spending. 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?: According to [Senate Report 112-051](#), S. 278 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The legislation contains no earmarks.

Constitutional Authority: Senate rules do not require a statement of constitutional authority to accompany legislation upon introduction.

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H.R. 313 — Drug Trafficking Safe Harbor Elimination Act of 2011 (Smith, R-TX)

Order of Business: The bill is scheduled to be considered on Tuesday, December 13, 2011, under a motion to suspend the rules requiring two-thirds majority vote for passage.

Summary: H.R. 313 amends the Controlled Substances Act (21 U.S.C. section 846) to permit federal authorities to prosecute persons within the United States who enter into a conspiracy—or who aid and abet others in such conduct—to possess or traffic in controlled substances outside of the United States.

Additional Background: Under the current Controlled Substances Act, drug traffickers are not subject to federal conspiracy charges when their intent is to traffic illegal controlled substances outside of the United States. According to Judiciary Committee reports, this bill closes a loophole under current law by making congressional intent clear that the drug trafficking conspiracy statute is given extraterritorial application.

The bill responds to a 2007 Federal Appeals court decision^[1] that reversed a lower federal district court's conviction of two drug conspirators for trafficking 2,000 kilograms of cocaine valued over \$100 million. The conspirators had intended to traffic the drugs from South America to Europe and had planning meetings within the United States. The U.S. Court of Appeals for the 11th Circuit reasoned that there was no violation of the federal drug trafficking law when, absent congressional intent, the object of the conspiracy is to possess and distribute controlled substances outside of the United States despite meetings in furtherance of the crime occurring in the United States.

The Judiciary Committee adopted an amendment at the Committee markup excluding the crime of simple possession from the bill's extraterritorial application of the Controlled Substance Act's conspiracy provision.

Committee Action: Chairman Lamar Smith (R-TX) introduced H.R. 313 on January 18, 2011. The bill was referred to the House Committee on the Judiciary and the Committee on Energy and Commerce. On October 6, 2011, the full Judiciary Committee marked up and reported the bill out of Committee favorably by a vote of [20-7](#).

^[1] [United States v. Lopez-Vanegas](#), 493 F. 3d 1305 (11th Cir. 2007)

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 on December 8, 2011 explaining that it would have no significant costs to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new application of the federal conspiracy crime within the Controlled Substance Act. However, some conservatives believe that applying this conspiracy charge to conspirators who, in furtherance of the crime, had planned to traffic illegal, controlled substances outside of the United States is an appropriate federal expansion.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report explains that the bill includes intergovernmental and private-sector mandates, but that it cannot determine whether the aggregate costs of these mandates would exceed the annual thresholds established in the Unfunded Mandates Reform Act (\$71 million for intergovernmental and \$142 million for private-sector mandates in 2011, adjusted annually for inflation).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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 [Interstate Commerce Clause] of the United States Constitution.”

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