

Legislative Bulletin.....November 17, 2009

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H.R. 3618—Clean Hull Act
(Oberstar, D-MN)

Order of Business: The bill is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the bill.

Summary: The legislation would generally implement the 2001 International Convention on the Control of Anti-Fouling Systems on Ships. According to CBO, the convention is intended to address “water pollution caused by paints and other treatments to eliminate unwanted organisms from ship hulls.”

According to the committee report, the Senate ratified the Convention in 2008, but enactment of implementing legislation is required for the U.S. to become a party to the Convention.

Under, H.R. 3618 the Coast Guard and the Environmental Protection Agency would be charged with enforcing the Convention. The bill sets criminal penalties for knowingly violating this act up to 6 years imprisonment. The bill also sets civil penalties of up to:

- \$37,500 for violations of the act; or
- \$50,000 for “false, fictitious, or fraudulent” statements made to the Secretary pursuant to the requirements of this act.

Committee Action: The legislation was introduced on September 22, 2009 and referred to the House Transportation and Infrastructure Committee, which ordered the bill to be reported by voice vote on September 24, 2009.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3618 was not available at press time.

Cost to Taxpayers: According to CBO, the legislation would not have a significant impact on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the legislation would impose a series of new regulations on private businesses.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: The CBO report states that the legislation would not exceed the threshold under the Unfunded Mandates Reform Act (UMRA).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The House Transportation and Infrastructure Committee, in committee report [111-331](#), asserts that the legislation contains no earmarks.

Constitutional Authority: The House Transportation and Infrastructure Committee, in committee report [111-331](#), states: "Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution."

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H.Res. 841 - Expressing support for designation of November 29, 2009, as "Drive Safer Sunday." (Gerlach, R-PA)

Order of Business: The resolution is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 841 resolves that the House of Representatives:

- "Encourages--
 - (A) High schools, colleges, universities, administrators, teachers, primary schools, and secondary schools to launch campus-wide educational campaigns to urge students to be careful about safety when driving;
 - (B) National trucking firms to alert their drivers to be especially focused on driving safely during the heaviest traffic day of the year, and to publicize the importance of the day using Citizen's Band (CB) radios and in truck stops across the Nation;

- (C) Clergy to remind their members to travel safely when attending services and gatherings;
 - (D) Law enforcement personnel to remind drivers and passengers to drive safer; and
 - (E) All people of the United States to use this as an opportunity to educate themselves about the dangers of distracted driving and highway safety; and
- “Supports the designation of ‘Drive Safer Sunday.’”

The resolution lists a number of findings, including:

- “The National Highway Traffic Safety Administration (NHTSA) estimates that 37,313 people, or more than 100 drivers a day, were killed in motor vehicle traffic crashes in 2008;
- “On September 30, 2009, the Department of Transportation (DOT) Secretary Ray LaHood announced new research findings by the NHTSA that show nearly 6,000 people died in 2008 in crashes involving a distracted or inattentive driver, and more than half a million were injured;
- “The Sunday after Thanksgiving is the busiest highway traffic day of the year and would be appropriate to designate as ‘Drive Safer Sunday.’”

Committee Action: H.Res. 841 was introduced on October 29, 2009, and referred to the House Committee on Transportation and Infrastructure Subcommittee on Highways and Transit. A markup was held and the resolution was approved by voice vote.

Cost to Taxpayers: The resolution authorizes no 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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

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

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**H.R. 3360—Cruise Vessel Security and Safety Act
(Matsui, D-CA)**

Order of Business: The bill is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the bill.

Summary: The legislation would impose various new regulations on cruise vessels. Within 18 months of enactment, cruise vessels would have to meet the following design and construction requirements:

- be equipped with ship rails that are located more than 42 inches above the cabin deck;
- have passenger staterooms and crew cabins that are equipped with entry doors that include peep holes or other means of visual identification. The bill also requires such rooms to be equipped with security latches and time-sensitive key technology;
- have technology for capturing images of passengers or detecting passengers who have fallen overboard (“to the extent that such technology is available”); and
- be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel.

The legislation would also require cruise vessels to maintain a video surveillance system to “assist in documenting crimes on the vessel.” The legislation would require cruise vessels to place in various locations throughout the ship information regarding the location of the U.S. embassy (and consulate offices) for countries that the cruise ship will visit.

The legislation would further:

- impose various regulations on how cruise vessels should handle the aftermath of a sexual assault that takes place aboard a cruise ship;
- create new regulations on crew access to passenger staterooms; and
- require cruise vessels to record in a log book a report on complaints of various crimes, and to make the log book available upon request to the FBI, the U.S. Coast Guard, or other law enforcement officers.

Committee Action: The legislation was introduced on July 28, 2009 and referred to the House Transportation and Infrastructure Committee, which ordered the bill to be reported by voice vote on July 30, 2009.

Administration Position: A Statement of Administration Policy (SAP) for H.R. 3360 is not available at press time.

Cost to Taxpayers: According to CBO, the legislation would authorize \$5 million over five years (subject to appropriation).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the legislation imposes various new mandates on the private-sector.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the legislation imposes various new mandates on the private-sector, though CBO indicates that cruise vessels already comply with most of the bill's requirements.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The House Transportation and Infrastructure Committee, in committee report [111-332](#), asserts that the legislation contains no earmarks.

Constitutional Authority: The House Transportation and Infrastructure Committee, in committee report [111-332](#), states: "Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution."

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**H.Res. 891 - Expressing the gratitude of the House of Representatives
for the service to our Nation of the Coast Guard and Marine Corps
aircraft pilots and crewmembers lost off the coast of California on
October 29, 2009, and for other purposes.
(Sanchez, D-CA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 891 resolves that the House of Representatives:

- "Expresses its gratitude for the service to our Nation of the Coast Guard and Marine Corps aircraft pilots and crewmembers lost off the coast of California on October 29, 2009, and extends its condolences to their family, friends, and loved ones."

The resolution lists a number of findings, including:

- "On the evening of October 29, 2009, a Coast Guard C-130 aircraft with two pilots and five crewmembers on board was involved in a search and rescue mission off the coast of California;
- "At the same time, a Marine Corps AH-1W Super Cobra carrying two pilots was involved in a military escort mission nearby;
- "The two aircraft are suspected to have collided while traveling east of San Clemente Island, California;
- "The following crew members of the Coast Guard C-130 are missing and presumed to have lost their lives in the line of duty: Lt. Cmdr. Che J. Barnes of Capay, California; Lt. Adam W. Bryant, of Crewe, Virginia; Chief Petty Officer

John F. Seidman of Stockton, California; Petty Officer 2nd Class Carl P. Grigonis of Mayfield Heights, Ohio; Petty Officer 2nd Class Monica L. Beacham of Decaturville, Tennessee; Petty Officer 2nd Class Jason S. Moletzsky of Norristown, Pennsylvania; and Petty Officer 3rd Class Danny R. Kreder II, of Elm Mott, Texas;

- “The men and women of the Coast Guard are ‘Always Ready’ to safeguard the United States against all hazards and threats at our ports, at sea, and around the world; and
- “The men and women of the Marine Corps are ‘Always Faithful’ to their mission of defending the United States on the ground, in the air, and by sea, in every corner of the globe.”

Committee Action: H.Res. 891 was introduced on November 15, 2009, and referred to the House Committee on Transportation and Infrastructure and the House Committee on Armed Services, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

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

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**H.R. 3305 - To designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the "H. Dale Cook Federal Building and United States Courthouse."
(Sullivan, R-OK)**

Order of Business: The bill is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 3305 designates the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the “H. Dale Cook Federal Building and United States Courthouse.”

Additional Information: H. Dale Cook joined the U.S. Army Air Corps after the attack on Pearl Harbor. After receiving his wings he trained pilots in air combat. After his military service he returned to the University of Oklahoma and obtained his law degree. Mr. Cook went on to become the First Assistant U.S. Attorney in the Western District, then served as legal counsel for Governor Henry Bellmon. Mr. Cook then took the job of Director of the Bureau of Hearings & Appeals at the Social Security Administration. In 1974 he was nominated and became a U.S. District Judge for the Northern, Eastern, and Western Districts of Oklahoma. He continued to serve as a Judge until a few months before his death on September 22, 2008.

Committee Action: H.R. 3305 was introduced on July 23, 2009, and referred to the Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management, which held a markup and the bill passed by voice vote.

Cost to Taxpayers: A CBO score for H.R. 3305 is unavailable, but the only costs associated with a U.S. federal building 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

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

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S. 1599 - A bill to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws (*Sen. Leahy, D-VT*)

Order of Business: The bill is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the bill.

Summary: S. 1599 revises the federal charter (received in 1950) of the Reserve Officers Association (ROA) to include leadership positions newly added in its constitution and bylaws.

Among other technical changes, the bill makes the following changes to the ROA's charter:

- Allows for a potential increase in the number of national executive committee members who are officers of the ROA and who are on the national executive committee. Currently the number is three for both.
- Establishes that the president elect of the ROA is an officer and a non-voting member.

Additional Background: According to its website, the ROA was founded in 1922 and chartered in 1950. Its goal was – and is – to “support and promote the development and execution of a military policy for the United States that will provide adequate national defense.” There are currently about 65,000 members.

Committee Action: S. 1599 was introduced in the Senate on August 6, 2009 and referred to the Senate Armed Services and Judiciary Committees. The bill passed the Senate by unanimous consent on September 24, 2009 and was referred to the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law.

Cost to Taxpayers: CBO estimates that this legislation would have no 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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

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

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H.Res. 851 - Recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California. (Matsui, D-CA)

Order of Business: The resolution is scheduled to be considered on Tuesday, November 17, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 851 resolves that the House of Representatives:

- “Recognizes and honors SEARCH, The National Consortium for Justice Information and Statistics, on the occasion of its 40th anniversary for accomplishments to promote information sharing and identification solutions for first responders and law enforcement officers, and for the protection of privacy and citizens' rights.”

The resolution lists a number of findings, including:

- “The Department of Justice's Law Enforcement Assistance Administration created SEARCH in 1969 as a 10-State project to demonstrate whether it was feasible to exchange criminal history records on an automated and nationwide basis;
- “SEARCH is a nonprofit organization created by and for the States, governed by a Membership Group comprised of one gubernatorial appointee from each of the States and territories;
- “SEARCH helps agencies effectively implement information sharing technology to make accurate, more informed, immediate, and appropriately secured decisions about criminal justice and security issues, and to administer justice in an efficient and effective manner;
- “SEARCH has played a critical role in the development of systems such as the Interstate Identification Index (III), the National Instant Criminal Background Check System (NICS), commonly called the Brady check system, the National Fingerprint File (NFF), the Integrated Automated Fingerprint Identification System (IAFIS), and key standards for information sharing and interoperability, such as the National Information Exchange Model (NIEM).”

Committee Action: H.Res. 851 was introduced on October 20, 2009 referred to the House Committee on the Judiciary, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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?: A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the bill does not contain any earmarks.

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

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