



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN
PAUL TELLER, EXECUTIVE DIRECTOR
424 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

Legislative Bulletin.....May 13, 2009

Contents:

- H.R. 1209** - Medal of Honor Commemorative Coin Act
- H.R. 347** - To grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II
- H.Res. 377** - Recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces
- H.R. 2101** - Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act

H.R. 1209 – Medal of Honor Commemorative Coin Act of 2009
(Carney, D-PA)

Order of Business: H.R. 1209 is scheduled to be considered on Wednesday, May 13, 2009 under a motion to suspend the rules and pass the bill.

Summary: H.R. 1209 requires the Secretary of the Treasury to mint 100,000 \$5 gold coins, as well as 500,000 \$1 silver coins, in recognition of the establishment of the Medal of Honor in 1861.

The legislation specifies certain requirements on the design of these coins, including a requirement that that the year “2011” be included on the coins, as well as a requirement that all of the following words appear: “In God We Trust,” “United States of America,” and “E Pluribus Unum.”

The legislation also requires the coin designs to contain motifs that represent the 3 Medal of Honor designs (Army, Navy, and Air Force), and that the designs “specifically honor all Medal of Honor recipients.” The bill requires the coin designs to be selected by the Secretary of the Treasury after consultation with the Boards of the Congressional Medal of Honor Society and the Commission of Fine Arts, and to be reviewed by the Citizens Coin Advisory Committee.

H.R. 1209 requires that coins sold include a \$35 surcharge for the \$5 coin, and a \$10 surcharge for the \$1 coin.

Committee Action: H.R. 1209 was introduced on February 26, 2009 and referred to the House Financial Services Committee, which took no official action.

Cost to Taxpayers: No CBO score exists, but such coin-minting legislation usually yields some revenue for the federal government.

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.

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

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719

H.R. 347 – 100th Infantry Battalion and the 442nd Regimental Combat Team Gold Medal Act (*Schiff, D-CA*)

Order of Business: H.R. 347 is scheduled to be considered on Wednesday, May 13, 2009 under a motion to suspend the rules and pass the bill.

Summary: H.R. 347 requires the Speaker of the House of Representatives and the President Pro Tempore of the Senate to make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal to the 100th Infantry Battalion and the 442nd Regimental Combat Team.

The bill authorizes the Secretary of the Treasury to strike and sell duplicates in bronze of such a medal. The bill requires that all proceeds from the sale of duplicate bronze medals be deposited in the United States Mint Public Enterprise Fund.

The bill lists a number of findings:

- “On January 19, 1942, 6 weeks after the December 7, 1941, attack on Pearl Harbor by the Japanese Navy, the United States Army discharged all Japanese-Americans in the Reserve Officers Training Corps and changed their draft status to ‘4C’--the status of ‘enemy alien’ which is ineligible for the draft;
- “On January 23, 1942, Japanese-Americans in the military on the mainland were segregated out of their units;
- “The excellent training record of the 100th Infantry Battalion and petitions from prominent civilian and military personnel helped convince President Roosevelt and the War Department to re-open military service to Nisei volunteers who were incorporated into the 442nd Regimental Combat Team after it was activated in February of 1943;
- “The 442nd Regimental Combat Team arrived in Civitavecchia, Italy on June 7, 1944, and on June 15 of the following week, the 100th Infantry Battalion was formally made

an integral part of the 442nd Regimental Combat Team, and fought for the last 11 months of the war with distinction in Italy, southern France, and Germany; and

- “Their commitment and sacrifice demonstrates a highly uncommon and commendable sense of patriotism and honor.”

Committee Action: H.R. 347 was introduced on January 8, 2009 and referred to the House Financial Services Committee, which took no official action.

Cost to Taxpayers: No CBO score exists, but such coin-minting legislation usually yields some revenue for the federal government.

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.

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

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov, (202) 226-9719

H.Res. 377—Recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces (Calvert, R-CA)

Order of Business: The resolution is scheduled to be considered on Wednesday, May 12, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 377 would resolve that the House of Representatives:

- “Honors and recognizes the service and sacrifice that members of the Armed Forces and their families gave, and continue to give, to the United States;
- “Remains committed to supporting the members of the Armed Forces and their families;
- “Encourages Americans to show their support and appreciation for members of the Armed Forces on Armed Forces Day;
- “Commends the actions of private citizens and organizations who volunteer to support America’s wounded warriors; and
- “Expresses the gratitude of the American people to the members of the Armed Forces for their service on behalf of the United States.”

The resolution lists a number of findings including:

- “Armed Forces Day was created in 1949 in connection with the consolidation of the military services in the Department of Defense”
- “The purpose of Armed Forces Day is to honor the men and women who are serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard, including the National Guard and Reserve components;
- “Armed Forces Day is celebrated on the third Saturday in May, which this year is May 16, 2009;
- “Members of the Armed Forces have performed tremendous service on behalf of the United States;
- “Members of the Armed Forces have been killed and injured in operations to bring peace and stability in the name of democracy; and
- “All Americans express their recognition and gratitude for members of the Armed Forces at home and abroad”

Committee Action: On April 29, 2009, the bill was introduced and referred to the House Committee on Armed Services, which took no subsequent public action.

Administration Position: No Statement of Administration Policy 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.

Constitutional Authority: A committee report citing constitutional authority is unavailable for H.Res. 377.

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

**H.R. 2101—Weapons Acquisition System Reform Through Enhancing
Technical Knowledge and Oversight (WASTE-TKO) Act of 2009
(Skelton, D-MO)**

Order of Business: The bill is scheduled to be considered on Wednesday May 13, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2101 would make several changes to the acquisition procedures of how the Department of Defense (DoD) acquires Major Defense Acquisition Programs (MDAPs).

Specifically, the bill requires the Secretary to appoint officials to report to Congress on the acquisition functions of cost estimation, systems engineering, and performance assessments. The legislation also sets mandates to establish additional reviews, recommendations, and notifications to Congress for programs that have cost overruns of 25% or more. Additionally, H.R. 2101 establishes the authority to annually review any MDAP that received milestone B approval due to a waiver. Milestone B is the decision stage of to determine if system development should be approved and approximately 75% of eventual costs have been realized. Highlights of H.R. 2101 include:

- ***Independent Performance of Acquisition Oversight Functions:*** requires the Secretary of Defense to designate an official to serve as the principal advisor throughout the process of acquisition oversight to evaluate cost estimation, systems engineering, and performance assessment.
- ***Oversight Provisions:*** contains a number of sections to provide officials additional oversight for cost estimation, systems engineering, and technical acquisition.
- ***Acquisition Strategies:*** requires the DoD to include measures to ensure competition at both the prime contract and certain subcontract levels throughout the program's lifecycle.
- ***Milestone B Approval:*** requires the milestone decision authority to annually review any MDAP that received milestone B approval due to a waiver. MDAPs which are determined not to satisfy the requirements will be subject to annual review by the milestone decision authority until they achieve compliance.
- ***Milestone B Reporting:*** requires reports that identify the roots causes of the cost or schedule growth if an MDAP experiences cost growth of 25 percent or schedule delay of more than 25 percent prior to milestone B approval. In addition, this section grants the authority to terminate the program or rescind milestone A approval if it determines that such action is in the interest of national defense.
- ***Organization Conflicts:*** requires DOD's Panel on Contracting Integrity to present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in the acquisition of major weapons systems.

Additional Background: According to the Government Accountability Office (GAO), the Department of Defense has \$296 billion of cost growth on 96 major weapons systems. It is anticipated by the bills authors that just a small improvement in limiting cost overruns would save taxpayers billions.

Committee Action: On April 22, 2009, the bill was introduced and referred to the Committee on Armed Services. On May 7, 2009, the committee held a mark-up and ordered the bill to be reported, as amended, by a vote of 59 - 0.

Administration Position: In a Statement of Administration Policy (SAP), "The Administration [agrees](#) with the sponsors of H.R. 2101 that the defense-acquisition process needs improvement in the areas of systems engineering, developmental test and evaluation, technological maturity, and

cost estimation, and that changes are needed to strengthen a culture of acquisition excellence in the Department of Defense.”

Cost to Taxpayers: According to CBO, “implementing H.R. 2101 would cost \$55 million over the 2010-2014 period, assuming the appropriation of the necessary funds. Although H.R. 2101 might yield improvements in the efficiency and effectiveness of DoD’s acquisition system for MDAPs over time, CBO has no basis for determining whether such improvements would occur or to what extent they might result in net savings to the government. Enacting the bill would not affect direct spending or revenues.”

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing compliance with the House earmark rule is available.

Constitutional Authority: A committee report citing constitutional authority is unavailable for H.R. 2101.

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