



**Legislative Bulletin.....October 23, 2007**

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

**Total Number of New Government Programs:** 4

**Total Cost of Discretionary Authorizations:** \$12 million in FY 2008 and \$71 million over the FY 2008 – 2012 period

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** 0

**Total New State & Local Government Mandates:** 1

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 0

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

## **H.R. 1955 — Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (*Harman, D-CA*)**

**Order of Business:** H.R. 1955 is expected to be considered on Tuesday, October 23, 2007, on a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1955 would create a number of new programs and commissions in order to better identify and prevent homegrown terrorism. The specific changes are as follows:

### ***National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence***

- Establishes the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism within the legislative branch for the purpose of making a report on the causes of violent radicalization and homegrown terrorism.
- The ten member commission must be appointed within 60 days of the enactment of the Act and must conduct its first meeting within 30 days of its appointment.
- The bill provides the commission with the ability to hire staff arrange for travel, and retain security clearances.
- H.R. 1955 requires the commission to issue its first interim report within six months of their first meeting and their final report, which will be submitted to Congress and the President, within 18 months of their first meeting. The bill also stipulates that the commission is to be disbanded within 30 days of submitting its final report.

### ***Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism***

- The bill would require that the Secretary of Homeland Security establish a university based Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States for the purpose of assisting federal, state, and local officials in preventing homegrown terrorism.

### ***Preventing Violent Radicalization and Homegrown Terrorism through International Efforts***

- The bill would require that the Secretary of Homeland Security and the Secretary of State conduct surveys of methodologies used by foreign nations to prevent homegrown violence.
- H.R. 1011 requires the agencies, to the extent possible and permissible, to use the results of the survey and requires that the Secretary issue a report to Congress explaining the usefulness of this exercise.

***Protecting Civil Rights and Civil Liberties while Preventing Ideologically Based Violence and Homegrown Terrorism***

- The bill would stipulate that DHS efforts to prevent homegrown violence will not interfere with any individuals Constitutional rights and are racial neutral.

**Additional Background:** According to [House Report 110 – 384](#), homegrown terrorism exists in the United States and poses a significant threat to our national security. The committee asserts that understanding the motivational factors that cause domestic terrorism would be a vital help toward eliminating the threat of homegrown terrorists. According to the committee, “Homegrown terrorism is a multifaceted and significant threat that must be addressed in a robust and thoughtful manner. H.R. 1955 provides necessary and valuable tools to prevent violent radicalization within the United States and enhance security against the threat posed by violent radicalization and homegrown terrorism.”

**Committee Action:** H.R. 1955 was introduced on April 19, 2007, and referred to the Homeland Security Committee. On August 1, 2007, the full committee held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, implementing H.R. 1955 would authorize \$6 million in FY 2008 and \$24 million over the FY 2008 – FY 2012 period.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill creates three new programs to prevent homegrown terrorism.

**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?:** The Homeland Security Committee, in [House Report 110 – 384](#), asserts that, “H.R. 1955 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

**Constitutional Authority:** The Homeland Security Committee, in [House Report 110 – 384](#), cites constitutional authority in Article I, Section 8, Clause 1 (granting Congress the power to provide for the common Defense of the United States).

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**H.R. 1680 — Secure Handling of Ammonium Nitrate Act of 2007**  
***(Thomas, D-MS)***

**Order of Business:** H.R. 1680 is expected to be considered on Tuesday, October 23, 2007, on a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1680 would add regulations to the transfer of certain fertilizers that contain ammonium nitrate.

***Regulation of handling and purchase of ammonium nitrate***

- Requires the Secretary of Homeland Security to regulate the sale and transfer of ammonium nitrate by any ammonium nitrate facility by establishing a threshold for the percentage of ammonium in substance to prevent use of ammonium in a terrorist attack.
- Requires ammonium purchasers to register with DHS and seek approval after a background check.

***Inspection and Auditing of Records***

- Requires the Secretary of Homeland Security to establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities.

***Administrative Provisions***

- Allows the Secretary the ability to enter into a cooperative agreement with the Secretary of Agriculture or the head of a State department of agriculture and directs the Secretary to cooperate with the State agencies or their designees while enforcing this law.

***Theft Reporting Requirement***

- Any owner of an ammonium facility who has knowledge of theft or unexplained disappearance of ammonium nitrate must report the loss by force of law.

***Prohibitions and Penalty***

- Prohibits purchasing ammonium without being registered with Homeland Security and prohibits a producer from selling ammonium to anyone who is not registered. Provides for a maximum civil penalty of \$50,000.

***Protection from civil liability***

- Provides protection from civil liability for anyone who refuses to sell ammonium because they reasonably believe the purchaser to be seeking the ammonium for terrorist reasons.

**Additional Background:** According [House Report 110 – 357](#), ammonium nitrate is a popular fertilizer that can be used to make a highly effective explosive. Ammonium nitrate has been very popular with terrorists in the past and has been used as the explosive agent in such high profile attacks as the Oklahoma City bombing, U.S. embassy bombing in Tanzania and Kenya, and the 2003 bombings in Istanbul, Turkey. Currently, the sale of explosives made with ammonium nitrate is regulated by the AFT, but the fertilizer is not.

**Committee Action:** H.R. 1680 was introduced on March 26, 2007, and referred to the Homeland Security Committee. On April 26, 2007, the full committee held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, implementing H.R. 1680 would cost \$6 million in FY 2008 and \$45 - \$48 million over the FY 2008 – FY 2012 period, assuming the appropriation of necessary amounts.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, it increases federal regulations on the transfer of certain fertilizers.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes, according to CBO, “it would preempt the authority of states to regulate the sale of ammonium nitrate in a manner that is less stringent than the requirements of this bill.” However, the mandate does not exceed the annual threshold.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The Homeland Security Committee, in [House Report 110 – 357](#), asserts that, “H.R. 1680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

**Constitutional Authority:** The Homeland Security Committee, in [House Report 110 – 357](#), cites constitutional authority in Article I, Section 8, Clause 1 (granting Congress the power to provide for the common Defense of the United States).

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## **H.R. 2868 — To eliminate the exemption from State regulation for certain securities designated by national securities exchanges (*Frank, D-MA*)**

**Order of Business:** H.R. 2868 is expected to be considered on Tuesday, October 23, 2007, on a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2868 would make a technical change to current law to allow American securities exchanges, if they so choose, to work with Securities and Exchange Commission (SEC) to create a second tier of exchange listings for smaller companies. The lower tiered companies would then be subject to state law.

**Additional Background:** According [House Report 110 – 380](#), states have long had individual securities laws, known as “Blue Sky” laws. These laws were inconsistent from state to state and the system was often costly and burdensome. As a result, the 1996 National Securities Markets Improvement Act was passed to preempt state regulations. As the Committee Report states, “covered securities listed on the NYSE, AMEX and a portion of the NASDAQ Stock Market (collectively, the ‘Exempted Exchanges’), are subject to an automatic blanket exemption from State ‘blue-sky’ laws, in recognition of the high listing standards of those exchanges.”

Since this time, however, international exchanges have begun using a tiered listing standards that has benefited smaller companies that have alternative business models and can react better to different regulation. According to the Financial Services Committee, tiered listing standards are

beneficial for smaller companies that don't meet higher listing standards, like NYSE or NASDAQ. Thus, many of those small companies are opting to list overseas, which siphons from domestic investment. These smaller companies could now move to a lower tiered list and be subject only to the state regulations.

**Committee Action:** H.R. 2868 was introduced on March 26, 2007, and referred to the Committee on Financial Services. On September 19, 2007, the full committee held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, implementing H.R. 2868 would have an insignificant effect 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?:** The Financial Services Committee, in [House Report 110 – 380](#), asserts that, “H.R. 2868 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

**Constitutional Authority:** The Financial Services Committee, in [House Report 110 – 380](#), cites constitutional authority in Article I, Section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

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## **H.R. 327 — Joshua Omgig Veterans Suicide Prevention Act (*Boswell, D-IA*)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, October 23, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 327 would direct the Department of Veterans Affairs (VA) to establish a new federal program designed to reduce the incidence of suicide among veterans. The program would provide mandatory training for staff and contractors of the VA who interact with veterans. The training would include information on--

- recognizing risk factors for suicide;
- proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and
- best practices for suicide prevention.

The program would also provide for screening, for risk factors for suicide of veterans who receive medical care at a Department of Veterans Affairs medical facility. In addition, the VA would be required to provide “for appropriate tracking of veterans.” H.R. 327 directs the VA to

designate a suicide prevention counselor at each VA medical facility, and the counselors are to work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

H.R. 327 would also require that the program provide research on mental health care for veterans who have experienced sexual trauma while in military service. In addition the program would provide mental health care availability to veterans on a 24-hour basis, through the creation of a toll-free hotline for veterans. The program would also provide for outreach to and education for veterans and the families of veterans, with emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans.

Education to promote mental health would include information designed to:

- “remove the stigma associated with mental illness;
- “encourage veterans to seek treatment and assistance for mental illness;
- “promote skills for coping with mental illness; and
- “help families of veterans with--
  - “understanding issues arising from the readjustment of veterans to civilian life;
  - “identifying signs and symptoms of mental illness; and
  - “encouraging veterans to seek assistance for mental illness.”

H.R. 327 would also direct the VA to establish a new peer support counseling program, under which veterans would volunteer as peer counselors to assist other veterans with issues related to mental health and readjustment; and to conduct outreach to veterans and the families of veterans.

H.R. 327 would express that it is the sense of the Congress that

- “suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ‘PTSD’) is a serious problem; and
- “the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.”

Finally, the bill would require that the VA submit a report to Congress outlining the following:

- information on the status of the implementation of the suicide prevention program;
- information on the time line and costs for complete implementation of the program within two years;
- **a plan for additional programs** and activities designed to reduce the occurrence of suicide among veterans; and
- recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

**Additional Information:** According to a statement by Rep. Boswell, “This legislation grew out of the tragic death of Joshua Omvig from Grundy Center, Iowa who took his life after returning home from an 11-month tour in Iraq. Not all wounds inflicted in combat are visible. A simple screening and tracking process could have provided Joshua with the counseling he needed,

saving his life. We must now protect those who have kept us safe for so long.” (<http://joshua-omvig.memory-of.com/legacy.aspx>).

**Committee Action:** H.R. 327 was introduced on January 9, 2007, and referred to the Committee on Veterans’ Affairs, which considered it, held a mark-up, and reported it to the full House by voice vote, as amended, on March 15, 2007.

**Cost to Taxpayers:** According to CBO, “implementing this bill would have little, if any, cost because VA already has or soon will, implement all the specific requirements of the bill.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill would create two new federal programs.

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

**Constitutional Authority:** [House Report 110 – 055](#) cites Article 1, Section 8, but does not cite a specific clause. However, House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution” (*emphasis added*).

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## **H.R. 1808 — To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the “Charlie Norwood Department of Veterans Affairs Medical Center” (Kingston, R-GA)**

**Order of Business:** H.R. 1808 is scheduled for consideration on Tuesday, October 23, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1808 would designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the “Charlie Norwood Department of Veterans Affairs Medical Center.”

**Committee Action:** H.R. 1808 was introduced on March 29, 2007, and was referred to the House Committee on Veterans’ Affairs, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 2089 is unavailable, but the only costs associated with a Veterans Affairs Medical Center 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.

**Constitutional Authority:** No Committee Report exists.

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**H.R. 2408 — To designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the “Milo C. Huempfnr Department of Veterans Affairs Outpatient Clinic” (*Kagen, D-WI*)**

**Order of Business:** H.R. 2408 is scheduled for consideration on Tuesday, October 23, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2408 would designate the Department of Veterans Affairs Medical Center in Green Bay, Wisconsin, as the “Milo C. Huempfnr Department of Veterans Affairs Outpatient Clinic.”

**Background:** According to the sponsor’s office, “At present, Private First Class (PFC) Huempfnr does not fit into the Committee’s traditional categories for considering this request. However, I believe that PFC Huempfnr, given the overwhelming support this request has received from the veterans community in Wisconsin and the Wisconsin delegation, his exceptional actions in the line of duty and his lifetime of commitment to veterans is worthy of this honor. It is my hope that your Committee will consider H.R. 2408 and that you will assist in securing a vote on the floor of the House of Representatives.

“Milo C. Huempfnr is the most decorated Veteran in the history of Brown County, where he grew up and lived his life. In 1944, PFC Huempfnr committed acts of extraordinary bravery and heroism during the final European campaign of World War II.

“On December, 20<sup>th</sup>, near Leignon, Belgium, PFC Huempfnr was driving a truck loaded with ammunition that went off the road. Sending his only comrade back to seek help and safety, PFC Huempfnr proceeded over the next 4 days and nights to wage war, single-handedly, against an entire German armored column consisting of tanks, numerous heavy gun emplacements and hundreds of soldiers. During this time, PFC Huempfnr warned off numerous American and British troops from Leignon who otherwise would have been slaughtered by the Germans occupying the town. PFC Huempfnr repeatedly refused retreat at these occasions, and stayed, destroying German equipment, killing German soldiers in direct combat, and protecting the citizens of occupied Leignon.

“Finally, on Christmas Eve, British forces – using information collected by PFC Huempfnr – dislodged the German forces from Leignon. After over 72 hours on his feet, under constant threat and harassment from enemy forces, PFC Huempfnr retired to a household he had earlier defended. The after-action report ends with these words: “His gallantry, intrepidity and extraordinary heroism while operating within the very limits of the German units, without being ordered to do so and when withdrawal could have been accomplished with honor and safety,

reflect the highest standards and ideals of the military service and favorably demonstrated to the citizens of Leignon the courage and daring of the American Soldier.”

“For these acts, Milo Huempfnr was awarded the Distinguished Service Cross in 1973. The full service record of PFC Huempfnr was lost in the St. Louis Fire that same year, but it would undoubtedly reflect a career of surpassing valor and commitment to duty.

“After his discharge from the Army, Mr. Huempfnr continued his extraordinary service in a different way. As his friends and comrades passed on, Mr. Huempfnr attended their funerals in full dress uniform, honoring their service and repeatedly demonstrating his love for our nation by showing the brave veterans of Brown County the dignity and respect they have earned. Mr. Huempfnr continued attending these funerals until a week before his death in October of 1985.”

**Committee Action:** H.R. 2408 was introduced on May 21, 2007, and was referred to the House Committee on Veterans’ Affairs, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 2089 is unavailable, but the only costs associated with a Veterans Affairs Medical Center 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.

**Constitutional Authority:** No Committee Report exists.

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## **H.Res. 680 — Condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial (Carter, R-TX)**

**Order of Business:** H.Res. 680 is scheduled to be considered on Monday, October 22, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 680 would resolve that the House of Representatives “condemns all attacks upon the memory of veterans and their service to the United States, as exemplified by the incident of vandalism of September 7, 2007.”

The resolution lists the following findings:

- “the Vietnam Veterans Memorial serves as a memorial to the 2,700,000 men and women in the United States Armed Forces who served in the designated war zone during the Vietnam Era;

- “58,256 men and women died while serving in South East Asia or as a result of their wounds or a service-connected disability;
- “on Friday evening, September 7, 2007, the United States Park Police reported being notified of a light, oily, and unidentified substance that was spilled over portions of some of the names, panels, and paving stones of the Vietnam Veterans Memorial;
- “at least 14 of the 140 inscribed panels of the Memorial Wall were damaged; and
- “the National Park Service has determined that the damage was the result of an act of vandalism.”

**Committee Action:** H.Res. 680 was introduced on September 25, 2007, and referred to the House Committee on Veterans’ Affairs, which took no official action.

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

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

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

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## **H.Res. 237 — Supporting and encouraging greater support for Veterans Day each year (*Baca, D-CA*)**

**Order of Business:** H.Res. 237 is scheduled to be considered on Monday, October 22, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 237 would resolve that the House of Representatives:

- “encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection;
- “encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and
- “requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.”

The resolution lists the following findings:

- “veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;
- “the American people owe the security of the Nation to those who have defended it;

- “on Memorial Day each year, the Nation honors those who lost their lives in service to the Nation;
- “on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;
- “the observance of Memorial Day and Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;
- “section 116(a) of title 36, United States Code, provides that ‘The last Monday in May is Memorial Day’ and section 116(b) of that title requests the President to issue a proclamation each year calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace, designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace, calling on the people of the United States to unite in prayer at that time, and calling on the media to join in observing Memorial Day and the period of prayer;
- “section 4 of the National Moment of Remembrance Act (Public Law 106-579) provides, ‘The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the ‘National Moment of Remembrance’; and
- “Section 6103(a) of title 5, United States Code, provides that ‘Memorial Day, the last Monday in May’ and ‘Veteran’s Day, November 11’ are legal public holidays.”

**Committee Action:** H.Res. 237 was introduced on March 12, 2007, and referred to the House Committee on Veterans’ Affairs, which took no official action.

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

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

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

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