



**Legislative Bulletin.....June 18, 2008**

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

**Total Number of New Government Programs:** 3

**Total Cost of Discretionary Authorizations:** \$45 million in FY 2009 and \$208 million over the FY 2009—2013 period

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** Increased \$300,000 annually

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

**Total New Private Sector Mandates:**

**Number of Bills Without Committee Reports:** 2

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

## **H.R. 5680—To amend certain laws relating to Native Americans, and for others purposes (*Grijalva, D-TX*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5680 would make a number of changes to current law regarding seven distinct Indian tribes and Native Alaskans. The bill's specific measures are listed below.

**Colorado River Tribes:** The bill would provide mandatory annual payments to Colorado River Indian tribes in return for proceeds from electrical power produced by the Bureau of Indian Affairs' (BIA) operation of a power system on the Colorado River Reservation. The payments, which would not be subject to appropriation, would be between \$200,000 and \$350,000 each year and would be paid from receipts that the BIA receives from operating the power system. The receipts would be used by the Colorado River Indian Tribes to create the Office of the Colorado Indian Tribes Reservation Energy Development.

**Gila River Indian Community Contracts:** H.R. 5680 would allow the Gila River Indian Tribe to enter into binding arbitration regarding construction contracts on their reservation in Arizona. Under current law, the tribe may only enter into binding arbitration concerning commercial land leases.

**Sault Ste. Marie Tribe of Chippewa:** H.R. 5680 would authorize the Sault Ste. Marie Tribe of Chippewa Indians in Northern Michigan to transfer land that is not held in trust without the approval of the Secretary of the Interior. The provision, which concerns lands donated by the tribe for the construction of a new hospital in St Ignace, Michigan, would apply retroactively to 2005, when the land was transferred from the tribe to the Mackinac Straits Hospital Authority.

**Morongo Tribe Lease Extension:** The bill allows the Morongo Band of Mission Indians in California to enter into to lease contracts on their reservation for periods of up to 50 years. Under current law, the tribe is only authorized to enter into leases of up to 25 years. The tribe believes that it will be more successful developing industrial production facilities on the reservation with a longer lease period.

**Cow Creek Band Leasing Authority:** The bill allows the Cow Creek Band of Umpqua Indians in Oregon to enter into to lease contracts on their reservation for periods of up to 99 years. Under current law, the tribe is only authorized to enter into leases of up to 25 years.

**Native Alaskan Common Stock Settlement:** H.R. 5680 would amend the Alaska Native Claims Settlement Act (ANCSA) to allow Alaskan Regional Development Corporations to transfer stock payments to shareholders' descendants, elderly Native Alaskans, or others who have been left out of the stock distribution. Stock given to shareholder's descendants, elderly Native Alaskans, or others who have been left out would be cancelled when the stockholder died, and no payment would be made to the stockholders' estate.

*Miccosukee Indiana Tribe*: Finally, the bill would place land owned by the Miccosukee Tribe in Florida into trust. The land is near, but not adjacent to, the tribe's reservation, and contains the Miccosukee Golf and Country Club. According to the Natural Resources Committee, "the entire application, including environmental studies, is complete and has been pending for 5 years."

**Committee Action**: H.R. 5680 introduced on April 4, 2008, and referred to the Committee on Natural Resources. On May 14, 2008, a mark-up was held and the bill was reported, as amended, by unanimous consent.

**Cost to Taxpayers**: According to CBO, H.R. 5680 would increase direct spending by \$300,000 annually to make payments to Colorado River Indian Tribes to fund the Office of the Colorado Indian Tribes Reservation Energy Development.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill increases direct spending for payments to Colorado Indian Tribes with electrical production on their reservation that is used by the federal government. The bill would also increase the amount of land that is held in trust by the U.S. government.

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on Natural Resources, in [House Report 110-692](#), "H.R. 5680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI."

**Constitutional Authority**: The Committee on Natural Resources, in [House Report 110-692](#), cites constitutional authority in Article 1, Section 8, 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. 4179—Fair, Accurate, Secure, and Timely Redress Act of 2008** *(Clarke, D-NY)*

**Order of Business**: The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary**: H.R. 4179 would require the Department of Homeland Security (DHS) to expand its appeal and redress process for removing individuals from the terrorist watch list and database if the individual believes that they have been mistakenly listed.

The bill would require the Secretary of Homeland Security to establish a “timely and fair” appeal process for individuals who believe that they were wrongly barred or delayed while boarding a commercial plane because they were mistakenly identified as a threat on any terrorist watch list. H.R. 4179 would also establish the Office of Appeals and Redress within DHS to implement the appeal process that the Secretary establishes.

H.R. 4179 would require the Secretary, as part of the appeal process, to maintain and disseminate a “comprehensive cleared list” of individuals who: 1) were misidentified on any terrorist watch list, 2) completed an approved DHS appeal and redress, or 3) permit multiple federal departments to use their personal information for the purpose of being included on the comprehensive cleared list.

The Secretary would be required to the list to the Transportation Security Administration (TSA) and all other “appropriate offices” to quickly resolve misidentifications across a wide scope of agencies. Appropriate offices under the bill would include federal, state, local, and tribal entities, as well as domestic and foreign air carriers that use a terrorist watch list.

H.R. 4179 would authorize the Secretary to enter into agreements with other federal, state, local, and tribal entities to verify an individual’s identity and personal information. The bill would also authorize the Secretary to work with the same entities to ensure that the comprehensive cleared list is widely considered when assessing the security risk of an individual.

The bill requires the Secretary, in conjunction with the Chief Privacy Officer of DHS, to establish criteria to ensure that personally identifiable information of individuals on any of DHS’ lists is kept private and secure. H.R. 4179 would also stipulate that the DHS may only retain a cleared individual’s personal identification as long as is necessary to assist the individual in the appeal and redress process.

In addition, the measure would require DHS to provide written material to air passengers to inform them how they may begin the appeal and redress process in the event that they mistakenly appear on the terrorist watch list.

The bill would require the Secretary to report to Congress within 240 days of the enactment of H.R. 4179 on the status of information sharing among departments and entities that use the terrorist watch list or database.

**Additional Background:** The U.S. government maintains terrorist watch lists and databases in order to identify individuals who pose a terrorist threat. Since the attacks of September 11, those lists have been referenced by commercial airlines to prevent potential terrorists from attacking airlines. The Transportation Security Administration (TSA) and commercial airlines uses two distinct lists to distinguish suspected terrorist threats from other passengers. Individuals whose information appears on the “No Fly” list are not allowed on commercial planes and are dealt with by TSA and law enforcement officers. Individuals who appear on the “Selectee” list are subject to additional screening before entering a commercial plane. In 2003, President Bush consolidated the 12 government-wide terrorist lists into on database that can be shared with state and local governments as well as commercial airlines. The Terrorist Screening Center, which

maintains the central list, reports that there are more than 850,000 individual records within the database. The federal government is currently working with TSA to takeover the process by which passenger manifests are screened against the terrorist watch list in order to lessen the security burden on airlines and centralize terrorist information.

According to the Terrorist Screening Center, there have been more than 50,000 cases of individuals being mistakenly detained or delayed as a result of being improperly identified on a terrorist watch list. Individuals who are inadvertently placed on the list are given the ability to appeal for redress and have their names removed from the list. According to GAO, 100,000 individuals have been removed from the list since it was consolidated in 2003. As a result of the Implementing 9/11 Commission Recommendations Act of 2007, DHS has established the Traveler Redress Inquiry Program to assist individuals who have been incorrectly delayed or detained because they were mistakenly included on the terrorist watch list. The Traveler Redress Inquiry Program process adds individuals that have been granted redress to the TSA's comprehensive cleared list. According to the Committee on Homeland Security, in [House Report 100-686](#), "the cleared list is not being shared with other Departmental components and other Federal agencies and partners." H.R. 4179 is an attempt to broaden departmental access the cleared list and speed up the appeal process for mistakenly delayed passengers.

**Committee Action:** H.R. 4179 was introduced on November 14, 2007, and was referred to the Committee on Homeland Security Subcommittee on Transportation Security and Infrastructure Protection. On May 1, 2008, the subcommittee held a mark-up and discharged the bill on May 20, 2008. The same day the full committee held a mark-up and reported the bill, as amended, by unanimous consent.

**Cost to Taxpayers:** According to CBO, H.R. 4179 would cost approximately \$3 million in FY 2009 and \$500,000 each year thereafter, subject to appropriation.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on Homeland Security, in [House Report 100-686](#), the bill "contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI."

**Constitutional Authority:** The Committee on Homeland Security, in [House Report 100-686](#), cite constitutional authority in Article 1, Section 8, Clause 1, "which grants Congress the power to provide for the common Defense of the United States."

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## **H.R. 5982—Biometric Enhancement for Airport-Risk Reduction Act of 2008** *(Thompson, D-MS)*

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5982 would require the Secretary of Homeland Security to conduct a study on how airports can implement uniform biometric identification systems for employees that have unfettered access to secure or sterile areas within an airport. The purpose of the study would be to enhance transportation security against a potential act of terrorism by an airport employee. In conducting the study, the Secretary would be required to use risk-based analysis to determine where the implementation of biometric identification systems could most benefit airports.

The bill would require the Secretary to submit a report to Congress on the results of the study within 270 days of the enactment of H.R. 5982. H.R. 5982 would also require the Secretary to identify the best practices for administering biometric identification credentials for airport employees. The Secretary would be obligated to determine the best practices for registration and enrollment, risk assessment, issuance, verification and use, expiration and revocation, and acquisition of biometric identification credentials. The Secretary would have to submit a report regarding the best approach to implementing a biometric identification program within one year.

Finally, H.R. 5982 would require the Secretary to convene a working group to assist the Department of Homeland Security carryout the study.

**Additional Background:** According the Committee on Homeland Security, in [House Report 110-688](#), a 2007 inquiry that took place at O'Hare Airport in Chicago found that hundreds of employees used false identification when obtaining their credentials. In addition, the investigation found that the Chicago Department of Aviation had improperly disposed of personal identification information while administering its credentials system, which led to false credentials being given to some airport employees. Some credentials included incorrect social security numbers, names, and dates of birth. Since the Chicago investigation was reported, many international airports, including many in Canada and the United Kingdom, began to implement biometric identification systems for airport workers. Once complete, these systems will identify airport employees using biometric credentials that identify individual-specific characteristics such as fingerprints, voice patterns, eye retinas, and hand measurements to authenticate employees' identity. H.R. 5982 would require the Department of Homeland Security to begin studying how similar identification standards could be implemented in U.S. airports.

**Committee Action:** H.R. 5982 was introduced on May 7, 2008, and was referred to the Committee on Homeland Security. On May 20, 2008, the committee held a mark-up and reported the bill, as amended, by unanimous consent.

**Cost to Taxpayers:** According to CBO, H.R. 5982 would cost approximately \$1 million in FY 2009 and \$250,000 in each year thereafter, subject to appropriation.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on Homeland Security, in [House Report 110-688](#), the bill “contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.”

**Constitutional Authority:** The Committee on Homeland Security, in [House Report 110-688](#), cite constitutional authority in Article 1, Section 8, Clause 1, “which grants Congress the power to provide for the common Defense of the United States.”

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## **H.R. 5909—Catching Operational Vulnerabilities by Ensuring Random Testing Act of 2008 (*Lowey, D-NY*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5909 would amend the Aviation and Transportation Security Act of 2001 to prohibit giving certain airport personnel advanced notice of covert security screening tests.

The measure would require that the Secretary of Homeland Security ensure that information regarding a covert test of transportation security systems that is being carried out by the Government Accountability Office (GAO) or the Inspector General of the Department of Homeland Security (DHS IG) is not provided to any other individual prior to the test.

H.R. 5909 would make an exception for employees, officers, and contractors of federal, state, and local governments at the discretion of the Assistant Secretary of Homeland Security, the DHS IG, or the Comptroller General (CG) of GAO. The bill would also allow an individual conducting a covert test to disclose that a test is being conducted if it is necessary to ensure the security of an individual.

H.R. 5909 establishes a requirement that every individual or group conducting a covert test of an airport security system be accompanied by a “cover team.” The purpose of the cover team is to monitor the test and to ensure the security of any individuals where the test is being conducted and the identity of the individual conducting the test. The Transportation Security Administration (TSA) would not be required to have a cover team present while conducting tests of equipment used to screen persons or carry-on items.

Finally, the bill would require the DHS to conduct a study on the impact of the new security measures within 270 days of the enactment of H.R. 5909.

**Additional Background:** The Department of Homeland Security (DHS) and the Government Accountability Office (GAO) conduct secret tests of airport security systems around the country on a regular basis. According to Congressional Quarterly, the Transportation Security Administration's (TSA) Office of Inspection has conducted 22,000 covert security tests in more than 850 airports around the nation. The purpose of the tests is to detect security lapses that may allow terrorists to harm commercial airline passengers and report them to airport officials.

According to the Committee on Homeland Security, in [House Report 110-687](#), there have been recent incidents that suggest that individuals were given advanced notice of upcoming covert security tests. With advanced knowledge of upcoming covert tests, airport employees have the opportunity to temporarily cover-up potential security deficiencies, which could be exploited by terrorists in the future. The Committee on Homeland Security reported multiple instances where the DHS Inspector General (DHS IG) found airports compromising covert security tests by tracking inspectors with security cameras and altering employees when an inspector was approaching. In other instances the DHS IG reported that certain airports had been notified about inspections by TSA days prior to the covert test. H.R. 5909 would make it illegal for individuals to notify security screeners or airports of a covert test in advance.

**Committee Action:** H.R. 5909 was introduced on April 24, 2008, and was referred to the Committee on Homeland Security. On May 20, 2008, the committee held a mark-up and reported the bill, as amended, by unanimous consent.

**Cost to Taxpayers:** According to CBO, H.R. 5909 would “have no significant impact on the federal budget.”

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

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Committee on Homeland Security, in [House Report 110-687](#), the bill “contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.”

**Constitutional Authority:** The Committee on Homeland Security, in [House Report 110-687](#), cite constitutional authority in Article 1, Section 8, Clause 1, “which grants Congress the power to provide for the common Defense of the United States.”

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**H. Res. 1150—Expressing the sense of the House of Representatives that the Transportation Security Administration should, in accordance with the congressional mandate provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007, enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines**  
*(Jackson-Lee, D-TX)*

**Order of Business:** H. Res. 1150 is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1150 would express the sense that the Transportation Security Administration should:

- “Continue to enhance security against terrorist attack and other security threats to our Nation's rail and mass transit lines, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53);
- “Continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing against explosives threats to our Nation's rail and mass transit lines;
- “Improve upon the success of the Online Learning Center by providing increased person-to-person professional development programs to ensure those responsible for securing against terrorist attacks on our transportation systems are highly trained in both securing against terrorist attacks and professional relations with the traveling public; and
- “Continue to secure our Nation’s mass transit and rail lines against terrorist attack and other security threats, so as to ensure the safety of commuters on our Nation’s mass transit lines and prevent the disruption of rail lines critical to our Nation's economy.”

The resolution lists numerous findings, including:

- “The Transportation Security Administration is uniquely positioned to lead the efforts to secure our Nation’s rail and mass transit lines from the threat of terrorism as a result of expertise developed through over five years of securing our Nation’s commercial air transportation system;
- “The successes of the Transportation Security Administration’s National Explosives Detection Canine Team Program has furthered the Transportation Security Administration's ability to provide security against terrorist attacks on the Nation’s transportation systems by preventing and protecting against explosives threats;
- “Each weekday 11,300,000 passengers depend on our Nation’s mass transit lines as a means of transportation, and mass transit lines serve as an enticing target for terrorists as evidenced by the March 11, 2004, attack on the Madrid, Spain, mass transit system, the July 7, 2005, attack on the London, England, mass transit system, and the July 11, 2006, attack on the Mumbai, India, mass transit system; and
- “Securing our Nation’s rail and mass transit lines from terrorist attack and other security threats is essential due to their impact on our Nation’s economic stability and the continued functioning of our national economy.”

**Committee Action:** H. Res. 1150 was introduced on April 24, 2008, and was referred to the House Committee on Homeland Security Subcommittee on Transportation Security and Infrastructure Protection. On May 1, 2008, the subcommittee held a mark-up and eventually discharged the resolution on May 20, 2008. The same day the full committee held a mark-up and reported the resolution, as amended, by unanimous consent.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 4749—National Bombing Prevention Act of 2008 (King, R-NY)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4749 would establish the Office of Bombing Prevention within the Department of Homeland Security (DHS). The Office would be the primary department within DHS for enhancing the ability and coordination the efforts of the U.S. to deter, detect, prevent, and protect against terrorist explosive attacks.

Among a variety of other responsibilities, the Office would be required to maintain a national database on the capabilities of bomb squads around the country. In addition, the Office would be responsible for maintaining a secure information system that allows sharing of information regarding possible explosive terrorist attacks. H.R. 4749 would authorize the appropriation of \$10 million in FY 2009, \$25 million in each fiscal year from FY 2010 through FY 2012, and “such sums as may be necessary for each subsequent fiscal year.”

The measure would require the DHS to participate with other federal, state, and local agencies, organizations and universities, to develop a pilot program that includes a domestic breeding program for explosive detecting dogs. The bill would stipulate that DHS must develop the program within 270 days of the enactment of H.R. 4749.

H.R. 4749 would require the Secretary of Homeland Security to develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the U.S. Under the bill, the Secretary would have to develop the initial strategy within 90 days of enactment.

The bill would establish an information transfer program that would require the Secretary, working with any relevant federal departments or agencies, to coordinate information sharing regarding non-military research and technology related to the detection and prevention of explosive terrorist attacks in the U.S. The Secretary would also be required to establish a

transfer program to facilitate the identification and commercialization of technology and equipment that can be used by government and private sector entities to deter, detect, prevent, and respond to terrorist attacks in the U.S.

Finally, the bill would amend the Implementing the Recommendations of the 9/11 Commission Act of 2007 by requiring the Government Accountability Office (GAO) to conduct studies on the utilization of explosive detection canine teams by the Transportation Security Administration (TSA) and other DHS agencies in detecting explosives devices

**Additional Background:** According to the Committee on Homeland Security, in [House Report 110-689](#), many different federal agencies are currently responsible for detecting and preventing terrorist threats from explosive devices, which are among the most frequently used terrorist weapons around the world. The Office of Bombing Prevention was initially created by the Department of Homeland Security (DHS) in 2002 in order to coordinate federal efforts to deter, detect, and prevent terrorist explosive attacks in the U.S. Though the Office of Bombing Prevention received appropriated funding in the Department of Homeland Security Appropriations Act of FY 2008, it has not been statutorily authorized by Congress. H.R. 4749 would permanently authorize the Office of Bombing within the DHS to coordinate and carryout federal cooperative programs to prevent explosive terrorist attacks in the U.S.

**Committee Action:** H.R. 4749 was introduced on December 17, 2007, and referred to the Committee on Homeland Security Subcommittee on Transportation Security and Infrastructure Protection. On May 1, 2008, the committee held a mark-up and discharged the bill. On May 20, 2008, the full committee held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 4749 would authorize \$10 million in FY 2009 and \$111 million over the FY 2009—FY2013 period, subject to appropriation.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According the Committee on Homeland Security, in [House Report 110-689](#), the bill “contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.”

**Constitutional Authority:** The Committee on Homeland Security, in [House Report 110-689](#), cite constitutional authority in Article 1, Section 8, Clause 1, “which grants Congress the power to provide for the common Defense of the United States.”

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## **H.R. 1333— Civil Air Patrol Homeland Security Support Act of 2007 (Dent, R-PA)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1333 would require that the Comptroller General of the United States conduct a study of the functions and capabilities of the Civil Air Patrol to support the homeland security missions of State, local, and tribal governments and the Department of Homeland Security.

The bill directs that the report show how the Civil Air Patrol may provide assistance to the Secretary of Homeland Security, other Federal agencies, and States to support homeland security missions by:

- (1) “providing aerial reconnaissance or communications capabilities for border security;
- (2) “providing capabilities for collective response to an act of terrorism, natural disaster, or other man-made event, by assisting in damage assessment and situational awareness, conducting search and rescue operations, assisting in evacuations, transporting time-sensitive medical or other materials; or
- (3) “such other activities as may be determined appropriate by the Comptroller General in the conduct of this review.”

**Additional Background:** According to the [Civic Air Patrol](#)'s website, the organization is a nonprofit 501(c)(3) corporation that acts as an auxiliary of the U.S. Air Force. They have more than 56,000 members, including 22,000 cadets aged 12-21. They encompass eight geographic regions and have their National Headquarters at Maxwell Air Force Base in Alabama. They maintain the world's largest fleet (530) of single-engine, piston aircraft and have the nation's most extensive communications network. In addition, they own and operate 1,000 emergency services vehicles ready for use by the U.S. government. Among their daily operations, they claim to:

- Perform 90 percent of nation's inland search and rescue;
- Save 75 lives on average per year;
- Conduct aerial reconnaissance for homeland security;
- Provide disaster relief and damage assessment;
- Provide transport for time-sensitive medical materials;
- Provide counter-narcotic missions.

**Committee Action:** H.R. 1333 was introduced on March 6, 2007, and referred to the Committee on Homeland Security, as well as the Committee on Transportation and Infrastructure. Both Committees held a markup of the bill and reported it, as amended, by unanimous consent and voice vote, respectively.

**Cost to Taxpayers:** According to CBO, “Based on the costs of similar studies, CBO estimates that it would cost less than \$1 million in fiscal year 2009 for GAO and DHS to complete the reports required by the bill, subject to the availability of appropriated funds. Enacting the bill would not affect direct spending or revenues.”

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill requires a new study to be conducted.

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the House Committee on Transportation, in [Committee Report 110-691](#), “H.R. 1333 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives.”

**Constitutional Authority:** According to the House Committee on Transportation, in [Committee Report 110-691](#), the Committee cites constitutional authority in Article 1, Section 8, but does not 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. 2631— Nuclear Forensics and Attribution Act (*Schiff, D-CA*)

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2631 expresses the sense of Congress that the President should:

- “pursue bilateral and multilateral agreements to establish an international framework for determining the source of any confiscated nuclear material or weapon, as well as the source of any detonated weapon and the nuclear material used in such a weapon;
- “develop protocols for the dissemination of sensitive information relating to nuclear materials and samples of controlled nuclear materials to the extent required by such agreements; and
- “develop expedited protocols for the dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.”

Furthermore, the bill also amends the Homeland Security Act of 2002 to include within the mission of the Domestic Nuclear Detection Office to develop methods to attribute nuclear or radiological material to its source when such material is intercepted by the United States, foreign governments, or international bodies or dispersed in the course of a nuclear terrorist attack or

other nuclear or radiological explosion. The bill would require the Office to establish a National Nuclear Forensics Expertise Development Program which would:

- be “devoted to developing and maintaining a vibrant and enduring academic pathway from undergraduate to post-doctorate study in nuclear and geochemical science specialties directly relevant to technical nuclear forensics, including radiochemistry, geochemistry, nuclear physics, nuclear engineering, materials science, and analytical chemistry; and
- “shall make available for undergraduate study student scholarships, with a duration of up to four years per student, which shall include,
  - “at least one summer internship at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student’s undergraduate career; make available for graduate study student fellowships, with a duration of up to five years per student,
  - “at least two summer internships at a national laboratory or appropriate Federal agency in the field of technical nuclear forensics during the course of the student’s graduate career; and
  - “shall require each recipient to commit to serve for two years in a post-doctoral position in a technical nuclear forensics-related specialty at a national laboratory or appropriate Federal agency after graduation;
- “make available to faculty awards, with a duration of three to five years each, to ensure faculty and their graduate students a sustained funding stream; and
- “place a particular emphasis on reinvigorating technical nuclear forensics programs, while encouraging the participation of undergraduate students, graduate students, and university faculty from historically Black colleges and universities, Hispanic-serving institutions, and Tribal Colleges and Universities.”

The bill also requires an annual report to be submitted to Congress on the activities carried out by programs listed above.

The bill lists the following findings:

- 1) “The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of the weapon, there could be little forensic evidence except the radioactive material in the bomb itself.
- 2) “Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, pre-detonation forensics is a relatively undeveloped field. The post-detonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.
- 3) “A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators.

Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

- 4) “In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.
  - a) “Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples--often the preferred method of sample acquisition has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.
  - b) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.
- 5) “Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.
- 6) “In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.”

The bill authorizes \$30 million for each of the fiscal years 2009, 2010, and 2011.

**Conservative Concerns:** Some conservatives may be concerned that this bill authorizes \$90 million over three fiscal years to fund scholarship programs in nuclear science.

**Committee Action:** H.R. 2631 was introduced on June 7, 2007, and referred to the Committee on Homeland Security, as well as the Committee on Foreign Affairs. The Committee on Homeland Security held a markup of the bill on October 31, 2007 and reported the bill, as amended, by voice vote. On June 11, 2008, the Committee of Homeland Security reported the bill as amended.

**Cost to Taxpayers:** According to CBO, “CBO estimates that implementing the bill would cost \$90 million over the 2009-2013 period, subject to appropriation of the authorized amounts. Enacting H.R. 2631 would not affect direct spending or revenues.”

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill requires a new study to be conducted and new programs to be initiated under the “National Nuclear Forensics Expertise Development Program” at the Department of Homeland Security.

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the House Committee on Homeland Security, in [Committee Report 110-708](#), “this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of the rule XXI.”

**Constitutional Authority:** According to the House Committee on Homeland Security, in [Committee Report 110-708](#), the Committee finds that the Constitutional authority for this legislation is provided in Article I, section 8, clause 1, which grants Congress the power to provide for the common Defense of the United States.

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## **H. Res. 1230—Condemning postelection violence in Zimbabwe and calling for a peaceful resolution to the current political crisis (*Payne, D-NJ*)**

**Order of Business:** H. Res. 1230 is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1230 would express that the House of Representatives

- “calls on all security forces, informal militias, and individuals to immediately cease attacks on and abuse of civilians;
- “strongly condemns the orchestrated campaign of violence, torture, and harassment conducted by the ruling party and its supporters and sympathizers in the police and military against members of the opposition, opposition parties, and all other civilians;
- “supports an international arms embargo until the current political situation has been resolved;
- “encourages the government and opposition to begin a dialogue aimed at establishing a government of national unity which would allow for the restoration of democratic governance structures, and create an environment conducive to a peaceful transition of power through free and fair elections;
- “advocates for a mechanism such as a truth and reconciliation commission through which to ensure accountability for all groups and individuals who are found to have orchestrated or committed human rights violations in the context of the elections;
- “urges the United Nations, with the cooperation and support of the African Union (AU) and Southern African Development Community (SADC) to dispatch a special envoy to Zimbabwe without delay, with a mandate to monitor the runoff elections and the human rights situation, and to support efforts to find a peaceful resolution to the political crisis;

- “urges the international community, under the leadership of the United Nations, AU, SADC, and the SADC Parliamentary Forum, to deploy teams of credible persons to serve as monitors to ensure that the outcome of the presidential runoff elections reflects the will of the Zimbabwean people;
- “commends the people of Zimbabwe for their continued courage in the face of systematic persecution, intimidation, and abuse, and commits to providing continued humanitarian assistance until the economic crisis is resolved;
- “commends the recent actions taken by regional trade unions, churches, activists, and civil society organizations in support of democracy and respect for basic human rights and the rule of law in Zimbabwe, and encourages these entities to maintain their activities; and
- “stands in solidarity with the people of Zimbabwe.”

The bill lists numerous findings, including the following:

- “the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by President Robert Mugabe, has controlled Zimbabwe’s executive and legislative branches for 28 years;
- “over the past 8 years, ZANU-PF has suppressed political dissidents and won elections and referendums through the use of vote rigging, localized violence, harassment, and intimidation;
- “the political and economic situation in Zimbabwe has been worsening since 2000, culminating in the current electoral crisis;
- “Presidential and Parliamentary elections were held in Zimbabwe on March 29, 2008;
- “the Zimbabwe Election Commission (ZEC) released the results for the 2008 presidential election 5 weeks after the contest took place, announcing President Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai of the opposition party, Movement for Democratic Change (MDC), won 47.8 percent of the vote;
- “as the ZEC announced neither candidate won over 50 percent of the vote, the 2 candidates have to compete in a runoff election;
- “the long delay in announcing the presidential election results undermined the credibility of the ZEC;
- “the Zimbabwean people have indicated through the ballot box that they want a change in leadership;
- “ in the wake of the elections, President Mugabe has unleashed security forces and militia against opposition supporters and members of civil society;
- “over 900 people have been tortured and beaten, and 22 have been confirmed dead;
- “government security forces raided the MDC party headquarters, arresting 300 people, some of them children;
- “the offices of the Zimbabwe Election Support Network have been raided and some of its employees detained;
- “security forces have attacked humanitarian organizations and civil society groups;
- “the African Union (AU) and Southern African Development Community (SADC) have been continually engaged in efforts to bring about an end to the political crisis in Zimbabwe;

- “the AU and SADC dispatched delegations to Harare, but have not yet successfully compelled the Government of Zimbabwe to restore the rule of law;
- “Zimbabwe’s gross domestic product declined about 43 percent between 2000 and 2007 and the unemployment rate is 80 percent;
- “Zimbabwe’s inflation rate, at almost 165,000 percent, is the highest in the world and has contributed significantly to the country’s economic collapse;
- “worsening economic conditions and commodity shortages have caused at least 3,000,000 people to flee the country;
- “after the March 29, 2008, elections the opposition offered to enter into a dialogue to bring about an end to the ensuing political crisis;
- “all parties must engage constructively towards peace and reconciliation for the sake of the Zimbabwean people; and
- “the people of Zimbabwe deserve the assistance of the international community in the restoration of fundamental human rights, democratic freedom, and the rule of law.”

**Background:** For additional information on this issue, please see the following articles:

[Kenya’s Odinga Calls for End to Mugabe’s Rule in Zimbabwe](#)

[Zimbabwe’s Opposition Leader Is Released After Fifth Arrest](#)

[U.S. Urges UN Security Council to Discuss Zimbabwe’s Crisis](#)

**Committee Action:** H. Res. 1230 was introduced on May 22, 2008 and referred to the House Committee on Foreign Affairs, which took no further action.

**Cost to Taxpayers:** The resolution does not authorize 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.

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**H. Res. 1270—Commending the efforts of those who sought to block an international arms transfer destined for Zimbabwe, where the government has unleashed a campaign of violence and intimidation against members of the political opposition, and for other purposes (Ros-Lehtinen, R-FL)**

**Order of Business:** H. Res. 1270 is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1270 would express that the House of Representatives

- “recognizes and commends the efforts of southern African trade unions, religious leaders, and advocacy groups to raise awareness about the possible weapons transfer to Zimbabwe as part of a campaign to address the worsening political, economic, and humanitarian crisis in Zimbabwe;
- “recognizes and commends the efforts of those southern African governments which denied access through their national territories for a weapons shipment destined to be received by a regime that continues to perpetuate gross human rights violations against its own citizens;
- “urges the United States to continue to work with African governments and multilateral institutions to compel Robert Mugabe’s regime to respect the will of its citizens and find a peaceful and timely solution to the current political standoff; and
- “urges the Permanent Representative of the United States at the United Nations to advocate for an international moratorium on all shipments of arms, weapons, and related goods and services to Zimbabwe until the current political crisis has been resolved and democracy, human rights, and the rule of law are respected by the Government of Zimbabwe.”

The bill lists numerous findings, including the following:

- “following the conduct of presidential and parliamentary elections on March 29, 2008, Zimbabwe’s liberator-turned-despot, Robert Mugabe, unleashed a campaign of terror and intimidation against opposition members, supporters, and other civilians in a desperate attempt to cling to power;
- “human rights groups have documented numerous incidents of state-sponsored political violence in Zimbabwe in recent years, and substantial political violence and human rights violations committed by government agents accompanied parliamentary elections in 2000 and 2005, and the presidential election in 2002;
- “reports from the region indicate that the Mugabe regime intends to continue this well-established pattern of state-sponsored and targeted violence and intimidation in the run-up to a second round of voting on June 27, 2008;
- “the Zimbabwe Human Rights NGO Forum documented 586 incidents of torture, 855 incidents of assault, and 19 incidents of politically-motivated abductions and kidnappings in 2007 alone;
- “Freedom House declared the Mugabe regime to be one of ‘the world’s most repressive’;
- “Human Rights Watch reported on April 19, 2008, that the Mugabe regime had established a network of informal detention centers to beat, torture, and intimidate political opponents and other civilians;
- “following the March 29 elections in Zimbabwe, a Chinese vessel, the An Yue Jiang, arrived in South Africa carrying a shipment of weapons for the Zimbabwean Defense Force that reportedly included 3,000,000 rounds of AK-47 ammunition, 1,500 rocket-propelled grenades, and 3,000 mortar bombs and tubes;
- “the delivery of such arms would only further degrade the security situation in Zimbabwe, which has already been compromised, as the materiel are likely to be used by government security forces and militias to further abuse, torture, and kill members of the political opposition and other civilians;

- “the dock and freight workers of the South African Transport and Allied Workers Union refused to unload the shipment or transport its cargo;
- “the International Transport Workers’ Federation (ITF) called for an international boycott of the vessel, stating, ‘There’s no prospect of there being a sudden external invasion of Zimbabwe. And so it is very difficult for anyone to conclude that this ammunition is likely to be used for anything other than to take action against opposition groups’;
- “the Congress of Southern African Trade Unions joined in the call by the ITF and others for an international boycott of the vessel;
- “the High Court of the South African port city of Durban blocked the reported weapons transfer and ordered South African authorities to prevent the vessel’s passage through South African waters;
- “press reports suggest that other governments in the region, including those of Mozambique and Tanzania also denied the vessel permission to dock at their ports;
- “while Beijing has denied that the shipment reached its destination, speculation on the possible surreptitious delivery of weapons to Harare continues;
- “the United States has been vocal in its condemnation of the atrocities and violence in Zimbabwe, and has implemented targeted financial and travel sanctions against select members of the Mugabe regime and others who ‘have engaged in actions or policies to undermine Zimbabwe’s democratic processes or institutions’;
- “in violation of the Vienna Convention, American diplomats and officials from other embassies in Harare have been repeatedly harassed by elements of the Mugabe regime in retaliation for their repeated protests against the ongoing state-sponsored campaign of terror ahead of the June 27 presidential runoff election, including the detention of the American ambassador’s vehicle for several hours on May 13, 2008, and the detention of 5 American embassy staff and 2 local embassy workers on June 5, 2008; and
- “Congress expressed its opposition to the Mugabe regime’s undemocratic policies in the Zimbabwe Democracy and Economic Recovery Act of 2001, and other subsequent legislation.”

**Background:** For additional information on this issue, please see the following articles:

[Civil Society Groups File Petitions for Weapons Transfer Moratorium on Zimbabwe](#)

[African NGOs urge regional arms freeze on Zimbabwe](#)

**Committee Action:** H. Res. 1270 was introduced on June 12, 2008 and referred to the House Committee on Foreign Affairs, which took no further action.

**Cost to Taxpayers:** The resolution does not authorize 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.

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**H. Res. 1127—Condemning the endemic restrictions on freedom of the press and media and public expression in the Middle East and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press**  
*(Ackerman, D-NY)*

**Order of Business:** H. Res. 1150 is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 1150 would express the sense that the House of Representatives:

- “Strongly condemns the endemic restrictions on freedom of the press and expression in the Arab world and the concurrent and widespread presence of anti-Semitic material, Holocaust denial, and incitement to violence in the Arab media and press;
- “Deplores the methods and practices utilized by the governments in the Middle East to exert control over the press, and on public expression, including:
  - (A) “Overt censorship;
  - (B) “Intimidation and harassment of reporters, editors, and publishers by government agents, and through manipulation of the civil courts;
  - (C) “Assaults by government agents on journalists and political activists;
  - (D) “Arbitrarily enforced press and emergency laws; and
  - (E) “Extra-legal restrictions on the kinds of topics which may be addressed either in public or in private;
- “Expresses deep concern that many of the same Arab governments to which United States has turned for assistance in ending the Israeli-Palestinian conflict, are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to promulgate insidious, incendiary and poisonous speech regarding Israel and the Jewish people that makes United States efforts to help resolve the Arab-Israeli conflict all the more difficult;
- “Affirms the unshakeable belief of the American people in the universal right of all persons to freely and peaceably express themselves, to publish and advocate for their nonviolent beliefs, and to petition their government for redress of their grievances; and
- “Calls on the President, the Secretary of State, and all United States ambassadors to Arab countries to consistently protest the lack of freedom of thought and expression, and to advocate for the importance of free speech and a free press as essential components of development and political reform.”

The resolution lists numerous findings, including:

- “A free press and the right of free expression are both fundamental, universal human rights and are essential to making governments accountable to the people from whom their powers are derived;

- “The nations of the Middle East, with Israel being the sole exception, suffer profound deficits when compared to the global community with regard to both measures of human development and measures of human freedom and dignity;
- “The Middle East is a region of vital national security interest to the United States and the twin deficits in human freedom and human development negatively affect United States efforts to resolve the Arab-Israeli conflict and to stabilize the region for the benefit of all;
- “The extensive restrictions on speech and expression in the Arab world are uniquely counterposed by the space left open by Arab governments for grotesque anti-Semitism, Holocaust denial, incitement to violence, and glorification of terrorism;
- “The exception from censorship and restrictions on expression for certain kinds of hate speech are not only exploited by government proxies, but often even by Arab governments themselves, including states that nominally prohibit racial, religious, or ethnic hate speech;
- “In the Middle East, where the press is generally not free, where there are rules for what can and cannot be said, the persistent promulgation of hate-speech indicates an obvious and dangerous form of state endorsement; and
- “Many of the same Arab governments to which the United States has turned for assistance in ending the Israeli-Palestinian conflict, are themselves responsible for using their government-owned, government-sanctioned, or government-controlled publishing houses and media to promulgate stories of imaginary Israeli massacres, Jewish blood-libels, alleged Israeli medical experiments on Palestinian children, and to produce Arabic translations of anti-Semitic tracts such as, The Protocols of the Elders of Zion and Mein Kampf.”

**Committee Action:** H. Res. 1127 was introduced on April 22, 2008, and was referred to the Committee on Foreign Affairs, which held a mark-up on April 30, 2008, and reported the resolution, as amended, by unanimous consent.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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**H. Con. Res. 350—Expressing the sense of the Congress that the United States, through the International Whaling Commission, should use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling, and seek to strengthen the conservation and management measures to facilitate the conservation of whale species, and for other purposes (*Rahall, D-WV*)**

**Order of Business:** H. Con. Res. 350 is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H. Res. 350 would express that it is the sense of Congress that the United States, through the International Whaling Commission, should--

- “use all appropriate measures to end commercial whaling in all of its forms, including scientific and other special permit whaling, coastal whaling, and community-based whaling;
- “oppose any initiative that would result in any new, Commission-sanctioned coastal or community-based whale hunting, even if it is portrayed as noncommercial, including any commercial whaling by any coastal communities that does not qualify as aboriginal subsistence whaling; and
- “seek to strengthen conservation and management measures to facilitate the conservation of whale species.”

The bill lists numerous findings, including the following:

- “79 nations have adopted the International Convention for the Regulation of Whaling (the Convention), which established the International Whaling Commission (the Commission) to provide for the conservation of whale stocks;
- “the Commission has adopted a moratorium on commercial whaling in order to conserve and promote the recovery of whale stocks, many of which had been hunted to near extinction by the whaling industry;
- “the United States was instrumental in the adoption of the moratorium, and has led international efforts to address the threat of commercial whaling for more than 3 decades;
- “despite the moratorium, 3 Commission member nations continue to kill whales for financial gain, disregarding the protests of other Commission members, and since the moratorium entered into force have killed more than 25,000 whales including over 11,000 whales killed under the guise of scientific research;
- “whaling conducted for scientific purposes has been found to be unnecessary by the majority of the world’s cetacean scientists because nonlethal research alternatives exist;
- “the member nations of the Commission have adopted numerous resolutions opposing and calling for an end to scientific whaling, most recently in 2007 at the annual Commission meeting in Anchorage, Alaska;
- “commercial whaling in any form, including scientific and other special permit whaling, coastal whaling, and community-based whaling, undermines the conservation mandate of the Convention and impairs the Commission’s ability to function effectively;
- “proposed coastal whaling is commercial, unless conducted under the aboriginal exemption to the moratorium; and
- “the majority of Americans oppose the killing of whales for commercial purposes and expect the United States to use all available means to end such killing.”

**Conservative Concerns:** Some conservatives may be concerned that this resolution may express that it is the sense of Congress that whaling be prohibited in the U.S.

**Committee Action:** H. Con. Res. 350 was introduced on May 14, 2008 and referred to the House Committee on Foreign Affairs, which took no further action.

**Cost to Taxpayers:** The resolution does not authorize 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.

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## **H.R. 6276—Public Housing Disaster Relief Act of 2008 (*Cazayoux, D-LA*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6276 would repeal section 9(k) of the United States Housing Act of 1937, which requires the Secretary of the Department of Housing and Urban Development (HUD) to set-aside up to 2% of Public housing Capital and Operating Funds annually for emergency reserve purposes. HUD is authorized to use set-aside emergency reserve funds to make grants to public housing providers in connection with housing emergencies and disaster response and any housing needs resulting from the settlement of litigation.

**Additional Information:** Under current law, section 9(k) authorizes the Secretary of the Department of Housing and Urban Development (HUD) to use set-aside money in the Public Housing Capital Fund or the Public Housing Operating Fund to make emergency housing grants to public housing providers. The Secretary is not authorized to set-aside more than 2% of the total amount made available to the funds in any fiscal year. The Federal Emergency Management Administration (FEMA) also gives disaster funding to public housing providers through section 406 of the Stafford Act, but has been reluctant to grant funding to housing providers that receive grants from HUD's emergency disaster reserve fund. According to the Committee on Financial Services' Republican staff:

FEMA has resisted providing supplemental disaster assistance funding to Public Housing Authorities (PHAs) through section 406 of the Stafford Act where Congress has already separately allocated specific appropriations for disaster relief. PHAs that are eligible for separate federal disaster assistance grants or disaster funding through section 9(k) of the Housing Act have thus been unable to obtain additional funding from the Stafford Act that they would otherwise be eligible for. On June 4, the Housing Subcommittee held a hearing on the responsibilities of HUD and FEMA in responding to affordable housing needs after a natural disaster. At the hearing, HUD testified that one potential solution to the disaster funding shortfalls for PHAs would be the permanent repeal or amendment of Section 9(k).

**Committee Action:** H.R. 6276 was introduced on June 17, 2008, and referred to the House Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 6276 was not available at press time.

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A committee report citing compliance with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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## **Senate Amendments to H.R. 634—American Veterans Disabled for Life Commemorative Coin (*Moore, D-KS*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, June 18, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** The Senate Amendment to H.R. 634 would stipulate that the design of the coins should be “emblematic of the service of our disabled veterans who, having survived the ordeal of war, made enormous personal sacrifices defending the principles of our democracy.”

The House-passed version of H.R. 634 stated that the design of the coins should be “emblematic of the design selected by the Disabled Veterans’ LIFE Memorial Foundation of the American Veterans Disabled for Life Memorial.”

**Additional Background:** H.R. 634, the American Veterans Disabled for Life Commemorative Coin Act, originally passed in the House on May 15, 2007, by a vote of 416-0. The bill would direct the Secretary of Treasury to mint and issue no more than 350,000 \$1 dollar coins in 2010 to commemorate the sacrifice of American veterans who have been disabled for life. The coins would be sold with surcharge of \$10, with proceeds from the sale of the coin going to the Disabled Veterans’ LIFE Memorial Foundation for the purpose of constructing a Memorial for permanently disabled veterans in Washington D.C. The read the RSC’s original legislative bulletin for H.R. 634, [click here](#).

**Committee Action:** The amendment to the House-passed version of H.R. 634 was passed in the Senate on June 10, 2008, by unanimous consent. The following day, the amendment was sent to the House, which took no official action.

**Cost to Taxpayers:** According to CBO, H.R. 634 requires that the Secretary of Treasury recoup the total cost of producing the commemorative coin before disbursing excess revenue to the Disabled Veterans' LIFE Memorial. CBO estimates that the "requirement would be met and that receipts from the surcharges would be transferred to the memorial foundation in fiscal year 2012."

**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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A committee report citing compliance with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits was not available.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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