



Legislative Bulletin.....December 19, 2007

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 3

Total Cost of Discretionary Authorizations: \$80 million in FY 2008 and \$190 million over the FY 2008—FY2012 period

Effect on Revenue: 0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: Numerous

Number of Bills Without Committee Reports: 3

Number of Reported Bills that Don’t Cite Specific Clauses of Constitutional Authority: 0

S. 1396—A bill to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia (Isakson, R-GA)

Order of Business: S, 1396 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: S. 1396 would authorize the Secretary of Veterans Affairs to carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia in an amount not to exceed \$20,534,000.

Background: According to the House Veteran’s Affairs Committee, “The Department of Veterans Affairs (VA), in accordance with section 8104 of title 38, United States Code, requested for FY 2008 an authorization of \$20.534 million for a major medical facility project to modernize patient wards at the Atlanta, Georgia VA Medical Center.

“This project will renovate three inpatient floors to meet the Americans with Disabilities Act (ADA) accessibility requirements, meet women veterans needs, correct patient privacy issues, and improve staff efficiencies with improved functional layout. In addition, an enclosed connecting bridge will be built between the Medical Center and VA’s Regional Office building to improve access between functions.

“VA has notified the Committee that the Atlanta project is currently being delayed by the lack of an authorization and the delay will continue until an authorization is received. S. 1396 would authorize the Atlanta project.”

Committee Action: S. 1396 was introduced on May 5, 2007, and was referred to the Senate Committee on Veterans’ Affairs, which discharged the bill by unanimous consent on December 13, 2007. On the same day, the Senate passed the bill, without amendment, by unanimous consent.

Cost to Taxpayers: A CBO score of S. 1396 is unavailable. However, the bill would authorize up to \$20 million, subject to appropriation.

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

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

Constitutional Authority: A Committee Report citing constitutional authority was not available. 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. 1896—A bill to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the “Officer Jeremy Todd Charron Post Office” (Sen. Sununu, D-NH)

Order of Business: H.R. 1896 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1896 would designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the “Officer Jeremy Todd Charron Post Office.”

Additional Background: According to the sponsor’s office, Officer Jeremy Todd Charron of the Epsom, New Hampshire, Police Department, was killed in the line of duty at age 24 on August 24, 1997.

Committee Action: H.R. 1896 will likely be introduced on the floor today.

Cost to Taxpayers: A CBO score of H.R. 1896 is unavailable, but the only costs associated with a U.S. post office 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: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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S. 863—Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007 (Sessions, R-AL)

Order of Business: S. 863 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: S. 863 would amend the federal criminal code to impose a fine and/or prison sentence if an individual that, with respect to major disaster benefits:

- “falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or
- “makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation.

These standards would apply to a benefit, “transported, transmitted, transferred, disbursed, or paid in connection with a major disaster or emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or in connection with the procurement of property or services by a contractor, subcontractor, or supplier during a major disaster or emergency declaration.”

S. 863 also impose a maximum fine for engaging in wire, radio, television, or mail fraud during a presidentially declared major disaster or emergency.

In addition, S. 863 directs the U.S. Sentencing Commission to:

- “promulgate sentencing guidelines or amend existing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster or emergency declaration; and
- “submit to the House and Senate Judiciary Committees an explanation of its guidelines and additional recommendations for combating such fraud or theft offenses.”

Committee Action: S. 863 was introduced on March 13, 2007, and was referred to the Senate Committee on the Judiciary, which ordered the bill to be reported without amendment on May 22, 2007. On December 4, 2007, the bill passed the Senate without amendment by Unanimous Consent.

Cost to Taxpayers: According to the CBO, “S. 863 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, S. 863 would increase penalties on individuals who knowingly take advantage of benefits granted to them by the federal government during a declared national emergency.

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

Constitutional Authority: A Committee Report citing constitutional authority was not available. 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. 660—Court Security Improvement Act of 2007 (*Conyers, D-MI*)

Order of Business: H.R. 660 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 660 would establish new laws and penalties and authorize \$350 million over five years to improve safety for federal judges, their families, and those who work at federal courthouses. The bill increases penalties for crimes against judges and their family members; increases penalties for crimes against court employees; increases penalties for witness intimidation; and prohibits the possession of dangerous weapons in federal courthouses. The specific provisions of H.R. 660 are summarized below:

- Requires the Director of the U.S. Marshals Service and the U.S. Judicial Conference to continually consult with each other concerning security requirements for the judicial branch in order to insure that the views of both entities are taken into account when determining staffing levels, judicial security priorities, and allocating judicial security resources;
- Establishes a crime for intentionally filing a false lien or encumbrance against the property of a judge, his family, or any court personnel on account of the performance of their duties, punishable by up to 10 years in prison;
- Establishes a crime for knowingly distributing personal information about a judge, his family, or any court personnel with the intent to threaten, intimidate, or incite a crime, punishable by up to five years in prison;
- Bans all “dangerous weapons” from courts (currently, only guns are banned);
- Permits the U.S. Marshal Service to provide security for federal tax courts, which they can only currently do under special circumstances;
- Authorizes \$20 million annually between FY2008 and FY2013 in order for the U.S. Marshal Service to higher new employees for the purposes of providing judicial security, providing protective detail to individuals, and providing secure computer systems;
- Increases the minimum sentence for crimes committed against a witness, victim, or informant in retaliation for their testimony from 20 years to 30 years;
- Increases the minimum sentence for crimes committed against a witness, victim, or informant that caused injury or harm to the person against whom they testified from 10 years to 20 years;
- Increases the minimum sentence for the threat of violence against a witness, victim, or informant from 10 years to 20 years;

- Increases the minimum sentence for the harassment of a witness, victim, or informant from one year to three years;
- Increases the maximum federal penalty for manslaughter (of any victim) from 10 years to 20 years and increases the maximum penalty for involuntary manslaughter from six years to 10 years;
- Increases the federal penalty for assault (of any victim) from anywhere between one year in prison 10 years in prison in a case of simple assault;
- Increases the maximum federal penalty for assault that results in “serious bodily injury” to 15 years and increases the maximum penalty for assault with a deadly weapon to 30 years in prison;
- Authorizes \$20 million in grants annually between FY2008 and FY 2012 for states to assess and change courtroom safety; \$20 million in grants annually between FY2008 and FY 2012 for state, local, and tribal governments to improve their witness protection programs; and \$10 million in grants annually between FY2008 and FY 2012 for fugitive apprehension task forces;
- Requires the U.S. Courts to increase life insurance payments for bankruptcy court and district judges.

Senate Amendment: According to the House Judiciary Committee, the Senate amendment has made the following significant changes to H.R. 660:

- Extends sunset for judicial redaction of financial filings for two years (House version made redaction authority permanent);
- Restricts coverage of State and local law enforcement officers (only when involved in federal task force) to protect against disclosure of personal information on the Internet. (Sec. 202);
- Reduces maximum penalties for voluntary and involuntary manslaughter (Sec. 207);
- Clarifies increase in assault penalties against law enforcement, judges and families of law enforcement and judges (Sec. 208);
- Restricts ability of senior judges to participate in district judicial matters to only those senior judges that work as much as an active judge in a six month period (Sec. 503);
- Transfers one US Court of Appeals for District of Columbia judgeship to Ninth Circuit (Sec. 509);
- Adds in new section requiring DOJ study of collateral consequences to felony convictions (Sec. 510).

H. Con. Res _____ and S. Con. Res _____: Both of these resolutions will make technical corrections to H.R. 660 which will correct a PAYGO violation which led to the bill being

pulled off of the suspension calendar yesterday. No further details on the resolutions are available.

Committee Action: On January 24, 2007, H.R. 660 was referred to the Committee on the Judiciary, the Committees on Ways and Means, and the Committee on Oversight and Government Reform. On March 1, 2007, bill was referred to the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which held a mark up and ordered the bill reported to the full Committee by voice vote on June 7, 2007. The Judiciary Committee held a mark up and reported the bill, as amended, by voice vote on June 13, 2007. On July 10, 2007 the House passed H.R. 660 under suspension, by voice vote. Today we are voting on H.R. 660, which has returned from the Senate with an amendment.

Cost to Taxpayers: According to CBO, H.R. 660 would authorize \$75 million in FY2008 and \$350 million over the FY2008-FY2012 period.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would increase the penalties for numerous crimes related to judges, their families and court personnel, as well as manslaughter and assault regardless of the victim. H.R. 660 also creates new grant programs for state, local, and tribal governments to increase protection for judicial employees and witnesses.

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? According to [House Report 110-218](#), “H.R. 660 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.”

Constitutional Authority: According to [House Report 110-218](#), “the Committee finds the authority for this legislation in article I, section 8 of the Constitution,” but does not cite a specific clause.

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H.R. 1216—Cameron Gulbransen Kids and Cars Safety Act of 2007 (Schakowsky, D-IL)

Order of Business: H.R. 1216 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1216 would require light motor vehicles to have power windows and panels that automatically reverse direction when they detect an obstruction to prevent children from being trapped, injured, or killed. The bill would also require light motor vehicles to have a rearward visibility performance standard that provides drivers with a

means for detecting the presence of a person or object behind the vehicle to prevent death and injury resulting from backing incidents. The bill would require new light motor vehicles to comply with the regulations within 42 months.

H.R. 1216 would also require that the secretary issue regulations to require light motor vehicles with automatic transmissions to have a system that requires the service brake to be depressed before the transmission can be shifted out of the 'park' position.

Finally, the bill would require the secretary to create a database containing information about the hazards of non-traffic, non-crash accidents. In addition, the secretary would be required to create a new consumer information program to disseminate the information. The bill would require that information be provided on the Internet to address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed.

Additional Background: According to CRS, "Currently, separate CAFE standards are established for passenger cars and light trucks (which include SUVs, vans, and pickups). Standards for MY1979 light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 pounds or less. Standards for MY1980 to MY2000 are for light trucks with a GVWR of 8,500 pounds or less. Starting in MY2011, the light truck CAFE program will include medium duty passenger vehicle (MDPVs), trucks with a GVWR between 8,500 and 10,000 pounds that primarily transport passengers (e.g., large SUVs, passenger vans)."

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 1216 would apply new and possibly burdensome regulations to light motor vehicle manufacturers. Conservatives may also be concerned that this bill contains neither a CBO score to calculate the potential private sector costs of the regulations or any evidence that these new regulations would cause a significant reduction in auto accidents.

Committee Action: H.R. 1216 was introduced on February 27, 2007, and was referred to the Committee on Energy and Commerce Subcommittee on Commerce, Trade and Consumer Protection, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 1216 was not available at press time.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 1216 would create a new database and consumer information program regarding non-traffic, non-crash auto accidents.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? The bill would require that manufacturers of light motor vehicles comply to new production regulations, however, a CBO score detailing the cost of the mandates is unavailable.

Constitutional Authority: A Committee Report citing constitutional authority was not available. 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. 4040—Consumer Product Safety Modernization Act (*Rush, D-IL*)

Order of Business: H.R. 4040 is scheduled for consideration on Wednesday, December 19, 2007, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4040 would reauthorize, amend, and extend the Consumer Product Safety Act. Among other things, the bill would:

- Tighten the ban on hazardous lead in product’s specifically made for children.
- Mandate that the Consumer Product Safety Commission must have an independent third party test every children’s product that is reviewed by the commission.
- Require manufacturers to place identifiable labels on children’s products in the event of a recall.
- Require that the Commission examine and assess the effectiveness of any voluntary consumer product safety standards on durable infant or toddler product.
- Reauthorize the Commission at the following levels:
 - \$80 million in FY 2009
 - \$90 million in FY 2010
 - \$100 million in FY 2011
- Increase the Commission’s authority to declare a substance or mixture to be ‘hazardous.’
- Increase standards on manufacturers for corrective action plans in the event of a hazardous product threat.
- Require the Commission to identify and keep a record of every manufacturer, importer, retailer, or distributor of a consumer product that is called into question under the Consumer Product Safety Act.
- Allow the Commission to prohibit a person from exporting certain products that are regulated under the Consumer Product Safety Act.
- Prohibit the resale of recalled products.
- Increase civil penalties against people who violate consumer product laws.
- Include asset forfeiture as a criminal penalty for violating consumer product laws.
- Expand communication sharing between state, local, federal, and foreign government agencies concerning product safety regulations.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 4040 would apply new regulations to manufacturers of children’s products without a CBO score to determine the potential private sector costs.

Committee Action: H.R. 4040 was introduced on November 11, 2007, and was referred to the Committee on Energy and Commerce, which held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: A CBO score for H.R. 4040 was not available. However, the bill would authorize \$80 million if FY 2009 and \$270 million over the FY 2009—FY 2011 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, H.R. 404 would create new regulatory power under the Consumer Product Safety Act.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes, the bill includes numerous mandates on manufacturers of children’s products.

Constitutional Authority: A Committee Report citing constitutional authority was not available. 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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