

## Legislative Bulletin.....February 3, 2009

### Contents:

- H.R. 748** - Campus Safety Act of 2009
- H.R. 738** - Deaths in Custody Reporting Act
- H.Res. 82** - Raising Awareness and Encouraging Prevention of Stalking by Establishing January 2009 as National Stalking Awareness Month
- H.Res. 102** - Supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week
- H.R. 553** - Reducing Over-Classification Act
- H.R. 559** - Fair, Accurate, Secure, and Timely Redress Act
- H.R. 549** - National Bombing Prevention Act

---

---

### **H.R. 748—Campus Safety Act of 2009 (Scott, D-VA)**

**Order of Business:** The bill is scheduled to be considered on February 3, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 748 is the same bill that passed the House in the 110<sup>th</sup> Congress (H.R. 6838) on September 27, 2008 by voice vote (see RSC [110th Leg Bulletin](#)). The bill would establish a National Center for Campus Public Safety within the Office of Community Oriented Policing Services. The Director would be authorized to make grants to higher education and non-profit agencies to carryout the center’s functions. The bill would authorize \$2.7 million annually through FY 2013 to fund the program.

Grants would be awarded to entities that:

- “Provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;
- “Foster quality research to strengthen the safety and security of the institutions of higher education in the United States;
- “Serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

- “Develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and manmade emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;
- “Promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;
- “Coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;
- “Increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States; and
- “Develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies.”

**Committee Action:** H.R. 748 was referred to the House Committee on Judiciary, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 748 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 rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

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

**RSC Staff Contact:** Natalie Farr; [natalie.farr@mail.house.gov](mailto:natalie.farr@mail.house.gov); 202-226-0718.

**H.R. 738—Death in Custody Reporting Act of 2009 (*Scott, D-VA*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 3, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 738 is similar to H.R. 3971, which passed in the 110<sup>th</sup> Congress by voice vote. The bill would require states receiving certain federal prison funds to make quarterly reports to the Attorney General regarding the death of any person detained by the state at the time of their death. The report must include:

- the name, gender, race, and age of the deceased;
- the date, time, and location of death;
- the law enforcement agency that detained or arrested the deceased; and
- a brief description of the events surrounding the death.

Each state would be required to comply with the bill's stipulations within 120 days of enactment. States that failed to comply would have the amount of their federal funds for prisons reduced by ten percent. H.R. 738 would require that any funds withheld from a state as a result of noncompliance be reallocated to compliant states. The bill would require the Attorney General to conduct a study to determine how the information can be used to reduce prison deaths. Additionally, it would require each federal law enforcement agency to submit a report to the Attorney General regarding deaths of prisoners or those on the way to prisons.

**Changes from bill in the 110<sup>th</sup>:** The new bill requires that states comply with the bill within 120 days of enactment. The bill in the 110<sup>th</sup> required compliance within 30 days. H.R. 738 includes additional reporting requirements on the deaths of prisoners by federal law enforcement agencies to the Attorney General.

**Additional Background:** The legislation passed by unanimous consent in the 110<sup>th</sup> Congress. According to [House Report 110-512](#) (from the 110<sup>th</sup> Congress), no federal requirement for reporting deaths of prisoners existed before the enactment of the Death in Custody Reporting Act of 2000. The Committee on the Judiciary reports that the lack of information regarding the circumstances surrounding prisoners' deaths "made oversight of prisoner treatment inadequate at the very least." The lack of uniform reporting regulations makes it difficult to collect standard and consistent information regarding the number and types of deaths in prison annually. H.R. 738 attempts to apply a uniform and regulated accounting procedure to all prisoners' deaths in order to improve the safety of the prison system nationwide.

**Committee Action:** H.R. 738 was introduced on January 28, 2009 and was referred to the House Committee on the Judiciary, which took no official action. In the 110<sup>th</sup> Congress, similar legislation (H.R. 3971) passed by voice vote on January 23, 2008.

**Cost to Taxpayers:** A CBO score for H.R. 738 is not available.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, it creates new federal regulations and requirements for reporting deaths of prisoners in state custody.

**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 rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

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

**RSC Staff Contact:** Natalie Farr; [natalie.farr@mail.house.gov](mailto:natalie.farr@mail.house.gov); 202-226-0718

---

---

## **H.Res. 82—Raising Awareness and Encouraging Prevention of Stalking by Establishing January 2009 as National Stalking Awareness Month (Poe, R-TX)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 3, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 82 would express it is the sense of the House of Representatives that:

- “National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;
- “All Americans should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness about stalking;
- “Policymakers, criminal justice officials, victim service and human service agencies, college campuses and universities, nonprofits, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and
- “The House of Representatives urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through National Stalking Awareness Month.”

The resolution lists a number of finding including:

- “In a 1-year period, an estimated 3,400,000 people in America reported being stalked, and 75 percent of victims are stalked by someone who is not a stranger;

- “81 percent of women, who are stalked by an intimate partner, are also physically assaulted by that partner, and 76 percent of women, who are killed by an intimate partner, were also stalked by that intimate partner;
- “11 percent reported having been stalked for more than 5 years and 1/4 of victims reported having been stalked almost every day;
- “One in four victims reported that stalkers had used technology, such as e-mail or instant messaging, to follow and harass them, and one in 13 said stalkers had used electronic devices to intrude on their lives;
- “Stalking victims are forced to take drastic measures to protect themselves, such as changing their identities; relocating, changing jobs, and obtaining protection orders;
- “One in seven victims moved in an effort to escape their stalker;
- “Approximately 130,000 victims reported having been fired or asked to leave their job because of the stalking, and about one in eight lost time from work because they feared for their safety or were taking steps, such as seeking a restraining order, to protect themselves;
- “Less than half of victims report stalking to police and only 7 percent contacted a victim service provider, shelter, or hotline;
- “Stalking is a crime that cuts across race, age, culture, gender, sexual orientation, physical and mental ability, and economic status;
- “Stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;
- “There are national organizations, local victim service organizations, prosecutors' offices, and police departments that stand ready to assist stalking victims and who are working diligently to craft competent, thorough, and innovative responses to stalking;
- “There is a need to enhance the criminal justice system's response to stalking and stalking victims, including aggressive investigation and prosecution, and to increase the availability of victim services across the country tailored to meet the needs of stalking victims; and
- “The House of Representatives urges the establishment of January 2009 as National Stalking Awareness Month.”

**Committee Action:** H.Res. 82 was introduced on January 22, 2009, and referred to the Committee on the Judiciary, which took no official action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** The resolution would not authorize any additional 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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**RSC Staff Contact:** Natalie Farr, [natalie.farr@mail.house.gov](mailto:natalie.farr@mail.house.gov), (202) 226-0718

---

---

## **H.Res. 102—Supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week (*Rep. Lewis D-GA*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 3, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 102 would express that the House of Representatives:

- “Supports the goals and ideals of National Teen Dating Violence Awareness and Prevention Week to raise awareness of teen dating violence in the Nation; and
- “Encourages the people of the United States, State and local officials, middle schools and high schools, law enforcement agencies, and other interested groups to observe National Teen Dating Violence Awareness and Prevention Week with appropriate programs and activities that promote awareness and prevention of the crime of teen dating violence.”

The resolution lists a number of findings including:

- “Communities across the country carry out activities to raise awareness about teen dating violence during the week of February 2 through February 6, 2009;
- “1 in 11 adolescents reports being a victim of physical dating violence;
- “1 in 5 teenagers in a serious relationship reports having been hit, slapped, or pushed by a partner;
- “1 in 3 female teenagers in a dating relationship has feared for her physical safety;
- “More than 1 in 4 teenagers have been in a relationship where a partner is verbally abusive;
- “27 percent of teenagers have been in dating relationships in which their partners called them names or put them down;
- “40 percent of the youngest teens, those between the ages of 11 and 12, report that they have friends who are victims of verbal abuse in dating relationships;
- “1 in 5 teenagers between the ages of 13 and 14 say they have friends who are victims of dating violence;
- “1 in 2 teenagers in a serious relationship has compromised personal beliefs to please a partner;
- “29 percent of girls who have been in a relationship said that they have been pressured to have sex or to engage in sexual activities that they did not want;

- “Technologies such as cell phones and the Internet have made dating abuse more pervasive and more hidden;
- “30 percent of teenagers who have been in a dating relationship say that they have been text-messaged between 10 and 30 times per hour by a partner seeking to find out where they are, what they are doing, or who they are with;
- “72 percent of teenagers who reported that they had been checked up on by a boyfriend or girlfriend 10 times per hour or more by email or text messaging did not tell their parents;
- “Parents are largely unaware of the cell phone and Internet harassment experienced by teenagers;
- “Nearly 3 in 4 teens say that dating relationships usually begin at age 14 or younger;
- “69 percent of all teenagers who had sex by age 14 said they have experienced 1 or more types of abuse in a dating relationship;
- “Violent relationships in adolescence can have serious ramifications for victims, putting them at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide, and revictimization as adults;
- “The severity of violence among intimate partners has been shown to be greater in cases where the pattern of violence has been established in adolescence; and
- “National Teen Dating Violence Awareness and Prevention Week benefits schools, communities, families, and individuals, regardless of socioeconomic status, race, or sex.”

**Committee Action:** This resolution has not been introduced as of “press time.”

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** The resolution would not authorize any additional 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.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**RSC Staff Contact:** Natalie Farr, [natalie.farr@mail.house.gov](mailto:natalie.farr@mail.house.gov), (202) 226-0718

**H.R.553—Reducing Over-Classification Act of 2009 (Harman, D-CA)**

**Order of Business:** The bill is scheduled to be considered on Tuesday February 3, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 4806) was considered in the 110<sup>th</sup> Congress and passed by voice vote on July 30 2008.

**Summary:** H.R. 553 requires the Secretary of Homeland Security to develop and administer policies, procedures, and programs to prevent the over-classification of homeland security information. This includes information regarding security, terrorism, weapons of mass destruction, or any other type of information that must be disseminated to prevent terrorism. This bill also requires the Department of Homeland Security to continue its current practice of producing unclassified versions of the majority of its classified products.

The bill would require the Secretary, in coordination with the Archivist of the U.S., to create a standard format for classified and unclassified intelligence products and ensure that all policies regarding the format of classified and unclassified material are followed. The bill would also require that the Secretary establish an auditing mechanism to assess whether applicable policies regarding classified and unclassified information are being complied with.

H.R. 553 would require the Secretary to assess technologies that are already available to DHS which could be used to assign an electronic personal identification marker to DHS employees with original classification authority in order to track documents designated as classified by a particular employee. The electronic tracking system would also be used to identify any over-classification or misuses of document classification markings.

The bill would also require the secretary to establish a training program for employees and contractors with classification authority and who are responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written classified information. The training would educate employees regarding the proper classification markings and the consequences of over-classification and other improper uses of classification markings.

**Additional Background:** In the 110<sup>th</sup> Congress, the Committee on Homeland Security provided [House Report 110-776](#) that determined the over-classification of DHS documents may be defined as “the automatic decision to classify government information rather than an informed, deliberative process.” The committee is concerned that certain intelligence and security information has been “over-classified” by the DHS, meaning that the information has been labeled as classified without proper review. As classified information may not be widely disseminated throughout agencies, some have expressed a concern that over-classification limits information sharing that is vital to the nation’s defense.

**Committee Action:** On January 15, 2009, the bill was referred to the Committee on Homeland Security, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy was provided.

**Cost to Taxpayers:** While no official cost estimate is available for H.R. 553, the CBO estimated that implementing identical legislation in the 110<sup>th</sup> Congress would cost less than \$500,000 annually because “DHS already conducts compliance reviews to determine whether documents are properly classified and has an annual training program for its employees.”

**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?:** Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable for H.R. 553.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720

---

---

## **H.R. 559—Fair, Accurate, Secure, and Timely (FAST) Redress Act (Clarke, D-NY)**

**Order of Business:** The bill is scheduled to be considered on Tuesday February 3, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 4179) was considered in the 110<sup>th</sup> Congress and passed by voice vote on June 18 2008.

**Summary:** H.R. 559 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. 559 would also establish the Office of Appeals and Redress within DHS to implement the appeal process that the Secretary establishes.

H.R. 559 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. 559 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. 559 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. 559 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, 2001, 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 110-686](#), "the cleared list is not being shared with other Departmental components and other Federal agencies and partners." H.R. 559 is an attempt to broaden departmental access the cleared list and speed up the appeal process for mistakenly delayed passengers.

**Committee Action:** On January 15, 2009, the bill was referred to the Committee on Homeland Security, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy was provided.

**Cost to Taxpayers:** While no official cost estimate is available for H.R. 559, the CBO estimated that implementing identical legislation in the 110<sup>th</sup> Congress 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?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable for H.R. 559.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.

## **H.R. 549—National Bombing Prevention Act of 2008 (King, R-NY)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, February 3, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 4749) was considered in the 110<sup>th</sup> Congress and passed by voice vote on June 18 2008.

**Summary:** H.R. 549 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. 549 would authorize the appropriation of \$10 million in FY 2010, \$25 million in each fiscal year from FY 2011 through FY 2013, 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.

H.R. 549 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:** In the 110<sup>th</sup> Congress, the Committee on Homeland Security provided [House Report 110-689](#) that explained how 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. 549 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:** On January 15, 2009, the bill was referred to the Committee on Homeland Security, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy was provided.

**Cost to Taxpayers:** While no official cost estimate is available for H.R. 549, the CBO estimated that implementing identical legislation in the 110<sup>th</sup> Congress would cost \$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?:** Yes, the legislation establishes a new division within the DHS and authorizes over \$110 million in funding over the next 5 years.

**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?:** Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable for H.R. 549.

**RSC Staff Contact:** Bruce F. Miller, [bruce.miller@mail.house.gov](mailto:bruce.miller@mail.house.gov), (202)-226-9720.