



Legislative Bulletin.....December 6, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: At least 8

Total Cost of Discretionary Authorizations: \$1.289 billion over 5 years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 1

Number of Bills Without Committee Reports: 5

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

H.R. 6099 — Unborn Child Pain Awareness Act of 2006 — *as introduced* (Smith, R-NJ)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6099 would require an abortionist who knowingly performs an abortion of a “pain-capable unborn child” to provide the following information or services to the pregnant mother:

- 1) the probable age of development of the unborn baby since fertilization;
- 2) an Unborn Child Pain Awareness (UCPA) brochure (described below) unless she waives receipt;
- 3) drugs administered to the mother may not prevent the unborn child from feeling pain, but in some cases, anesthesia or similar drugs can be administered directly to the unborn child;
- 4) a description of the risks involved, if any, of administering an anesthesia or similar drug and its associated costs;
- 5) if the abortionist cannot or will not provide the anesthesia if requested, the abortionist is required to:
 - a) arrange for a qualified specialist to administer the anesthesia, or
 - b) advise the pregnant woman where she can obtain such anesthesia, or that the abortionist is unable to perform the abortion if the woman requires the anesthesia for her unborn child; and
- 6) obtain the woman’s signature on the UCPA Decision Form and her explicit request for, or refusal of, anesthesia or pain reducing drugs for the unborn child.

Additional provisions of the bill are as follows:

- the information described above must be provided by the abortionist to the pregnant mother prior to initiating the abortion procedure, and provided in a manner that permits the woman to ask questions of and receive answers from the abortionist;
- defines a “pain-capable unborn child” as an unborn child who has reached a probable stage of development of 20 weeks or more after fertilization;
- provides that nothing in the bill may be construed to impede an abortionist from offering their own evaluation on the capacity of the unborn child to experience pain, the advisability of administering anesthesia to the unborn child, or any other matter, as long as the abortionist complies with the aforementioned requirements; and
- requires the Secretary of Health and Human Services (HHS) to a) develop the UCPA brochure, b) write the brochure in both English and Spanish (among other requirements), c) provide it to abortionists at no charge, and d) include the following statement in the brochure:

Your doctor has determined that, in his or her best medial judgment, your unborn child is at least 20 weeks old. There is a significant body of evidence that unborn children at 20 weeks after fertilization have the physical structures necessary to experience pain. There is substantial evidence that at least by this point, unborn children draw away from surgical instruments in a manner which in an infant or an adult would be interpreted as a response to pain. ***There is substantial evidence that the process of being killed in an abortion will cause the unborn child pain, even though you receive a pain-reducing drug or drugs.*** Under the Federal Unborn Child Pain Awareness Act of 2006, ***you have a***

right to know that there is evidence that the process of being killed in an abortion will cause your unborn child pain. You may request that anesthesia or other pain-reducing drug or drugs are administered directly to the pain-capable unborn child if you so desire. The purpose of administering such drug or drugs would be to reduce or eliminate the capacity of the unborn child to experience pain during the abortion procedure. In some cases, there may be some additional risk to you associated with administering such a drug. (*emphasis added*)

- requires the HHS Secretary to develop the UCPA form, containing similar statements as the brochure, which must be signed by the pregnant woman prior to the abortion procedure;
- creates an exception for certified medical emergencies (defined in the bill). Part of the definition explicitly states that a “medical emergency” does **not** include emotional, psychological or mental disorders or conditions;
- establishes civil penalties for willfully failing to comply with this Act, and authorizes: a) the Attorney General to bring a civil action under this Act; and b) private rights of action for violations of this Act; and
- Provides for a fine up to \$100,000 for a violation of this Act, and a fine up to \$250,000 for a second and subsequent violations.

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

- “At least by 20 weeks after fertilization, an unborn child has the physical structures necessary to experience pain;
- “There is substantial evidence that by 20 weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain;
- “There is substantial evidence that the abortion methods most commonly used 20 weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods. Examples of abortion methods used 20 weeks or more after fertilization include, but are not limited to the following:
 - a) “The dilation and evacuation (D and E) method of abortion is commonly performed in the second trimester of pregnancy. In a dilation and evacuation abortion, the unborn child's body parts are grasped with a long-toothed clamp. The fetal body parts are then torn from the body and pulled out of the vaginal canal. The remaining body parts are grasped and pulled out until only the head remains. The head is then grasped and crushed in order to remove it from the vaginal canal.
 - b) “Partial-birth abortion is an abortion in which the abortion practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child’s skull with a sharp instrument, and sucks the child’s brains out before completing the delivery of the dead infant, and as further defined in 18 U.S.C. 1531.
- “Expert testimony confirms that by 20 weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia;
- “There is a valid Federal Government interest in preventing or reducing the infliction of pain on sentient creatures. Examples of this are laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock...; and
- “There is a valid Federal Government interest in preventing harm to developing human life at all stages...”

Additional Background: According to the sponsor’s office, “Doctors and nurses work diligently to reducing the pain that premature babies experience in the neonatal unit, even using protocols to reduce the number of heel sticks that he or she undergoes. Why? Because it is clear that these little ones feel pain. Yet, at the same stage of development, babies like the “preemies” in neonatal units around the country are routinely destroyed in abortion clinics - without so much as pain reducing medication.”

Committee Action: H.R. 6099 was introduced on September 19, 2006, and referred to the Committee on Energy and Commerce’s Subcommittee on Health, which took no official action.

Cost to Taxpayers: A CBO score of H.R. 6099 is unavailable, but the bill does not authorize new expenditures. However, minor indirect costs may be incurred by HHS, such as the cost of printing and distributing the UCPA brochure and form.

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?: Yes. As noted above, the bill places additional requirements on abortionists prior to performing an abortion procedure.

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

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

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H.R. 3248 - Lifespan Respite Care Act of 2005 — *as amended* (Ferguson, R-NJ)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating new programs may not be considered by the House on the Suspension Calendar. H.R. 3248, which creates two new programs, received such a waiver from the elected Leadership.

Summary: H.R. 3248 would authorize the Department of Health and Human Services (HHS) to **establish a new grant program** and award grants or cooperative agreements to certain state agencies to achieve the following goals:

- “to expand and enhance respite care services to family caregivers;
- “to improve the statewide dissemination and coordination of respite care; and

- “to provide, supplement, or improve access and quality of respite care services to family caregivers.”

Specifically, grant recipients may use the funds for the following purposes:

- “to develop or enhance lifespan respite care at the State and local levels;
- “to provide respite care services for family caregivers caring for children or adults;
- “to train and recruit respite care workers and volunteers;
- “to provide information to caregivers about available respite and support services; and
- “to assist caregivers in gaining access to such services.”

The bill requires, as a condition for the receipt of a grant or cooperative agreement, that the state agency provide 25% of the funding from non-federal services.

H.R. 3248 directs HHS to **establish a new National Resource Center on Lifespan Respite Care** by awarding a grant or cooperative agreement to a public or private nonprofit entity. The Center is to maintain a national database on lifespan respite care, provide training and technical assistance to respite care programs, and to provide information, referral, and educational programs to the public on lifespan respite care.

H.R. 3248 authorizes \$30 million in FY07 and \$289 million over five years for the establishment of these two new programs.

Additional Information: Respite care “refers to short term, temporary care provided to people with disabilities in order that their families can take a break from the daily routine of caregiving. ... One of the important purposes of respite is to give family members time and temporarily relieve the stress they may experience while providing extra care for a son or daughter with mental retardation or other disability.” (www.thearc.org)

Possible Conservative Concerns: Some conservatives may be concerned that this bill authorizes \$289 million for the establishment of a new grant program and a new National Resource Center on Lifespan Respite Care.

Committee Action: H.R. 3248 was introduced on July 12, 2005, and was referred to the Committee on Energy and Commerce, which considered it, held a sub-committee mark-up, and reported the bill, as amended, by voice vote on September 20, 2006.

Cost to Taxpayers: CBO confirms that H.R. 3248 would authorize \$30 million in FY07, and \$289 million over five years in discretionary spending.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new grant program and a new National Resource Center on Lifespan Respite Care.

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

Constitutional Authority: No Committee Report citing constitutional authority is available for H.R. 3248. 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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S. 843 — Combating Autism Act of 2006 — *as received* **(Sen. Santorum, R-PA)**

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 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. S. 843, ***which creates at least two new grant programs and one new federal interagency committee***, received such a waiver from the elected Leadership.

Summary: S. 843 would amend the Public Health Service Act to modify provisions governing the National Institutes of Health (NIH) autism research. The specific provisions of the bill are as follows:

- requires the Secretary of Health and Human Services (HHS), acting through the Director of NIH, to develop and implement a strategic plan to conduct and support autism spectrum disorder research (with certain additional stipulations);
- requires the HHS Secretary to submit an annual report to Congress that includes a strategic plan for the research and a detailed expenditure report;
- requires the NIH Director to award grants or contracts to public and nonprofit private entities to establish autism centers of excellence regarding environmental health and autism spectrum disorder;
- requires the HHS Secretary, acting through the Director of the Centers for Disease Control and Prevention (CDC), to establish mechanisms and entities to collect, store, coordinate, and make publicly available the data collected by the centers of excellence and data generated from public and private research partnerships;
- allows the CDC to award grants or cooperative agreements for the collection, analysis, and reporting of state epidemiological data on autism spectrum disorder and other developmental disabilities;
- requires the CDC to award grants or cooperative agreements for the establishment of regional centers of excellence to collect and analyze information on the number, incidence, correlates and causes of these disabilities;
- requires the HHS Secretary to establish and evaluate activities to: 1) inform and educate on autism spectrum disorder and related disabilities to increase awareness of developmental milestones; 2) promote research into the development and validation of reliable screening tools for these disabilities; 3) promote early screening of individuals at higher risk for these disabilities; and 4) increase the number of individuals who are able

to confirm or rule out a diagnosis of these disabilities and provide evidence-based interventions for individuals diagnosed with these disabilities;

- requires the HHS Secretary to: 1) develop a curriculum for continuing education, early detection, and intervention of autism, and to train individuals in recognizing the need for valid and reliable screening tools;
- requires the HHS Secretary to establish a new Interagency Autism Coordinating Committee to: 1) coordinate all efforts within HHS concerning autism spectrum disorder; 2) make recommendations concerning the strategic plan; 3) develop and annually update advances in research; and 4) make recommendations to the Secretary regarding public participation in decisions relating to this disorder;
- requires the HHS Secretary, in coordination with the Education Secretary, to prepare and submit a progress report (within four years of enactment of this Act) to Congress on autism spectrum disorder and related activities;
- repeals certain provisions in current law (contained in the Children's Health Act; P.L. 106-310) that: 1) require NIH to expand, intensify, and coordinate autism research activities (Section 101); 2) allow CDC Director to make awards of grants and cooperative agreements to collect, analyze, and report data on autism and pervasive developmental disabilities; 3) require the HHS Secretary to establish a program to provide information and education on autism to health professionals and the general public; and 4) require the HHS Secretary to establish the Autism Coordinating Committee to coordinate all HHS efforts concerning autism.

Possible Conservative Concerns: As noted above, this legislation increases authorization levels for autism related programs by \$300 million, authorizes \$1 billion over the next five years, creates at least two new federal grant programs and a federal interagency committee.

Committee Action: S. 843 was introduced in the Senate on April 19, 2005, and passed the Senate by unanimous consent on August 3, 2006. It was referred to the House Committee on Energy and Commerce's Subcommittee on Health, which took no official action.

Cost to Taxpayers: According to CBO, S. 843 will authorize \$147 million for FY07 and \$1 billion over the FY07-FY11 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, as noted above.

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

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

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

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S. 4073—Robert Silvey Department of Veterans Affairs Outpatient Clinic Designation Act—*as received* (Sen. Talent, R-MO)

Order of Business: The bill is scheduled to be considered on Wednesday, December 6th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on November 16, 2006.

Summary: S. 4073 would designate the outpatient clinic of the Department of Veterans Affairs in Farmington, Missouri, as the “Robert Silvey Department of Veterans Affairs Outpatient Clinic.”

Additional Background: Additional information on Robert Silvey was unavailable at press time.

Committee Action: The bill was not referred to a House committee.

Cost to Taxpayers: A building designation yields only insignificant costs to taxpayers (for sign changes, etc.).

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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S. 1820 — A bill to designate the facility of the United States Postal Service located at 6110 East 51st Place in Tulsa, Oklahoma, as the “Dewey F. Bartlett Post Office” — *as received* (Sen. Inhofe, R-OK)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 1820 designates the postal facility located at 6110 East 51st Place in Tulsa, Oklahoma, as the “Dewey F. Bartlett Post Office.”

Additional Information: Dewey Bartlett graduated from Princeton University 1942. In World War II, he served in the United States Marine Corps as a dive bomber pilot in the South Pacific Theater. He was elected to the Oklahoma Senate in 1962. Bartlett served as Governor of Oklahoma from 1967 to 1971. In 1972, he was elected to the United States Senate in 1972. Bartlett died in Tulsa, Oklahoma on March 1, 1979.

Committee Action: S. 1820 was received from the Senate on March 6, 2006.

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

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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S. 3722 — Naval Vessels Transfer Act of 2006 — *as amended* (Sen. Lugar, R-IN)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: S. 3722 transfers two minehunter coastal ships to Lithuania, and one to Turkey. The bill also authorizes the sale of two minehunters to Taiwan, a minehunter to Turkey, and two amphibious transport dock ships to Mexico. S. 3722 states that the costs of any transfer of the granted vessels will be borne by the recipient. If a ship requires repair or refurbishment before joining a foreign navy, the President is directed to require that the recipient country refurbish or repair the ship at a U.S. shipyard.

S. 3722 amends the Department of Defense Appropriations Act, 2005, by extending the time to transfer surplus military items to Israel from two years to four years (from August 5, 2006 to August 6, 2010).

The bill amends the Foreign Assistance Act of 1961 by increasing the value of military goods allowed to be added to Defense stockpiles for use by allied or foreign countries from \$100 million to \$200 million in the years 2007 and 2008. S. 3722 also increases the amount of military equipment in stockpiles available to Israel from \$100 million to \$200 million per year.

The bill amends the Emergency Wartime Supplemental Appropriations Act, 2003 by extending the date that the U.S. may offer Israel foreign aid, in the form of loan guarantees, from September 30, 2007, to September 30, 2011. S. 3722 extends the authority of the U.S. to guarantee loans up to the amount authorized to be guaranteed from September 30, 2007, until the maximum amount of loan guarantees is reached, to September 30, 2011, until the maximum amount of loan guarantees is reached.

Committee Action: S. 3722 was received from the Senate on September 8, 2006.

Cost to Taxpayers: CBO estimates that S. 3722 will increase offsetting receipts by \$60 million over the 2007-2011 period. Offsetting receipts are considered to reduce mandatory 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: S. 3722 has no committee report.

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S. 2125 — Democratic Republic of the Congo Relief, Security, and Democracy Promotion Act of 2006 — *as amended (Sen. Obama, D-IL)*

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill, as amended.

Summary: S. 2125 declares, in part, that it is the policy of the United States to:

- assist the Democratic Republic of Congo (DRC) “to meet the basic needs of its citizens, including... access to health care, education, food, shelter, and clean drinking water;”
- to promote religious organizations, the media, political parties, trade unions, and trade and business associations; and
- to promote appropriate use of forests in the DRC in a manner that protects environmental interests.

S. 2125 authorizes \$52 million in both 2006 and 2007 for implementing the Foreign Assistance Act of 1961, the Agricultural Trade Development and Assistance Act of 1954, and the Arms Export Control Act in the DRC. Additionally, the bill declares it is the sense of Congress that the Department of State should submit budgets in 2008 and 2009 that seek increases in funding for the DRC if progress is being made on the policy goals stated in S. 2125.

The bill states that it is the sense of Congress that the DRC must be committed to the policy goals expressed in S. 2125, listed above. Additionally, the bill states the Secretary of State should withhold Foreign Assistance Act of 1961 aid, except humanitarian, peacekeeping, and counterterrorism aid, to countries attempting to destabilize the DRC.

The bill requires the Comptroller General of the United States to report to Congress on the DRC’s progress in achieving these policy goals. The report should include a description of impediments to achieving the policy goals in the bill, an evaluation of U.S. policies and programs, and suggestions for improving those efforts.

The bill directs the President to appoint a Special Envoy for the Great Lakes Region to coordinate efforts in Eastern Congo.

S. 2125 states the U.S. should urge the U.N. to investigate and prosecute members of the United Nations Peacekeeping Mission in the Democratic Republic of Congo (MONUC) responsible for sex abuses, and should conclude a Memorandum of Understanding for binding conduct regulations for MONUC members. The bill states MONUC authority should be strengthened by offering U.S. personnel and military assets, granting MONUC specific authority to counter imminent threats, changing MONUC's rules of engagement to further protect civilians, and enhancing MONUC's surveillance and intelligence-gathering capabilities. The bill also states the U.S. should seek to strengthen the arms embargo imposed by Security Council Resolution 1493.

S. 2125 states that the U.S. should use its voice and vote to urge additional humanitarian and developmental assistance to the DRC from the World Food Program, the U.N. Development Program, and the U.N. High Commissioner for Refugees.

S. 2125 lists a number of findings, including the following:

- “The most recent war in the Democratic Republic of the Congo, which erupted in 1998, spawned some of the world’s worst human rights atrocities and drew in six neighboring countries; and
- “Despite the conclusion of a peace agreement and subsequent withdrawal of foreign forces in 2003, both the real and perceived presence of armed groups hostile to the Governments of Uganda, Rwanda, and Burundi continue to serve as a major source of regional instability and an apparent pretext for continued interference in the Democratic Republic of the Congo by its neighbors.”

Committee Action: S. 2125 was received from the Senate on July 10, 2006, and referred to the Committee on International Relations. The bill was marked-up, and on September 13, 2006, the committee unanimously agreed to seek to have the bill on the suspension calendar.

Cost to Taxpayers: CBO estimates that S. 2125 authorizes \$52 million in 2006, and \$52 million in 2007. However, CBO states that appropriation of the 2006 amount is unlikely.

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: S. 2125 has no committee report.

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H.Res. 1082 — Condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner — as introduced (Fitzpatrick, R-PA)

Order of Business: The resolution is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1082 resolves that Congress:

- “condemns the murder of Philadelphia Police Officer Danny Faulkner;
- “urges the municipal government of St. Denis to take immediate action to change the name of Rue Mumia Abu-Jamal and, if such action is not taken by the municipal government of St. Denis, urges the Government of France to take appropriate action against the city of St. Denis to change the name of Rue Mumia Abu-Jamal; and
- “commends all police officers in the United States and throughout the world for their commitment to public service and public safety.”

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

- “on the night of December 9, 1981, Police Officer Danny Faulkner was shot and killed in cold blood during a traffic stop in Philadelphia, Pennsylvania;
- “Mumia Abu-Jamal struck Officer Faulkner four times in the back with his gun; although seriously injured, Officer Faulkner returned fire, striking his attacker; undeterred, Mumia Abu-Jamal stood over Officer Faulkner and shot him in the face, mortally wounding him; Mumia Abu-Jamal attempted to flee, but collapsed several feet from the slain Officer Faulkner, murder weapon in hand;
- “Mumia Abu-Jamal was charged and convicted of first degree murder by a jury of his peers; although Mumia Abu-Jamal has had numerous legal appeals, including appeals to the Pennsylvania Commonwealth Court of Appeal, the Pennsylvania State Supreme Court, and the United States Supreme Court, his conviction has been upheld each time;
- “on April 29, 2006, the municipal government of St. Denis, a suburb of Paris, dedicated a street in the honor of Mumia Abu-Jamal;
- “December 9, 2006, marks the 25th anniversary of Officer Danny Faulkner’s murder at the hand of Mumia Abu-Jamal; and
- “the official recognition and celebration of a convicted murderer of a United States police officer is an affront to law enforcement officers across the nation.”

Committee Action: H.Res. 1082 was introduced on November 14, 2006, and referred to the House Judiciary Committee and the House International Relations Committee, which took no official actions.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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

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**H.Res. __—Honoring the life and accomplishments of Ruth Brown and
expressing condolences to her family on her death—as introduced
(Conyers, D-MI)**

Order of Business: The resolution is scheduled to be considered on Wednesday, December 6th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. __ would resolve that the House:

- “honors the life and accomplishments of Ruth Brown;
- “recognizes Ruth Brown’s immeasurable contributions to the Nation through both her music and her advocacy on behalf of rhythm and blues artists; and
- “expresses its deepest condolences to Ruth Brown’s family and friends.”

Additional Background: Ruth Brown was a famous rhythm and blues singer who was inducted into the Rock and Roll Hall of Fame in 1993. She died last month. For more biographical information on Ruth Brown, visit this webpage:
<http://www.rockhall.com/hof/inductee.asp?id=72>.

Committee Action: The resolution is being introduced on December 5, 2006.

Cost to Taxpayers: The resolution would authorize no 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.

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S. 1998 — Stolen Valor Act of 2005 — as received (Sen. Conrad, D-ND)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill.

Summary: S. 1998 lists three of findings:

- “Fraudulent claims surrounding the receipt of the Medal of Honor, the distinguished-service cross, the Navy cross, the Air Force cross, the Purple Heart, and other decorations and medals awarded by the President or the Armed Forces of the United States damage the reputation and meaning of such decorations and medals;
- “Federal law enforcement officers have limited ability to prosecute fraudulent claims of receipt of military decorations and medals; and
- “Legislative action is necessary to permit law enforcement officers to protect the reputation and meaning of military decorations and medals.”

S. 1998 makes a federal crime, punishable by fine or up to six months imprisonment, or both, of knowingly purchasing, attempting to purchase, soliciting for purchase, mailing, shipping, importing, exporting, producing blank certificates of receipt for, manufacturing, selling, attempting to sell, advertising for sale, trading, bartering, or exchanging any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law.

The bill also makes a federal crime, punishable by fine or up to six months imprisonment, or both, of making false claims of having been awarded any decoration or medal authorized by Congress for the armed forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration or medal, or any colorable imitation thereof.

S. 1998 creates new penalties for committing these new federal offenses when related to a distinguished-service cross, a Navy cross, an Air Force cross, a silver star, or a Purple Heart. Such offenses carry the penalty of a fine or imprisonment up to one year, or both.

Committee Action: S. 1998 was introduced on September 8, 2006, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: S. 1998 has no CBO score.

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: S. 1998 has no committee report.

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H.R. 5076 — National Transportation Safety Board Amendments Act of 2006 — *as amended* (Young, R-AK)

Order of Business: The bill is scheduled for consideration on Tuesday, December 5, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation authorizing more than a ten percent increase in authorizations in any given year may not be considered by the House on the Suspension Calendar. This rule may be waived by a vote of the elected Leadership. H.R. 5076, which appears to authorize more than a ten percent increase in authorizations, has not received such a waiver from the elected Leadership.

Summary: H.R. 5076 authorizes \$81.6 million in FY07, \$100.0 million in FY08, and \$104.8 million in FY09, for the National Transportation Safety Board (NTSB).

The bill moves \$2 million from the Air Transportation Safety and System Stabilization fund to the emergency fund for unexpected accident investigation costs. H.R. 5076 authorizes appropriations to maintain the emergency fund at \$4 million.

H.R. 5076 strikes language relating to the NTSB Academy for training accident investigators, and amends the language of the law to allow the Board to collect fees, refunds, and reimbursements for services provided through the Board. The bill strikes the language relating to a separate report on the Academy's activities to incorporate the Academy report into the NTSB's annual report.

The bill expands the power of the NTSB to investigate accidents from investigating accidents on U.S. navigable waters and territorial seas to all waters subject to U.S. jurisdiction. Additionally, H.R. 5076 creates a new, staffed office to investigate and report on marine accidents.

H.R. 5076 removes a provision from current law requiring the NTSB to reimburse the Inspector General of the Department of Transportation for its oversight of NTSB activities.

The bill makes permanent the authority of the NTSB to contract for investigative services.

Finally, the bill directs the Secretary of Transportation to select the least costly alternative to improve runway safety after environmental review.

Additional Information: According to Committee Report [109-512](#), the NTSB's authorization expired September 30, 2006. Additionally, the H.R. 5076 provisions striking the language relating to the Academy, but still allowing the Board to recoup fees, refunds, and reimbursements for services rendered by the Board, is an attempt to reduce the amount of investigative resources used at the Academy.

Committee Action: H.R. 5076 was introduced on April 4, 2006, and referred to the Committee on Transportation and Infrastructure's Subcommittee on Aviation. The bill was marked-up and was ordered reported to the House by voice vote on April 5, 2006.

Cost to Taxpayers: CBO estimates that H.R. 5076 authorizes \$82 million in 2007; \$287 million over the 2007-2011 period. Additionally, CBO estimates that the bill will have no significant impact on direct spending.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill expands the power of the NTSB to investigate accidents from only on U.S. navigable waters and territorial seas to on or under all waters subject to U.S. jurisdiction. In addition, the bill creates a new, staffed office to investigate and report on marine accidents.

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

Constitutional Authority: Committee Report 109-512 cites constitutional authority for this legislation 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. 1674 — United States Tsunami Warning and Education Act — *as amended* (Boehlert, R-NY)

Order of Business: The bill is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating new programs may not be considered by the House on the Suspension Calendar. H.R. 1674, which creates four new programs, received such a waiver from the elected Leadership.

Summary: H.R. 1674 would direct the National Administrator of the National Oceanic and Atmospheric Administration (NOAA) **to establish a new program** to provide tsunami detection, forecasting, and warnings for the Pacific and Arctic Ocean regions and for the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico regions. The new program is to perform the following functions, among other functions described in the bill:

- operate the tsunami warning centers established by this legislation;
- utilize and maintain an array of robust tsunami detection technologies;
- maintain detection equipment in operational condition to fulfill the detection, forecasting, and warning requirements of this Act;
- provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities, including through the TsunamiReady program;
- maintain data quality and management systems to support the requirements of the program; and
- provide a capability for the dissemination of warnings to at-risk States and tsunami communities through rapid and reliable notification to government officials and the public, including utilization of and coordination with existing Federal warning systems.

H.R. 1674 would direct NOAA to maintain or establish the following:

- a Pacific Tsunami Warning Center in Hawaii;
- a West Coast and Alaska Tsunami Warning Center in Alaska; and
- any additional forecast and warning centers determined by the National Weather Service to be necessary.

H.R. 1674 would direct NOAA to enter into an arrangement with the National Academy of Science to review the tsunami detection, forecast, and warning program established by this bill, to address further modernization and coverage needs, as well as long-term operational reliability issues.

H.R. 1674 would direct the National Weather Service **to conduct a new community-based tsunami hazard mitigation program** to improve tsunami preparedness of at-risk areas in the U.S. and its territories.

H.R. 1674 would direct NOAA **to establish or maintain a new tsunami research program** to develop detection, forecast, communication, and mitigation science and technology for tsunami tracking and numerical forecast modeling.

H.R. 1674 would direct NOAA and the National Weather Service **to provide technical assistance and training** to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, “*as part of international efforts to develop a full functional global tsunami forecast and warning system.*” (*emphasis added*)

H.R. 1674 would authorize \$28 million for FY08, and \$159 million over five years to carry out the provisions of this legislation.

Possible Conservative Concerns: Some conservatives may be concerned that this bill authorizes \$159 million for the establishment of four new programs and three new tsunami warning centers.

Committee Action: H.R. 1674 was introduced on April 18, 2005, and was referred to the Committee on Science, which considered it, held a mark-up, and reported the bill, as amended, by voice vote on September 28, 2006.

Cost to Taxpayers: There is no CBO score available for H.R. 1674; however the bill creates four new programs and three new tsunami warning centers.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a four new program and three new tsunami warning centers.

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

Constitutional Authority: No Committee Report citing constitutional authority is available for H.R. 1674. 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.Res. 1089 — Honoring the life of Milton Friedman — *as introduced* (Stearns, R-FL and Garrett, R-NJ)

Order of Business: The resolution is scheduled for consideration on Wednesday, December 6, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1089 resolves that the House of Representatives:

- “mourns Doctor Friedman’s passing and expresses its deepest condolences to his family, including his widow Rose Friedman, who is herself an accomplished economist and was instrumental in coauthoring some of his major works; and
- “honors Doctor Friedman’s lifetime of achievements and recognizes his outstanding contributions to freedom, the study of economics, the United States of America, and the world.”

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

- “Milton Friedman earned a degree in economics from Rutgers University, and later earned a master’s degree from the University of Chicago and a doctorate degree from Columbia University;
- “Doctor Milton Friedman is widely regarded as the leader of the Chicago School of economics, and the developer of the theory of monetarism that stresses the central importance of the quantity of money as an instrument of government policy and as a determinant of business cycles and inflation;
- “Doctor Friedman’s writings and ideas have influenced Presidents, other world leaders, entrepreneurs, and students of economics, and he gave himself generously to public service as an economic adviser to Senator Barry Goldwater’s campaign for the presidency in 1964, Richard Nixon’s presidential campaign in 1968, the Nixon Administration, Ronald Reagan’s 1980 presidential campaign, and the Reagan Administration as a member of President Reagan’s Economic Policy Advisory Board;
- “Doctor Friedman is a 1976 Nobel Laureate economist and received the John Bates Clark Medal in 1951 honoring the top economists under the age of forty, the Grand Cordon of the First Class Order of the Sacred Treasure by the Japanese government in 1986, the Presidential Medal of Freedom in 1988, the National Medal of Science in 1988, and honorary degrees from universities in the United States, Japan, Israel, and Guatemala;
- “Doctor Friedman’s ideas were the model for the free market reforms undertaken in eastern European countries as they emerged from communist domination in the early 1990s, helping extend the blessings of prosperity to millions who had long been denied them;
- “Doctor Friedman will be remembered both as one of the most influential economists in history and as one of the twentieth century’s greatest heroes of freedom; and
- “Doctor Milton Friedman died on November 16, 2006, in San Francisco, California, at the age of 94 of heart failure.”

Additional Information: For more information about Milton Friedman, visit the [Milton and Rose D. Friedman Foundation](#)’s and the [Hoover Institute](#)’s websites.

Committee Action: The resolution was introduced Tuesday, December 5, 2006, and referred to the Government Reform Committee, which took no official action.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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

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H.Res. 1084—To honor the contributions and life of Edward R. Bradley—as introduced (*Brady, D-PA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, December 6th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 1084 would resolve that the House:

- “recognizes and honors the contributions of Edward R. Bradley as an award winning American journalist; and
- “expresses its deepest condolences upon his death to his wife, Patricia Blanchet, surviving family members, and friends.”

Additional Background: Edward Bradley was a famous CBS reporter and on-air correspondent for 60 Minutes for decades. For more biographical information on Bradley, visit this webpage: <http://www.biography.com/search/article.do?id=201304>.

Committee Action: On November 15, 2006, the resolution was introduced and referred to the Government Reform Committee, which took no official action.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

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