



Legislative Bulletin.....March 14, 2006

Contents:

S. 2084 — To designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the “Malcolm Melville ‘Mac’ Lawrence Post Office”

H.R. 4841 — To amend the Ojito Wilderness Act to make a technical correction

H.R. 4911 — Higher Education Extension Act of 2006

S. 2363 — A bill to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999

H.Res. 698 — Expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad

H.Con.Res. 354 — Expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds

S. 1184 — To waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member

H.Con.Res. 190 — Expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered as stipulated by the Russian Constitution and international standards

H.Con.Res. 350 — Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust

H.R. 4826 — To extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-federal public entities to expedite the processing of permits

H.R. ___ — To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: unknown

Effect on Revenue: \$277.3 million decrease over five years

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: unknown

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 6

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

S. 2084 — To designate the facility of the United States Postal Service located at 122 South Bill Street in Francesville, Indiana, as the “Malcolm Melville ‘Mac’ Lawrence Post Office” (Senator Lugar, R-IN)

Order of Business: The bill is scheduled to be considered on Tuesday, March 14, under a motion to suspend the rules and pass the bill.

Summary: S. 2084 would designate the U.S. Postal facility located at 122 South Bill Street in Francesville, Indiana, as the “Malcolm Melville ‘Mac’ Lawrence Post Office.”

Additional Background: Indiana native Mac Lawrence, came ashore in the second wave at Omaha Beach in Normandy during World War II. According to the bill sponsor, “Mac hit the beach on the second wave with only a red cross on his shoulder to protect him. He fought to save his buddies – one wounded man at a time. For Staff Sergeant Lawrence, as for the nation, there was so much at risk.” He survived D-Day and went on to earn two Silver Stars, two Bronze Star Medals and two Purple Hearts before Europe was liberated. He dedicated his life to others as a teacher in Francesville, Indiana, and raised his family. Mr. Lawrence passed away in 2004.

Committee Action: On November 18, 2005, the bill was introduced in the Senate and passed by unanimous consent on March 3, 2006. An identical bill (H.R. 4346) was introduced in the House on November 16, 2005 and referred to the Government Reform Committee.

Cost to Taxpayers: The only costs associated with a post office renaming are those with sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 7 grants Congress the power to “establish Post Offices and post Roads.”

RSC Staff Contact: Sheila Cole, sheila.cole@mail.house.gov (202) 226-9719

H.R. 4841 — To amend the Ojito Wilderness Act to make a technical correction — as introduced (Udall, D-NM)

Order of Business: The bill is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4841 would make the following technical corrections to the Ojito Wilderness Act:

Section 2(1) of the Ojito Wilderness Act (16 U.S.C. 1132 note; Public Law 109-94) is amended by striking ‘October 1, 2004’ and inserting ‘January 24, 2006’

In short, the bill changes the date of the map referenced in the original Act dated October 1, 2004. The map of the Ojito Wilderness Area has been updated since passage of the Act, and this bill would bring the Act into conformity with the current map, reflecting the updated boundaries.

Additional Information: The Ojito Wilderness Act (P.L. 109-94) designated 11,183 acres of land in New Mexico as the Ojito Wilderness (and therefore, part of the National Wilderness Preservation System) and authorized the Secretary of the Interior, under certain circumstances, to expand that wilderness to include 118 additional acres of land referenced in the bill (already federal BLM land).

Committee Action: H.R. 4841 was introduced on March 1, 2006, and referred to the Committee on Resources’ Subcommittee on Forests and Forest Health, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 4841 is unavailable, but the bill does not authorize new expenditures.

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

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

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

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. 4911 — Higher Education Extension Act of 2006 — *as introduced* (McKeon, R-CA)

Order of Business: The bill is scheduled for consideration on Tuesday, March 14, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4911 would extend the authorization (at current, FY04 levels) for the Higher Education Act of 1965 (HEA) through June 30, 2006. The authorization for HEA expired on September 30, 2005, but the House passed a short-term extension through December 31, 2004, and on December 17, 2005, passed a second extension through March 31, 2006. Current law

allows for flexibility in the authorization depending upon amendments to HEA enacted during FY05 or FY06.

Committee Action: The bill was introduced on March 9, 2006, and referred to the Committee on Education and the Workforce, which took no official action.

Cost to Taxpayers: A cost estimate for H.R. 4911 is not available. To view a CBO cost estimate for the last Higher Education Extension, please see <http://www.cbo.gov/ftpdocs/70xx/doc7016/hr4525pgo.pdf>.

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.

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

Staff Contact: Joelle Cannon, joelle.cannon@mail.house.gov, X69717

S. 2363 – A bill to extend the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 — *as received* (Senator Burr, R-NC)

Order of Business: The bill is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the bill.

Summary: For any state that was an Ed-Flex Partnership state as of September 30, 2004, S. 2363 would extend the authorization for the educational flexibility program under section 4 of the Education Flexibility Partnership Act of 1999 until the date of enactment of No Child Left Behind. No new states would be able to join the program until it is reauthorized under No Child Left Behind.

Additional Information: The Ed-Flex Partnership Program was enacted by Congress in 1999, as part of former President Clinton's Goals 2000 program. Ed-Flex is a pilot program which provides participating states with increased flexibility in using federal education funding, if they proved increased accountability for student and teacher results. For more information on the Ed-Flex Partnership, please see this Heritage Foundation article: <http://www.heritage.org/Research/Education/EM571.cfm>.

Committee Action: S. 2363 was passed in the Senate on March 2, 2006, by Unanimous Consent, and received in the House of Representatives on March 6, 2006.

Cost to Taxpayers: There is no cost estimate available for S. 2363.

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.

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; (202) 226-9717.

H.Res. 698 — Expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad — *as introduced* (Knollenberg, R-MI)

Order of Business: The resolution is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 698 resolves that it is the sense of the House of Representatives, “that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.”

Additional Information: The resolution lists a number of findings, including the following:

- “it was through the brave and noble efforts of the Nation’s forefathers that the United States first gained freedom and became a sovereign nation;
- “there are more than 1,300,000 active component and more than 1,100,000 reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;
- “members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;
- “the nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces;
- “March 26th, 2006, is designated as ‘National Support the Troops Day’.”

Committee Action: H.Res. 698 was introduced on February 28, 2005, and referred to the House Committee on Armed Services, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; (202) 226-9717.

**H.Con.Res. 354 — Expressing the continued support of Congress for requiring an institution of higher education to provide military recruiters with access to the institution's campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds —
*as introduced (Pombo, R-CA)***

Order of Business: The resolution is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 354 resolves that it is the sense of Congress, “that Congress expresses continued support for requiring an institution of higher education to provide military recruiters with access to the institution’s campus and students at least equal in quality and scope to that which is provided to any other employer in order to be eligible for the receipt of certain Federal funds.”

Additional Information: The Solomon Amendment (Section 983 of Title 10, U.S. Code) denies funding from the Departments of Defense, Labor, Education, Health and Human Services, and Homeland Security to colleges and universities that prohibit Reserve Officer Training Corps (ROTC) access and military recruitment activities on their campus. This law was enacted in the 1990s in response to some colleges and universities that continue to maintain Vietnam-era bans requiring ROTC to recruit off campus. On November 29, 2004, the U.S. Court of Appeals for the Third Circuit issued a preliminary injunction blocking enforcement of the Solomon Amendment. In short, the court held that the Solomon Amendment infringes upon the First Amendment rights of the law schools. The Third Circuit issued a stay of its decision (leaving the law in place) and the Justice Department filed an appeal to the U.S. Supreme Court.

In a related case (*Rumsfeld v. Forum for Academic and Institutional Rights, Inc.*), on March 6, 2006, the Supreme Court ruled 8-0 to uphold the authority of Congress to withhold federal funds from an institution of higher education that prevents military recruiters from gaining access to the institution's campus and students in a manner that is at least equal in quality and scope to that which is provided to any other employer.

The resolution lists a number of findings, including the following:

- “the decision recognizes the authority of Congress under section 8 of article I of the Constitution to raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the land and naval forces;
- “the national security interests of the United States are best served by a high level of military personnel readiness;
- “the ability of the Armed Forces to recruit the best possible candidates from the widest available pool of talent is of paramount importance to national security;
- “an institution of higher education that prevents military recruiters from gaining access to the institution's campus or students in a manner that is at least equal in quality and scope to that which is provided to any other employer does a disservice to those students who desire the opportunity to serve in the Armed Forces; and

- “section 983 of title 10, United States Code, requires institutions of higher education to provide such equal access to military recruiters in order to be eligible for the receipt of certain federal funds.”

Committee Action: H.Con.Res. 354 was introduced on March 8, 2006, and referred to the House Committees on Armed Services and Education and the Workforce, neither of which took any official action.

Cost to Taxpayers: The resolution authorizes no expenditures.

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

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

RSC Staff Contact: Joelle Cannon; joelle.cannon@mail.house.gov; (202) 226-9717.

S. 1184 — To waive the passport fees for a relative of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member (*Senator Biden, D-DE*)

Order of Business: The bill is scheduled to be considered on Tuesday, March 14, under a motion to suspend the rules and pass the bill.

Summary: S. 1184 would modify current law to add additional relatives to those exempt from passport fees in certain circumstances. Current law allows the widow, child, parent, brother or sister of a deceased Armed Forces member to have their passport fees waived when going abroad to visit the deceased’s grave. This bill extends the waiver to widowers and grandparents and also waives the fees for all of these relatives to attend a funeral or memorial service, not just visit the grave.

Changes made by S. 1184 shown in strike out and **blue bold:**

22 U.S.C. 214.

Fees for execution and issuance of passports; persons excused from payment

(a) ... **No passport fee shall be collected** from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; ~~or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member.~~ **or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member.** No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

Committee Action: On December 22, 2005, the bill passed the Senate by unanimous consent and was referred to the House Committee on International Relations, which took no official action on it.

Cost to Taxpayers: According to CBO, information from the Department of State indicates that in 2005 about 20 such applicants had passport fees waived (costing from \$1,340 to \$1,940). Under current law, passport fees range from \$67 to \$97, and such fees are recorded as revenues. The State Department does not expect that implementing this bill would significantly increase the number of applicants eligible for fee waivers. Thus, CBO estimates that enactment of this bill would have no significant impact on the federal budget.

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

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

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

RSC Staff Contact: Sheila Cole, sheila.cole@mail.house.gov (202) 226-9719

H.Con.Res 190 — Expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered as stipulated by the Russian Constitution and international standards — *as introduced* (Smith, R-NJ)

Order of Business: The resolution is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 190 states the following findings, among other things:

- “The Russian Federation is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has freely committed to fully respect the rights of individuals, whether alone or in community with others, to profess and practice religion or belief;
- “Article 28 of the Constitution of the Russian Federation declares ‘everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion’ and Article 8 of the 1997 Law on Freedom of Conscience and Religious Associations provides for registration for religious communities as ‘religious organizations,’ if they have at least 10 members and have operated within the Russian Federation with legal status for at least 15 years;

- “Many religious groups refuse to seek registration on theological or other grounds, while other communities have been unjustly denied registration or had their registration improperly terminated by local authorities;
- “Over the past 2 years there have been an estimated ten arson attacks on unregistered Protestant churches, with little or no effective response by law enforcement officials to bring the perpetrators to justice; and
- “In some areas of the Russian Federation law enforcement personnel have carried out violent actions against believers from unregistered communities peacefully practicing their faith.”

The resolution states it is the sense of Congress that the United States should:

- 1) “urge the Russian Federation to ensure full protection of freedoms for all religious communities without distinction, whether registered and unregistered, and end the harassment of unregistered religious groups by the security apparatus and other government agencies;
- 2) “urge the Russian Federation to ensure that law enforcement officials vigorously investigate acts of violence against unregistered religious communities, as well as make certain that authorities are not complicit in such attacks;
- 3) “continue to raise concerns with the Government of the Russian Federation over violations of religious freedom, including those against unregistered religious communities, especially indigenous denominations not well known in the United States.”

Committee Action: H. Con. Res. 190 was introduced on June 23, 2005, and referred to the Committee on International Relations’ Subcommittee on Africa, Global Human Rights and International Operations. The bill was marked-up on November 15, 2006, and it was reported to the House by unanimous consent.

Cost to Taxpayers: The resolution authorizes no expenditure.

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.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.Con.Res. 350 — Permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust — *as introduced* (Cantor, R-VA)

Order of Business: The resolution is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res 350 would authorize the rotunda of the Capitol to be used on April 27, 2006, for a ceremony as “part of the commemoration of the days of remembrance of victims of the Holocaust.”

Committee Action: H. Con. Res. 350 was introduced on March 2, 2006, and referred to the Committee on House Administration, which took no official action.

Additional Background: The 2006 Holocaust day of remembrance is on April 25, 2006. The United States Holocaust Memorial Museum is mandated by Congress to educate Americans about the history of the Holocaust and to annually commemorate its victims in the National Days of Remembrance observance. The Museum has designated “Legacies of Justice” as the theme for the 2006 Days of Remembrance in memory of the 61st anniversary of the liberation from Nazi concentration camps and the subsequent prosecution under international law of major Nazi war criminals at Nuremberg, Germany.

Holocaust Remembrance Day is a day that has been set aside for remembering the victims of the Holocaust and for reminding Americans of that horrific period in European History. The internationally recognized date comes from the Hebrew calendar and corresponds to the 27th day of Nisan on that calendar. In Hebrew, Holocaust Remembrance Day is called *Yom Hashoah*.
Source: <http://www.ushmm.org/remembrance/dor/index.php?content=years/>

Cost to Taxpayers: The resolution authorizes no expenditure.

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.

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

**H.R. 4826 — To extend through December 31, 2006, the authority of the Secretary of the Army to accept and expend funds contributed by non-federal public entities to expedite the processing of permits
— as introduced (Baird, D-WA)**

Order of Business: The bill is scheduled for consideration on Tuesday, March 14, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4826 would amend the Water Resources Act of 2000, to extend the authority of the Secretary of the Army (from March 31, 2006, to December 31, 2006) to accept and expend funds contributed by non-federal public entities to expedite the processing of permits for water projects.

Additional Information: This authority was previously extended by H.R. 3765 (P.L. 109-99)

Committee Action: H.R. 4826 was introduced on March 1, 2006, and referred to the Committee on Transportation and Infrastructures' Subcommittee on Water Resources and Environment, which took no official action.

Cost to Taxpayers: There is no CBO cost estimate available for H.R. 4826.

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.

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

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Derek V. Baker; derek.baker@mail.house.gov; 202-226-8585

H.R. __— To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes (Shaw, R-FL)

Order of Business: The bill is scheduled to be considered on Tuesday, March 14, under a motion to suspend the rules and pass the bill.

Summary: H.R. __ would temporarily suspend or reduce (through December 31, 2009) tariffs on hundreds of imported products—from chemicals to footwear to basketballs. According to the Ways & Means Committee, most of these imported products are used in relatively small quantities by a very niche market and have no domestic production. That is, the tariffs on these products are not designed to protect domestic industries from unfair competition; they are merely taxes on importers (that are usually passed on to American consumers). According to the Committee's Trade Subcommittee, the industries that will benefit from the lower or suspended tariffs in this bill include makers of automobiles, motorcycles, chemicals, pesticides, heavy equipment, micro-optic equipment, natural gas, pharmaceuticals, steel, toys, semiconductors, and textiles.

The bill would also provide that the current personal-use exemption for cigarette and smokeless tobacco importation does not apply to imports sold through the mail, by phone, or over the Internet (or any other way in which the seller and buyer are not in the same physical presence when the request for purchase is made) and would grant state enforcement officials increased access to U.S. Customs documents related to tobacco importation to prevent illegal importation.

Lastly, the bill would correct (or “reliquidate”) various tariff errors assessed on past imports.

Additional Background: Congress usually passes a miscellaneous trade bill every Congress. The last one was a bill by former Rep. Phil Crane (R-IL), which became Public Law 108-429. According to the Trade Subcommittee of the Ways & Means Committee, no provision can be included in this bill unless it has been fully vetted, came under no objection, has less than a \$500,000 revenue effect per year, and appears to be administrable.

Committee Action: The bill was introduced on March 13, 2006, and referred to the Ways & Means Committee, which took no public action.

Cost to Taxpayers: CBO reports (informally, as of press time) that this bill would reduce revenues by \$17.5 million in FY2006 and by a total of \$277.3 million over the FY2006-FY2010 period. Note this estimate does not account for the stimulative effects of tariff reductions on the economy.

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.

Constitutional Authority: Although a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 1 grants Congress the power to “lay and collect Taxes, Duties, Imposts and Excises....”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

###