RSC
Republican Study Committee
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Legislative Bulletin……………………………………..………September 25, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: at least $868 million over five years

Effect on Revenue: $0

Total Change in Mandatory Spending: increased by $1 million in 2007

Total New State & Local Government Mandates:

Total New Private Sector Mandates: 0

Number of *Bills* Without Committee Reports: 7

Number of *Reported* Bills that Don't Cite Specific Clauses of Constitutional Authority: 4

H.R. 1344 — Lower Farmington River and Salmon Brook Wild and Scenic River Study Act — *as introduced* (Johnson, R-CT)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1344 amends the Wild and Scenic Rivers Act to include part of the Lower Farmington River and part of Salmon Brook, watercourses in Connecticut, as possible additions to the National Wild and Scenic Rivers System. The bill directs the Secretary of the Interior to submit to Congress a study of adding the watercourses to the national system. H.R. 1344 authorizes such sums as necessary to complete the study.

The bill lists two findings:

- "The Farmington River and Salmon Brook in the State of Connecticut possess important resource values, including wildlife, ecological, and scenic values, and historic sites and a cultural past important to America's heritage; and
- "There is a longstanding interest among State and local officials, area residents, and river and brook users in undertaking a concerted cooperative effort to manage the river and brook in a productive and meaningful way."

Committee Action: H.R. 1344 was introduced on March 16, 2005, and referred to the Committee on Resources Subcommittee on National Parks, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 1344 is unavailable. However, CBO estimated the cost for the companion bill in the Senate, S. 435. CBO estimated implementing S. 435 would cost $200,000 over the next three years, subject to appropriations, and that the bill would not affect direct spending or revenues.

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. 3961 — To authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park — *as reported* (Renzi, R-AZ)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3961 authorizes the Secretary of the Interior to use $1.3 million from entrance fee revenues to pay for services rendered by subcontractors that should have been paid by Pacific General, Inc. (PGI).

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

- "The park issued approximately 40 task orders to PGI under an IDIQ (Indefinite Deliver/Indefinite Quantity contract) between fiscal years 2002 and 2003 for a variety of projects;
- "The value of these task orders was over $17,000,000 for various construction projects throughout the park (Grand Canyon National Park);
- "According to invoices sent to the park, PGI certified that proceeds of payments were being sent to subcontractors and suppliers;
- "In January 2004, complaints were received by numerous subcontractors citing lack of payments by PGI;
- "The National Park Service has paid over $10,000,000 to PGI, of which an estimated $1,300,000 was owed, but not paid to subcontractors;
- "During an acquisition management review conducted by the Washington Contracting and Procurement Office of the National Park Service, it was found that the park had failed to ensure that PGI obtained the necessary payment and performance bonds required by the IDIQ and the Miller Act (40 U.S.C. 270a);
- "On February 6, 2004, the National Park Service suspended further payment to PGI and issued a suspension notice to cease activity by the contractor;

- "The National Park Service gave PGI every reasonable opportunity to resolve the situation, but PGI has effectively ceased doing business;
- "Recovery by the Government of that $1,300,000 is unlikely;
- "The National Park Service is prohibited from making payments to a contractor without obtaining payment and performance bonds; and
- "Contract law generally prohibits payment directly to subcontractors because of the lack of a direct, contractual relationship between the parties."

Before a subcontractor can be paid, the contract between the National Park Service and PGI must be terminated, the amount owed to the subcontractor must be verified, the subcontractor must exhaust its legal recourses against PGI, and the subcontractor must state that the amount paid by Secretary of the Interior is payment in full for work done under the IDIQ between 2002 and 2003.

Committee Action: H.R. 3961 was introduced on September 29, 2005, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on July 19, 2006.

Cost to Taxpayers: CBO estimates that implementing the bill would increase direct spending by about $1 million in 2007.

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: Committee Report 109-628, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 (the commerce clause), and Article 4, Section 3, Clause 2 (the property clause).

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H.R. 4382 — Southern Nevada Readiness Center Act — *as reported* (Porter, R-NV)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4382 allows Clark County, Nevada to convey between 35 to 50 acres of land to the Nevada Division of State Lands for use by the Nevada National Guard.

Additional Information: According to Committee Report 109-629, the conveyance of this land would normally require the state to pay the Bureau of Land Management (BLM) 85% of the value of the land because of provisions in the Southern Nevada Public Lands Management Act. The State of Nevada would like to build a National Guard facility (the Southern Nevada Readiness Center), possibly for the new Weapons of Mass Destruction Civil Support Team, on some of this land and

needs roughly 35 to 50 acres to do so. This legislation would allow the conveyance of the land for free.

Committee Action: H.R. 4382 was introduced on November 17, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on July 19, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 4382 would have no significant effect 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: Committee Report 109-629, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 (the commerce clause), and Article 4, Section 3, Clause 2 (the property clause).

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H.R. 4588 — Water Resources Research Act Amendments of 2006 — *as amended* (Doolittle, R-CA)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 4588 would reauthorize appropriations for the Water Resources Research Act (WRDA) for FY 2007 through FY 2011 at $18 million each fiscal year ($90 million over five years).

In addition, H.R. 4588 would amend WRDA to require each water resources research and technology institute to plan, conduct, or otherwise arrange for competent applied and peer reviewed research that fosters improvements in water supply reliability; resolutions of other water problems; the entry of new research scientists, engineers, and technicians into water resources fields; and the dissemination of research results to water managers and the public. The bill would also limit to 5% (currently 15%) the amount of funds that may be used for administrative costs and expenditures.

Additional Information: According to Committee Report 109-630, WRDA "originally authorized the establishment of a water resources research and technology institute at each of the 54 land grant colleges in all 50 States, and in the Virgin Islands, Guam, the District of Columbia, and Puerto Rico. …The program is under the general guidance of the Secretary of the Interior, through the U.S. Geological Survey (USGS). In administering the water resources research program, the USGS distributes appropriated funds equally among the Institutes. The Institutes, in turn, award research funds through a competitive, peer review process." The current authorization for this program expired in FY 2005; however WRDA was funded through the annual appropriations process in FY 2006.

Committee Action: H.R. 4588 was introduced on December 16, 2005, and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on September 6, 2006.

Cost to Taxpayers: CBO confirms that H.R. 4588 authorizes $18 million in FY 2007, and $90 million over the FY07-FY11 period.

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.

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H.R. 5079 — Oregon Water Resources Management Act of 2006 — *as reported* (Walden, R-OR)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5079 makes several changes to law regarding water resources in Oregon.

Section 2
H.R. 5079 amends the Oregon Resource Conservation Act of 1996 by adding provisions allowing the Deschutes River Conservancy Working Group to spend up to $2 million per year on water projects between 2006 and 2015. The bill authorizes appropriations in the same amount, $20 million.

Section 3
H.R. 5079 allows the Secretary of the Interior to enter into agreements to fund the Wallowa Lake Dam Rehabilitation Program. The Secretary may not provide grants for more than 50% of the cost of the activities funded, nor may the grants be used to operate of maintain any facility constructed or rehabilitated under this section. H.R. 5079 authorizes appropriations of $6 million for this program. The authority of the Secretary of the Interior under this section sunsets 10 years after enactment.

Section 4
The bill authorizes appropriations of $500,000 for the Bureau of Reclamation to fund 50% of a feasibility and environmental impact study for the Water for Irrigation, Streams and the Economy Project. The authority of the Secretary of the Interior under this section sunsets 10 years after enactment.

Section 5
H.R. 5079 amends a contract between the Bureau of Reclamation and the North Unit Irrigation District. The contract, in part, pertains to the North Unit Irrigation District repaying the Bureau of Reclamation for construction charges. The bill adds provisions allowing 9,000 more acres of land to be irrigated, and changing the repayment from a variable rate, to a fixed rate, so that the North Unit

Irrigation District's obligation will be paid off on June 30, 2044. The section also gives the Secretary of the Interior the authority to renegotiate the contract at a later date.

Committee Action: H.R. 5079 was introduced on April 4, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported, as amended, to the House by voice vote unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates H.R. 5079 authorizes appropriations of $16.5 million from 2007 to 2011, and an additional $8 million over the 2012-2015 period.

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: Committee Report 109-636, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 (the commerce clause).

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H.R. 383—Ice Age Floods National Geologic Route Designation Act—*as reported* (Hasting, R-WA)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Note: Under House Republican Conference Rules, legislation creating new programs or reauthorizing sunset programs may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected leadership. This legislation, which arguably contains a new program, failed to receive a waiver from the elected Leadership.

Summary: H.R. 383 authorizes the National Park Service (NPS) to designate a vehicle tour route along existing public roads "from western Montana, across northern Idaho, through eastern and southern sections of Washington, and across northern Oregon" as the Ice Age Floods National Geologic Trail. The trail is meant to enhance the public's appreciation and understanding of the "cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age primarily from massive, rapid, and recurring drainage of Glacial Lake Missoula."

Under the provisions of H.R. 383, NPS would prepare a description of sites along the route with either unique geographic or geologic features or cultural importance (with appropriate markers to guide the public). H.R. 383 also requires "a comprehensive interpretative program of the Route" (it is unclear what such a program entails). NPS would also distribute information to assist in the public's appreciation of the sites and technical assistance to the various federal, state, tribal, or nonprofit entities currently operating such sites. And finally, H.R. 383 contains language stating that nothing in the legislation should be construed to require private property owners to allow public access to their property or modify current law with regard to public assess on private lands.

Additional Information: According to the Geologic Society of America:

> A grassroots movement began in 1994, when Pacific Northwest geologists and interested citizens joined forces to organize the Ice Age Floods Institute (IAFI), a nonprofit educational organization dedicated to bringing the story of repeated cataclysmic floods to the public. In 1999, the NPS, recognizing the significance of these obscure events, commissioned an environmental assessment and study of alternatives to tell the story of the floods. The recommendation for an Ice Age Floods National Geologic Trail came as a result of the NPS and IAFI study. The study called for the NPS to coordinate with the IAFI as well as state and local governments, public, tribal, and private interpretive efforts to tell a cohesive story.
>
> Recently, the National Geologic Trail idea has received widespread bipartisan support and attention of legislators from the Pacific Northwest delegation. Two separate bills were introduced to each house of Congress calling for adoption of an Ice Age Floods National Geologic Trail. Congressman Doc Hastings (R-Wash.) introduced the bill to the House, while Maria Cantwell (D-Wash.) introduced it to the Senate. This "park without boundaries" would include kiosks and signs placed on the existing network of public lands and roadways that pass through the floods region.

Committee Action: On January 26, 2005, H.R. 358 was introduced and referred to the House Resources Committee which reported the measure on September 6, 2006, for consideration by full House.

Cost to Taxpayers: According to CBO, H.R. 383 authorizes $250,000 annually, subject to appropriations, for the costs involved with designating the trail's sites and providing technical assistance to participating entities. Over five years, CBO estimates that NPS would spend $1.25 million to develop and monitor the trail.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new federal program for the NPS to develop and monitor an educational tour route for the public.

Constitutional Authority: Committee Report 109-619 cites constitutional authority in Article I, Section 8 of the Constitution, but failed 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]*

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

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H. R. 1515 — Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2005 — *as introduced* (Jindal, R-LA)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

NOTE: Under House Republican Conference Rules, legislation lacing a cost estimate, may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. This legislation, which lacks a cost estimate, failed to receive a waiver from the elected Leadership.

Summary: H.R. 1515 would amend the National Parks and Recreation Act of 1978, adjusting the boundary for the Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve. Specifically, the boundary would be expanded to include 23,000 acres (currently the park is 20,000 acres), and dated August 2002 (currently dated April 1978).

H.R. 1515 provides the Secretary of the Interior with the authority to acquire (by donation, purchase with donated or appropriated funds, or transfer) any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit. The bill provides that any private land in the area may only be acquired by the Secretary with "consent of the owner of the land."

The legislation directs the Secretary to, with respect to the Barataria Unit, preserve and protect:

- fresh water drainage patterns;
- vegetative cover;
- the integrity of ecological and biological systems; and
- water and air quality.

Additional Information: According to the sponsor's office, "H.R. 1515 adds important estuarine and freshwater wetlands to the Barataria Preserve, allowing the Jean Lafitte National Park boundary to conform to existing waterways and levee corridors. The federal government already owns most of the land that would fall in the park's new boundaries. After Hurricanes Katrina and Rita, scientists documented the importance wetlands provide as natural hurricane buffers to protect the levees. Levees that are unprotected by wetlands were destroyed or overtopped during Katrina, however sections of levees with large tracts of wetlands in front were generally undamaged because the soil in the wetlands has the natural ability to absorb water. Experts believe that for every linear mile of wetlands, 2-4 miles of coastal wetlands reduces storm surge by one foot. The Barataria Preserve is located outside the Westbank Hurricane Protection Levee (between the levee and the Gulf of Mexico) it protects the communities of Harvey, Westwego, and Marrero from hurricane surges."

Committee Action: H.R. 1515 was introduced on April 6, 2005, and was referred to the Committee on Resources' Subcommittee on National Parks, which held one hearing.

Cost to Taxpayers: As of press time, there was no CBO score available for H.R. 1515.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill adds new land to the federal portfolio. According to the sponsor's office, "most" of the 3,000 acres being added to the National Part and Preserve is already owned by the federal government.

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.

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H.R. 5059 — New Hampshire Wilderness Act of 2006 — *as amended* (Bass, R-NH)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

NOTE: Under House Republican Conference Rules, legislation lacing a cost estimate, may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. This legislation, which lacks a cost estimate, failed to receive a waiver from the elected Leadership.

Summary: H.R. 5059 would designate as wilderness and as a component of the National Wilderness Preservation System, certain National Forest System land in the White Mountain National Forest in New Hampshire, which consists of approximately 23,700 acres (to be called the Wild River Wilderness). The bill directs the Secretary of Agriculture to file a map and legal description of the Wild River Wilderness with the appropriate House and Senate committees. H.R. 5059 also provides that, subject to valid existing rights, all federal land in the Wild River Wilderness is withdrawn from:

- all forms of entry, appropriation, or disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- disposition under the mineral leasing laws (including geothermal leasing laws).

Additional Information: To learn more about the National Wilderness Preservation system, please view this site: www.wilderness.net.

Committee Action: H.R. 5059 was introduced on March 30, 2006, and was referred to the Committees on Resources and Agriculture. The Resources Committee requested executive comment from the U.S. Department of Agriculture.

Cost to Taxpayers: There is no CBO estimate available for H.R. 5059. However, in a review of a previous wilderness bill (H.R. 362), CBO estimated that enacting that legislation 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.

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H.R. 5062 — New Hampshire Wilderness Act of 2006 — *as introduced* (Bradley, R-NH)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

NOTE: Under House Republican Conference Rules, legislation lacing a cost estimate, may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. This legislation, which lacks a cost estimate, failed to receive a waiver from the elected Leadership.

Summary: H.R. 5062 would designate as wilderness and as a component of the Sandwich Range Wilderness, certain land managed by the Forest Service in the White Mountain National Forest in New Hampshire, which consists of approximately 10,800 acres. H.R. 5059 also provides that, subject to valid existing rights, all federal land in the Wild River Wilderness is withdrawn from:

- all forms of entry, appropriation, or disposal under the public land laws;
- location, entry, and patent under the mining laws; and
- disposition under the mineral leasing laws (including geothermal leasing laws).

Additional Information: To learn more about the National Wilderness Preservation system, please view this site: www.wilderness.net.

Committee Action: H.R. 5062 was introduced on March 30, 2006, and was referred to the Committees on Resources and Agriculture. The Resources Committee requested executive comment from the U.S. Department of Agriculture.

Cost to Taxpayers: There is no CBO estimate available for H.R. 5062. However, in a review of a previous wilderness bill (H.R. 362), CBO estimated that enacting that legislation 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 not available.

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H.R. 5861 — National Historic Preservation Act Amendments of 2006 — *as amended* (Pearce, R-NM)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 5861 would amend the National Historic Preservation Act (NHPA), reauthorizing the National Historic Fund through 2015.
Specific provisions are as follows:

- Provides that the State Historic Preservation Officer has no authority to require an applicant for federal assistance, permit, or license to identify historic properties outside the undertaking's area of potential effects as determined by the federal agency.

- Provides that if the State Historic Preservation Officer or Tribal Historic Preservation Officer fails to respond within 30 days after an adequately documented finding of "no historic properties affected" or "no adverse effect," the federal agency may assume that the State Historic Preservation Officer or Tribal Historic Preservation Officer has no objection to the finding.
- Reauthorizes the National Historic Preservation Fund through 2015 (expired in 2005), at the current authorization of $150 million each year. The $150 million deposited annually into the Fund is derived from revenues from the Outer Continental Shelf Lands Act.
- Reauthorizes at such sums as necessary (currently $4 million each year), the Advisory Council on Historic Preservation. The Council's authorization expired in 2005.
- Expands the Advisory Council to include the Secretary of Agriculture and the heads of seven federal agencies (currently four).
- Adds a new section to NHPA, authorizing the Advisory Council to enter into a cooperative agreement with any federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of that program in meeting the purposes and policies of the NHPA. As such, the Council may:
    - review the operation of any federal grant or assistance program to evaluate the effectiveness of such program in meeting NHPA purposes and policies;
    - make recommendations to the head of the federal agency that administers such program to further the consistency of the program with the purposes and policies of this Act and to improve its effectiveness in carrying out those purposes and policies; and
    - make recommendations to the president and the Congress regarding the effectiveness of federal grant and assistance programs in meeting NHPA objectives.

Additional Information: According to its website, "The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy. The goal of the National Historic Preservation Act (NHPA), which established ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. ACHP is the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements."

Committee Action: H.R. 5861 was introduced on July 20, 2006, and was referred to the Committee on Resources, which considered it, held a mark-up, and reported the bill, as amended, by unanimous consent on September 6, 2006.

Cost to Taxpayers: CBO estimates that enacting H.R. 5861 will authorize $77 million in FY 2006, and $698 million over five years.

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

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

Constitutional Authority: Committee Report 109-641 cites constitutional authority in Article 1, Section 8, Clause 3 of the Constitution (interstate commerce).

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H.R. 4275 — To amend Public Law 106-348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States — *as reported* (Kelly, R-NY)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4275 exempts the establishment of the Memorial to Honor Disabled Veterans of the United States Armed Forces from compliance with the Commemorative Works Act by extending the authority for constructing the memorial from the end of 2007 to October 24, 2015.

Committee Action: H.R. 4275 was introduced on November 9, 2005, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on June 21, 2006.

Cost to Taxpayers: CBO estimates that enacting H.R. 4275 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: Committee Report 109-548, cites constitutional authority for this legislation in Article 4, Section 3, and Clause 2 (the commerce clause).

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H.R. 3871 — To authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail — *as introduced* (Fortenberry, R-NE)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3871 allows the Secretary of the Interior to convey roughly 73 federally owned acres of land in Nebraska to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (Foundation) on the condition that the land is used as a historic site and interpretive center for the Lewis and Clark National Historic Trail. All survey and conveyance costs are to be

borne by the Foundation. The U.S retains a reversionary interest in the acreage if the Foundation decides to no longer use the lands as a historic site and interpretive center. Finally, H.R. 3871 authorizes appropriations of $1.5 million over 10 years.

Committee Action: H.R. 3871 was introduced on September 22, 2005, and referred to the Committee on Resources' Subcommittee on National parks, which held a hearing, but took no further official action.

Cost to Taxpayers: No official cost estimate is available, but conveyance costs for the land is to be borne by the Foundation, and the bill authorizes $1.5 million over 10 years, subject to appropriations.

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: Marcus Kelley; marcus.kelley@mail.house.gov; (202) 226-9717

H.R. 5132 — River Raisin National Battlefield Study Act — *as amended (Dingell, D-MI)*

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5132 directs the Secretary of the Interior to conduct a study on the feasibility of adding sites in Monroe County, Michigan, relating to the battle on the River Raisin during the War of 1812, to the National Park System. The Secretary of the Interior is directed to submit its findings to Congress within three years of the availability of funding for the study.

Additional Information: During the War of 1812, half of General William Henry Harrison's encamped army was attacked near Frenchtown, Michigan by Native Americans and the British. The attack decimated the American force. Native Americans killed 60 to 80 American prisoners of war in their custody after the battle.

Committee Action: H.R. 5132 was introduced on April 6, 2006, and referred to the Committee on Resources. The bill was marked-up and was ordered reported, as amended, to the House by unanimous consent on July 19, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 5132 would cost $500,000 over the 2007-2009 period. Enacting the bill would have no effect on revenues or direct spending.

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: Committee Report 109-637, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 (the commerce clause).

RSC Staff Contact: Marcus Kelley; marcus.kelley@mail.house.gov; (202) 226-9717

H.R. 1796 — Mississippi River Trail Study Act — *as reported (McCollum, D-MN)*

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1796 amends the National Trails System Act by adding a Mississippi River Trail to the list of routes subject to consideration for designation as national scenic trails. The Mississippi River Trail is designated as, "the route of the Mississippi River from its headwaters in the State of Minnesota to the Gulf of Mexico."

Additional Information: According to Committee Report 109-622, "establishing a national trail along the River will connect the nearly 40 existing public land units on or very near the River, which include national forests, national parks and national wildlife refuges."

Committee Action: H.R. 1796 was introduced on April 21, 2005, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by voice vote on July 19, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 1796 would cost $500,000, subject to appropriations. Enacting H.R. 1796 would not affect direct spending or revenues.

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: Committee Report 109-622, cites constitutional authority for this legislation in Article 1, section 8, clause 3 and Article 4, Section 3, Clause 2 (the commerce clause).

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H.R. 3534 — Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2005 — *as reported (Capps, D-CA)*

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3534 establishes the Piedras Blancas Historic Station Outstanding Natural Area as a part of the National Landscape Conservation System. The bill exempts the land from appropriation, disposal, mining, and mineral and geothermal leasing. The Secretary of the Interior is directed to complete a management plan within 3 years of enactment. Additionally, the Secretary must manage the land in a manner so as to preserve and restore the light station facilities; and to conserve, protect and enhance the historical, natural, cultural, scientific, educational, scenic, and recreational values of the area. Under the bill, all other uses of the land are to be prohibited. The management plan should provide for a continuing public education program about the light station.

Native Americans are allowed to continue to use the Area for traditional cultural and religious purposes. At the request of the Native American community, the Natural Area can be closed to the public during cultural and traditional uses.

Lands adjacent to the Natural Area are considered appropriate for acquisition for inclusion in the Area.

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

- "The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations;
- "The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world;
- "The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities;
- "The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes;
- "The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California;
- "The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.
- "Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management; and
- "Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States."

Committee Action: H.R. 3534 was introduced on July 28, 2005, and referred to the Committee on Resources. The bill was marked-up and was ordered reported to the House by unanimous consent on July 19, 2006.

Cost to Taxpayers: CBO estimates implementing H.R. 3534 would have no significant impact on the federal budget. Additionally, any impact on direct spending would be insignificant, and the bill would not affect revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill directs the federal government to manage and proscribe uses for the area.

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

Constitutional Authority: Committee Report 109-627, cites constitutional authority for this legislation in Article 1, Section 8, and Clause 3 (the commerce clause).

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H.R. 3127 — Darfur Peace and Accountability Act of 2006 — *as amended* (Hyde, R-IL)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3127 amends the Comprehensive Peace in Sudan Act of 2004, by adding provisions directing the President to freeze the assets of, and deny entrance visas to, any individual deemed to be complicit in acts of genocide or war crimes in the Darfur region of Sudan. The bill also states that the President should impose these sanctions on Janjaweed militia commanders

H.R. 3127 allows the President to assist the African Union Mission in Sudan (AMIS) with efforts to protect civilians and humanitarian efforts, and to deter airborne attacks against civilians and humanitarian workers. Additionally, the President may provide logistical support, training, and intelligence support to AMIS. The assistance offered by the President must be used in the Darfur region.

In an effort to deny Sudan oil revenues, H.R. 3127 directs the President to deny Sudanese cargo ships and oil tankers entry to U.S. ports until the government of Sudan stops the conflict in Dafur.

H.R. 3127 prohibits aid to countries under the Foreign Assistance Act of 1961, which violate the United Nations embargo on military assistance to Sudan. Additionally, the bill states the restrictions on the government of Sudan imposed by Executive Order and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006, are to remain in place until the President certifies to the appropriate congressional committees that the government of Sudan is making a good faith effort to peacefully resolve the conflict in Darfur.

H.R. 3127 repeals section 501 of the Assistance for International Malaria Control Act and section seven of the Comprehensive Peace in Sudan Act of 2004. Those provisions allowed the President to give direct assistance to individuals or entities in areas outside of the control of the government of Sudan in support of peace agreements at the local, regional, or national level. H.R. 3127 specifically lists several states in Sudan eligible for assistance in support of peace and stability in Sudan. The Secretary of State must notify Congress fifteen days before such aid is sent.

The bill allows the President to give military training, non-lethal military equipment, and small arms to the autonomous region of Southern Sudan if he finds such aid is in the national interest of the U.S. The President must notify Congress of the type of aid sent to the government of Sudan, the value of the equipment, the end users of the equipment, and any assurances from Southern Sudan on the use of the equipment.

H.R. 3127 requires the Secretary of State to submit annual report to Congress on the assistance given to AMIS, sanctioning activities, and military assistance.

Additional Information: H.R. 3127 was originally passed in the House on April 5, 2006. To read the RSC Legislative Bulletin on this version, click here.

Committee Action: H.R. 3127 was introduced on June 30, 2005, and referred to the Committees on International Relations and the Judiciary respectively. Both committees held a mark-up and ordered the bill reported by voice vote. The bill passed the House under suspension of the rules on a vote of 416-3 on April 5, 2006. (Roll call vote no. 90) The Senate passed H.R. 3127 with an amendment on September 21, 2006.

Cost to Taxpayers: CBO prepared two estimates for the reported House versions of H.R. 3127. Assuming the same estimate for the amended Senate version of the bill, CBO estimates that implementing H.R. 3127 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: Committee Report 109-392, cites constitutional authority for the House passed version of H.R. 3127 in Article 1, Section 8, and Clause 3 (the commerce clause).

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H.Res. 965 — Commending the people of Montenegro on the conduct of the referendum on independence, welcoming United States recognition of the sovereignty and independence of the Republic of Montenegro, and welcoming Montenegrin membership in the United Nations and other international organizations — *as introduced (Lantos, D-CA)*

Order of Business: The resolution is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 965 resolves that the House of Representatives:

- "commends the people and the Government of the Republic of Montenegro for the free, fair, and responsible way in which the referendum on independence was conducted and acknowledges the broad participation of the citizens of Montenegro in that important vote;
- "congratulates the people of Montenegro on their decision to establish an independent and sovereign state and welcomes them to the community of nations, to membership in the United Nations, to full participation in the Organization for Security and Cooperation in Europe (OSCE), and to membership in other international organizations;

- "welcomes the decision of the United States to recognize the sovereignty and independence of the Republic of Montenegro and urges the expeditious establishment of diplomatic relations between our two countries; and
- "urges the people and Government of Montenegro to continue to embrace the principles of democratic government and to take actions that will encourage respect for human rights, for a free market economy, and for a free, open and democratic society with full respect for all people of Montenegro."

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

- "the Constitutional Charter of the State Union of Serbia and Montenegro established provisions and procedures for withdrawal of a member state from the State Union, providing that a decision to withdraw 'shall be made after a referendum has been held';
- "in accordance with Article 60 of the Constitutional Charter of the State Union of Serbia and Montenegro, the Parliament of Montenegro unanimously adopted in March 2006 the Law on the Referendum on the State Legal Status of the Republic of Montenegro, which established the conditions for the conduct of the referendum on state independence, including establishing the standard that 55 percent of voters must support independence to achieve a valid mandate;
- "the people of Montenegro in a popular referendum on May 21, 2006, voted to support the sovereign independence of the Republic of Montenegro from the State Union of Serbia and Montenegro by a margin of 55.5 percent in favor of independence with over 86 percent of eligible voters participating in the referendum; and
- "in accordance with the expressed will of a majority of the people of Montenegro, on June 3, 2006, the Parliament of Montenegro declared the independence of Montenegro, declaring that the Republic is a 'multiethnic, multicultural and multireligious society . . . based on the rule of law and market economy'."

Committee Action: H.Res. 965 was introduced on July 28, 2006, and was referred to the Committee on International Relations, which considered it, held a mark-up, and reported the bill by unanimous consent on September 13, 2006.

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) 226-0718.

H. Res. 1017 — Affirming support for the sovereignty and security of Lebanon and the Lebanese people — *as introduced (Lantos, D-CA)*

Order of Business: The resolution is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1017 resolves that the House of Representatives:

- "commends the many Lebanese who continue to adhere steadfastly to the principles of the Cedar Revolution;
- "commends the democratically-elected Government of Lebanon for its critical and courageous decision to deploy the Lebanese armed forces, for the first time in decades, to Lebanon's border with Israel;
- "affirms that the clear intention of the international community, as expressed in United Nations Security Council Resolution 1701, is that the flow of weapons to Hizballah should cease and that Hizballah should be disarmed;
- "calls on all countries, and particularly countries through which Iranian-supplied materiel passes en route from Iran to Hizballah, to take every possible measure to prevent the transfer of arms to Hizballah, so as to contribute to the stability of Lebanon and of the region and to the enforcement of the sovereignty of the Government of Lebanon over its own territory, as required by UNSCR 1701;
- "calls on the international community to monitor the compliance of Iran and Syria with the arms embargo on Hizballah, as these two countries are the principal suppliers of weaponry to Hizballah;
- "calls on Iran and Syria to cease supporting Hizballah with funds and arms;
- "condemns Syria's ongoing overt and covert campaign of intimidation against Lebanon;
- "condemns the Syrian leader's outrageous claim that the deployment of international peace-keeping forces on the Lebanese-Syrian border would be 'hostile' against Syria;
- "urges the Government of Lebanon to request without delay a robust international force deployment on the Lebanese border with Syria, so as to prevent the re-supply of weapons to Hizballah and to ensure the full implementation of all aspects of UNSCR 1701 in spirit and intent, as well as in letter;
- "believes that without such an international deployment on the Lebanese border with Syria another Hizballah-provoked war will break out with horrendous consequences for the people of Lebanon, Israel, and the entire region;
- "pledges support for the democratically-elected Government of Lebanon and the Lebanese people against Syria's campaign of intimidation; and
- "re-affirms its strong support for Lebanon's independence and for the full sovereignty of the Government of Lebanon over Lebanese territory, through the instrument of the Lebanese armed forces."

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

- "Lebanon's remarkable Cedar Revolution led to the withdrawal of Syrian occupation troops in April 2005, the most significant step toward true Lebanese independence and sovereignty since the outbreak of civil war in 1975;
- "true Lebanese independence and sovereignty was not fully achieved even after the Syrian troop withdrawal for many reasons, including especially the apparent ongoing presence of Syrian security personnel in Lebanon, an ongoing assassination campaign against Lebanese public figures who oppose appeasement of Syria, and Hizballah's control and militarization of southern Lebanon;
- "on August 12, 2006, during the fighting between Israel and Hizballah, the Government of Lebanon for the first time in decades called for the deployment of the Lebanese armed forces

throughout Lebanese territory 'such that there will be no weapons or authority other than that of the Lebanese state';
- "United Nations Security Council Resolution 1701, which ended the fighting, authorizes an enhanced United Nations Interim Force in Lebanon (UNIFIL) to 'accompany and support the Lebanese armed forces as they deploy throughout the (Lebanese) South', a process which is currently underway;
- "the Government of Lebanon has not yet requested the assistance of the enhanced UNIFIL force on the Syrian border; and
- "it is manifestly in the interests of the international community, which seeks peace and stability in the Middle East, to support the full sovereignty and security of Lebanon."

Committee Action: H.Res. 1017 was introduced on September 20, 2006, and was referred to the Committee on International Relations, 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) 226-0718.

H. Res. 940 — Recognizing the 185th anniversary of the independence of Peru on July 28, 2006 — *as amended (Crowley, D-NY)*

Order of Business: The resolution is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the resolution, as amended.

Summary: H.Res. 940 resolves that the House of Representatives:

- "recognizes the 185th anniversary of the independence of Peru;
- "extends warm congratulations and best wishes to Peru for peace and further progress, development, and prosperity; and
- "extends best wishes to Peruvians and Peruvian-Americans residing in the United States as they celebrate the 185th anniversary of Peru's independence."

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

- "Peru gained independence from Spain on July 28, 1821, when the Republic of Peru was established as a sovereign and independent country;
- "Peru continues to serve as a shining model of democratic values by regularly holding free and fair elections and promoting the free exchange of ideas;
- "since Peru became an independent country, the interests of Peru and the United States have been closely aligned;

- "Peru is a supporter of the United States in the Global War on Terror, and joins the United States in promoting political and economic freedoms, combating poverty, crime, disease, and drugs, and promoting security, stability, and prosperity; and
- "the Peruvians and Peruvian-Americans residing in the United States have enriched and added to the United States way of life in the social, economic, and political arenas and Peru's rich identity and heritage have become an integral part of the cultural tapestry of the United States."

Committee Action: H.Res. 940 was introduced on July 24, 2006, and was referred to the Committee on International Relations, which considered it, held a mark-up, and reported it, as amended, by unanimous consent on September 13, 2006.

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.

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

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H.R. 5454 — To authorize salary adjustments for Justices and judges of the United States for fiscal year 2007 — *as introduced* (Sensenbrenner, R-WI)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

NOTE: Under House Republican Conference Rules, legislation lacking a cost estimate, may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. This legislation, which lacks a cost estimate, failed to receive a waiver from the elected Leadership.

Summary: H.R. 5454 would authorize salary adjustments for justices and judges of the United States for fiscal year 2007. Specifically, the bill states:

> "Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code."

Committee Action: H.R. 5454 was introduced on May 23, 2006, and was referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: As of press time, there was no cost estimate available for H.R. 5454.

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. 5092 — Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Modernization and Reform Act of 2006 — *as amended* (Coble, R-NC)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 5092 would amend current law, revising the civil penalties for violations of firearms law, and the process for determining and assessing these violations. Specifically, the bill makes the following changes:

- If the violation is of a minor nature, or if the violation is that the licensee has failed to have secure gun storage or safety devices available at any place in which firearms are sold under the license to persons who are not licensees, the Attorney General may:
  - impose a civil penalty of not more than $1,000 for each violation, except that the total amount of penalties imposed for violations arising from a single inspection or examination can not exceed $5,000; or
  - suspend the license for not more than 30 days, and specify the circumstances under which the suspension is to be terminated, if, in the period for which the license is in effect, there have been at least 2 prior occasions on which the licensee has violated the law.

- If the violation is of a serious nature, the Attorney General (AG) may:
  - impose civil penalty of not more than $2,500 for each violation, except that the total amount of penalties imposed for a violations arising from a single inspection or examination can not exceed $15,000;
  - suspend the license for not more than 90 days, and specify the circumstances under which the suspension is to be terminated; or
  - revoke the license.

- In determining the amount of a civil penalty to impose, the AG may consider the nature and severity of the violation involved, the size of the firearms business operated by the licensee, and the prior record of the licensee. In addition, on request of the licensee, the AG may consider the ability of the licensee to pay a penalty, and may allow the licensee to submit documents and information to establish the ability of the licensee to pay.

- A violation is to be considered to be of a serious nature if it:
  - results in or could have resulted in the transfer of a firearm or ammunition to a person prohibited under current law from possessing or receiving the firearm or ammunition;
  - obstructs or could have obstructed a criminal investigation or prosecution; or
  - prevents or could have prevented a licensee from complying with certain sections of current law.

- A violation is to be considered to be of a minor nature "if the violation is not of a serious nature," as defined above.

- Not less than 30 days before the effective date of any penalty imposed on a licensee, the AG is to send the licensee a written notice:
    - of the determination, and the grounds on which the determination was made;
    - of the nature of the penalty; and
    - that the licensee may, within 30 days after receipt of the notice, request a hearing to review the determination.

H.R. 5092 also directs the AG to establish guidelines for how the BATFE is to conduct inspections, examinations, or investigations of possible firearms violations. The bill requires the Inspector General at the Department of Justice to submit to Congress a review of the operations of the BATFE, for the purpose of assessing the manner in which the Bureau conducts the gun show enforcement program and blanket residency checks of prospective and actual firearms purchasers.

The bill also repeals the current authority of the AG to delegate to the BATFE, responsibility for investigating certain crimes and acts of domestic terrorism.

H.R. 5092 establishes the following definition for "willfully," for the purpose of firearm law: "with respect to conduct of a person, that the person knew of a legal duty, and engaged in the conduct knowingly and in intentional disregard of the duty." According to Committee Report 109-672, "The purpose of the definition is to clarify and codify Congress' intent when it enacted the Firearms Owners Protection Act of 1986 ('FOPA'), i.e., to ensure that licenses are not revoked for inadvertent or unintentional errors, but only for knowing, intentional actions by a licensee. It's entirely reasonable to require the government to prove bad intent (knowledge of the law, and the intent to violate it) before putting a dealer out of business or under this legislation imposing stiff fines or a license suspension. However, a dealer cannot evade its responsibilities by intentionally ignoring the law, or simply stating that he or she was unaware of the requirements of the law."

Additional Information: According to Committee Report 109-672, this legislation is "a bipartisan attempt to address issues raised during the BATFE oversight hearings. …The oversight hearings held by the Subcommittee raised serious concerns relating to the BATFE's allocation of resources; licensing procedure and enforcement of regulations against licensees; criminal investigation techniques, including questionable stops, searches and seizures of firearm purchasers and Federal firearm licensees (FEL); and the lack of consistent law enforcement policies and procedures among the BATFE's field offices and central management. …The Subcommittee's oversight hearings revealed the need for: (1) a graduated penalty system in title 18 U.S.C. Sec. 923, which includes civil penalties, based on the degree of risk of harm that the FFL's violation poses to others; (2) establishing a system of neutral administrative law judges to review the licensing decisions of the BATFE; (3) establishing investigative guidelines similar to those of the Federal Bureau of Investigation and Drug Enforcement Agency; and (4) other modifications to Federal law to ensure that American citizens receive due process of law.

Committee Action: H.R. 5092 was introduced on April 5, 2006, and was referred to the Committee on the Judiciary, which considered it, held a mark-up, and reported the bill, as amended, by voice vote on September 7, 2006.

Cost to Taxpayers: CBO estimates that enacting H.R. 5092 would authorize $7 million in FY 2007, and $52 million over five years. CBO outlines that this additional discretionary spending would be generated from provisions in the bill that "require administrative law judges to review BATFE actions that are disputed by firearms licensees and applicants," and the fact that BATFE estimates it will need to hire an additional attorney for each division.

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: In Committee Report 109-672, the Committee cites constitutional authority in Article 1, Section 8 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.R. 1036 — Copyright Royalty Judges Program Technical Corrections Act — *as received* (Smith, R-TX)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as received from the Senate.

Summary: H.R. 1036 would amend current law to authorize the Copyright Royalty Judges, at any time after the filing for distribution of cable and satellite royalty fee claims, to make a partial distribution of these fees, if, based upon all responses received during a 30-day period beginning on the date of publication in the Federal Register, the Copyright Royalty Judges conclude that no claimant entitled to receive the fees has stated a reasonable objection to the partial distribution.

Additional Information: The Copyright Royalty and Distribution Reform Act replaced the previous system of copyright arbitration, which used copyright arbitration royalty panels convened by the Librarian of Congress, with Copyright Royalty Judges. These judges determine rates and distribution of royalties for certain material when copyright users and owners cannot reach agreement in private negotiation. According to Committee Report 109-64, "These corrections would allow the Register of Copyrights, copyright owners, and commercial users of compulsory licenses to benefit from a more precise delineation of the respective roles of the U.S. Copyright Office and the newly established Copyright Royalty Judges in proceedings that involve the determination of copyright royalty rates and royalty distributions. H.R. 1036 will eliminate unintended ambiguities, thereby ensuring the transitional and permanent provisions that relate to the new program operate efficiently, saving both time and money for future participants in copyright royalty determination and distribution proceedings."

Committee Action: H.R. 1036 was passed in the House by voice vote on November 16, 2005. The Senate considered it, and passed the bill, with an amendment, by unanimous consent on July 19, 2006.

Cost to Taxpayers: According to CBO, enacting this legislation does not affect the federal budget in any way.

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: The Judiciary Committee, in House Report 109-64, cites constitutional authority in Article I, Section 8, Clause 8 (the congressional power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries).

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H.R. 683 — Trademark Dilution Revision Act of 2006 — *as amended* (Smith, R-TX)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: H.R. 683 would make changes to trademark law to strengthen a trademark owner's defense against the use of other similar marks in the market that could harm the reputation of the trademark or confuse consumers. Specifically, this bill amends the Trademark Act of 1946 to revise provisions relating to trademark dilution. The revision will entitle an owner of a "famous" mark that is distinctive to an injunction against another person who uses a similar mark or trade name in commerce to designate that person's goods or services and by doing so is likely to cause dilution of the owner's mark by blurring or tarnishment (defined below). The revisions in H.R. 683 would apply regardless of actual evidence or instances of confusion or competition between the two products or services.

The bill defines a mark as "famous" if it is widely recognized by the general consuming public of the United States to designate the source of the goods or services to the mark's owner. H.R. 683 defines "dilution by blurring" as an association arising from the similarity between a mark or trade name and a famous mark that impairs the distinctiveness of the famous mark. The bill defines "dilution by tarnishment" as an association arising from the similarity between a mark or trade name and a famous mark that harms the reputation of the famous mark.

The bill declares that certain acts are not actionable as dilution by blurring or dilution by tarnishment, including: (1) fair use of a famous mark by another person other than as a designation of source for the person's own goods or services, including for advertising or promotion that permits consumers to compare goods or services, or identifying and parodying, criticizing, or commenting upon the famous mark owner or the owner's goods or services; (2) all forms of news reporting and news commentary; and (3) any noncommercial use of a mark.

H.R. 683 provides that in a civil action for "trade dress dilution" under this Act, for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that:

- the claimed trade dress, taken as a whole, is not functional and is famous; and
- if the claimed trade dress includes any mark or marks registered on the principal register, the unregistered matter, taken as a whole, is famous separate and apart from any fame of such registered marks.

Additional Information: Cases and injunctions involving "dilution" are commonplace in the United States today, since branding (distinguishing a product or service by a particular brand name or symbol) is so important in marketing. There have been numerous cases involving the Olympics and specifically the unauthorized use of the Olympic torch and the five interlocking rings in past years. Since the International Olympic Committee (IOC) produces revenue for the Olympic Games by granting (selling) entities the right and use of the official Olympic symbols, the IOC vigorously pursues those that use the symbols or similar ones without consent. For example, the 2010 Winter Olympics will be held in Vancouver, B.C., and a local pizza establishment called Olympic Pizza and Pasta has been targeted by the IOC for trademark infringement. The restaurant's signage carries similar symbols of the Olympic torch and rings. If this case were in the U.S., this may constitute examples of "diluting by tarnishment" (having the Olympics associated with a local pizza establishment) or an example of "dilution by blurring," since the symbols the restaurant is using is not exactly the same, but is arguably close enough to cause confusion.

Committee Action: H.R. 683 was passed in the House by a vote of 411-8, on April 19, 2005. The senate passed the bill, with an amendment, by unanimous consent on March 8, 2006.

Cost to Taxpayers: CBO estimates that H.R. 683 would not have a "significant effect" on spending subject to appropriation, and would not affect direct spending or revenues.

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: The Committee in Report 109-23 cites authority for this legislation under Article I, Section 8, and Clause 8 of the Constitution (regarding patents, trademarks, and copyrights: "The Congress shall have Power…To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries").

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H.R. 4772 — Private Property Rights Implementation Act of 2006 — *as reported* (Chabot, R-OH)

Order of Business: The bill is scheduled for consideration on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4772 would simplify and expedite access to the federal courts for constitutional property takings cases. injured parties whose rights and privileges under the United States Constitution

have been deprived by final actions of federal agencies or other government officials or entities acting under color of state law, and for other purposes.

The specific provisions of H.R. 4772 are as follows:

- Provides that if a federal district court exercises jurisdiction in a civil rights case in which the operative facts concern the uses of real property, it is prohibited from not from exercising that jurisdiction, or relinquishing it to a state court if the party seeking redress does not allege a violation of a state law, right, or privilege, and no parallel proceeding is pending in state court.

- Provides that if the district court has jurisdiction in a civil rights case in which the operative facts concern the uses of real property, and it cannot be decided without resolution of an unsettled question of state law, the district court may certify the question of state law to the highest appellate court of that state. After the state appellate court resolves the question, the district court is direct to proceed with resolving the merits. The district court cannot certify a question of state law under unless the question 1) is necessary to resolve the merits of the Federal claim of the injured party; and 2) is patently unclear.

- Current law provides that a constitutional takings claim is ripe for federal adjudication (ready for a federal court to settle) when a "final decision" has been rendered. This legislation clarifies what constitutes a final decision, as follows:
    - any person acting under color of any statute, ordinance, regulation, custom, or usage, of any state or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and
    - one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable statute, ordinance, regulation, custom, or usage provides a mechanism for waiver by or appeal to an administrative agency.

- Clarifies the term final decision in regards to takings claims against the U.S. involving $10,000 or less (tried in federal district court), and claims involving more than $10,000 (tried in Court of Federal Claims) , as follows:
    - the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken, without regard to any uses that may be permitted elsewhere; and
    - one meaningful application to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one waiver and one appeal, if the applicable law of the United States provides a mechanism for waiver by or appeal to an administrative agency.

- Requires a federal agency to, when taking an action limiting the use of private property, give notice to the owners of that property explaining their rights and the procedures for obtaining any compensation that may be due the owners.

- Provides that changes made to current law by this legislation apply to actions began on or after the date of enactment.

Additional Information: According to Committee Report 109-658, "H.R. 4772 will allow greater and fairer access to Federal courts by those who assert Federal property rights claims under the Fifth Amendment's Takings Clause." The Committee also notes that H.R. 4772 is very similar to H.R. 2372, which passed the House on March 16, 2000, by a vote of 226-182.

According to CBO, "The Fifth Amendment prohibits the taking of private property for public use without just compensation. This restriction on government action is extended to the states through the due process clause of the 14th Amendment. Under current law, parties who believe that a government agency's actions or decisions have taken their property may sue the federal, state, or local government. Plaintiffs alleging takings by state and local governments are often denied access to federal district courts, however, until they have exhausted their opportunities to obtain compensation through the state courts."

Committee Action: H.R. 4772 was passed in the House by voice vote on November 16, 2005. The Senate considered it, and passed the bill, with an amendment, by unanimous consent on July 19, 2006.

Cost to Taxpayers: According to CBO, "enacting the changes under H.R. 4772 would impose additional costs on the U.S. court system to the extent that additional takings claims are filed and heard in federal courts. Based on information obtained from various legal experts, however, CBO estimates that only a small percentage of all civil cases filed in state courts involve takings claims and that only a small proportion would be tried in federal court as the result of enacting H.R. 4772. … On the other hand, most cases that would reach trial in a federal court as a result of this bill are likely to involve relatively large claims and could be time-consuming and costly to adjudicate. …However, CBO has no basis for estimating the number of cases that would be affected or the amount of court costs that would result. Administrative costs for handling additional cases would be paid from appropriated funds, while any additional judgment payments would increase direct spending."

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: Committee Report 109-658 cites constitutional authority in Article I, Section 8, bit 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.R. 5575—Pigford Claims Remedy Act—*as introduced* (Chabot, R-OH)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Note: Under House Republican Conference Rules, legislation lacking a cost estimate may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected

leadership. This legislation, which lacks a cost estimate, failed to receive a waiver from the elected Leadership.

Summary: H.R. 5575 allows any *Pigford* claimant who has not previously obtained a determination on the merits of his or her claim may seek such a determination via a civil action. The bill expressly states that it is Congress' intent "to effectuate its remedial purpose of giving a full determination on the merits for each *Pigford* claim denied that determination." A *Pigford* claimant is defined as one who submitted a late-filing request under the consent decree in the case of *Pigford v. Glickman* (see below).

Additional Background: On April 14, 1999, a settlement agreement was reached to resolve *Pigford v. Glickman*, a suit in which black farmers complained that they were discriminated against when they applied for farm loans and other forms of assistance in their local counties. Furthermore, the farmers argued that USDA had not responded to discrimination complaints in a timely manner for some time. The settlement agreement provided $50,000 plus additional relief (for example, loan forgiveness) or larger payments if claimants could prove to a third-party arbiter that they received worse or slower service than a similarly situated white farmer.

Claimants were given a deadline of October 12, 1999, to file. Those who missed that deadline, so-called late-filing claimants, were given to September 15, 2000, to file their claim and show that their delay was due to extraordinary circumstances. According to CRS, 73,800 petitions were filed late, of which, 2,131 were approved—roughly 3%. H.R. 5575 would provide a new avenue for these late-filing claimants to receive a determination on the merits of their case.

Committee Action: On June 9, 2006, H.R. 5575 was introduced and referred to the House Judiciary Committee for consideration. The Committee has not taken any formal action on the bill as of yet.

Cost to Taxpayers: A CBO cost estimate is not available. However, it is likely that H.R. 5575 will cost the federal government *something* since it restores the potential for monetary settlements to be provided to a sizable class of farmers, if they prove they are eligible.

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.

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H.R. 3049—Asian Carp Prevention and Control Act—*as reported* (Green, R-WI)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3049 adds four species of Asian carp (black, bighead, silver, and largescale silver carp) to the list of injurious species whose importation is prohibited under Title 18, Section 42 of U.S.

Code, commonly referred to as the Lacey Act. Under current law, it is a federal crime to import various injurious species (for instance, the mongoose, the fruit bat and the zebra mussel) unless the U.S. Fish and Wildlife Services permits it for "zoological, educational, medical, and scientific purposes."

Additional Information: Asian carp is a fairly large (as much as 80-100 pounds) species of fish, foreign to the U.S., that were imported in the 1970s to control algae on southern catfish farms. Carp are known to consume up to 50 percent of their body weight in algae every day, often leaving nothing for other fish to feed upon, and reproduce quickly. These fish have been making their way up the Mississippi River (after being washed into the river in the 1980s) and its tributaries, and there is an effort currently to keep them from reaching Lake Michigan. One such enterprise consists of laying 84 steel belts along the bottom of the Chicago Sanitary and Ship Canal, which will be electrically "juiced" to shock and deter the carp. However, according to at least one media report, a market has developed for Asian carp. One fisherman said in an NPR report that, "Some people say that smoked; its better than salmon."

Committee Action: On June 23, 2005, H.R. 3049 was introduced and referred to the House Judiciary Committee, which reported the measure on July 20, 2006, for consideration by full House.

Cost to Taxpayers: According to CBO, H.R. 3049 would have no significant cost to the federal government.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill establishes a new federal crime.

Constitutional Authority: Committee Report 109-585 cites constitutional authority in Article I, Section 8 of the Constitution, but failed 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]*

Does the Bill Contain Any New State-Government, Local Government, or Private Sector Mandates?: Yes. According to CBO, the bill imposes a private-sector mandate on companies that import or ship certain species of Asian carp, and the cost of the mandate would be foregone net income. However, such costs would fall under the annual threshold for private-sector mandates established by the Unfunded Mandates Reform Act (UMRA).

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H.R. 5323—Proud to Be an American Citizen Act—*as reported*
(Farr, D-CA)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Note: Under House Republican Conference Rules, legislation creating new programs or reauthorizing sunset programs may not be considered by the House on the Suspension Calendar. This rule may be

waived by a vote of the elected leadership. This legislation, which arguably either contains a new program or extends a sunset, failed to receive a waiver from the elected Leadership.

Summary: H.R. 5323 requires the Department of Homeland Security (DHS) to "make available funds" to public and private nonprofits (with approval from DHS) to perform public ceremonies to administer the oath of allegiance to legal immigrants whose naturalization applications are approved. These ceremonies would be held on or near Independence Day at sites selected by DHS. Each ceremony would be eligible for up to $5,000, and these funds could be used for travel expenses for INS officials, site and equipment (audio) rentals, and printing costs for brochures. According to CBO, DHS would support roughly 100 of these ceremonies per year.

Additional Information: According to a statement from Chairman Sensenbrenner, H.R. 5323 revives a program that was originally enacted in 1996 and expired in 2001.

Committee Action: On May 9, 2006, H.R. 5323 was introduced and referred to the House Judiciary Committee, which reported the measure on July 17, 2006, for consideration by full House.

Cost to Taxpayers: According to CBO, H.R. 5323 would increase direct spending (by less than $500,000 annually) by drawing down adjudication fees currently collected by DHS and credited as offsetting receipts.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill establishes a new program at DHS for honoring new citizens taking the oath of allegiance.

Constitutional Authority: Committee Report 109-576 cites constitutional authority in Article I, Section 8, Clause 4 of the Constitution ("to establish a uniform Rule of Naturalization").

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

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H.R. 2066—General Services Administration Modernization Act—*as received* (Tom Davis, R-VA)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2066 would create within the General Services Administration (GSA) a new Federal Acquisition Service that would combine the Federal Supply Service, which purchases office equipment and other materials, with the Federal Technology Services, which provides information technology products. In doing so, the bill would abolish the General Supply Fund and the Information Technology Fund in the U.S. Treasury and transfer all assets, liabilities, and obligations to the newly created Acquisition Services Fund.
The Fund would also be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including:

- the net proceeds of disposal of surplus personal property;
- receipts from carriers and others for loss of, or damage to, personal property; and
- receipts from agencies charged fees pursuant to rates established by the Administrator.

The GSA Administrator could appoint regional executives for the new acquisition service for additional oversight. If an individual receiving an annuity from the Civil Service Retirement and Disability Fund becomes reemployed in an acquisition-related position, this legislation would prevent such annuity from being discontinued.

The legislation would also permit the federal government to dispose of surplus property by transferring it to state agencies for the purpose of historic light stations. Such authority already exists for educational and public health purposes (for instance to libraries, homeless assistance providers, child care centers, hospitals, museums, etc.).

Additional Background: According to *National Journal*, "Allegations of contract mismanagement at the GSA's regional offices prompted [Rep. Tom] Davis and Senate Homeland Security and Governmental Affairs Chairwoman Susan Collins, R-Maine, to monitor procurement more closely."

Committee Action: On May 23, 2005, the House passed H.R. 5066 by voice vote after the measure was considered by the Government Reform Committee, and the Senate passed the legislation on September 6, 2006, with amendments.

Cost to Taxpayers: According to CBO, H.R. 2066 would have no significant cost to the federal government. CBO's estimate is based on the legislation that passed the House in 2005 and does not reflect the amendments made by the Senate. However, these Senate amendments are not expected to add cost to the legislation.

Does the Bill Expand the Size and Scope of the Federal Government?: No—it would reorganize and consolidate some federal government functions.

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

Constitutional Authority: Committee Report 109-091 cites constitutional authority in Article I, Section 8, Clause 18 of the Constitution ("to make all laws which shall be necessary and proper").

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H.R. 3508 — 2005 District of Columbia Omnibus Authorization Act — *as amended by the Senate* (Tom Davis, R-VA)

Order of Business: The bill is scheduled to be considered on Monday, September 25, 2006, under a motion to suspend the rules and pass the bill, as amended.

NOTE: H.R. 3508 originally passed the House on December 14, 2005, by voice vote (click here to view the initial RSC Leg. Bulletin). It was referred to the Senate committee on Homeland Security and Governmental Affairs, which held hearings and reported the bill, as amended by Sen. Collins, to the full Senate. The Senate passed the bill by unanimous consent on August 3, 2006, as amended.

Summary: H.R. 3508 would amend various federal laws applicable to the operation of the District of Columbia (DC) government. Highlights of the bill are as follows:

- Authorizes DC, subject to certain conditions, to spend up to 6% of unappropriated local funds during the 2006-2007 fiscal years, to allow D.C. to respond to unforeseen budget circumstances.

- Allows D.C. to tap into reserve funds in FY2006 and FY2007, under certain circumstances and only if they replenish such funds before the end of the fiscal year or within nine months (whichever is sooner). No more than 50% of any funds could be utilized in any fiscal year.

- Directs D.C. to require, within one year of enactment, that all taxicabs licensed in D.C. to charge fares using a metered system (rather than the zone system). Allows the D.C. mayor to opt out of this metered system requirement by issuing an executive order stating such.

- Allows D.C. to enter into an interstate insurance compact.

- Increases the pay cap available for non-judicial employees in D.C. courts from Executive Schedule IV ($136,900) to Executive Schedule III ($145,600). According to the Government Reform Committee, this provision would "put the non-judicial personnel of the DC Courts on par with the non-judicial employees of the federal courts in the District."

- Provides the DC Court of Appeals and the D.C. Superior Court with the authority to conduct business outside DC, in the event of an emergency.

- Allows the Court Services and Offender Supervision Agency to use volunteers in administering its services. Such volunteers would be treated as federal employees for the purposes of workers' compensation.

- Permanently establishes the existing DC Chief Financial Officer (CFO) and details various procedures and duties for the CFO. The bill would also rename various finance-related entities in the DC Government and place them under the authority of the CFO. The Mayor would nominate the CFO, subject to the DC Council's advice and consent, for five-year terms. Congress would not have to approve the appointment. The CFO would have independent authority to make personnel and procurement decisions.

- Requires that all of the DC Council's permanent bills and resolutions be accompanied by a fiscal impact statement before final passage. Permanent and emergency acts that are accompanied by a fiscal impact statement reflecting unbudgeted costs would be subject to federal appropriations before becoming effective.

- Authorizes the Court Services and Offender Supervision Agency to accept gifts of space and training (during fiscal years 2006 through 2008) to support offender and defendant programs (and requires that records be kept of all gifts received and how they are used). The bill would

also authorize the Public Defender Service to charge fees (during fiscal years 2006 through 2008) to cover the costs of materials distributed to attendees of educational events.

- Exempts the evaluation process for DC public school employees from collective bargaining.

- Permanently exempts DC government employees from federal civil service laws.

- Prohibits the CFO from renewing or extending a noncompetitively bid contract (during fiscal years 2006 through 2008), unless done so in accordance with duly promulgated rules and procedures.

- Authorizes the Mayor, during FY2006-FY2008, to accept, obligate, and expend federal, private, or other grants received by DC that are not reflected in the District's congressionally-approved budget, provided that certain reporting requirements are met.

- Requires DC to use any fines generated from violations of DC's alcohol-related traffic laws exclusively for the enforcement and prosecution of such laws.

- Requires the CFO to establish certification procedures for attorneys in cases brought under the Individuals with Disabilities Education Act (IDEA).

The bill contains a variety of purely technical and conforming amendments to various statutes related to the federal role in DC government operations.

Committee Action: The bill was referred to the Government Reform Committee on July 28, 2005. On September 15th, the Committee marked-up and ordered the bill reported to the full House by voice vote.

Cost to Taxpayers: CBO estimates that this bill would have no 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?: CBO reports: "Because most provisions of H.R. 3508 would codify current law and practice, the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the District of Columbia."

Constitutional Authority: The Government Reform Committee, in House Report 109-267, cites constitutional authority in Article I, Section 8, Clause 17 (the power of Congress "to exercise exclusive Legislation in all Cases whatsoever, over such District").

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