



Legislative Bulletin.....November 2, 2005

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: See below.

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 2

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

H.R. 1606—Online Freedom of Speech Act (Hensarling)

Order of Business: The bill is scheduled to be considered on Wednesday, November 2nd, under a motion to suspend the rules and pass the bill.

Background: In September of 2004, U.S. District Court Judge Colleen Kollar-Kotelly ruled that it was not clear in the Bipartisan Campaign Reform Act (“BCRA,” Public Law 107-155) that the Internet should be fully exempted (even though the Internet was not mentioned in the law) and directed the Federal Election Commission to re-write various regulations to

encompass the Internet. The U.S. Court of Appeals for the D.C. Circuit upheld the district court decision. Only an act of Congress signed into law by the President can stop this judicially-ordered regulatory re-write.

Senate Minority Leader, Harry Reid (D-NV), introduced a bill (S. 678) in the Senate that is identical to H.R. 1606.

NOTE: This bill is commonly regarded as a “blogger protection” bill since it addresses concerns that bloggers who regularly engage in mass public communications may become subject to federal campaign finance regulations—especially if they reference a federal candidate 30 days before a primary election or 60 days before a general election.

Summary: H.R. 1606 would amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) to exclude Internet communications from the Act’s definition of “public communication,” which is currently defined as “a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.”

Perhaps the most significant application of this exemption would be to the current prohibition on citizens using non-campaign funds in the 30 days before a primary election and the 60 days before a general election for a public communication merely *referencing* a federal candidate. H.R. 1606 would clarify that this prohibition would NOT apply to Internet communications. The bill would also apply the Internet exemption beyond the 30- and 60-day periods, since the definition of “public communication” applies year-round to what comes under federal campaign regulation.

Other applications of this proposed exemption include keeping Internet communications from triggering certain exceptions in campaign finance law. In other words, the Federal Election Campaign Act includes a variety of definitions (“contribution,” “expenditure,” etc.) and a variety of *exemptions* from those definitions (and from the relevant federal regulations). Many of these exemptions do not apply if a “public communication” is involved. Under H.R. 1606, public communications over the Internet would allow these exemptions to stand.

NOTE: This bill would NOT exempt *all* Internet activity from federal campaign finance regulations—just from those which involve the definition of “public communication.” The bill would NOT reverse the ban on soft money for federal election activities, nor would it exempt contributions made on the Internet from federal contribution limits, reporting requirements, and other such regulations.

Committee Action: On April 13, 2005, the bill was introduced and referred to the Committee on House Administration. On June 8, 2005, the Committee appended H.R. 1606 onto RSC Chairman Pence’s 527 Fairness Act (H.R. 1316) and favorably reported H.R. 1316 by a party-line vote of 6-3.

Cost to Taxpayers: The bill would have no federal spending implications.

Does the Bill Expand the Size and Scope of the Federal Government?: No, it would *prevent* the expansion of certain federal regulations onto the Internet.

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

Constitutional Authority: Although a committee report citing constitutional authority specifically for H.R. 1606 is unavailable, the committee report (#109-146) for H.R. 1316 (with H.R. 1606 incorporated into it) cites constitutional authority in Article I, Section 4, Clause 1, which grants Congress the power to “at any time by Law make or alter such Regulations” regarding the “Times, Places and Manner of holding Elections for Senators and Representatives.”

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H.R. 4061 — Department of Veterans Affairs Information Technology Management Improvement Act of 2005 (Buyer)

Order of Business: The bill is scheduled for consideration on Wednesday, November 2, 2005, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4061 directs the Secretary of Veterans Affairs to ensure that the Chief Information Officer (CIO) has the authority and control necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, and systems of the Department relating to the management of information technology (IT) for the Department, including the management of all related mission applications, information resources, personnel, and infrastructure.

The measure directs the Secretary, through the CIO to develop, implement, and maintain a process for the selection and oversight of IT for the Department. Specifically, the Secretary is to develop both an IT strategic plan that includes performance measures and an integrated enterprise architecture. The IT strategic plan would be a multi-year plan for the use of information technology and related resources to support the accomplishment of the Department’s mission.

H.R. 4061 also provides that funds appropriated to the Department for IT purposes are to be obligated according to the process established and implemented by the CIO. The Secretary is required to submit to Congress a report identifying amounts requested for IT for the Department, as well as periodic reports detailing the progress implementing this Act.

The VA’s CIO is to select the Chief Information Officer for each of the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration, which are to be designated as Department Deputy Chief Information Officers and be responsible for implementing in their respective Administrations, the IT strategic plan

and the integrated enterprise architecture developed for the Department by the CIO. The Deputy Chief Information Officers are to be given operational control of all information IT system assets and personnel necessary to accomplish the policies, programmatic goals, IT system acquisitions, and alignments prescribed, authorized, or directed by the Department CIO.

Additional Information: According to CBO, the various organizations within the VA handle their own IT functions, creating a decentralized process for IT development and management throughout the agency. This bill is designed to require the VA to establish a more centralized IT program.

Each of the three organizations within VA – the Veterans Health Administration (VHA), the Veterans Benefits Administration (VBA), and the National Cemetery Administration (NCA) – develops and manages its own IT functions, with much of the development and maintenance occurring at the local or regional levels. According to VA, the department recently decided to change its IT system so that the CIO will gain control over much of the IT budget and other resources but VHA, VBA, and NCA will still control software development and management.

Committee Action: H.R. 4061 was introduced on October 17, 2005, and referred to the Committee on the Veterans Affairs. The bill was marked-up on October 20, 2005, and it was reported to the House by unanimous consent on October 27th

Cost to Taxpayers: According to CBO, the VA indicates it has yet to determine the costs associated with implementing this new model. Based on information provided by VA, CBO expects it would likely **cost several hundred million dollars** to implement either model of IT management within the department. However, because VA has not yet determined exactly how it would implement its planned new approach to IT management, or what it would cost, CBO has no basis for estimating whether the centralized approach required under the bill would be more or less costly to implement than VA's current plans.

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 is unavailable.

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.1691— To designate the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the “John H. Bradley Department of Veterans Affairs Outpatient Clinic”— *as introduced* (Green of Wisconsin)

Order of Business: The bill is scheduled to be considered on Wednesday, November 2nd, under a motion to suspend the rules and pass the bill.

Summary: The bill designates the Department of Veterans Affairs outpatient clinic in Appleton, Wisconsin, as the “John H. Bradley Department of Veterans Affairs Outpatient Clinic.”

Additional Information: John Henry Bradley was born in Antigo, Wisconsin in 1923 and passed away in 1994. After high school he apprenticed for 19 months to a funeral director, but then enlisted in the Navy in January 1943. Assigned to the 28th Marines of the 5th Marine Division, he joined the regiment on April 15, 1944. He landed with the regiment at Iwo Jima and two days later earned the Nation’s second highest award, the Navy Cross, for “extraordinary heroism as a Hospital Corpsman in action against enemy Japanese forces on Iwo Jima.” Bradley rushed to the aid of a wounded Marine, under intense fire bandaged his wounds and then pulled the Marine 30 yards through heavy enemy fire to a position of safety. He was one of the six marines who raised the second flag on Iwo Jima. He served until wounded in both legs by an enemy mortar shell, but refused evacuation until he finished rendering aid to two other wounded Marines. He was evacuated by plane and flown to the Naval Hospital at Bethesda, Maryland, where was presented the Purple Heart on July 10, 1945.

Source: <http://www.geocities.com/Heartland/6350/bradley.htm>

Committee Action: On April 19, 2005, the bill was introduced and referred to the House Veterans’ Affairs Committee, which considered it and reported it to the full House by unanimous consent on October 20, 2005.

Cost to Taxpayers: The only costs associated with a facility 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: A committee report citing constitutional authority is unavailable.

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