



**Legislative Bulletin.....December 7, 2006**

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**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 1

**Total Cost of Discretionary Authorizations:** at least \$3.4 billion over five years, \$20 million in FY2007

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** reduces mandatory spending by \$60 million over the 2007-2011 period.

**Total New State & Local Government Mandates:** 0

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 4

## **H.Res. 934 — Supporting the goals and ideals of Plan Ahead with an Advance Directive Week — *as introduced* (Gingrey, R-GA)**

**Order of Business:** The resolution is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 934 would declare that the House of Representatives:

- “supports the goals and ideals of Plan Ahead with an Advance Directive Week;
- “encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her family members and medical professionals and others as they honor his or her final wishes; and
- “encourages medical, civic, educational, religious, and other nonprofit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to end-of-life care are protected.”

The bill also lists the following findings:

- “life and death situations confront hundreds of thousands of persons within the United States each year due to life threatening illness or injury;
- “advance directives offer individuals the opportunity to discuss with loved ones and family members in advance and decide what measures would be appropriate for them when it comes to end-of-life care;
- “the preparation of an advance directive, would advise family members, medical providers, and other persons of how an individual would want to be treated in certain crisis situations;
- “to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive; and
- “the designation of the first week of April each year as Plan Ahead with an Advance Directive Week would give honor and respect to all persons as they make critical decisions about their end-of-life care and allow death with dignity according to their own decisions.”

**Additional Information:** An advance directive is a document signed by an adult (over the age of 18) that explains in detail the type of medical care and procedures you would like to have if you at some point you are unable to make that decision for yourself. In such a case, your doctor would use the advance directive as a guide for administering medical care. Another type of advance directive is the durable power of attorney for healthcare, in which you would name a patient advocate to communicate to the doctor what you wish regarding medical care. It is extremely important for all individuals to take the time to meet with an attorney and prepare an advance directive.

**Committee Action:** H.Res. 934 was introduced on July 20, 2006, and referred to the House Committee on Energy and Commerce, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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

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## **H.R. 864 — Sober Truth on Preventing Underage Drinking Act — *as received* (Roybal-Allard, D-CA)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

Note: The House passed H.R. 864 on November 14, 2006, by a vote of [373 - 23](#). The bill was then amended by the Senate, and the House is now considering the Senate version. H.R. 864 received a waiver from the elected Leadership in order to be considered on the suspension calendar in light of the three new programs created by the legislation.

**Summary:** H.R. 864 codifies the interagency coordinating committee focusing on underage drinking that had been operating informally since 2004 and directs the Secretary of Health and Human Services (HHS) to enhance the efforts of the committee. The committee's purpose is to coordinate federal policy and program development with respect to underage drinking. The committee is to report annually to Congress. Additionally, HHS is to report annually to Congress on the states efforts to prevent underage drinking. **H.R. 864 authorizes \$4 million over four years for the committee.**

H.R. 864 directs HHS to continue the Ad Council's national media public service announcements against underage drinking, and authorizes \$4 million for the campaign. The Secretary must also report annually on the Ad Council's efforts.

The bill **authorizes \$20 million over four years for the establishment of a new grant program**, which would award grants to entities eligible to receive grants under the Drug-Free Communities Act of 1997, "to design, test, evaluate and disseminate effective strategies to maximize the effectiveness of community-wide approaches to preventing and reducing underage drinking."

H.R. 864 authorizes \$20 million over four years, which would direct award grants to states, institutions of higher education, and nonprofit entities to prevent and reduce the rate of underage alcohol consumption and binge drinking among students at institutions of higher learning. This program was previously authorized through the Higher Education Act.

The bill **authorizes \$24 million over four years for a new research initiative** and directs HHS to research and compile data on underage drinking including the scope of the phenomena, and the involvement of alcohol in unnatural deaths of persons aged twelve to twenty years. HHS would be required to collect data and surveys on the identification of alcohol use and attitudes

about alcohol use during pre- and early adolescence, and the development and identification successful clinical treatments for youth with alcohol problems.

The bill requires that the HHS Secretary may only begin the new programs authorized in this bill once he has proved that they are not duplicative of existing programs.

**Possible Conservative Concerns: Some conservatives may be concerned that this bill creates two new federal programs, and further federalizes a function that was many view as a state or private-sector function.**

**Committee Action:** H.R. 864 was introduced on February 16, 2005, and the House passed the bill on November 14, 2006. The Senate passed the bill by unanimous consent, with an amendment, on December 6, 2006.

**Cost to Taxpayers:** A CBO score of H.R. 864 is unavailable. However, the bill authorizes appropriations of \$72 million over the 2007-2010 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill creates three new federal programs.

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

**Constitutional Authority:** As of press time, a Committee Report citing constitutional authority was not available for H.R. 864. 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. 5948 — Belarus Democracy Reauthorization Act of 2006 — *as amended* (Smith, R-NJ)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5948 would reauthorize U.S. assistance (at such sums as necessary) to the country of Belarus, through 2008. The bill states the following policy of the U.S. toward the country of Belarus:

- “to call upon the immediate release without preconditions of all political prisoners in Belarus;
- “to support the aspirations of the people of the Republic of Belarus for democracy, human rights, and the rule of law;

- “to support the aspirations of the people of the Republic of Belarus to preserve the independence and sovereignty of their country;
- “to seek and support the growth of democratic movements and institutions in Belarus, with the ultimate goal of ending tyranny in that country;
- “to refuse to accept the results of the fatally flawed March 19, 2006, presidential elections held in Belarus and support the call for new presidential elections;
- “to refuse to recognize any possible referendum, or the results of any referendum, that would affect the sovereignty of Belarus; and
- “to work closely with other countries and international organizations, including the European Union, to promote the conditions necessary for the integration of Belarus into the European community of democracies.”

H.R. 5948 would also authorize such sums as necessary for FY07 and successive years for radio and television broadcasting into Belarus.

The bill expresses the following sense of Congress regarding Belarus:

“It is the Sense of the Congress sanctions against the Lukashenka regime until the Government of Belarus has made significant progress in meeting several human rights conditions. Sanctions include:

- “denial of entry into U.S. of senior Belarusian officials and others involved in anti-democratic actions;
- “U.S. Government financing would be prohibited, except for humanitarian goods and agricultural or medical products;
- “Opposing non-humanitarian loans from international financial institutions to the Government of Belarus; and
- “Blocks assets owned by Belarusian Government senior leadership and others involved in anti-democratic actions or their surrogates, and prohibits transfers of property or transactions by US persons to the Belarusian Government, with humanitarian exception.”

**Additional Information:** According to the sponsor’s office, “The Belarus Democracy Act passed the House and Senate with overwhelming bipartisan support and was signed into law by President Bush in October 2004. Under the Lukashenka regime, Belarus continues to have the worst [human] rights record of any European state, earning the country the designation as Europe’s last dictatorship. Repression against the political opposition, non-governmental organizations, independent media, trade unions and religious communities has intensified. The regime maintains a virtual monopoly on information and the media. Presidential elections held on March 19 were widely condemned as falling far short of international democratic standards and were accompanied by intimidation and detentions as well as a show of force against peaceful demonstrators. Furthermore, a BDA-mandated report transmitted to Congress in March clearly indicates a pattern of Belarusian sales or delivery of weapons or weapons-related technologies to regimes of concern.”

**Committee Action:** H.R. 594 was introduced on July 27, 2006, and referred to the House Committees on International Relations, Judiciary, and Financial Services, none of which took any official action.

**Cost to Taxpayers:** As of press time, a cost estimate for H.R. 5948 was unavailable. However, in FY06 Congress appropriated \$11.8 million for democracy assistance to Belarus, and an estimated \$3.5 million for international broadcasting to Belarus (most of it to Radio Free Europe, Radio Liberty, which the FY07 RSC Budget proposed to eliminate).

**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:** As of press time, a Committee Report citing constitutional authority was not available for H.R. 5948. 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. 2370—Palestinian Anti-Terrorism Act—as received (Sen. McConnell, R-KY)**

**Order of Business:** The bill is scheduled to be considered on Thursday, December 7<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Note:** the House passed a similar bill (H.R. 4681) on May 23, 2006, by a vote of 361-37-9: <http://clerk.house.gov/cgi-bin/vote.asp?year=2006&rollnumber=181>. To see the RSC Legislative Bulletin on H.R. 4681, visit this webpage: [http://www.house.gov/pence/rsc/doc/LB\\_052206\\_Hamasfundingrevised1.doc](http://www.house.gov/pence/rsc/doc/LB_052206_Hamasfundingrevised1.doc).

**Summary:** S. 2370 would limit U.S. assistance to the Palestinian Authority. Highlights of the bill are as follows:

- Declares that it is the policy of the United States to:
  - “support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the “Roadmap”);
  - “oppose those organizations, individuals, and countries that support terrorism and violently reject a two-state solution to end the Israeli-Palestinian conflict;
  - “promote the rule of law, democracy, the cessation of terrorism and incitement, and good governance in institutions and territories controlled by the Palestinian Authority;
- and

--“urge members of the international community to avoid contact with and refrain from supporting the terrorist organization Hamas until it agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap.”

- Conditions future U.S. assistance to the Palestinian Authority on the U.S. President certifying that:

--“no ministry, agency, or instrumentality of the Palestinian Authority is effectively controlled by Hamas, unless the Hamas-controlled Palestinian Authority has

- (A) publicly acknowledged Israel’s right to exist; and
- (B) committed itself and is adhering to all previous agreements and understandings with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the “Roadmap”); and

--“the Hamas-controlled Palestinian Authority has made demonstrable progress toward

- (A) completing the process of purging from its security services individuals with ties to terrorism;
- (B) dismantling all terrorist infrastructure within its jurisdiction, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;
- (C) halting all anti-American and anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing educational materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;
- (D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and
- (E) ensuring the financial transparency and accountability of all government ministries and operations.”

- Requires (every six months) presidential recertifications that these conditions are being met.

- Allows the President to waive the Palestinian Authority funding limitations with respect to the following:

--the administrative and personal security costs of the Office of the President of the Palestinian Authority;

--the activities of the President of the Palestinian Authority to fulfill his or her duties as President, including to maintain control of the management and security of border crossings, to foster the Middle East peace process, and to promote democracy and the rule of law; and

--assistance for the judiciary branch of the Palestinian Authority and other entities.

- The waiver would have to be made with advance congressional consultation and only if such assistance is “in the national security interest of the United States.”
- Defines the Palestinian Authority to include “the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.”
- Conditions future U.S. assistance to nongovernmental organizations (NGOs) serving the West Bank and Gaza Strip upon the presidential certification detailed above.
- Provides the following exceptions to the NGO funding limitations:
  - the provision of food, water, medicine, sanitation services, or other assistance to directly meet basic human health needs;
  - the promotion of democracy, human rights, non-violence, freedom of the press, and other such assistance that does not directly benefit a terrorist organization;
  - salaries or salary supplements of non-Hamas members of the Palestinian Legislative Council so they can attend programs for developing democratic institutions; and
  - “other types of assistance,” subject to presidential certification that such assistance “is in the national security interests of the United States” and advance consultation with Congress.
- Provides for U.S. Comptroller General oversight of such NGO funding and directs the Secretary of State to take “all appropriate steps” to ensure that such NGO assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.
- Prohibits the NGO funds from being used for recognizing or otherwise honoring individuals or the families of individuals who commit, or have committed, acts of terrorism.
- Directs USAID to provide for independent audits of all funds to NGOs serving the West Bank and Gaza. (Allocates \$1 million for each of fiscal years 2007 and 2008 for the audits.)
- Denies visas for officials of the Hamas-led Palestinian Authority (or any representative thereof) during any period when the presidential certification above is not in effect (except for the President of the Palestinian Authority, his personal representatives, or members of the Palestinian Legislative Council—if unaffiliated with Hamas).
- Directs the President to restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization who are stationed at the UN in New York City to a 25-mile radius of the UN headquarters building during any period when the presidential certification above is not in effect. Such restrictions would



not apply to the President of the Palestinian Authority, or his personal representatives—if unaffiliated with Hamas.

- Makes it illegal to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority during any period when the presidential certification above is not in effect (enforced by the Justice Department and subject to a presidential “vital” national security waiver).
- Requires the President to direct the U.S. Executive Director at each international financial institution to use the “voice, vote, and influence” of the United States to prohibit assistance to the Palestinian Authority during any period when the presidential certification above is not in effect. Exceptions to prohibited assistance would include assistance to provide basic human needs (e.g. food, water, medicine) and assistance to promote democracy, human rights, freedom of the press, etc.
- Prohibits State Department funds from being used for any officer or employee of the U.S. Government to negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, unless and until such organization:
  - recognizes Israel’s right to exist;
  - renounces the use of terrorism;
  - dismantles the infrastructure necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and
  - recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestinian Authority.
- Creates a \$20 million (FY2007) Israeli-Palestinian Peace, Reconciliation, and Democracy Fund to support, through Palestinian and Israeli organizations, the promotion of democracy, human rights, freedom of the press, and non-violence among Palestinians, and peaceful coexistence and reconciliation between Israelis and Palestinians.
- Requires that the Secretary of State report annually to Congress on the steps that have been taken by the U.S. Government to ensure that other countries and international organizations, including multilateral development banks, do not provide direct assistance to the Palestinian Authority for any period for which a presidential certification above is not in effect and on any countries and international organizations, including multilateral development banks, that are providing direct assistance to the Palestinian Authority during such a period, and the nature and amount of such assistance.

**Additional Background:** The United States has provided hundreds of millions of dollars in assistance to the Palestinian over the last 13 years or so, most of which was indirect aid. In just the last two years, the U.S. gave no less than \$425 million in assistance to the Palestinian government, Palestinian nongovernmental organizations, and non-Palestinian-based contractors or grantees of USAID.

Hamas has long been known as a terrorist organization that proudly takes credit for the murders of innocent Israelis, Americans, and non-combatants of dozens of other nations. In January 2006, Hamas won a significant majority of seats in the Palestinian legislature.

In February 2006, Congress passed S.Con.Res. 79 (by unanimous consent in the Senate and by 418-1 in the House: <http://clerk.house.gov/evs/2006/roll010.xml>), expressing a sense of Congress that no United States assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within it maintains a position calling for the destruction of Israel.

Hamas, the Arabic acronym for the “Islamic Resistance Movement,” has openly and repeatedly called for the destruction of Israel and the creation of “Palestine” as an Islamic state.

**Committee Action:** The bill was not referred to a House committee and is instead being held at the desk.

**Administration Position:** A formal Administration position is unavailable, though it is likely this bill, which is a softer version of the House bill, was negotiated with the State Department.

**Cost to Taxpayers:** A CBO cost estimate is unavailable. The bill explicitly authorizes \$20 million in FY2007 (for the creation of a new fund). Otherwise, this bill should not directly impact the federal budget (though it could result in decreased spending subject to appropriation in future years).

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill would create one new fund.

**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.

**Outside Organizations:** AIPAC supports this legislation.

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

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**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 as a reduction in 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:** A committee report for S. 3722 is not available.

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**H.R. 6345 — To make a conforming amendment to the Federal Deposit Insurance Act with respect to examinations of certain insured depository institutions — *as introduced* (Bachus, R-AL)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6345 would modify the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(10)) by increasing the asset threshold, from \$250 million to \$500 million, for eligibility for an 18-month examination cycle for well-capitalized, well-managed institutions with a rating of “outstanding.” Therefore, more banks would qualify as “small institutions” for the 18-month cycle (instead of 12-month) under this regulation change.

**Additional Information:** According to the sponsor’s office, increasing the current threshold “gives the regulators more flexibility of focus on troubled institutions while still examining well-capitalized, well-managed institutions at least once every 18 months.”

**Committee Action:** H.R. 6345 was introduced on December 5, 2006, and referred to the Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 6345 is unavailable, but the bill does not authorize new expenditures.

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

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

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

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

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## **H.R. 5697 — Federal Wildland Firefighter Classification Act — *as introduced* (Pombo, R-CA)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5697 would direct the Office of Personnel Management to ensure (in their role of governing federal government position classifications) that the official title assigned to any class or other category of positions regarding forest technicians and related categories must include the designation of “Wildland Firefighter or words to that affect.” The bill also states that nothing in this Act may be considered to require any change in pay, benefits, or other terms or conditions of employment with respect to the affected positions.

**Committee Action:** H.R. 5697 was introduced on June 28, 2006, and referred to the Committee on Government Reform the same day. The next day, the bill was marked-up reported to the House by unanimous consent.

**Cost to Taxpayers:** CBO estimates that HR 5697 would have “no significant impact on the federal budget. Any costs to change the salary and benefits of these employees would be subject to future legislation. Enacting 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.

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. \_\_\_\_ — Office of National Drug Control Policy Reauthorization Act of 2005 — *as introduced* (Souder, R-IN)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill, as amended

**Note:** The House passed a very similar bill, H.R. 2829, on March 9, 2006 by a vote of 399 - 5 ([Roll no. 38](#)). The Senate has not acted on H.R. 2829, but the language on H.R. \_\_\_\_ represents an agreement with the Senate.

**Summary:** H.R. \_\_\_\_ would reauthorize the Office of National Drug Control Policy (ONDCP). Highlights of the bill are as follows:

- Permanently reauthorizes the Office of National Drug Control Policy (the authorizations for ONDCP expired after FY2003).
- Authorizes “such sums as may be necessary” in ONDCP appropriations for FY2007-FY2011.
- Amends the definition of “demand reduction” activities in current law (i.e. activities such as treatment and prevention aimed at mitigating the demand for illegal drugs) to include drug testing of employees, interventions for drug abuse and dependence, and international coordination and cooperation to implement demand reduction policies.
- Clarifies the existing definition of the “National Drug Control Program” to include all federal activities involving “supply reduction, demand reduction, or State and local affairs.”

- Amends the definition of “State and local affairs” to include both domestic drug enforcement and intelligence, as well as facilitating federal, state, and local cooperation on drug intelligence.
- Amends the definition of “supply reduction” to include law enforcement activities outside the United States and other programs in countries from which illegal drugs originate.
- Clarifies the definition of drug “law enforcement” to include not just investigation and arrest, but also prosecution, incarceration, and other punishments of drug offenders.
- Clarifies the current responsibilities of the ONDCP Director to require the use of specific goals and performance measures to evaluate the national drug control policy.
- Provides that the ONDCP Director would have the same rank and status as the heads of the other executive departments. [This would not affect the make-up of the President’s Cabinet necessarily but would allow the Director to interact as an equal with the other executive department heads.]
- Directs the ONDCP Director to 1) coordinate with the private sector to promote private research and development of medications to treat drug addiction and 2) seek the support and commitment of state and local officials in the formulation and implementation of the National Drug Control Strategy.
- Prohibits the ONDCP Director from certifying the adequacy of any drug control program budget request that:
  - fails to adequately compensate for transfers of drug enforcement resources to non-drug related activities;
  - requests funding for border activities that do not adequately address drug interdiction;
  - requests funding for drug treatment activities that do not provide results and accountability measures;
  - requests funding for drug treatment activities that do not adequately support and enhance federal drug treatment programs and capacity;
  - requests funding for the Department of Education drug control programs that do not follow reporting requirements concerning expedited consideration of student loan applications from improperly denied students; or
  - requests funding for management and operations of the Department of Homeland Security without including a specific request for funding for that Department’s Office of Counternarcotics Enforcement.
- Instructs the Director to submit a report to the President each year assessing whether major drug transit or production countries are fully cooperating with the United States and whether certain procedures provided for in the amended law, with respect to countries not fully cooperating, should be applied.

- Expands the Director’s duties to include new duties relating to treatment research and the coordination of efforts to assist state and local efforts against drug trafficking.
- Requires that any drug budget request made by a federal agency include all drug control activities of that agency, including demand reduction, supply reduction, and state and local affairs.
- Directs ONDCP to submit to Congress two separate, comprehensive strategies to address the threat of heroin coming from South America (in particular Colombia and Peru), and Afghanistan.
- Requires that the Director regularly craft, with the concurrence of the Director of National Intelligence, a new General Counterdrug Intelligence Plan to improve coordination, and eliminate unnecessary duplication, among the counterdrug intelligence centers, information sharing systems, and other counterdrug activities of the federal government.
- Instructs the Director to submit to Congress a comprehensive strategy addressing drug trafficking at the Southwest Border between the United States and Mexico.
- Increases the level of detail required for the National Drug Control Strategy.
- Authorizes the High Intensity Drug Trafficking Area Program as follows:
  - FY2006: \$280 million
  - FY2007: \$290 million
  - FY2008: \$290 million
  - FY2009: \$300 million
  - FY2010: \$300 million
- Requires that the Secretary of Homeland Security be consulted before designating a High Intensity Drug Trafficking Area, the criteria for which are increased in the bill. The ONDCP would be required to submit, as part of each annual budget proposal to Congress, a spending plan indicating the specific amount proposed to be spent on each High Intensity Drug Trafficking Area. Allows for an incidental amount of resources in this program to be used for terrorism investigations.
- Earmarks “at least \$7,000,000” in High Intensity Drug Trafficking Area Program funds for use in qualified areas with “severe neighborhood safety and illegal drug distribution problems.” [This section of the bill contains findings about the retaliatory firebombing of a woman’s home in Baltimore after she notified police about illegal drug distribution in her neighborhood.]
- Changes the title of the ONDCP’s “Director of Technology” to “Chief Scientist” and gives him explicit authority to oversee and coordinate a technology transfer program to

state and local law enforcement. Instructs the Chief Scientist to give priority to drug enforcement technologies affecting southern and northern border operations.

- Reauthorizes the national youth antidrug media campaign, yet implements new restrictions of funds (including a \$1.5 million annual cap on creative services, subject to a \$500,000 extension) in an “urgent” situation. Requires the ONDCP Director to test nearly all advertisements to ensure they are effective and meet industry-accepted standards (including independent evaluation by an outside entity).
- Requires that 77% of the amounts appropriated for the media campaign be used for the purchase of advertising time and space. This limit would change to 82% when less than \$125 million is appropriated for the program, and to 72% when more than \$195 million is appropriated for the program. Prohibits funding for advertising not containing a primary message intended to prevent illegal drug use or encourage private-sector support for the media campaign. Prohibits express advocacy in support of, or to defeat, any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal. Encourages the Director to use the media campaign to emphasize the prevention of youth marijuana use.
- Authorizes a total of \$60 million over three years to create **two new awards programs** for demonstration programs by local partnerships to shut down illegal drug-market hot-spots and to convince chronic hard-drug users to abstain from such abuse.
- Requires that each advertisement or other communication paid for by ONDCP, either directly or through a contract awarded by ONDCP, would have to include a prominent notice informing the target audience that the advertisement or other communication is paid for by ONDCP.
- Requires that any policy of the ONDCP Director relating to needle exchange programs for intravenous drug users be “based on the best available medical and scientific evidence regarding their effectiveness in promoting individual health and preventing the spread of infectious disease, and their impact on drug addiction and use” (in consultation with the National Institutes of Health and the National Academy of Sciences).

**Additional Background:** As the House Government Reform Committee writes on its website:

Congress created the ONDCP in 1988 to be the primary shaper, coordinator and proponent of Federal policies targeted at reducing the impact of drug abuse and its consequences in our society and communities. The Director of the ONDCP, popularly known as the “Drug Czar,” advises the President on drug control policy and strategy, reviews and certifies the budgets of national drug control programs and works to ensure their effective coordination.

**Possible Conservative Concerns:** As noted above, the **bill creates at least two new programs and authorizes \$3.382 billion over five years.**



**Committee Action:** H.R. \_\_\_\_ will be introduced on December 7, 2006, and likely referred to the following committees: Government Reform, Judiciary, Energy and Commerce, and House Intelligence.

**Administration Position:** The Administration issued a Statement of Administration Policy (SAP) on H.R. 2829 (the original House-passed bill), stating “The Administration supports reauthorization of the Office of National Drug Control Policy (ONDCP), which is crucial to reducing drug use in the United States.” <http://www.whitehouse.gov/omb/legislative/sap/109-2/hr2829sap-h.pdf>.

**Cost to Taxpayers:** According to a CBO score of H.R. 2829 (the Judiciary Committee version), the bill would authorize \$657 million in FY07, and a total of **\$3.382 billion over the FY07-FY11 period**. In FY2006, \$479 million was appropriated for the programs administered by the ONDCP.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill would create two new programs and expand certain ONDCP authorities.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** CBO confirms that this bill contains no mandates on state governments, local governments, or the private sector.

**Constitutional Authority:** Although no report is available for H.R. \_\_\_\_, the Judiciary Committee, in House Report 109-315 Part III, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause of authority. 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. 733 — Expressing the sense of the House of Representatives that there should be established an Irish-American Heritage Month — *as introduced (Ryan, D-OH)***

**Order of Business:** The bill is scheduled for consideration on Wednesday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 733 would resolve that it is the sense of the House of Representatives that:

- 1) an Irish-American Heritage Month should be established; and
- 2) the people of the United States should observe such a month with appropriate ceremonies, celebrations, and activities.

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

- “by 1776, nearly 300,000 people had emigrated from Ireland to the United States;
- “at least 8 signers of the Declaration of Independence were of Irish ancestry;
- “19 Presidents of the United States proudly claim Irish heritage, including the first President, George Washington;
- “at least 263 recipients of the Congressional Medal of Honor proudly claim Ireland as their birthplace, making Irish-born individuals the largest group of foreign-born recipients of the prestigious honor;
- “Irish-American social reformer Elizabeth Cady Stanton successfully championed women's voting rights, which were granted in 1920 by the 19th amendment to the Constitution;
- “more than 44 million American citizens are of Irish descent;
- “each year, on March 17th, the United States and its citizens humbly observe St. Patrick’s Day in honor of the patron saint of Ireland; and
- “the Irish and their descendants have toiled throughout the existence of the United States, contributing significantly to the enrichment of all aspects of life in this Nation, including military and public service, science, education, agriculture, industry, dance, music, theatre, film, literature, visual composition, business, technology, athletics, and leadership”

**Committee Action:** H.Res. 733 was introduced on March 16, 2006, and referred to the Committee on Government Reform, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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

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## **H.Con.Res. 343 — Recognizing the 50th anniversary of the Commission on Independent Colleges and Universities — *as introduced* (Boehlert, R-NY)**

**Order of Business:** The resolution is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 343 resolves, “that Congress recognizes the Commission on Independent Colleges and Universities for 50 years of service and contributions to higher education and higher education public policy.”

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

- “the Commission on Independent Colleges and Universities is a voluntary consortium of more than 100 nonprofit, private institutions of higher education located in New York;

- “the Commission on Independent Colleges and Universities was founded in 1956 to develop a consensus among a diverse membership of independent institutions of higher education and to advance higher education public policy;
- “the Commission on Independent Colleges and Universities represents 109 member campuses with more than 450,000 enrolled students, including 300,000 residents of New York;
- “the Commission on Independent Colleges and Universities produces several informative publications for students, parents, and schools about member colleges and universities, college admissions, and financial aid;
- “the Commission on Independent Colleges and Universities is one of the largest organizations of independent sector institutions of higher education in the world; and
- “the member institutions of the Commission on Independent Colleges and Universities provide access to high quality education and opportunity for hundreds of thousands of students.”

**Committee Action:** H.Con.Res. 343 was introduced on February 15, 2006, and referred to the Committee on Education and the Workforce’s Subcommittee on 21<sup>st</sup> Century Competitiveness, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

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

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## **H.R. 6206 — Truman Scholarship Fund Modernization Act — *as introduced* (English, R-PA)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6206 amends the Harry S Truman Memorial Scholarship Act by striking law requiring the Secretary of the Treasury to invest all funds appropriated for the memorial scholarship in interest bearing investments, and giving the Secretary the ability to sell those investments.

The bill directs the Secretary of the Treasury to invest all funds appropriated for the scholarship at the binding request of the Board. H.R. 6206 directs the Secretary to sell the investments at the request of the Board.

The bill allows the federal government to issue its investment devices to the scholarship fund directly. H.R. 6206 requires federal securities to be redeemed at par value plus interest, while all other investments are to be redeemed at market value.

**Committee Action:** H.R. 6206 was introduced on September 27, 2006, and referred to the Committee on Education and the Workforce's Subcommittee on 21<sup>st</sup> Century Competitiveness, which took no official action.

**Cost to Taxpayers:** As of press time, a formal CBO score was not available. According to the committee, CBO informally scored the bill as having an insignificant 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:** No committee report is available for H.R. 6206.

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**H.R. 6375 — To amend title 10, United States Code, to require the Secretary of Defense to submit to Congress an annual report and to provide notice to the public on congressional initiatives in funds authorized or made available to the Department of Defense — *as introduced* (Souder, R-IN)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6375 directs the Secretary of Defense to submit an annual report to Congress on “congressional initiatives applicable to funds authorized or made available for the Department of Defense for” each fiscal year. The report is to be made publicly available on the internet. Each congressional initiative is to be given a grade of A, B, C, D, or F.

The bill defines congressional initiatives as provisions of law, directives contained within a joint explanatory statement, or a conference report that specifies the identity of an entity or project for which funds are authorized and was not requested by the President. In essence, the bill requires the Department of Defense to submit a report card to Congress each year grading earmarks.

**Additional Information:** According to the sponsor's office, “the Defense Spending Report Card Act does not require Congress to act on the Pentagon's evaluation, it does provide Members of Congress with better information about the usefulness of each initiative to the mission of our Armed Services. It will also increase the transparency of our defense spending process and increase the accountability of bureaucrats who would otherwise not be forthcoming with information about waste, fraud, and abuse.” Additionally, “this measure will greatly

increase transparency for members of congress and the American public, and will increase the accountability of bureaucrats who would otherwise not be forthcoming with information about waste, fraud, and abuse.”

**Committee Action:** H.R. 6375 was introduced on December 5, 2006, and referred to the House Committee on Armed Services.

**Cost to Taxpayers:** A CBO score for H.R. 6375 is unavailable.

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

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

**Constitutional Authority:** A committee report for H.R. 6375 is unavailable.

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**S. 3759 — A bill to name the Armed Forces Readiness Center in Great Falls, Montana, in honor of Captain William Wylie Galt  
— *as received* (Sen. Burns, R-MT)**

**Order of Business:** The bill is scheduled for consideration on Thursday, December 7, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 3759 designates The Armed Forces Readiness Center in Great Falls, Montana, as the “Captain William Wylie Galt Great Falls Armed Forces Readiness Center.”

**Additional Information:** “Captain William Galt was awarded the medal of Honor for gallantry above and beyond the call of duty. Captain Galt, at a particularly critical period following two unsuccessful attacks by his battalion, of his own volition went forward and ascertained just how critical the situation was. He volunteered, at the risk of his life, personally to lead the battalion against the objective. When the lone remaining tank destroyer refused to go forward, Captain Galt jumped on the tank destroyer and ordered it to precede the attack. As the tank destroyer moved forward, followed by a company of riflemen, Captain Galt manned the .30-caliber machinegun in the turret of the tank destroyer, located and directed fire on an enemy 77 millimeter anti-tank gun, and destroyed it. Nearing the enemy positions, Captain Galt stood fully exposed in the turret, ceaselessly firing his machinegun and tossing hand grenades into the enemy zigzag series of trenches despite the hail of sniper and machinegun bullets ricocheting off the tank destroyer. As the tank destroyer moved, Captain Galt maneuvered it so that 40 Germans were trapped in one trench. When they refused to surrender, Captain Galt pressed the trigger of the machinegun and dispatched every one of them. A few minutes later an 88 millimeter shell struck the tank destroyer and Captain Galt fell mortally wounded across his machinegun. He had personally killed 40 Germans and wounded many more.”

(source: [http://www.homeofheroes.com/moh/citations\\_1940\\_wwii/galt.html](http://www.homeofheroes.com/moh/citations_1940_wwii/galt.html))

**Committee Action:** S. 3759 was introduced on December 5, 2006, and referred to the Committee on Armed Services, which took no official action.

**Cost to Taxpayers:** The only costs associated with an Armed Forces Readiness Center 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 12 of the Constitution grants Congress the authority to raise and support armies, and Article I, Section 8, Clause 18, the necessary and proper clause, grants Congress the power to make all laws necessary and proper to raise and support armies.

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