



## Legislative Bulletin.....December 19, 2012

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**H.R. 3197 - To name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center” (McMorris Rodgers, R-WA)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 3197](#) would name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center.”

**Additional Information:** Private First Class Joe Mann was a U.S. soldier and Medal of Honor recipient who died on September 19, 1944 in Holland during World War II. According to his Medal of Honor citation, after helping to hold off the enemy for a day, “the enemy launched a concerted attack and advanced to within a few yards of the position, throwing hand grenades as they approached. One of these landed within a few feet of Pfc. Mann. Unable to raise his arms, which were bandaged to his body, he yelled “grenade” and threw his body over the grenade, and as it exploded, died.”

Platoon Sergeant Bruce Grandstaff was a U.S. soldier and Medal of Honor recipient who died on May 18, 1967 in Vietnam during the Vietnam War. After risking his life to save a fellow soldier, he was repeatedly wounded and repeatedly continued fighting before asking for artillery on his own position, which was being overrun by the enemy. He continued fighting until he was hit by an enemy rocket.

**Committee Action:** [H.R. 3197](#) was introduced on October 13, 2011, and referred to the Committee on Veterans’ Affairs. On October 25<sup>th</sup>, 2011 it was referred to the Subcommittee on Health.

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

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement submitted with this bill reads “The bill is enacted pursuant to the power granted to Congress under Article I, Section 8.”

**RSC Staff Contact:** Rick Eberstadt, [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov), (202-226-9720).

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**H.R. 6443 - To designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the “William ‘Bill’ Kling VA Clinic” (Schultz, D-FL)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 6443](#) would designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the "William 'Bill' Kling VA Clinic."

**Additional Information:** William ‘Bill’ Kling served for 8 years as Florida’s Commissioner of Veterans Affairs, and for 27 years as the President of the Broward County Veterans Council. Bill Kling served in the Navy during World War II. He was a community activist both for veterans causes and for the Democratic Party, and passed away on August 6, 2012.

**Committee Action:** [H.R. 6443](#) was introduced on September 19, 2012, and referred to the Committee on Veterans’ Affairs. On October 11 it was referred to the Subcommittee on Health.

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

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement for this bill reads “Article I, Section 8, Clause 14: To make Rules for the Government and Regulation of the land and naval Forces.”

**RSC Staff Contact:** Rick Eberstadt, [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov), (202-226-9720).

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**H.R. 3869 - To designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building” (Griffin, R-AR)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 3869](#) would designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building.”

**Additional Information:** Sydney ‘Sid’ McMath served in the Marine Corps during World War II, and was elected as the thirty-fourth governor of Arkansas. Governor McMath passed away on October 4, 2003.

**Committee Action:** [H.R. 3869](#) was introduced on February 1, 2012, and referred to the Committee on Oversight and Government Reform. On February 7, 2012, the committee held a mark-up session and ordered the bill to be reported by voice vote.

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

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement for this bill reads “Article I, Section 8, Clause 7: The Congress shall have Power to establish Post Offices and post roads.”

**RSC Staff Contact:** Rick Eberstadt, [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov), (202-226-9720).

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**H.R. 3378 - To designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the “Elizabeth L. Kinnunen Post Office Building” (Benishek, R-MI)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 3378](#) would designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the “Elizabeth L. Kinnunen Post Office Building.”

**Additional Information:** According to Rep. Benishek’s office, Elizabeth Kinnunen was born in Finland in 1893 before moving to America and raising 11 children in Michigan. She was a double gold star mother: her son Eiso was killed in action during the Battle of the Bulge, while her son Raymond was killed during the Korean War. Elizabeth L. Kinnunen passed away on April 5, 1974.

**Committee Action:** [H.R. 3378](#) was introduced on November 4, 2011, and referred to the Committee on Oversight and Government Reform. On February 7, 2012, the committee held a mark-up and ordered the bill to be reported by voice vote.

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

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement submitted with this bill reads “Article I, Section 8, Clause 7- The Congress shall have Power. . . To establish Post Offices and post roads.”

**RSC Staff Contact:** Rick Eberstadt, [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov), (202-226-9720).

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**H.R. 4389 - To designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the “Cecil E. Bolt Post Office” (Costa, D-CA)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 4389](#) would designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office."

**Additional Information:** Cecil E. Bolt served in the U.S. Army during World War Two before moving to Fowler, California and being appointed Postmaster. He served in this capacity for 27 years, and later served as State President of the National League of Postmasters. He passed away on February 9, 2007.

**Committee Action:** This legislation was introduced on April 18, 2012 and referred on the Committee on Oversight and Government Reform. On June 27, 2012 it was ordered to be reported by Unanimous Consent.

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

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement submitted with this legislation reads “This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 7 of the United States Constitution.”

**RSC Staff Contact:** Rick Eberstadt, [Rick.Eberstadt@mail.house.gov](mailto:Rick.Eberstadt@mail.house.gov), (202-226-9720).

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**H.R. 6612 – To redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range (McCarthy, R-CA)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 6612](#) redesignates the national Aeronautics and Space Administration Hugh L. Dryden Flight Research Center in Edwards, California, as the “NASA Neil A. Armstrong Flight Research Center” and redesignates the national Aeronautics and Space Administration Western Aeronautical Test Range in California as the “NASA Hugh L. Dryden Aeronautical Test Range.” By redesignation, the bill also changes any and all references in law, maps, regulation, document, paper, or other record of the United States regarding these new designations.

**Committee Action:** Referred to the House Committee on Science, Space, and Technology on November 29, 2012. No action was taken.

**Administration Position:** A Statement of Administration Policy has not been released.

**Cost to Taxpayers:** A CBO score for the legislation 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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill states, “Congress has the power to enact this legislation pursuant to the following: U.S. Constitution, Article IV, Section 3, Clause 2.”

**RSC Staff Contact:** Derek Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-2076.

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**S. 3564 – To extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes (*Lieberman, I-VT*)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [S. 3564](#) amends section 703(C)(20)(D) of the Public Interest Declassification Act of 2000 by making technical corrections vacancy and appointment dates up to the year 2014.

**Committee Action:** Introduced in the Senate Committee on Homeland Security and Governmental Affairs on December 11, 2012. On December 11, 2012, it passed the Senate by unanimous consent and was referred to the House Committee on Oversight and Government Reform on December 12, 2012.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate accompanies the bill.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** No Constitutional Authority Statement attached.

**RSC Staff Contact:** Derek Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-0678

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**H.R. 6016 – Government Employee Accountability Act  
(Kelly, R-PA)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 6016](#) would allow agencies to place Senior Executive Service (SeS) employees on unpaid administrative leave for up to 180 days if they are accused of misappropriation of funds, misconduct, neglect of duty, or malfeasance. Currently, investigations of such offenses generally require agencies to initially place employees on paid lead.

**Background:** This legislation is a result of an April 2012 hearing on the GSA 2010 Western Regional Conference when GSA employees spent more than \$820,000 on a conference originally budgeted at \$250,000. In May, 2011, GSA briefed the GSA-Administrator and Senior Counsel on an investigation into the Western Regional Conference. On February 17, 2012, the Office of Inspector General subsequently presented GSA leadership with the final management deficiency report. The agency typically has 30 days to review and respond, here, the GSA requested an additional 30 days. Despite having 60 days to consider taking action from receipt of the final management deficiency report, then-Administrator Johnson took no action. Johnson then resigned on April 2, 2012.

**Committee Action:** This legislation was introduced on June 21, 2012, and referred to the House Oversight and Government Reform Committee. On June 27, 2012, a mark-up session ([Report](#)) was held and it was reported out by voice vote. On September 21, 2012, it was reported out of committee ([H.Rept. 112-686](#)).

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

**Cost to Taxpayers:** CBO [estimates](#) that implementing H.R. 6016 would not have a significant impact on federal spending.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill states, "Congress has the power to enact this legislation pursuant to the following: Article I."

**RSC Staff Contact:** Derek Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-0678

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**S. 2170 – Hatch Modernization Act of 2012**  
*(Akaka, D-AL)*

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** [H.R. 2170](#) would amend the Hatch Act, which covers the political activities of public employees, by removing some restrictions on the political activities of most District of Columbia government employees and many other state and local officials. In addition, S. 2170 would establish civil penalties for federal employees that violate the Hatch Act.

Proponents argue that this reform is important because the Special Counsel in charge of enforcing the act has provided credible information demonstrating how the current act is being interpreted in a broad way that has led to extreme and outrageous examples – such as deputy sheriffs being told they can't run for sheriff because they have a DHS grant for their police dog – that requires reform.

Section 2 of the bill amends 5 U.S.C. Sec. 1502(a)(3) to scale back the provision forbidding state or local employees employed in connection with a federally supported activity to run for partisan elective office. Such state or local employees will be allowed to run for elective office unless the employee's salary is paid completely, directly or indirectly, by loans or grants made by the United States or a federal agency.

**Background:** On October 6, 2011, Carolyn Lerner, Special Counsel (primary enforcement officer of the Hatch Act), sent a letter and draft legislation to Congress:

“The Hatch Act injects the federal government into state and local contests thousands of times a year, its penalties are inflexible and sometimes unfair, and it is out-of-date with the 21<sup>st</sup> century workplace,”

Lerner said, “There's bipartisan consensus that this law needs an update.” Lerner said her office receives over 2,000 inquiries annually regarding whether a particular candidate in a state or local race is eligible to run. If the candidate has even a trivial connection to federal funding in his or her current position, they cannot run in a partisan election.

A recent example was that of a Pennsylvania police officer in a canine unit who was not eligible to run for his local school board because his black Labrador was tied to funding from the Department of Homeland Security.

In addition, Lerner said, the workplace is significantly different today than it was in 1993, when the law last saw significant reform. Congress needs to clarify the law's definitions of “political activity” and of “federal workplace,” among other reforms. ([press release and model legislation](#))

The committee report notes several examples of the Hatch Act being ineffective:

- In 2011 a transit police officer was forced to abandon his candidacy for a seat on the local school board after OSC advised him that he was covered by the Hatch Act because he was assisted by a police dog partially financed by a Department of Homeland Security grant.
- OSC concluded that a county District Attorney had violated the Hatch Act when she had campaigned for that position while employed as a first assistant district attorney, the office having received a 2007 federal grant to battle drug crimes and domestic violence.
- OSC recently advised a paramedic in South Carolina that the Hatch Act prohibited him from running for the office of county coroner while holding his current position, because Medicaid funded the healthcare of some of the patients he transported in his ambulance.

The Committee report concluded by finding that “the Hatch Act injects the federal government in a way that weakens state and local government by forbidding otherwise qualified individuals from running and serving in elected office.”

Additionally, because of the great influx of federal grant money to local police departments after 9/11, OSC must frequently advise deputy Sheriffs that they may not run for Sheriffs.

Special Counsel Carolyn Lerner argues that scaling back the prohibition on running for partisan political office will not diminish OSC’s ability to enforce the Hatch Act in situations where state or local employees actually misuse their authority or engage in coercive conduct for political purposes. She argues that cutting back the prohibition on state and local employees running for office will allow OSC to focus more of its resources on these more serious matters.

Special Counsel Carolyn Lerner reported that 45 percent of the Hatch Act Unit’s cases and the vast majority of the Hatch Act Unit’s advisory opinions involve state and local political campaign cases that lack any allegation of coercive or abusive political conduct.

**Committee Action:** This legislation was introduced on March 7, 2012, and was referred to the Senate Committee on Homeland Security and Governmental Affairs. It passed committee on September 13, 2012 (Report No. [112-211](#)) and passed the Senate by unanimous consent. It was then referred to the House Committee on Oversight and Government Reform.

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

**Cost to Taxpayers:** CBO [estimates](#) that S. 2170 will have no significant impact upon federal spending, and could actually increase revenues from civil fines that could be imposed from violations of the Hatch Act.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

**Constitutional Authority:** No Constitutional Authority Statement attached.

**RSC Staff Contact:** Derek Khanna, [Derek.Khanna@mail.house.gov](mailto:Derek.Khanna@mail.house.gov), (202) 226-0678.

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**H.Res. 668 - To refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members (Cole, R-OK)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** The legislation allows the Quapaw Tribe of Oklahoma (O-Gah-Pah) and its tribal members to pursue their Indian trust-related claims in the U.S. Court of Federal Claims pursuant to Sections 1492 and 2509 of Title 28, United States Code.

**Additional Information:** The resolution would refer the claims in the referenced case to the Court of Federal Claims. It does not mandate any particular outcome for the claims, rather it just ensures that the claims are heard.

The U.S. government (USG) manages trust assets for the Quapaw Tribe and for individual Indian allottees and their successors.

Below is a timeline of key events that has been provided by the sponsor's office:

February 2002: Quapaw Tribe files lawsuit for accounting of the USG's management of the Tribe's financial and other assets

November 2004: Quapaw Tribe and USG agree to perform Quapaw Analysis, in exchange Tribe agrees to Dismissal of Lawsuit with Prejudice

April 2005: Court approves Consent Decree dismissing suit and ordering preparation of Quapaw Analysis accounting; Quapaw Analysis to meet USG's trust accounting standards; agreement and consent decree includes agreement that the USG and the Quapaw Tribe will engage in mediation after completion of Quapaw Analysis

June 2010: Quapaw Analysis completed and sent to the USG

August 2010: Quapaw Tribe meets with U.S. Department of Justice (DoJ) regarding the Quapaw Analysis to establish guidelines for mediation

November 2012: USG accepts Quapaw Analysis deliverable

February 2011: Second meeting between Quapaw Tribe and DoJ; DoJ decides not to mediate and instead instructs Quapaw Tribe to prepare Settlement Demand

May 2011: Quapaw Tribe tenders Settlement Demand; thereafter DoJ indicates settlement unlikely, obliging Quapaw Tribe to file lawsuit in Court of Federal Claims

May 2012: Rep. Cole introduces H.Res.668 / H.R.5862, to ensure the Quapaw Tribe has access to a forum to plead its case for mismanagement by the USG

November 13, 2012: DoJ files Motion to Dismiss on procedural and statute of limitation grounds

**Committee Action:** H.Res. 668 was introduced on May 30, 2012, and referred to the House Judiciary Subcommittee on Immigration Policy and Enforcement, which took no public action.

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

**Cost to Taxpayers:** No report from CBO is available.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The resolution does not contain earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** House rules do not require a statement on constitutional authority for House Resolutions.

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

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## **S. 925 - Mt. Andrea Lawrence Designation Act of 2011 (*Sen. Boxer, D-CA*)**

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** S. 925 would designate a peak in the Ansel Adams Wilderness, in Mono County, California, as Mt. Andrea Lawrence.

The peak is currently only identified by its elevation, 12,240 ft. This peak is located northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park, in Mono County, California.

**Additional Information:** Andrea Lawrence competed in the 1948 Winter Olympics in St. Moritz, Switzerland, as well as the 1956 Winter Olympics in Cortina d'Ampezzo, Italy, and she was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics, she won 2 Gold Medals in alpine skiing, and she was inducted into the U.S. National Ski Hall of Fame in 1958. She served on the Mono County Board of Supervisors, the same county in which this peak exists. She died March 31, 2009, at the age of 76.

The Ansel Adams Wilderness was designated by the 1964 Wilderness Act. It includes over 230,258 acres, ranging in altitude from about 7,000 feet to 14,000 feet.

**Committee Action:** S. 925 was introduced on May 9, 2011, and was referred to the Senate Energy and Natural Resources Committee. The legislation was discharged by the committee by unanimous consent on October 18, 2011. The legislation passed the Senate on October 18, 2011, by unanimous consent and was referred to the House Natural Resources Committee. The committee held a markup on April 25, 2012, and favorably reported the legislation by unanimous consent.

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

**Cost to Taxpayers:** CBO estimates that enacting this legislation to name a peak in Mono County, California, would have no significant impact on the federal budget and would not affect direct spending or revenues. CBO's report can be [viewed here](#).

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. This legislation names a peak in a wilderness area, which is federal land.

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

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The legislation does not contain earmarks, limited tax benefits, or limited tariff benefits.

**Constitutional Authority:** The rules of the Senate do not require a statement of constitutional authority to accompany legislation upon introduction. Additionally, [Senate Report 112-506](#) does not contain a statement of constitutional authority. It is worth noting that Article IV, Section 3, Clause 2 of the Constitution gives Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”

**RSC Staff Contact:** Curtis Rhyne, [Curtis.Rhyne@mail.house.gov](mailto:Curtis.Rhyne@mail.house.gov), (202) 226-8576.

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**H.R. 6166 - To designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the "James M. Carter and Judith N. Keep United States Courthouse"**  
*(Susan Davis, D-CA)*

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6166 would designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the “James M. Carter and Judith N. Keep United States Courthouse”.

**Background:** According to Congresswoman Susan Davis page:

“Judge James M. Carter, who was instrumental in establishing the Southern District of California and was its first Chief Judge. Judge Judith N. Keep is the first female Chief Judge of the Southern District.” (read [here](#)).

**Committee Action:** Representative Susan Davis (D-CA) introduced H.R. 6166 on July 23, 2012, and it was referred to the House Committee on Transportation and Infrastructure. On July 24, 2012 the legislation was referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

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

**Cost to Taxpayers:** A CBO report for H.R. 6166 is unavailable.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill states, ‘Congress has the power to enact this legislation pursuant to the following: Article I, Section 8.’

**RSC Staff Contact:** Ja’Ron Smith, [ja'ron.smith@mail.house.gov](mailto:ja'ron.smith@mail.house.gov), (202) 226-0718

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**S. 3311 - A bill to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse"**  
*(Sen. Max Baucus, D-MT)*

**Order of Business:** This bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules and pass the bill.

**Summary:** S.3311 would designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the “James F. Battin United States Courthouse”.

**Background:** James F. Battin was a former Republican Member of Congress from 1961-1969. He was nominated by President Nixon in 1969 to a seat on the United States District Court for the District of Montana. In 1978 Battin became the chief judge and he served as chief judge until 1990.

**Committee Action:** Senator Max Baucus (D-MT) introduced S.3311 on June 19, 2012, and it was referred to the Committee on Environment and Public Works on July 10, 2012. On September 22, 2012 the legislation was passed on the Senate without amendment by Unanimous Consent. On September 25, 2012 the legislation was referred to the House Committee on Transportation and Infrastructure.

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

**Cost to Taxpayers:** A CBO report for S.3331 is unavailable.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** No statement of Constitutional Authority was available.

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**H.R. 6633 - To designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse" (Ralph Hall, R-TX)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 6633 would designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the “Paul Brown United States Courthouse”.

**Background:** Paul Brown was a U.S. District Judge from 1985-2006. He served in the Eastern District of Texas, and he held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually presided over the Sherman courthouse exclusively.

**Committee Action:** Rep. Ralph Hall introduced H.R.6633 on December 5, 2012, and it was referred to the House Committee on Transportation and Infrastructure.

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

**Cost to Taxpayers:** A CBO report for H.R. 6633 is unavailable.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill states, ‘Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 17 of the United State Constitution.’”

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## **H.R. 6655 – Protect our Kids Act of 2012 (*Doggett, D-TX*)**

**Order of Business:** The bill is scheduled to be considered on December 19, 2012 under a motion to suspend the rules and pass the legislation.

**Summary:** H.R. 6655 would establish a national Commission to Eliminate Child Abuse and Neglect Fatalities to produce recommendations on how to leverage child protective and welfare services funded under the Social Security Act to reduce fatalities resulting from child abuse and neglect. It would also provide authorize and appropriate \$612 million for the Temporary Assistance for Needy Families Contingency Fund for FY 2014

### **Authorization of Temporary Assistance for Needy Families Contingency Fund**

- The legislation would provide new authorization for mandatory spending of \$612 million on the Temporary Assistance for Needy Families (TANF) Contingency Fund in FY 2014.

**Additional information:** The TANF Contingency Fund is a special pool of funding available to states during periods of economic distress to supplement their annual TANF block grant (which has been level-funded since welfare reform in 1996). States may only receive funds from the Contingency Fund if their unemployment is at least 6.5% over a three month period and is at least a 10% higher than during the two previous years over the same three month period. States may also qualify for a Contingency Fund grant if their food stamp caseload is higher over a three month period than it was during the same three month period in 1994 or 1995. Grants through the TANF contingency fund are limited to 20% of a state's traditional TANF block grant, allocated monthly.

The TANF Contingency Fund was originally authorized a one-time amount of \$2 billion in the welfare reform law of 1996. Those funds lasted through early FY 2010, over 13 years. According to CRS, the Contingency Fund received a total of \$212 million in FY 2010. In 2010, Democrats enacted legislation, the Claims Resolution Act, providing for a total of \$334 million in FY 2011 and \$612 million in FY 2012 in new funds for the TANF Contingency Fund. An additional \$612 million for the Fund in FY 2013 was authorized and appropriated in the Continuing Appropriation Resolution, 2013. This legislation would match that appropriation level of \$612 million for FY 2014.

### **Findings**

- The legislation includes several Congressional findings, including that deaths from child abuse are preventable, underreported, and lack a clear reporting standard allowing better understanding of the issue.

### **Membership of the Commission**

- The Commission would be made of 12 experts: 6 of whom would be appointed by the President, 2 by the Speaker of the House, 2 by the Majority Leader of the Senate, and 1 each by the Minority Leaders of the House and Senate.
- Each expert must have experience in one or more of 18 areas of expertise, including child welfare, medicine, academia, law enforcement, law, education, and computer science. Those appointing experts “shall make every effort to select individuals whose qualifications are not already represented by other members of the Commission.
- A Chairperson of the Commission would be selected by the President.

### **Duties of the Commission**

- The Commission will conduct a study on the use of child protective services and child welfare services funded under Title IV and Subtitle A of Title XX of the Social Security Act to reduce fatalities from child abuse and neglect.
- [Title IV](#) of the Social Security Act primarily funds the Temporary Assistance for Needy Families Block Grants (TANF), the Child Welfare Services Program, Child Support and the Establishment of Paternity, and federal payments for Foster Care and Adoption Assistance. Subtitle A of [Title XX](#) of the Social Security Act primarily funds the Social Security Block Grant Program, previously highlighted by Committee on Ways and Means and the [RSC Sunset Caucus](#) for elimination.
- The Commission shall study:
  - A. The effectiveness of the existing services funded through those Titles and best practices in preventing child abuse and neglect fatalities.
  - B. The effectiveness of those services in collecting data on such fatalities.
  - C. Barriers to preventing such fatalities and how to improve efficiency of child welfare outcomes.
  - D. Trends in demographic and other risk factors that are predictive or correlated with child maltreatment.
  - E. Methods of prioritizing child abuse and neglect prevention within the existing services for families with the highest need.
  - F. Methods of improving data collection and utilization.
- The Commission shall review all current research and documentation, including the National Survey of Child and Adolescent Well-Being, research and recommendations from the Government Accountability Office, and recommendations from the Advisory Board on Child Abuse and Neglect.
- Graduate and doctoral students would be offered an opportunity to coordinate research with the Commission.
- The Commission shall develop recommendations on how the federal, state, and local governments; the private sector; and nonprofit organizations can reduce fatalities from child abuse and neglect, including a comprehensive national strategy and guidelines on the information to track to prevent additional fatalities.
- The Commission must submit a report within two years (three by Presidential extension) on its findings, conclusions, and recommendations.
- Federal agencies affected by the Commission’s recommendations must submit a report to Congress on their response and plans to address those recommendations.

## **Powers and Personnel of the Commission**

- The Commission may hold hearings (including in areas with high fatality rates from child abuse and neglect and in areas with a decrease in such fatalities), secure information from federal agencies, and utilize the Postal Service.
- Commission members would not be compensated, but would be authorized travel expenses and per diem.
- The Chairperson of the Commission would be empowered to appoint an executive director and other personnel for the Commission and set their compensation (subject to limit) as necessary.
- The Commission shall terminate 30 days after submitting its report or three years after its initial meeting, whichever is sooner.

## **Funding of the Commission**

- The Commission would be designated \$2 million in both FYs 2013 and 2014 from the \$612 million in mandatory funding authorized annually for the TANF Contingency Fund.

**Potential Conservative Concerns:** Some conservatives may have concerns that this legislation provides additional funds for the TANF Contingency Fund through 2014, preferring to consider an extension of the Contingency Fund when considering an extension of the broader TANF program next year. Some conservatives may also be concerned about the level of spending, \$612 million in FY 2014, and the origin of that level of spending with a Democrat Congress. Additionally, there may be concerns that such a significant program will be considered under suspension and not under regular order with time for amendment and debate. Finally, some conservatives have suggested that some consideration should be given to limiting the growing number of commissions established by Congress.

**Prior Congressional Action:** H.R. 6655 was introduced on December 13, 2012 by Rep. Lloyd Doggett and referred to the House Committee on Ways and Means, which took no public action.

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

**Cost to Taxpayers:** No CBO estimate is available. The authorized level of spending for FY 2014, \$612 million, is in accordance with the CBO Baseline's assumptions for this program.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The legislation creates a new Commission to Eliminate Child Abuse and Neglect Fatalities.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** H.R. 886 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority Statement:** The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8, Clause 1 of the United States Constitution, to “provide for the common Defence and general Welfare of the United States.”

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## **H.R. 6672 – To reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes (Rogers, R-MI)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 6672 amends the Public Health Service Act by reauthorizing funding for agencies and offices within the Department of Health and Human Services (HHS) that support activities related to public health readiness and medical emergencies. Specifically, it reauthorizes activities to improve medical system capacity and care coordination in the event of a public health emergency administered by the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the Office of the Assistant Secretary for Health, and the Office of the Assistant Secretary for Preparedness and Response.

A similar bill (H.R. 2405) passed the House last December by voice vote. The RSC Legislative Bulletin for H.R. 2405 is included [here](#), and the differences within H.R. 6672 are briefly described below:

- *Section 103: National Advisory Committee on Children:* The bill establishes an advisory committee to oversee the current work being conducted by the Children’s HHS Interagency Leadership on Disasters (CHILD) Working Group and the National Commission on Children and Disasters to address the country’s ability to care for children affected by disasters;
- *Section 105: Continuing the Role of the Department of Veterans Affairs:* The bill reauthorizes the Veterans Affairs medical centers and research facilities capabilities to address a chemical, biological, radioactive and nuclear (CBRN) attack at \$155.3 million for FY2013-2017. This funding level is the FY2012 appropriated level;
- *Section 201: Temporary Redeployment of Federally Funded Personnel During a Public Health Emergency:* This original H.R. 2405 provision allowed states, localities, and tribes to request the Department of Health and Human Services (HHS) Secretary to redeploy personnel funded by the federal government, so they can respond effectively to public health emergencies, thus helping American citizens affected by disasters and saving American taxpayers’ money. This authority permits the nation to leverage current employees funded by the federal government, and this process could be initiated only at the request of the state or tribe. The current language only permits the Governors of states and tribes to make such a request as opposed to including localities as well;

- *Section 403: Strategic National Stockpile:* This section reauthorizes the nation's Strategic National Stockpile at \$533.8 million each year for FY2013-FY2017. This amount is the FY2012 appropriated level;
- *Section 404: National Biodefense Science Board:* This section requires at least one specialist or expert in pediatrics and one specialist or expert in state, tribal, territorial, or local public health to be members of the National Biodefense Science Board; and
- Any reauthorized public health provisions are reauthorized at the FY2012 appropriated level as opposed the FY2011 levels included in H.R. 2405.

**Committee Action:** Representative Mike Rogers (R-MI) introduced H.R. 6672 on December 17, 2012 with a referral to the House Committees on Energy and Commerce and Veterans Affairs. No further committee action has occurred on the bill.

Some Members might be concerned that this bill was not included in the original [announced](#) Floor Schedule distributed last Friday night, December 14, 2012.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate for H.R. 6672 has been released.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill expands the HHS Secretary's authority to issue public health emergency threat determinations and the emergency use authority for certain medical products. It also establishes an advisory committee to oversee the current work being conducted by the Children's HHS Interagency Leadership on Disasters (CHILD) Working Group and the National Commission on Children and Disasters to address the country's ability to care for children affected by disasters. However, any reauthorized amounts for public health provisions are reauthorized at FY2012 appropriated levels.

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

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A Committee report citing compliance with Clause 9 of Rule XXI regarding earmarks is not available. The Committee [report](#) for H.R. 2405 explains that H.R. 2405 contains "...no earmarks, limited tax benefits, or tax expenditures."

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution."

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**S. 1440 – Prematurity Research Expansion and Education for Mothers who  
deliver Infants Early Reauthorization Act, as amended  
(Senator Alexander, R-TN)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** S. 1440 reauthorizes research activities at the Centers for Disease Control (CDC) and Health Resources and Services Administration involving infants born prematurely; establishes a National Pediatric Research Network with respect to pediatric rare diseases; and reauthorizes the Children’s Hospital Graduate Medical Education Program for five years. Further details are described below:

*Title I: The Preemie Reauthorization Act*

- **Sec. 101 Research and Activities at the Centers for Disease Control and Prevention:** This section authorizes the Director of the CDC to conduct epidemiological studies related to prematurity and to facilitate national data with regard to preterm births. A report to Congress on this research is required every two years.
- **Sec. 102 Activities at the Health Resources and Services Administration:** This section requires the Director of the Office for the Advancement of Telehealth to give preference grant applicants who plan to develop or establish telehealth networks that provide prenatal care for high-risk pregnancies. It also revises and reauthorizes the authority of the Secretary to conduct demonstration projects that provide information and education to health care providers and the public on risk factors, the importance of prenatal care, treatments, information needs of families, and evidence-based strategies.
- **Sec. 103 – Other Activities:** This section repeals the Interagency Coordinating Council on Prematurity and Low Birthweight and authorizes the Secretary to establish the Advisory Committee on Infant Mortality. It also directs the Advisory Committee (or an existing advisory committee designated by the Secretary) to develop, and periodically review and revise, a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services (HHS). It requires the Secretary of HHS to designate an appropriate agency within HHS to coordinate existing studies and report to the Secretary and Congress on hospital readmissions of preterm infants.

*Title II: National Pediatric Research Network*

- This title is similar to H.R. 6163, the National Pediatric Research Network Act of 2012, which passed the House by voice vote on September 19, 2012.
- The RSC Legislative Bulletin for H.R. 6163 is included [here](#).
  - S. 1440 eliminates the new data coordinating center H.R. 6163 created to manage interactions and distribute scientific findings for research activities for all

participating consortia as well as report to the NIH Director and Commissioner of the Food and Drug Administration on consortia research;

- The bill makes it a condition of being considered as a consortia that each consortia disseminate their findings;
- H.R. 6163 authorized the National Institutes of Health (NIH) director to establish a new network of up to twenty pediatric research consortia. This bill authorizes the NIH Director to establish up to eight consortia.

### *Title III: Children's Hospital Graduate Medical Education Support Reauthorization*

- This title is similar to H.R. 1852, the Children's Hospital GME Support Reauthorization Act of 2011, which passed the House by voice vote on September 21, 2011.
- The RSC Legislative Bulletin for H.R. 1852 is included [here](#).
- This Title reauthorizes GME funding at \$330 million for each year through FY2013-FY2017, the same amount H.R. 1852 authorized for FY2012-FY2016. In FY2012, GME funding received an appropriation of approximately \$265 million. Note—the President's FY2013 budget request proposes \$88 million in funding while its FY2012 Budget request proposed to eliminate all GME funding.

**Committee Action:** Senator Lamar Alexander (R-TN) introduced S. 1440 on July 28, 2011. The Senate Committee on Health, Education, Labor, and Pensions considered the bill and reported an amended version out favorably on September 19, 2012. The full Senate amended the bill and passed it by voice vote on November 15, 2012. No further House committee action has taken place on the bill.

Some Members might be concerned that this bill was not included in the original [announced](#) Floor Schedule distributed last Friday night, December 14, 2012.

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

**Cost to Taxpayers:** The Congressional Budget Office (CBO) has not issued a cost estimate for S. 1440. RSC staff has reviewed a CBO email indicating that S. 1440 will not affect direct spending or revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill provides authority for (but does not require) the NIH Director to establish a new network of up to eight pediatric research consortia in an effort to coordinate pediatric research of rare diseases.

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

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The rules of the Senate do not require a statement of constitutional authority to accompany legislation upon introduction.

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## **H.R. 1509 – Medicare Identity Theft Prevention Act of 2011, as amended (Johnson, R-TX)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 1509 amends the Social Security Act to direct the Secretary of Health and Human Services (HHS), in consultation with the Commissioner of Social Security, to establish a process to ensure that any derivative of a Medicare beneficiary's Social Security Number is not displayed, coded, or embedded on the beneficiary's Medicare card for cards issued on or after an effective date within three years of enactment of this bill. Re-issued cards must comply with this requirement within three years of an effective date determined by the HHS Secretary. It also requires the Government Accountability Office to conduct a study within two years of enactment examining whether the Medicare program should use smart card technology for Medicare beneficiary cards and for Medicare provider membership cards.

**Additional Background:** The bill seeks to prevent the potential for identity theft of senior citizens' Social Security Numbers. The Centers for Medicare and Medicaid Services (CMS) administers the Medicare program for over 50 million seniors. CMS relies on the health insurance claim number (HICN) that displays Social Security Numbers for administering Medicare benefits, including requiring beneficiaries to present the HICN to document eligibility for Medicare services and requiring approximately 1.4 million providers to use the HICN for billing services.

A similar bill—[H.R. 6600](#)— passed the House by voice in 2008.

**Committee Action:** Representative Sam Johnson (R-TX) introduced H.R. 1509 on April 13, 2011, which was referred to the House Committee on Ways and Means, Subcommittee on Social Security. No further committee action has occurred on the bill.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate for the bill has been released.

**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 Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement published in the Congressional Record upon introduction of the bill states, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, clause 18.” (The Necessary and Proper Clause)

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## **H.R. 1845 – Medicare IVIG Access Act, as amended (Brady, R-TX)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 19, 2012, under a motion to suspend the rules requiring two thirds majority vote for passage.

**Summary:** H.R. 1845 establishes a three-year Medicare demonstration project to provide in-home, comprehensive Medicare Part B coverage for up to 4,000 beneficiaries with primary immunodeficiency disease (PID) that require intravenous immune globulin (IVIG) services and supplies. It also amends the Medicare Secondary Payments requirements as described below.

### *Medicare Demonstration Project*

Medicare Part B beneficiaries receive comprehensive coverage for the administration of IVIG when prescribed by a physician if the medical items (equipment and supplies) and medical services (a medical professional administering the necessary drugs to the beneficiary) are provided in a physician’s office or a hospital outpatient setting. Medicare Part B coverage does not cover these medical items or medical services if the IVIG is administered in the beneficiary’s home (it does cover only the IVIG). Supporters of the bill maintain that the out-of-pocket costs deter beneficiaries from receiving IVIG in their home, which is the least costly and typically the safest setting for the beneficiary.

H.R. 1845’s demonstration project will require the Centers for Medicare and Medicaid Services (CMS) to establish a Medicare Part B payment amount, based on what the Medicare program pays home health agencies for similar services, for both the IVIG home medical items and medical services. CMS will issue both an interim report to Congress within three years of enactment on the demonstration’s impact on beneficiary access to IVIG in the home setting and a final report to Congress within one year after completion of the demonstration project;

- describing the “...appropriateness of implementing a new methodology for IVIG payments for all care settings...” under Medicare Part B; and
- updating the February 2007 report from the Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation entitled “Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV).”

The bill provides \$45 million from the Federal Supplementary Medical Insurance Trust Fund (section 1841 of 42 U.S.C. 1395t, the Social Security Act) to carry out this three-year demonstration project.

### *Medicare Secondary Payer Rules (MSP)*

Title II of H.R. 1845 includes provisions from H.R. 1063, the Strengthening Medicare and Repaying Taxpayers Act of 2011 introduced by Rep. Tim Murphy (R-PA). The MSP is a program intended to prevent Medicare trust funds from paying medical beneficiary claims for claims that are the financial responsibility of third parties, including defendants to litigation. It prohibits Medicare payments on claims when other payments have been made or can reasonably be expected to be made by a third-party payer. Current law requires insurers to report to CMS all settlement or other beneficiary payments with significant financial penalties for failure to report properly. Also, CMS does not provide repayments until after litigating parties settle, so such litigation often becomes difficult to settle.

#### H.R. 1845 Title II:

- directs CMS to maintain a web portal for individual beneficiaries to access Medicare claims paid in order for parties to litigation in settlement negotiations to better participate in reaching a settlement with strict timetables imposed on CMS and the parties;
- requires the Secretary of HHS to establish a threshold amount where the Medicare Secondary Payer rules will not apply. Many MSP claims cost the federal government more in administration costs pursuing a claim that it could potentially recover. This threshold amount will be calculated annually with review by the Government Accountability Office (GAO);
- directs CMS to establish an alternative to parties in litigation to provide CMS with Social Security Numbers, which often creates obstacles to settlement for concerns over privacy and identification protections efforts; and
- establishes a three-year statute of limitations for all MSP claims measured from the date of reporting.

**Committee Action:** Representative Kevin Brady (R-TX) introduced H.R. 1845 on May 11, 2012 with referrals to the House Committees on Ways and Means and Energy and Commerce Subcommittees on Health. No further committee action has occurred on the bill. Representative Tim Murphy (R-PA) introduced H.R. 1063 on March 14, 2011 with referrals to the same committees listed above. The House Energy and Commerce Committee reported an amended version out of committee favorably by voice vote on September 20, 2012.

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

**Cost to Taxpayers:** No Congressional Budget Office (CBO) cost estimate for H.R. 1845 has been released. However, the CBO released a [cost estimate](#) for H.R. 1063 on November 9, 2012 which estimates would reduce Medicare spending by \$45 million over the 2013-2022 period. H.R. 1845 includes spending \$45 million during the first three years while offsetting the \$45 million over the ten year window.

**Does the Bill Expand the Size and Scope of the Federal Government?:** The bill creates a new three-year Medicare Part B demonstration project for IVIG home therapies while also making reforms to the Medicare Secondary Payer Rules.

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

**Does the Bill Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** No.

**Constitutional Authority:** The Constitutional Authority Statement accompanying the bill upon introduction states, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 1: the Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.”

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