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**Legislative Bulletin.....December 1, 2010**

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**Senate Amendment to H.R. 5283 - Help HAITI Act of 2010  
 (Fortenberry, R-NE)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the bill. H.R. 5283 passed the House on July 20, 2010 by voice vote. The Senate then passed an amended version of the bill on August 4, 2010 by unanimous consent.

**Summary:** H.R. 5283 would allow the Secretary of Homeland Security to adjust the status of Haitian orphans that were inspected and granted parole into the United States, pursuant to the Haitian humanitarian parole policy announced on January 18, 2010. These children will be deemed to have satisfied the requirements applicable to adopted children if the alien is under the age of 18 at the time adjustment occurs, and if a U.S. citizen adopts the alien, regardless of when adoption occurs. Essentially, the bill grants immediate permanent residence to these particular Haitian orphans. Under current law, they must wait two years after having been adopted before being eligible for permanent resident status. Because the children were airlifted so quickly out of Haiti, the adoption proceedings had not been completed.

The Secretary of State will not be required to reduce the number of immigrant visas authorized under the Immigration and Nationality Act when aliens are granted status to lawfully be in the U.S. as a result of this legislation.

Parents of aliens who obtain an adjustment in status under this legislation will have no inherent right, privilege, or status under this legislation.

**The Senate amendment adds the following:**

- A numerical limitation on the number of aliens who are granted the status of an alien lawfully admitted for permanent residence to 1400.
- Language stating that the alien must file an application for an adjustment of status not later than 3 years after the date of enactment.

**Committee Action:** H.R. 5283 was introduced on May 12, 2010, and was referred to the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. It passed the House on July 20, 2010 by voice vote. It then passed the Senate, with an amendment, on August 4, 2010 by unanimous consent.

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

**Cost to Taxpayers:** A CBO score is unavailable.

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

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

**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?:** Although the bill contains no earmarks, and there is 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.

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**S. 1338 - To require the accreditation of English language training programs (*Sen. Carper, D-DE*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** S. 1338 requires the accreditation of English language training programs for student visa holders under 101(a)(15)(F) of the Immigration and Nationality Act. These accredited language training programs must be accredited by an agency recognized to do so by the Department of Education.

This legislation is aimed at preventing immigration fraud by closing a loophole that has lead to foreign nationals coming to the United States on a student visa but not actually fulfilling the requirements of the visa. Currently all Intensive English Programs (IEPs) must be officially recognized, but there have been cases of fraud where schools have not been actually teaching the required English classes.

Accreditation is an intensive process that helps ensure the legitimacy of education programs. Under this legislation, IEPs have the option of meeting accreditation in one of two ways. They can be under the governance of a university or college that has been accredited by a regional accrediting agency recognized by the U.S. Department of Education. Or, they can be individually accredited by The Accrediting Council for Continuing Education and Training (ACCET) or the Commission on English Language Program Accreditation (CEA).

**Committee Action:** S. 1338 was introduced on June 24, 2009, and referred to the Senate Judiciary Committee, which took no public action. The legislation then passed the Senate by unanimous consent, and was referred to the House Judiciary Committee, which took no public action.

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

**Cost to Taxpayers:** A report from CBO was unavailable 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?:** 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 stating constitutional authority is unavailable.

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## **S. 1421 - Asian Carp Prevention and Control Act (*Sen. Levin, D-MI*)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** S. 1421 amends the Lacey Act (Section 42(a)(1) of title 18, United States Code), to add bighead carp (a type of Asian carp) to the list of injurious species that are

prohibited from being imported or shipped. Importers would be allowed to import these fish only if they have obtained permission from the U.S. Fish and Wildlife Services (USFWS) to import for scientific, medical, educational, or zoological purposes. USFWS regulations prohibit the agency from charging permit fees to state, local, or tribal entities, so the cost to intergovernmental entities would be solely administrative.

**Committee Action:** S. 1421 was introduced on July 9, 2009, and referred to the Senate Environment and Public Works Subcommittee on Water and Wildlife. A full committee markup was held and the legislation was approved, without amendment. The legislation passed the Senate on November 17, 2010, and was held at the desk.

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

**Cost to Taxpayers:** CBO estimates that implementing S. 1421 would have no significant cost to the federal government.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. This legislation would make it a federal crime to import, or transport, certain species of carp.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes. By prohibiting the importation and interstate transport of bighead carp without a permit, the bill would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Based on information from USFWS and industry experts about permits and the value of shipments, sales, and imports of such fish, CBO estimates that the costs of the mandates would fall well below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$70 million and \$141 million, respectively, in 2010, adjusted annually for inflation).

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** Senate Report 111-181 offers no explanation regarding earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** Senate Report 111-181 offers no explanation for Constitutional Authority.

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**S.Con.Res. 75 - A concurrent resolution authorizing the use of the  
rotunda of the Capitol for an event marking the 50th anniversary of  
the inaugural address of President John F. Kennedy  
(Sen. Kerry, D-MA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** S.Con.Res.75 would authorize the use of the rotunda of the United States Capitol to be used on January 20, 2011, for a ceremony to honor the 50<sup>th</sup> anniversary of the inaugural address of President John F. Kennedy. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

This legislation contains the following findings:

- “John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;
- “On November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and
- “On January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51pm, a speech that served as a clarion call to service for the Nation.”

**Committee Action:** S.Con.Res. 75 was introduced on November 18, 2010, and passed the Senate on November 18, 2010, by unanimous consent, without committee action. The legislation was then referred to the House Committee on Administration, which took no public action.

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

**Cost to Taxpayers:** A report from CBO was unavailable 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?:** 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 stating constitutional authority is unavailable.

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**H.R. 6184 - To amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits (*Larsen, D-WA*)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6184 would amend the Water Resources Development Act of 2000, and would extend the authority of the Secretary of the Army to accept and expend funds contributed by non-federal public entities to expedite the evaluation of permits.

**Committee Action:** H.R. 6184 was introduced on September 22, 2010, and referred to the House Transportation and Infrastructure Subcommittee on Water Resources and Environment, which took no public action.

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

**Cost to Taxpayers:** CBO estimates that implementing H.R. 6184 would cost less than \$500,000 annually, and that the net budgetary impact would be negligible.

**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 stating constitutional authority is unavailable.

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**S. 3250 - Federal Buildings Personnel Training Act of 2010  
(*Sen. Carper, D-DE*)**

**Order of Business:** The legislation is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** S. 3250 would require the General Services Administration (GSA) to establish guidelines for employees who perform maintenance work on federal buildings.

The GSA would be required to identify core competencies necessary for federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under federal law.

The GSA would develop requirements for federal building maintenance personnel which could include certain courses, certifications, degrees, licenses, and registrations. The GSA would also be allowed to require maintenance personnel to attend certain continuing education classes to ensure the operation of federal buildings in accordance with industry best practices and standards.

Within 18 months of enactment, and annually thereafter, the GSA Administrator would be required to develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

The training requirements of this legislation would apply to non-federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-federal personnel in a manner that is approved by the Administrator.

**Conservative Concern:** Some conservatives may be concerned that this legislation would increase the administrative costs of GSA and other federal agencies by \$22 million over the 2011-2015 period, assuming the availability of appropriated funds, and is not offset with reductions to existing authorized spending.

**Committee Action:** S. 3250 was introduced on April 22, 2010, and was referred to the Senate Environment and Public Works Committee, which held a markup and passed the bill without an amendment. The legislation passed the Senate on July 20, 2010, by unanimous consent, and was referred to the House Committee on Transportation and Infrastructure, which took no public action.

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

**Cost to Taxpayers:** CBO estimates that implementing S. 3250 would increase the administrative costs of GSA and other federal agencies by \$22 million over the 2011-2015 period, assuming the availability of appropriated funds.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. This legislation would require the GSA to develop and implement a government-wide program to train and certify personnel performing building operations and maintenance activities in federal buildings.

**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 stating constitutional authority is unavailable.

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## **H.Res. 1669 - Congratulating the National Air Transportation Association for celebrating its 70th anniversary (Duncan, R-TN)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 1, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1669 resolves that the House of Representatives:

- “Congratulates the National Air Transportation Association for celebrating its 70th anniversary;
- “Applauds the National Air Transportation Association for creating programs and resources to enhance the safety of general aviation operators; and
- “Commends the National Air Transportation Association for being instrumental in bolstering the general aviation industry during a time of turmoil in the 1940s.”

This resolution contains a number of findings, including:

- “The National Air Transportation Association (NATA) was founded 70 years ago on December 28, 1940, with 83 charter member companies who were instrumental in saving the Civilian Pilot Training Program (CPTP);
- “On December 27, 1938, the CPTP was formed by President Franklin D. Roosevelt who approved a Civil Aeronautics Authority plan to boost the private flying industry by annually teaching 20,000 college students to fly;
- “The CPTP saved the flagging general aviation industry by training thousands of new pilots which stimulated the manufacture of new aircraft;
- “NATA continues to represent the legislative, regulatory, and business interests of general aviation businesses; and
- “NATA established the Air Charter Safety Foundation to continuously enhance the safety and security practices of charter and shared aircraft owners and operators in the United States and worldwide.”

**Committee Action:** H.Res. 1669 was introduced on September 28, 2010, and was referred to the House Transportation and Infrastructure Subcommittee on Aviation, which took no public action.

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

**Cost to Taxpayers:** A report from CBO was unavailable 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?:** 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 stating constitutional authority is unavailable.

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