



**Legislative Bulletin.....May 22, 2006**

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

**Total Number of New Government Programs: 0**

**Total Cost of Discretionary Authorizations: 0**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

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

**Total New Private Sector Mandates: 0**

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

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1**

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**H.R. 5354 — Hurricane Relief Extension Act of 2006 — *as introduced*  
(Boustany, R-LA)**

**Order of Business:** The bill is scheduled for consideration on Monday, May 22, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 5354 allows the Secretary of Education to extend, beyond the 2006 school year, the period during which a state educational agency or local educational agency may obligate *previously appropriated* emergency aid for elementary and secondary schools with students displaced by Hurricane Katrina or Rita. These funds are only to be used for expenses incurred during the 2005-2006 school year.

In addition, the bill states the sense of Congress that state educational agencies “expeditiously distribute” education relief funds received under the Hurricane Education Recovery Act to impacted schools and institutions.

H.R. 5354 also lists a number of findings, including the following:

- “according to the Department of Education, more than 370,000 students were unable to attend school in the weeks following hurricanes Katrina and Rita;
- “according to the Department of Education, 158,000 students remained displaced as of October 1, 2005, and are eligible for impact aid;
- “the unprecedented nature of this crisis and the massive dislocation of students prompted the Congress in 2005 to approve the Hurricane Education Recovery Act to provide money to reopen schools in the Gulf Coast region and an additional \$645 million for impact aid; and
- “a significant portion of the recovery aid, both restart and impact aid, has yet to reach damaged schools and local educational agencies.

**Committee Action:** H.R. 5354 was introduced on May 11, 2006, and was referred to the Committees on Education and the Workforce, which took no official action.

**Cost to Taxpayers:** There is no CBO score available for H.R. 5354. However, the bill authorizes no expenditure.

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

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

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**H.Res. 808 — Expressing the sense of the House of Representatives in support of the goals of National One-Stop Month — *as introduced* (Keller, R-FL)**

**Order of Business:** The resolution is scheduled for consideration on Monday, May 22, 2006, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 808 resolves that the House of Representatives:

- “supports the goals of National One-Stop Month; and

- “supports the efforts of the workforce investment boards and One-Stop delivery system in preparing the Nation’s workforce.”

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

- “national workforce professional organizations and the local workforce investment boards will celebrate National One-Stop Month from May 1 to 31, 2006;
- “workforce investment boards and One-Stop delivery system were created under the Workforce Investment Act of 1998 and are designed to provide a full range of employment solutions to employers and job seekers in a single location; and
- “more than 600 workforce investment boards and 2,000 One-Stop Career Centers are enhancing the productivity and competitiveness of the Nation by providing workforce solutions for hundreds of thousands of employers annually across the United States.”

One-stop centers are the mechanism by which WIA services are provided to individuals through a single access point. H.R. 27, the Job Training Improvement Act of 2005, which the House passed on March 2, 2005, added the following to the current 19 mandatory partner programs in the one-stop system (including welfare-to-work, vocational education, and trade adjustment assistance) and optional programs: TANF (mandatory), child support enforcement, programs for disabled individuals, and programs administered by the Small Business Administration. One-stop partner programs are also required to provide a portion of its program funds to the governor who can distribute the funds to local areas for infrastructure based on a formula developed by the state board.

**Committee Action:** H.Res. 808 was introduced on May 9, 2006, and was referred to the Committees on Education and the Workforce, which took no official action.

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

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

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

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## **H.R. 5401 — Lewis and Clark Commemorative Coin Correction Act — *as introduced (Emerson, R-MO)***

**Order of Business:** The bill is scheduled to be considered on Monday, May 22, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5401 amends the 1999 the Lewis and Clark Commemorative Coin Act of 1999, to split the proceeds of coin sales 50 percent to the National Council of the Lewis and Clark Bicentennial and 50 percent to the Missouri Historical Society, and it deletes the National Park Service (NPS) as a beneficiary. Under current law, two-thirds of the proceeds are to go to the National Lewis and Clark Bicentennial Council, for activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, and one-third of the funds are to go to the National Park Service for activities associated with commemorating the Lewis and Clark Expedition bicentennial. According to the sponsor's office, the proceeds are distributed provided these beneficiary organizations have raised sufficient private matching funds, but the National Park Service has not raised any private matching funds (and has no mechanism to do so), and thus can never claim any of these funds. The sponsor's office indicates that all privately raised matching funds were raised by the National Council and by the Missouri Historical Society.

Under H.R. 5401, after June 30, 2007, unexpended proceeds that were to go to the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society, are to be transferred to the Lewis and Clark Trail Heritage Foundation, for the purpose of establishing a trust for the stewardship of the Trail.

**Additional Information:** The Lewis and Clark Commemorative Coin Act of 1999, authorized the U.S. Mint to mint and sell to the public commemorative Lewis and Clark Silver Dollar coins. According to the sponsor's office, the sale of the Lewis & Clark silver dollar brought in over \$4.9 million in net proceeds to the U.S. Mint, which holds the funds in escrow.

**Committee Action:** On May 17, 2006, the bill was introduced and referred to the House Financial Services Committee, which took no official action.

**Cost to Taxpayers:** Though an official CBO score is unavailable, an unofficial estimate said the bill has no direct effect on spending. The bill modifies who receives funds currently in escrow at the Treasury.

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

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

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

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**S. 1736 — A bill to provide for the participation of employees in the judicial branch in the federal leave transfer program for disasters and emergencies — *as reported* (Sen. Collins, R-ME)**

**Order of Business:** The bill is scheduled for consideration on Monday, May 22, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1736 would provide for the participation of employees of the judicial branch in the federal emergency leave transfer program, by modifying Section 6391 of title 5 as follows:

After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section.

**Additional Information:** According to CBO, current law allows judicial branch employees to donate their annual leave through a leave bank to co-workers who have exhausted their annual and sick leave as a result of a personal or family medical emergency. Any unused donated annual leave is returned to the leave bank. The executive branch emergency leave transfer programs also allow employees to donate annual leave to be transferred to employees of their own agency or other agencies in the event of a major disaster or emergency declared by the President. However, unlike the leave bank program, any unused annual leave donated to the emergency leave transfer program is returned to the donor.

S. 1736 would provide the judicial branch with the same emergency leave transfer authority as the executive branch. CBO states that the cost of expanding this authority to the judicial branch would depend upon the number of times a major disaster or emergency occurs that results in a presidential request for a special leave program and whether the leave donated would have been donated under current law.

According to CBO, “Since 1997, emergency leave transfer authority has been used for the executive branch three times. It was used after the African Embassy bombings in 1998, the terrorist attacks of September 11, 2001, and in the aftermath of Hurricane Katrina in 2005. Most of the leave donations after the first two events were returned to their donors.”

According to the Administrative Office of the United States Courts, there are now about 200 displaced judicial branch employees currently on paid administrative leave since hurricane Katrina struck. Most of these employees are based at the federal courthouse facility in New Orleans, which is open with limited court operations.

**Committee Action:** S. 1736 was introduced in the Senate on September 20, 2005, and passed the Senate by unanimous consent in October 19, 2005. The bill was referred to the House Committee on Government Reform, marked-up on March 9, 2006, and reported to the House by voice vote the same day.

**Cost to Taxpayers:** CBO expects “that any annual leave donations made under S. 1736 would mostly be annual leave that would otherwise be donated for medical emergencies. Thus, we expect that enacting S. 1736 would not have a significant cost. Enacting S. 1736 would not affect direct spending or revenues.”

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

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

**Constitutional Authority:** The Committee Report, H. Rept. [109-449](#), cites constitutional authority for this legislation in Article 1, Section 8, and Clause 18 of the Constitution (“necessary and proper”). 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. 4530 — Scott Reed Federal Building and United States Courthouse Designation Act — *as reported (Chandler, D-KY)***

**Order of Business:** The bill is scheduled for consideration on May 22, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4530 designates the facility of the Federal Building and United States Courthouse located at 101 Barr Street in Lexington, Kentucky, as the “Gerald A. Fiorenza Post Office Building.”

**Additional Information:** Scott Reed was born in Lexington, Kentucky, on July 3, 1921. Reed attended the University of Kentucky College of Law and was editor in chief of the Kentucky Law Journal. Reed graduated in 1945, and was awarded the Order of the Coif.

From 1948-1956, Reed was an Associate Professor at the University of Kentucky College of Law. He also served as a county attorney.

Reed was elected to the Kentucky Court of Appeals, then the highest court in Kentucky, and served from 1964-1975. Reed was instrumental in the reorganization and modernization of the Kentucky judicial system. The Court of Appeals chose Reed as first Chief Justice of the new Kentucky Supreme Court, and he served in this position until 1977. Scott Reed passed away February 17, 1994.

(sources: <http://library.louisville.edu/law/Research/KyHiCt.htm>, [http://www.ukalumni.net/pages.php?page\\_id=12&id=185](http://www.ukalumni.net/pages.php?page_id=12&id=185), and the office of Rep. Chandler)

**Committee Action:** H.R. 4530 was introduced on December 14, 2005, and referred to the Committee on the House Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings and Emergency Management, which took no official action.

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

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

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

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## **H.R. 3858 — Pets Evacuation and Transportation Standards Act of 2005 — *as introduced (Lantos, D-CA)***

**Order of Business:** The bill is scheduled for consideration on Monday, May 22, 2006, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3858 would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5196b) to require states to consider the needs of individuals with household pets and service animals in their emergency preparedness plans. Specifically, the Federal Emergency Management Agency (FEMA) Director would be required to “ensure” state and local emergency preparedness operational plans take into account the “needs of individuals with household pets and service animals following a major disaster or emergency” when approving the standards of these plans.

**Additional Information:** FEMA's authority and powers during emergencies are governed by the Stafford Act. FEMA currently provides financial assistance to states for emergency preparedness personnel and administrative expenses (up to 50 percent of the total cost of such emergency preparedness expenses). In turn, states must submit emergency preparedness plans for approval by the FEMA director. For additional information on the Stafford Act, see this RSC Policy Brief: [http://www.house.gov/pence/rsc/doc/FEMA\\_Disaster\\_Response.pdf](http://www.house.gov/pence/rsc/doc/FEMA_Disaster_Response.pdf).

**Committee Action:** H.R. 3858 was introduced on September 22, 2005, and referred to the Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings and Emergency Management. The bill was marked-up on April 5, 2006, and it was reported to the House by voice vote the same day.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3858 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.

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

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

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### **H.R. 4681—Palestinian Anti-Terrorism Act—as reported (Ros-Lehtinen, R-FL)**

**Order of Business:** The bill is scheduled to be considered on Monday, May 22<sup>nd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** Highlights of the bill are as follows:

- Declares that it is the policy of the United States to:
  - “support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’);
  - “oppose those organizations, individuals, and countries that support terrorism and violence;
  - “urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas or a Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap;
  - “promote the emergence of a democratic Palestinian governing authority that--
    - (A) denounces and combats terrorism;
    - (B) has agreed to and is taking action to disarm and dismantle any terrorist agency, network, or facility;
    - (C) has agreed to work to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists in Palestinian society;
    - (D) has agreed to respect the sovereignty of its neighbors;
    - (E) acknowledges, respects, and upholds the human rights of all people;

- (F) implements the rule of law, good governance, and democratic practices, including conducting free, fair, and transparent elections in compliance with international standards;
  - (G) ensures institutional and financial transparency and accountability; and
  - (H) has agreed to recognize the State of Israel as an independent, sovereign, Jewish, democratic state; and
- “continue to support assistance to the Palestinian people.”

- Conditions future U.S. assistance to the Palestinian Authority on the U.S. President certifying that:
  - “no ministry, agency, or instrumentality of the Palestinian Authority is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a ministry, agency, or instrumentality of the Palestinian Authority;
  - “the Palestinian Authority has
    - (A) publicly acknowledged Israel’s right to exist as a Jewish state; and
    - (B) recommitted itself and is adhering to all previous agreements and understandings by the Palestine Liberation Organization and the Palestinian Authority with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the ‘Roadmap’); and
  - “the Palestinian Authority has taken effective steps and made demonstrable progress toward
    - (A) completing the process of purging from its security services individuals with ties to terrorism;
    - (B) dismantling all terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel’s security services;
    - (C) halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;
    - (D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and
    - (E) ensuring the financial transparency and accountability of all government ministries and operations.”
- Requires (every six months) presidential recertifications that these conditions are being met.

- Provides the following exceptions to the Palestinian Authority funding limitations:
  - assistance to independent election commissions (subject to presidential certification that each such commission has no terrorist ties); and
  - assistance to support the Israeli-Palestinian peace negotiations, such as providing security for the Palestinian president (subject to presidential certification that the funds are essential for negotiations, will not be transferred to terrorist individuals, and that the Palestinian president is not himself affiliated with terrorists).
  
- The exceptions would have to be made with advance congressional consultation and only if such assistance is “important to the national security interests of the United States.”
  
- Defines the Palestinian Authority to include “the interim Palestinian administrative organization that governs part of the West Bank and all of the Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.”
  
- Directs the U.S. Comptroller General to report to Congress on how U.S. assistance to Palestinian Authority will be audited by the State Department, the U.S. Agency for International Development (USAID), and all other relevant departments and agencies of the U.S. Government.
  
- Conditions future U.S. assistance to nongovernmental organizations (NGOs) serving the West Bank and Gaza Strip upon the presidential certification detailed above.
  
- Provides the following exceptions to the NGO funding limitations:
  - the provision of food, water, medicine, sanitation services, or other assistance to directly meet basic human health needs; and
  - “other types of assistance,” subject to presidential certification that such assistance “will further the national security interests of the United States” and advance consultation with Congress.
  
- Provides for U.S. Comptroller General oversight of such NGO funding and directs the Secretary of State to take “all appropriate steps” to ensure that such NGO assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.
  
- Prohibits the NGO funds from being used for recognizing or otherwise honoring individuals or the families of individuals who commit, or have committed, acts of terrorism.

- Directs USAID to provide for independent audits of all funds to NGOs serving the West Bank and Gaza.
- Requires the President to report to Congress on the Israeli-Palestinian balance inherent in the following United Nations (UN) entities:
  - The United Nations Division for Palestinian Rights;
  - The Committee on the Exercise of the Inalienable Rights of the Palestinian People;
  - The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority;
  - The NGO Network on the Question of Palestine;
  - The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories; and
  - Any other entity the Secretary of State determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.
- Instructs the United States Permanent Representative to the UN to use the “voice, vote, and influence” of the U.S. to seek the implementation at the UN of the recommendations contained in this report above, and authorizes the Secretary of State to withhold from U.S. contributions to the regular assessed UN biennial budget amounts proportional to the portion of such budget that is geared toward the above pro-Palestinian entities.
- Also authorizes the Secretary of State to withhold from U.S. contributions to the regular assessed UN biennial budget amounts that are proportional to the portion of such budget that are expended for any UN-affiliated or specialized agency that provides assistance directly to the Palestinian Authority (during any period when the presidential certification above is not in effect).
- Denies visas for officials of the Palestinian Authority (or any representative thereof) during any period when the presidential certification above is not in effect (subject to presidential waiver in individual cases that are “important to the national security interests of the United States”).
- Directs the President to restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization who are stationed at the UN in New York City to a 25-mile radius of the UN headquarters building during any period when the presidential certification above is not in effect.
- Makes it illegal to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority or the

Palestine Liberation Organization during any period when the presidential certification above is not in effect (enforced by the Justice Department and subject to a presidential national security waiver).

- States that it shall be U.S. policy that the U.S. Executive Director at each international financial institution should use the “voice, vote, and influence” of the United States to prohibit assistance to the Palestinian Authority during any period when the presidential certification above is not in effect.
- Expresses the policy of the United States that no officer or employee of the U.S. Government shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, unless and until such organization:
  - recognizes Israel’s right to exist;
  - renounces the use of terrorism;
  - dismantles the infrastructure necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and
  - recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestine Liberation Organization and the Palestinian Authority.

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

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

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

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

**Committee Action:** On February 1, 2006, H.R. 4681 was referred to the International Relations Committee, the Judiciary Committee, and the Financial Services Committee. On April 6, 2006, the International Relations Committee marked up and ordered the bill

reported to the full House by a vote of 36-2. On May 10, 2006, the Judiciary Committee marked up and ordered the bill reported to the full House by voice vote. The Financial Services Committee took no official action on the bill.

**Administration Position:** Reports indicate that the Administration believes this bill to be too restrictive on the Executive Branch's role in foreign policy.

**Cost to Taxpayers:** CBO confirms that this bill would not directly impact the federal budget (though it could result in decreased spending subject to appropriation in future years).

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

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

**Constitutional Authority:** The International Relations Committee and the Judiciary Committee, in House Report 109-462 (Parts I and II), each cite constitutional authority in Article I, Section 8, but fail 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]*

**Outside Organizations:** The Republican Jewish Coalition and the American Israel Public Affairs Committee are strongly supporting the legislation. Americans for Peace Now, the U.S. Conference of Catholic Bishops, and Churches for Middle East Peace are opposing the legislation (because of the bill's restrictions on U.S. assistance to and through NGOs).

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