



Legislative Bulletin.....June 20, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 1 new federal crime

Total Cost of Discretionary Authorizations: \$0

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 3

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

H. Res. 731 — Commending the Patriot Guard Riders for shielding mourning military families from protesters and preserving the memory of fallen service members at funerals — *as reported* (Moran, R-KS)

Order of Business: The resolution is scheduled for consideration on Tuesday, June 20, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 731 resolves that Congress expresses its deepest appreciation to the Patriot Guard Riders who:

- “attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and
- “in so doing, help to preserve the memory and honor of the Nation’s fallen heroes.”

The resolution also states a number of findings, including the following:

- “in 2005, a small group of American Legion Riders in Kansas calling themselves the ‘Patriot Guard’ began a movement to shield the families and friends of fallen service members from interruptions by protestors appearing at military funerals;
- “the Patriot Guard Riders have since grown into a nationwide network, including both veterans and nonveterans and riders and nonriders, and is open to anyone who shares a respect for service members who have made the ultimate sacrifice for the Nation;
- “Patriot Guard Riders attend military funerals to show respect for fallen service members and to shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of the event;
- “across the Nation, Patriot Guard Riders volunteer their time to come to the aid of military families in need, so to allow the memories of the deceased service member to be remembered with honor and dignity; and
- “Patriot Guard Riders appear at a funeral only at the invitation of the fallen soldier’s family and participate in a nonviolent, legal manner.”

Additional Information: Both the House and the Senate recently passed H.R. 5037, the Respect for America’s Fallen Heroes Act. The Act prohibited protestors at military funerals between an hour before and an hour after the funeral, and prohibited demonstrations within a certain distance from cemeteries.

Committee Action: H. Res. 731 was introduced on March 16, 2006, and referred to the Committee on Armed Services, which took no official action.

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.

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**H. Res. 867 — Honoring the life and accomplishments of James Cameron —
*as introduced (Moore, D-WI)***

Order of Business: The resolution is scheduled for consideration on Tuesday, June 20, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 867 resolves that Congress “honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.”

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

- “Mr. Cameron founded America’s Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of black people for equality;
- “Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;
- “the Senate recognized Mr. Cameron as the Nation’s oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;
- “Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s; and
- “James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations.”

Committee Action: H. Res. 867 was introduced on June 14, 2006, and referred to the Committee on Government Reform, which took no official action.

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.

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H.R. 4356 — Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2005 — *as reported* (Sensenbrenner, R-WI)

Order of Business: The bill is scheduled for consideration on Tuesday, June 20, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4356 would amend the federal criminal code to prohibit various fraudulent activities in connection with or following a major disaster or emergency declaration. The specific provisions of the bill are as follows:

- Makes it a new federal crime to knowingly falsify, conceal, or cover up any material fact or make any materially false or fraudulent statement involving any benefit paid or authorized in connection with a major disaster or emergency declaration (under sections

401 or 501 of the Disaster Relief Act of 1974); stipulates that this prohibition also applies to federal contracts.

- Under current law, violations of this section would be punishable by fines up to \$250,000 for an individual or \$500,000 for an organization, imprisonment of up to 30 years, or both.
- Establishes criminal penalties for engaging in either mail fraud or wire fraud in relation to a major disaster or emergency declaration of up to 30 years imprisonment or a fine of up to \$1 million, or both.
- Directs the U.S. Sentencing Commission to:
 - promulgate or amend existing guidelines to provide for increased penalties for those convicted of fraud or theft offenses in connection with a major disaster;
 - submit an explanation of actions taken by the Commission to the House and Senate Judiciary Committees; and
 - Submit any additional policy recommendations the Commission may have for combating emergency or disaster fraud to the relevant committees.

Additional Information: Regarding the need for this legislation, the Judiciary Committee Report stated the following: “Almost immediately after FEMA began making disaster assistance available to victims of the [last year’s Gulf Coast] hurricanes, reports of fraud, misuse and abuse began to surface. These reports included allegations that recipients of disaster assistance had misused funds to purchase luxury goods, that non-eligible persons had applied for and received benefits, and that criminals had established phony Katrina-related websites to exploit those who wished to contribute to legitimate disaster assistance efforts.

For additional examples of Katrina related waste, fraud and abuse using FEMA funds, please see this RSC one-pager: <http://www.house.gov/pence/rsc/doc/KatrinaWaste06.doc>.

Committee Action: H.R. 4356 was introduced on November 17, 2005, and referred to the Committee on the Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security. The bill was marked-up on March 2, and it was reported to the House by voice vote the same day (H. Rept. [109-473](#)).

Cost to Taxpayers: CBO estimates that “implementing H.R. 4356 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.”

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. As described above, H.R. 4356 would establish a new federal crime for the commission of certain fraudulent acts in connection with a major disaster.

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

Constitutional Authority: The Committee Report, H. Rept. [109-473](#), cites constitutional authority for this legislation in Article 1, Section 8 (enumerated powers of Congress) of the Constitution, but fails to cite a specific Clause. House Rule XIII, Section 3(d)(1), requires that

all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” (*emphasis added*)

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H. Con. Res. 367 — Honoring and praising the National Society of the Sons of the American Revolution on the 100th anniversary of being granted its Congressional Charter — *as reported* (Coble, R-NC)

Order of Business: The resolution is scheduled for consideration on Monday, June 19, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 367 resolves that Congress:

- “recognizes the 100th anniversary of the historic Congressional Charter of the National Society of the Sons of the American Revolution; and
- “honors and praises the National Society of the Sons of the American Revolution on the occasion of its anniversary for its work to perpetuate and honor the memory of the brave men who fought to gain our freedom during the Revolutionary War and for the Society’s unflinching devotion to our Nation’s youth.”

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

- “the National Society of the Sons of the American Revolution (in this resolution referred to as the ‘SAR’) was founded on April 30, 1889, and chartered by Congress 100 years ago on June 9, 1906;
- “the SAR was conceived as a fraternal and civic society composed of lineal descendants of the men who wintered at Valley Forge, signed the Declaration of Independence, fought in the battles of the American Revolution, served in the Continental Congress, or otherwise supported the cause of American Independence;
- “16 American Presidents have been proud members of the SAR;
- “the Charter of National Society of the Sons of the American Revolution describes the objects and purposes of the Society as ‘. . . patriotic, historical and educational’ and that it is charged with perpetuating the memory of the men who, by their services or sacrifices during the war of the American Revolution, achieved the independence of the American people;
- “it is largely through efforts by the SAR in the late 1800s and early 1900s that the National Archives were established to gather the records of the men who fought and provided services during the Revolutionary War; and
- “the SAR’s almost 27,000 members are organized in Chapters throughout the 50 States and the District of Columbia and in several countries overseas that helped the American Colonies gain their freedom.”

For additional information on the Sons of the American Revolution, see www.sar.org.

Committee Action: H. Con. Res. 367 was introduced on June 19, 2006, and referred to the House Committee on the Judiciary, which took no official action.

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.

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H.R. 5228—To require representatives of governments designated as State Sponsors of Terrorism to disclose to the Attorney General lobbying contacts with legislative branch officials (L. Diaz-Balart, R-FL)

Order of Business: The bill is scheduled to be considered on Tuesday, June 20th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5228 would require representatives of governments designated by the State Department as state sponsors of terrorism to disclose to the Attorney General any lobbying contacts with legislative branch officials (including Members, officers, and staff) in “detailed” statements filed within 45 days of such contacts. The Secretary of State would be prohibited from recognizing the credentials of a diplomatic or consular officer who does not agree to comply with this legislation. The Attorney General would have to make the information reported in accordance with this legislation available to the general public in an electronic format within 90 days of each such reported contact.

The bill defines “lobbying contact” as:

- “the formulation, modification, or adoption of Federal legislation (including legislative proposals);
- “the formulation, modification, or adoption of a Federal rule or regulation, an Executive order, or any other program, policy, or position of the United States Government;
- “the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or
- “the nomination or confirmation of a person for a position subject to confirmation by the Senate.”

Additional Background: The State Department’s list of state sponsors of terrorism currently includes Cuba, Iran, Libya, North Korea, Sudan, and Syria:
<http://www.state.gov/s/ct/c14151.htm>

Committee Action: On April 27, 2006, the bill was referred to the committees on International Relations and the Judiciary, respectively, neither of which took official action.

Cost to Taxpayers: Although a CBO cost estimate is unavailable, nothing in this legislation appears to yield a cost to taxpayers.

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.

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H.R. 1285 — To amend the Nursing Relief for Disadvantaged Areas Act of 1999 to remove the limitation for nonimmigrant classification for nurses in health professional shortage areas — *as amended (Rush, D-IL)*

Order of Business: The bill is scheduled for consideration on Tuesday, June 20, 2006, under a motion to suspend the rules and pass the bill.

Note: Under House Republican Conference Rules, legislation extending a program which sunsets in current law, is not to be considered by the House on the Suspension Calendar. However, the elected leadership has granted a waiver in order to provide for the consideration of this bill.

Summary: H.R. 1285 amends the Nursing Relief for Disadvantaged Areas Act of 1999 to extend a provision which allowed foreign nurses to come to the US with a visa. Under current law, this four-year program expired in 2005. This bill will extend the provision an additional three years.

Additional Information: The Nursing Relief for Disadvantaged Areas Act established the H-1C visa, which allows foreign registered nurses to temporarily come to the United States to work in certain hospitals located in “disadvantaged areas.”

Committee Action: H.R. 1285 was introduced on March 14, 2006, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: There is no CBO score available for H.R. 1285.

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: There is no Committee Report available for H.R. 1285.

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