



Legislative Bulletin.....July 29, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Several

Total Cost of Discretionary Authorizations: At least \$2.6 billion over five years

Effect on Revenue: Increase by \$3 million

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 2

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 7

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 4

H.R. 6576—Reducing Information Control Designations Act (Waxman, D-CA)

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6576 would require each federal agency to “reduce and minimize its use of information control designations on information that is not classified.” The bill would also require the Archivist of the U.S. to promulgate regulations regarding the use of information control designations, which limit the dissemination of unclassified information. Under the legislation, the regulations must address utilizing information control designations that maximize public access to information, and developing procedures for identifying, marking, dating, and tracking information that is assigned an information control designation. The bill would stipulate that the regulations do not interfere with national security or legal privacy rights.

H.R. 6576 would also require the head of each federal agency to implement the regulations promulgated by the Archivist in a manner that ensures that information can be shared with state and local governments, as well as other agencies.

The legislation would require the Inspector General of each federal agency to randomly audit unclassified information with information control designations to assess whether applicable

policies and procedures have been followed. The bill would also stipulate that information control designations would not be considered in Freedom of Information Act determinations.

Additional Background: On May 9, 2008, the President released a memo regarding the framework for dealing with control designated information, which is defined as “government information of such sensitivity as to warrant placing degree of control over its use and dissemination.” The President’s memo stated that all control designated information would now be regarded as Controlled Unclassified Information, that is, executive branch information that is unclassified, yet significant to the national interests of the U.S. Currently, there are over 100 different control designations for unclassified information. H.R. 6576 would attempt to limit the use of control designations by requiring federal agencies to adhere to new regulations regarding their use.

Committee Action: H.R. 6576 was introduced on July 23, 2008, and referred to the Committee on Oversight and Government Reform. The same day, the committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: A CBO score for H.R. 6576 was not 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with House rules regarding earmarks/limited tax benefits/limited tariff benefits was not available.

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

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6073—To provide that Federal employees receiving their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically (Foxx, R-NC)

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6073 would require the Office of Personnel Management (OPM) to ensure that all federal employees who receive their pay by electronic deposit have the option of receiving their pay stubs electronically.

Committee Action: H.R. 6073 was introduced on May 15, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill, as amended, by voice vote on July 17, 2008.

Cost to Taxpayers: According to CBO, H.R. 6073 would have no 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? A Committee Report citing compliance with House rules regarding earmarks/limited tax benefits/limited tariff benefits was not available.

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

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.R. 6113—To amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information
(*Boyda, D-KS*)**

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6113 would require that every federal agency must include a telephone number and a Website address when collecting information from an individual.

Committee Action: H.R. 6113 was introduced on May 21, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

Cost to Taxpayers: According to CBO, H.R. 6113 would have no significant 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? A Committee Report citing compliance with House rules regarding earmarks/limited tax benefits/limited tariff benefits was not available.

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

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 1143—Supporting the goals and ideals of the Apple Crunch and the Nation’s domestic apple industry (Platts, R-PA)

Order of Business: H.Res. 1143 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1143 would resolve that the House of Representatives “supports the goals and ideals of National Apple Month and the Apple Crunch.”

The resolution lists a number of findings, including:

- “October is National Apple Month and is the only national and brand generic apple promotion conducted in the United States;
- “Each year the Penn State Hershey Center for Nutrition and Activity Promotion, in its mission to encourage individuals to live a healthy lifestyle, promotes the Apple Crunch nationwide;
- “The Apple Crunch, held on October 29, 2008, is an event that focuses on healthy food choices, particularly apples, for students, schools, and communities;
- “During National Apple Month and the celebration surrounding the Apple Crunch, schools of all levels voluntarily participate in serving apples and apple products as part of cafeteria menus and as snacks in the classroom;
- “Schools that participate in the Apple Crunch can integrate apples into classroom lessons, or have a State or local apple representatives visit the school;
- “Community businesses voluntarily support the efforts of schools to celebrate the Apple Crunch by providing apples to employees and customers, featuring apples on restaurant menus, and voicing support for healthy food and beverage choices in schools and communities; and
- “2008 is the second year that the Apple Crunch will be expanded to include schools throughout the Nation.”

Committee Action: H.Res. 1143 was introduced on April 23, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the resolution by voice vote.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6208—The “Lance Corporal Matthew P. Pathenos Post Office Building” Designation (Akin, R-MO)

Order of Business: The bill is scheduled for consideration on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6208 would designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the “Lance Corporal Matthew P. Pathenos Post Office Building.”

Additional Information: Lance Corporal Matthew P. Pathenos, of Ballwin, Missouri, was killed on February 7, 2007, while conducting combat operations in Al Anbar province, Iraq. Pathenos, who was 21 years old when he was killed, was assigned to the Marine Force Reserve’s 3rd Battalion, 24th Marine Regiment, 4th Marine Division, stationed in Bridgeton, Missouri. Matthew, whose brother also served in the Marines, graduated from Parkway South High School, in Manchester, Missouri, in 2003.

Committee Action: H.R. 6208 was introduced on June 9, 2008, and referred to the House Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

Cost to Taxpayers: A CBO score for H.R. 6208 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6437—The “Corporal Alfred Mac Wilson Post Office” Designation (Conaway, R-TX)

Order of Business: The bill is scheduled for consideration on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6437 would designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the “Corporal Alfred Mac Wilson Post Office.”

Additional Information: Corporal Alfred Mac Wilson is a Medal of Honor recipient who was born in Olney, Illinois, in 1948 and moved with his family to Odessa, Texas, two years later. Wilson joined the Army in 1967 and was deployed to Vietnam in 1968. On March 3, 1969, his unit was attacked while returning from a reconnaissance mission. During the attack, Wilson and another Marine attempted to secure a machine gun when an enemy soldier threw a grenade at the two men. Wilson threw himself on the grenade, saving his fellow Marine and allowing his unit to keep fighting. Wilson died of his wounds and was posthumously awarded the Medal of Honor in 1970.

Committee Action: H.R. 6437 was introduced on July 8, 2008, and referred to the House Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

Cost to Taxpayers: A CBO score for H.R. 6437 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res.194—Apologizing for the enslavement and racial segregation of African-Americans (*Cohen, D-TN*)

Order of Business: H.Res.194 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res.194 would resolve that the House of Representatives:

- “Acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow;
- “Apologizes to African-Americans on behalf of the people of the United States, for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow; and
- “Expresses its commitment to rectify the lingering consequences of the misdeeds committed against African-Americans under slavery and Jim Crow and to stop the occurrence of human rights violations in the future.”

The resolution lists a number of findings, including:

- “Millions of Africans and their descendants were enslaved in the United States and the 13 American colonies from 1619 through 1865;
- “Slavery in America resembled no other form of involuntary servitude known in history, as Africans were captured and sold at auction like inanimate objects or animals;
- “Africans forced into slavery were brutalized, humiliated, dehumanized, and subjected to the indignity of being stripped of their names and heritage;
- “Enslaved families were torn apart after having been sold separately from one another;
- “The system of slavery and the visceral racism against persons of African descent upon which it depended became entrenched in the Nation’s social fabric;
- “Slavery was not officially abolished until the passage of the 13th Amendment to the United States Constitution in 1865 after the end of the Civil War, which was fought over the slavery issue;
- “After emancipation from 246 years of slavery, African-Americans soon saw the fleeting political, social, and economic gains they made during Reconstruction eviscerated by virulent racism, lynchings, disenfranchisement, Black Codes, and racial segregation laws that imposed a rigid system of officially sanctioned racial segregation in virtually all areas of life;
- “The system of de jure racial segregation known as ‘Jim Crow,’ which arose in certain parts of the Nation following the Civil War to create separate and unequal societies for whites and African-Americans, was a direct result of the racism against persons of African descent engendered by slavery;
- “On July 8, 2003, during a trip to Goree Island, Senegal, a former slave port, President George W. Bush acknowledged slavery’s continuing legacy in American life and the need to confront that legacy when he stated that slavery ‘was . . . one of the greatest crimes of history . . . The racial bigotry fed by slavery did not end with slavery or with segregation. And many of the issues that still trouble America have roots in the bitter

experience of other times. But however long the journey, our destiny is set: liberty and justice for all.’;

- President Bill Clinton also acknowledged the deep-seated problems caused by the continuing legacy of racism against African-Americans that began with slavery when he initiated a national dialogue about race;
- “A genuine apology is an important and necessary first step in the process of racial reconciliation;
- “An apology for centuries of brutal dehumanization and injustices cannot erase the past, but confession of the wrongs committed can speed racial healing and reconciliation and help Americans confront the ghosts of their past;
- “The legislature of the Commonwealth of Virginia has recently taken the lead in adopting a resolution officially expressing appropriate remorse for slavery and other State legislatures are considering similar resolutions; and
- “It is important for this country, which legally recognized slavery through its Constitution and its laws, to make a formal apology for slavery and for its successor, Jim Crow, so that it can move forward and seek reconciliation, justice, and harmony for all of its citizens.”

Possible Conservative Concerns: While the unimaginable atrocities of slavery are rightly and universally condemned by the resolution, some conservatives may be concerned that this resolution may be used in the future to justify the future consideration of legislation providing government reparations for the ancestors of former slaves since it notes that “a genuine apology is an important and necessary first step in the process of racial reconciliation.” For instance, the sponsor of the resolution is also a co-sponsor of H.R. 40, the Commission to Study Reparation Proposals for African-Americans Act, to examine whether “any form of compensation to the descendants of African slaves is warranted” as well as the form, the amount, and the eligibility requirements for such compensation.

Committee Action: H.Res.194 was introduced on February 27, 2007, and referred to the Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.Res.1357—Recognizing the significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes
(Matsui, D-CA)**

Order of Business: H.Res.1357 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res.1357 would resolve that the House of Representatives:

- “Reaffirms our Nation’s commitment to equal justice under the law for all people in celebration of the 20th anniversary of the Civil Liberties Act of 1988; and
- “Continues to support the congressional goal embodied in the Civil Liberties Act of 1988 that all persons living under protection of the United States Constitution have a right to enjoy freedom and equality without the constraint of prejudice and discrimination or the lack of due process.”

The resolution lists a number of findings, including:

- “The significance of the 20th anniversary of the signing of the Civil Liberties Act of 1988 by President Ronald Reagan and the greatness of America in her ability to admit and remedy past mistakes.
- “President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the forced exclusion of 120,000 Japanese Americans and legal resident aliens from the west coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in confinement sites during World War II without the benefit of due process;
- “No person of Japanese ancestry, who was confined during World War II under the authority of Executive Order 9066, was convicted of espionage, treason, or sabotage against the United States;
- “Japanese American men proved their loyalty to the United States with battlefield valor serving in the 442d Regimental Combat Team, the 100th Infantry Battalion, Army Air Corps, and the Military Intelligence Service, and Japanese American women served with distinction in the Women’s Army Corps and Army Nurse Corps;
- “President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, ‘An American Promise’;
- “Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;
- “The Commission held 20 days of hearings and heard from over 750 witnesses on this matter and published its findings in a report entitled ‘Personal Justice Denied’;
- “The Commission reports conclusions were that the promulgation of Executive Order 9066 was not justified by military necessity and that the decision to issue the order was shaped by ‘race prejudice, war hysteria, and a failure of political leadership’;
- “Congress enacted, with bipartisan support, the Civil Liberties Act of 1988, in which it acknowledged the ‘fundamental injustices’ resulting from Executive Order 9066, apologized on behalf of the people of the United States for those injustices, and vowed to ‘discourage the occurrence of similar injustices and violations of civil liberties in the future’;

- “President Ronald Reagan signed the Civil Liberties Act of 1988 into law on August 10, 1988, proclaiming that ‘Here we admit a wrong. Here we affirm our commitment as a Nation to equal justice under the law’; and
- “The 20th anniversary of the enactment of the Civil Liberties Act of 1988 provides an opportunity for all United States citizens to appreciate the greatness of our Nation in having the willingness to admit and remedy its past mistakes and for political leaders to learn from those past mistakes by not adopting racially motivated governmental policies.”

Committee Action: H.Res.1357 was introduced on July 17, 2008, and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 6083—To authorize funding for the National Advocacy Center (Spratt, D-SC)

Order of Business: The bill is scheduled for consideration on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6083 would authorize \$6.5 million annually over the FY 2009 through FY 2012 period for the Department of Justice to provide grants to carry out a national prosecutor training program at the Ernest F. Hollings National Advocacy Center, on the campus of South Carolina University. The center conducts national training for state and local prosecutors and is operated by the Department on Justice.

Committee Action: H.R. 6083 was introduced on May 19, 2008, and referred to the House Committee on the Judiciary, which held a mark-up and reported the bill, as amended, by voice vote on July 16, 2008.

Cost to Taxpayers: According to CBO, H.R. 6083 would authorize \$6.5 million in FY 2009 and \$26 million over the FY 2009 through FY 2013 period.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

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

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

S. 3295—A bill to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes (*Leahy, D-VT*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3295 would amend current law to stipulate that the Secretary of Commerce, in consultation with the Director of the U.S. Patent and Trademark Office, is required to appoint administrative patent and trademark judges. Under current law, administrative patent judges are appointed solely by the Director of the Patent and Trademark Office.

S. 3295 would allow The Secretary to retroactively appoint judges from the date that they were appointed by the Director, thus legitimizing decisions made by such judges and allowing them to keep their appointments. The bill would also state that decisions made by such judges could not be legally challenged on the grounds that the judges were appointed by the Director.

Additional Background: The omnibus spending bill of 1999 contained a provision that authorized the Director of the Patent and Trade Office to appoint administrative patent and trademark judges to the Board of Patent Appeals. These patent appeals judges hear cases from individuals and industries that have been denied patents or trademarks. The court is charged with making determinations regarding the validity of patent claims and to resolve disputes over who invented a product first. There are 74 judges in this position on the patent court, 46 of whom have been appointed by the Director. Before the provision in the 1999 omnibus appropriation became law, judges were appointed by the Secretary of Commence.

In 2008, a scholarly paper written by George Washington University Law School professor John F. Duffy, questioned the constitutionality of allowing such judges to be appointed by the Director rather than the Secretary. According to Duffy’s paper, administrative patent judges fall under the definition of “inferior officers” as described in Article 2, Section 2 of the U.S. Constitution. As inferior officers, the Constitution requires that administrative judges must be appointed by the President, the courts, or the heads of departments. According to [Duffy’s findings](#), the current “method of appointment is almost certainly unconstitutional, and the administrative patent judges

serving under such appointments are likely to be viewed by the courts as having no constitutionally valid governmental authority.”

As a result of these findings some companies have filed appeals against rulings made by judges that were appointed in a manner that would likely be considered unconstitutional. Many of these decisions have been in place for nearly a decade and have affected millions of dollars worth of patents. In order to legally uphold the many patent rulings made by these judges, S. 3295 would return the power of appointment back over to the Secretary of Treasury and allow the Secretary to retroactively appoint the administrative judges whose rulings are in question.

Committee Action: S. 3295 was introduced on July 21, 2008, and referred to the Senate Committee on the Judiciary, which discharged the bill by unanimous consent the following day. The bill was then passed in the Senate by unanimous consent and received in the House on July 23, 2008 and referred to the Committee on the Judiciary, which took no official action.

Cost to Taxpayers: A CBO score for S. 3295 was not 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available.

Constitutional Authority: A Committee Report citing constitutional authority for H.R. 6362 was not available.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.Res. 1324—Requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security
(Stupak, D-MI)**

Order of Business: The resolution is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1324 would express the sense that the House or Representatives

- “supports the goals and ideals of National Night Out; and
- “requests that the President;
 - “issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for National Night Out;
 - “focus appropriate attention on neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing the Administration to make crime reduction an important priority; and
 - “coordinate the efforts of the Federal Emergency Management Agency, the USA Freedom Corps, the Citizen Corps, the National Senior Service Corps, and AmeriCorps to participate in National Night Out by supporting local efforts and neighborhood watches and by supporting local officials, including law enforcement personnel, to provide homeland security and combat terrorism in the United States.”

The resolution lists a number of findings, including:

- “neighborhood crime is of continuing concern to the American people;
- “child safety is a growing concern for parents and communities, as evidenced by several cases of missing and abducted children;
- “homeland security remains an important priority for communities and the Nation;
- “neighborhood crime watch programs play an integral role in combating domestic terrorism by increasing vigilance and awareness and encouraging citizen participation in community safety and homeland security;
- “community-based programs involving law enforcement, school administrators, teachers, parents, and local communities work effectively to reduce school violence and crime and promote the safety of children;
- “National Night Out is supporting the Department of Homeland Security’s Ready campaign by handing out materials and educating and empowering the public on how to prepare for, and respond to, potential terrorist attacks or other emergencies;
- “National Night Out is supporting the National Child Identification Program, a joint partnership between the American Football Coaches Association and the Federal Bureau of Investigation, to provide identification kits to parents to help locate missing children;
- “the National Sheriffs Association, the United States Conference of Mayors, and the National League of Cities have officially expressed support for National Night Out; and
- “citizens and communities that participate on August 5, 2008, will send a positive message to other communities and the Nation, showing their commitment to reduce crime and promote homeland security.”

Committee Action: H.Res. 1324 was introduced on July 8, 2008, and referred to the House Committee on the Judiciary, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

S. 3294—United States Parole Commission Extension Act of 2008
(Leahy, D-VT)

Order of Business: S. 3294 is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3294 would extend the United States Parole Commission for three additional years. Currently, the Commission is set to expire in November, 2008.

Additional Background: Housed within the Department of Justice, the mission of the United States Parole Commission is to promote public safety, as well as justice and fairness in the exercise of its authority to release and supervise offenders. The United States Parole Commission has jurisdiction over the following types of cases:

- A. Federal Offenders (offenses committed before November 1, 1987).
- B. D.C. Code Offenders (offenses committed before August 5, 2000).
- C. D.C. Code Offenders (offenses committed after August 4, 2000).
- D. Uniform Code of Military Justice Offenders.
- E. Transfer-Treaty Cases.
- F. State Probationers and Parolees in Federal Witness Protection Program.

More information on the Commission can be found on their [website](#).

Committee Action: S. 3294 was introduced on July 21, 2008, and passed by the Senate by unanimous consent, without amendment. The bill was then referred to the House Committee on the Judiciary, which has taken no official action.

Cost to Taxpayers: No CBO score 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6295—To amend title 18, United States Code, to prohibit operation by any means or embarking in any submersible or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country, and for other purposes (Lungren, R-CA)

Order of Business: H.R. 6295 is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6295 would criminalize the operation of any submersible or semi-submersible vessel that is without nationality from waters beyond the outer limit of the territorial sea of a country or a lateral limit of that country’s territorial sea with an adjacent country.

Additional Information: The following information was supplied by the sponsor’s office:

One of the most significant threats we face in our maritime law enforcement efforts today is self-propelled semi-submersible (SPSS) vessels that transport multi-ton loads of cocaine and other illicit cargo into the United States. SPSS vessels are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water, making them incredibly difficult to detect. SPSS are typically less than 100 feet in length and carry up to five crew and 12 metric tons of illicit cargo (drugs, guns, people, or possibly even a weapon of mass destruction). SPSS vessels can travel from the north coast of South America to the southeastern U.S. without refueling.

According to the Consolidated Counter Drug Database (CCDB), 23 SPSS drug smuggling events occurred between January 2001 and September 2007. Between October 1, 2007 and February 1, 2008, the CCDB reported an unprecedented 27 SPSS events that successfully delivered an estimated 111 metric tons of cocaine.

The SPSS vessels encountered by the Coast Guard are stateless vessels built in the jungles of South America with no legitimate use. They are built for stealth and are designed to be rapidly scuttled. Their crews typically abandon and sink the vessels and contraband when detected by law enforcement in order to evade U.S. prosecution for drug trafficking. Although U.S. interdiction forces nearly always capture imagery of detected SPSS and the crews abandoning them before they sink, attempting to access and recover contraband before a scuttled SPSS sinks is very dangerous to boarding teams and often impossible.

If operation and embarkation in an SPSS were illegal, U.S. interdiction forces and U.S. Attorneys would have the necessary legal tools to combat the SPSS threat even in the absence of recovered drugs or other contraband. Criminalizing the operation of SPSS vessels on international voyages would improve officer safety, deter the use of these inherently dangerous vessels, and facilitate effective prosecution of criminals involved in this treacherous transportation activity.

Furthermore, on April 24, 2008, the House passed H.R. 2830, the Coast Guard Authorization Act. Among the amendments debated on the bill was [H. Amdt. 1026](#), sponsored by Rep. Poe (R-TX), which stated the findings of Congress that “operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage is a serious international problem... and presents a specific threat to the safety of maritime navigation and the security of the United States.” The amendment would make it a federal crime (carrying a penalty of up to 20 years in prison) to operate and embark in any submersible or semi-submersible vessel that is without nationality. This amendment passed by a vote of [408-1](#).

Committee Action: H.R. 6295 was introduced on June 18, 2008, and referred to the House Committee on Judiciary, where no official action was taken.

Cost to Taxpayers: No CBO score 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 Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 6445— To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled (*Cazayoux, D-LA*)

Order of Business: H.R. 6445 is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6445 amends current law to exempt a non-service connected veteran in Priority Group 4 who is catastrophically disabled from copayment requirements.

The bill also repeals the requirement that mental health services to family members of veterans receiving Veterans' Affairs (VA) treatment for a non-service connected disability must have been initiated during the veterans' hospitalization.

The bill would require that the VA develop and implement a policy on pain management for enrolled veterans. The bill mandates that the policy must address the following issues:

- (1) system-wide management of acute and chronic pain;
- (2) national standard of care for pain management;
- (3) consistent application of pain assessments;
- (4) assurance of prompt and appropriate pain care and management when medically necessary;
- (5) research related to acute and chronic pain;
- (6) pain care education and training for VA health care personnel; and
- (7) pain care education for veterans and their families; require periodic updates and developed in consultation with Veterans Service Organizations and organizations with experience in the assessment, diagnosis, treatment, and management of pain.

The bill would also require the VA to submit an annual report to Congress outlining the above policy and its effectiveness.

The bill would require the VA to establish seven Consolidated Patient Accounting Centers (CPACs), modeled after the Mid-Atlantic Consolidated and Revenue Improvement Demonstration Project, within seven years.

The bill also repeals the requirement for a separate written informed consent for HIV testing among veterans as well as pre-and post-test counseling.

Additional Information: Priority Group 4 denotes a veteran who is receiving aid and attendance or housebound benefits, or a veteran who has been determined by the VA to be catastrophically disabled.

Committee Action: H.R. 6445 was introduced on July 9, 2008, and referred to the House Committee on Veteran's Affairs. On July 16, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, H.R. 6445 would cost \$995 million over the 2009-2013 period, assuming appropriation of the estimated amounts. Enacting the bill would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would require the VA to establish seven CPACs, as well as report to Congress on new policies.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 1527—Rural Veterans Access to Care Act (Moran, R-KS)

Order of Business: H.R. 1527 is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1527 would require the VA to conduct a three-year pilot program in the Veterans Integrated Service Network (VISN) to allow highly rural veterans enrolled in VA health care to receive covered services through non-VA providers. Specifically, the bill calls on the following VISNs to conduct this pilot program:

1. New England Network
2. Heartland Network (Missouri, Kansas, and Illinois)
3. Southwestern Network (serving Arizona, New Mexico, the western portion of Texas, as well as bordering counties in Colorado, Kansas and Oklahoma)
4. Rocky Mountain Network (serving Montana, Utah, Colorado, and Wyoming)

The bill specifically defines a highly rural veteran as one who resides 60 miles from VA primary care services, 120 miles from the nearest VA facility providing acute hospital care, or more than 240 miles from the nearest VA facility providing tertiary care.

The bill would also require the VA to develop the capability to exchange medical information between VA and participating non-VA providers, and would require the VA to submit a report to Congress upon the conclusion of the first year of the pilot, and each year thereafter.

Additional Information: The Veterans Health Administration of the Department of Veterans Affairs is divided into 21 different health system networks called Veterans Integrated Service Networks (VISN). To see a map of the 21 VISNs, you can visit the [Department of Veterans' Affairs website](#).

Committee Action: H.R. 1527 was introduced on March 14, 2007, and referred to the House Committee on Veteran's Affairs. On July 16, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: No CBO score for this legislation is available.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would require four of the 12 VISNs to conduct a new pilot program.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 2192—To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs (*Hodes, D-NH*)

Order of Business: H.R. 2192 is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2192 establishes an Office of the Ombudsman to serve as liaison to veterans and their family members within the in the Department of Veterans Affairs (VA). The Ombudsman would assist veterans and their family members with respect to the receipt of VA health care and benefits. The bill would also establish a Director within the Veterans Health Administration who would be responsible for overseeing the efforts of the patient advocates and resolving patient issues and complaints that cannot be resolved at the local or regional level.

The bill would require the Ombudsman to track trends in patient issues and complaints; participate in the VA's national quality conferences; and maintain a public website with contact information for each patient advocate.

In addition, the bill would establish a Board comprised of the Director and the three regional administrators to hear appeals from veterans unsatisfied with the efforts of their local facility and issue a decision regarding such appeal and outlining possible steps to resolve the complaint.

Committee Action: H.R. 2192 was introduced on May 7, 2007, and referred to the House Committee on Veteran's Affairs. On July 16, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, "the VA would require four additional employees at an annual cost between \$500,000 and \$600,000. Assuming that the estimated amounts are

appropriated and outlays follow historical spending patterns, CBO estimates that implementing the bill would cost \$3 million over the 2009-2013 period. Enacting the bill would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new position within the VA.

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 Veterans’ Committee House Report [110-773](#), “H.R. 2192 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 of the Rules of the House of Representatives.”

Constitutional Authority: Veterans’ Committee House Report [110-773](#) cites constitutional authority in Article I, section 8 of the Constitution of the United States.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 4255— United States Olympic Committee Paralympic Program Act of 2008 (*Filner, D-CA*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4255 would direct the U.S. Olympic Committee (USOC) to use a grant program to encourage competition activities, training and technical assistance, and program development activities for veterans and members of the Armed Forces with physical disabilities.

The bill establishes within the Department of Veterans Affairs an Office of National Veterans Sports Programs and Special Events, to establish, carry out, and promote programs for the participation of disabled veterans in sporting and other events.

The bill also authorizes the Director to provide a monthly allowance to service-connected disabled veterans participating in an event sanctioned by the USOC or residing at a USOC training center.

Committee Action: H.R. 4255 was introduced on December 4, 2007 and referred to the House Committee on Veterans’ Affairs, which held a mark-up of the bill on July 16, 2008 and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, “implementing H.R. 4255 would cost \$10 million in 2009 and \$50 million over the 2009-2013 period, assuming appropriation of the authorized amounts. Enacting the bill would have no effect on direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates a new position within the VA, and authorizes monthly allowances to a service-connected disabled veteran who participates in USOC events.

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 Veterans' Committee House Report [110-774](#), "H.R. 4255 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 of the Rules of the House of Representatives."

Constitutional Authority: Veterans' Committee House Report [110-774](#) cites constitutional authority in Article I, section 8 of the Constitution of the United States.

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

H.R. 6225—Injunctive Relief for Veterans Act of 2008 *(Herseth-Sandlin, D-SD)*

Order of Business: The bill is scheduled to be considered on Tuesday, July 29, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6225 would require courts to grant injunctive relief to veterans filing claims against state or private employers under the Unformed Services Employment and Reemployment Rights Act (USERRA).

The bill would provide relief for students who:

- discontinue education because of military service;
- require institutions of higher education to refund tuition for service members who have not received academic credit due to military service, and provide a service member the opportunity to reenroll in the same academic status prior to military service;
- extend the period of time a student has to re-enroll after returning from service; and
- place a cap on student loan interest payments at six percent while the student is fulfilling military service.

The bill would apply the current six percent cap on interest on student loans of people serving in the military.

The bill also amends the service-members Civil Relief Act to guarantee the residency of spouses of military personnel. It also amends the Act allow individuals called to military service to terminate or suspend certain service contracts entered into before the individual receives notice

of a permanent change of station or deployment orders and to provide penalties for violations of interest rate limitations.

According to the House Veterans' Affairs Committee, this bill, as amended, incorporates provisions from H.R. 2910, H.R. 6070, and H.R. 3298.

Committee Action: H.R. 6225 was introduced on June 10, 2008 and was referred to the House Committee on Veterans' Affairs, which held a mark-up of the bill on July 16, 2008 and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: According to the CBO, the bill would not have a significant effect on the federal budget. However, CBO estimates that the costs of the intergovernmental mandates in the bill would total between \$40 million and \$50 million in 2008 and similar amounts annually thereafter; such costs would not exceed the threshold established in UMRA (\$68 million in 2008, adjusted annually for inflation). CBO estimates that the cost of complying with education mandates would likely be below the annual threshold established in that act (\$136 million in 2008, adjusted annually for inflation).

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? Yes. According to the CBO, "H.R. 6225 would impose several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would require public institutions of higher education to refund tuition and fees to servicemembers if they must leave school because of military service commitments. The bill also would prohibit governmental entities from charging fees to some servicemembers for terminating utility contracts, and it would prohibit state and local governments from imposing certain taxes on some spouses of servicemembers." Furthermore, the bill contains provisions related to education expenses and service contract fees for certain members of the military that would impose private-sector mandates as defined in UMRA.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

**H.R. 6221— Veteran-Owned Small Business Protection and Clarification Act
of 2008 (Boozman, R-AR)**

Order of Business: The bill is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6221 would require agents of the Department of Veterans Affairs (VA) to comply with the vet/disabled vet small business provisions of [PL 109-461](#) by requiring the VA to include in each contract with an agent who acquires goods and services on behalf of VA, a provision that requires the agent to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans.

The bill authorizes \$10 million for a five-year pilot program for the VA to include teaching assistant, financial services, admissions, etc. into the types of on-campus work-study programs available.

The bill establishes the Military Occupational Specialty Transition (MOST) program by authorizing \$60 million for 10 years. The program would operate under the rules governing the VA's On the Job Training and Apprenticeship programs. The bill specifies that eligible veterans are those who have no entitlement to education of training under title 38, are unemployed for 90 of the last 180 days and meet other qualifying criteria.

According to the House Committee on Veterans' Affairs Republican staff, this bill, as amended, incorporates provisions from H.R. 6272, and H.R. 6224.

Committee Action: H.R. 6221 was introduced on June 10, 2008 and was referred to the House Committee on Veterans' Affairs, which held a mark-up of the bill on July 16, 2008 and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: While no CBO score is available, the bill authorizes \$70 million for a new five year pilot-program, and for the Military Occupational Specialty Transition program.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would authorize a total of \$70 million over 10 years, and create a two new grant programs.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

H.R. 674—To amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009 (Gutierrez, D-IL)

Order of Business: The bill is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 674 would amend title 38, United States Code, and repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009, thereby extending the committee's authorization indefinitely.

Background Information: According to the House Committee on Veterans' Affairs Republican staff, the Advisory Committee on Minority Veterans (ACMV) was established in PL 103-446. The Committee consists of veterans who represent respective minority groups and are recognized authorities in fields pertinent to the needs of the minority group they embody. The Committee responsibilities include:

- Advising the Secretary and Congress on VA's administration of benefits and provisions of healthcare, benefits, and services to minority veterans;
- Providing an Annual report to congress outlining recommendations, concerns and observations on VA's delivery of services to minority veterans;
- Meeting with VA officials, veteran service organizations, and other stakeholders to assess the Department's efforts in providing benefits and outreach to Minority Veterans; and
- Making periodic site visits and holding town hall meetings with veterans to address their concerns.

Committee Action: H.R. 674 was introduced on January 4, 2007 and was referred to the House Committee on Veterans' Affairs, which held a mark-up of the bill on July 16, 2008 and ordered the bill reported by voice vote.

Cost to Taxpayers: According to CBO, "Based on information from the Federal Advisory Committees Database—maintained by the General Services Administration—the costs associated with staffing, travel, and administration of the Advisory Committee on Minority Veterans were about \$250,000 in 2007. Assuming a similar cost in future years, CBO estimates that implementing H.R. 674 would result in discretionary outlays of about \$1 million over the 2010-2013 period, assuming availability of appropriated funds. Enacting H.R. 674 would not affect direct spending or revenues."

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? According to Veterans' Committee House Report [110-772](#), "H.R. 674 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 of the Rules of the House of Representatives.”

Constitutional Authority: Veterans’ Committee House Report [110-772](#) cites constitutional authority in Article I, section 8 of the Constitution of the United States.

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

H.R. 5892— Veterans Disability Benefits Claims Modernization Act of 2008 (Hall, D-NY)

Order of Business: The bill is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5892 would establish an Office of Survivor Relations to provide assistance to survivors of all veterans and diseased service-members regarding benefits and services delivered by the Department of Veterans’ Affairs (VA). The bill would establish that the Director of the office act as the primary advisor to the Secretary of Veterans’ Affairs on all matters related to policy, legislation, programs, etc. affecting survivors.

The bill would require the Secretary of the VA to conduct a study on adjusting the Veterans Affairs Schedule for Rating Disabilities (VASRD), taking into account loss of quality of life and loss of earnings capacity. The bill would also require that the VA submit a proposed timeline to Congress that readjusts the VASRD using current medical and technological concepts, practices, and standards.

The bill would require numerous studies to report on the efficacy of the work credit system, including that of the Veterans Benefits Administration (VBA) focusing on increasing accountability of claims processing. The bill mandates a certification examination of relevant VBA claims processing personnel and managers and would require the Secretary to contract with an outside entity to conduct an evaluation of VBA’s training and quality assurance programs.

The bill would require the Secretary to develop a plan to implement information technology upgrades to enhance its claims processing capabilities and to rate claims within the time period VA identifies in its Annual Performance report to Congress.

The bill would also amend title 38, Section 5121 to allow an eligible survivor to become a substitute claimant upon the death of a veteran in order to continue the claim and to submit additional evidence up to one year after death of veteran.

The bill mandates the Court to report additional workload data to Congress upon enactment, and changes the jurisdiction and finality of the Court’s decisions on veterans’ claims to give the Court greater discretion.

Committee Action: H.R. 5892 was introduced on April 24, 2008 and was referred to the House Committee on Veterans' Affairs, which held a mark-up of the bill on April 30, 2008 and ordered the bill reported by voice vote.

Cost to Taxpayers: According to the CBO, enacting H.R. 5892 would increase direct spending by \$60 million in 2009, by \$1.5 billion over the 2009-2013 period, and by \$4.8 billion over the 2009-2018 period. In addition, CBO estimates that implementing H.R. 5892 would increase discretionary costs by \$5 million over the 2009-2013 period, assuming appropriation of the necessary amounts. Enacting the bill would have no impact on revenues.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill established a new office within the VA and requires a new Congressional study.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

**H.Res. 1332— Recognizing the importance of connecting foster youth to the workforce through internship programs, and encouraging employers to increase employment of former foster youth
(Cardoza, D-CA)**

Order of Business: The resolution is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1332 would express the sense that the House or Representatives

- “recognizes the importance of connecting foster youth to the workforce through internship programs, such as the Orphan Foundation of America’s InternAmerica program, that provide foster youth the foundation upon which to build their careers and to be successful members of the work force; and
- “encourages employers of all sectors and Federal, State, and local governmental agencies to increase employment of the young men and women who have been discharged from foster care in the United States.”

The resolution lists a number of findings, including:

- “on any given day, there are more than 500,000 youth in foster care in the United States;
- “an estimated 26,000 of these youth are discharged from the foster care system or ‘age out’ with little to no resources to start their own lives;
- “the people of the United States have a sincere appreciation for the circumstances that place children in foster care;
- “foster youth possess unique qualities and skills that make them ideal candidates for employment, but compared to youth nationally and youth from low-income families, they are less likely to be employed or employed regularly;
- “when afforded comprehensive support, this resilient population excels in the job market;
- “within 18 months after leaving foster care, 25 percent of foster youth become homeless and comprise more than a quarter of the United States homeless population;
- “without positive intervention, youth who age out of foster care often have bouts of homelessness, criminal activity, and incarceration;
- “addressing job readiness early in the transition to adulthood is critical to shaping the future trajectories of these youth; and
- “youth who begin connecting to the workforce prior to discharge from foster care maintain the highest probability of employment.”

Committee Action: H.Res. 1332 was introduced on July 10, 2008, and referred to the House Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.Res. 1288— Supporting the goals and ideals of National Campus Safety Awareness Month (*Sestak, D-PA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1288 would express the sense that the House or Representatives

- “supports the goals and ideals of National Campus Safety Awareness Month; and
- “encourages colleges and universities throughout the United States to provide campus safety and other crime awareness and prevention programs to all students throughout the year.”

The resolution lists a number of findings, including:

- “college and university campuses are not immune from the crime problems that face the rest of society in the United States;
- “a total of 37 homicides, 8,114 forcible-sex offenses, 8,923 aggravated assaults, and 3,071 cases of arson were reported on college and university campuses from 2004 to 2006, in accordance with the reporting requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f); Public Law 89-329);
- “between 1/5 and 1/4 of female students become the victim of a completed or attempted rape, usually by someone they know, during their college careers, but fewer than 5 percent report the assault to law enforcement;
- “each year, 13 percent of female students enrolled in an undergraduate program at a college or university will be victims of stalking;
- “1,700 college and university students between the ages of 18 and 24 die each year from unintentional alcohol-related injuries, including motor vehicle accidents;
- “Security On Campus, Inc. (hereinafter referred to as ‘SOC’), a national nonprofit group dedicated to promoting safety and security on college and university campuses, has designated September as National Campus Safety Awareness Month;
- “each September since 2005, SOC has partnered with colleges and universities across the United States to offer National Campus Safety Awareness Month educational programming on sexual assault, alcohol and other drug abuse, hazing, stalking, and other critical campus safety issues; and
- “National Campus Safety Awareness Month provides an opportunity for entire campus communities to become engaged in efforts to improve campus safety.”

Committee Action: H.Res. 1332 was introduced on June 19, 2008, and referred to the House Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.Res. 901— Congratulating University of Florida Quarterback Timothy “Tim” Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements (Crenshaw, R-FL)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 901 would express the sense that the House or Representatives

- “commends Tim Tebow for his academic and athletic accomplishments;
- “recognizes Tim Tebow’s character and compassion toward his fellow human beings;
- “congratulates Tim Tebow for his historic winning of the 2007 Heisman Trophy; and
- “directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Florida President J. Bernard Machen and Head Football Coach Urban Meyer for appropriate display.”

The resolution lists a number of findings, including:

- “Tim Tebow has exhibited exemplary character, kindness, and compassion rooted in his deep and abiding faith in God;
- “Tim Tebow has displayed a willingness to help those less fortunate through his missionary work in the Philippines;
- “Tim Tebow has been an inspiration off the football field by regularly visiting orphanages in the Philippines and hospitals in the United States;
- “Tim Tebow has maintained a 3.77 grade point average at the University of Florida;
- “Tim Tebow became only the fourth sophomore in the history of the University of Florida to earn first-team Academic All-American honors;
- “Tim Tebow played an integral role in the University of Florida’s National Collegiate Athletic Association’s (NCAA) national championship football team in 2006;
- “on December 8, 2007, Tim Tebow became the first and only sophomore ever to win the Heisman Trophy, college football’s most coveted and prestigious award.”

Committee Action: H.Res. 901 was introduced on December 19, 2008, and referred to the House Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.

RSC Staff Contact: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.Res. 1151— Congratulating the University of Tennessee women’s basketball team for winning the 2008 National Collegiate Athletic Association Division I Women’s Basketball Championship (Duncan, R-TN)

Order of Business: The resolution is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1151 would express the sense that the House or Representatives

- “congratulates the University of Tennessee women’s basketball team for being champions on and off the court, and for their victory in the 2008 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;
- “recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and
- “respectfully requests the Clerk of the House of Representatives to transmit copies of this resolution to the following for appropriate display--Dr. John D. Petersen, President of the University of Tennessee; Dr. Jan Simek, Interim Chancellor of the University of Tennessee, Knoxville; Joan Cronan, Women’s Athletics Director; and Pat Summitt, Women’s Basketball Head Coach.”

The resolution lists a number of findings, including:

- “on April 8, 2008, the University of Tennessee women’s basketball team, the Lady Vols, defeated the Cardinals of Stanford University by a score of 64 to 48 to win the 2008 National Collegiate Athletic Association (NCAA) Division I Women’s Basketball Championship;
- “this championship was the 2nd national title for the Lady Vols in as many years, and their 8th national title in the last 21 years;
- “the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation’s alltime winningest NCAA basketball coach in both the men’s and women’s leagues, with 983 wins over 34 seasons at the University of Tennessee; and
- “the Lady Vols compiled an impressive overall record of 36 wins and 2 losses, with the 2nd most wins in a single season in school history.

Committee Action: H.Res. 1151 was introduced on April 28, 2008, and referred to the House Committee on Education and Labor, which took no official action.

Cost to Taxpayers: The resolution does not authorize expenditures.

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.R. 6560—To establish an earned import allowance program under Public Law 109-53, and for other purposes (*Rangel, D-NY*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6560 would amend the Dominican Republic-Central American-United States Free Trade Agreement Implementation Act to require the Secretary of Commerce to establish a “2 for 1” textile and apparel allowance program. According to Committee on Ways and Means Republican staff, when textile producers purchase a certain quantity of U.S. fabric for apparel production in the Dominican Republic, they receive a credit. This credit may then be used to ship a corresponding quantity of apparel containing fabric from a third-country that ordinarily would not receive duty-free treatment from the Dominican Republic to the United States.

The bill requires the U.S. International Trade Commission to review the program to evaluate its effectiveness and make suggestions yearly. The bill also requires that the Commission report to Congress on their findings.

According to information recently received from the House Committee on Ways and Means Republican staff, a bipartisan agreement has been reached which would use H.R. 6560 as a vehicle for other related extensions and expansions to existing preference programs. In addition to the above, the bill would:

- Extend the existing provisions of the Generalized System of Preferences* program for one year (until December 2009) without making any changes to the program;
- Repeal a pay-for device used in the farm bill. In order to pull additional money into the 10-year window, the farm bill required importers to pre-pay customs user fees that they could owe in FY2018 in FY2017;
- Provides additional market access for apparel imports from AGOA (Africa) beneficiary countries by removing the “abundant supply” provisions, which limit the use non-AGOA produced fabric, including denim;
- Grants Mauritius least-developed country status under AGOA, which allows Mauritius to use third-country fabric in apparel exported duty-free to the United States;
- Requires the U.S. International Trade Commission and the GAO to recommend potential changes to U.S. preference programs that would encourage increased production of value-added apparel inputs, such as fabric, in Africa.

Additional Information: According to Committee on Ways and Means Republican staff,

In 2004, the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic signed the Dominican Republic-Central America-United States Free Trade Agreement. The U.S. Senate approved the free trade deal on June 30, 2005. The governments of the Dominican Republic, El Salvador, Guatemala, Nicaragua, Honduras, and Costa Rica have also ratified the agreement. These countries account for the second-largest U.S. export market in Latin America, purchasing about \$15 billion of American goods per year.

This legislation is expected to benefit the U.S. textile industry. The United States is a major textile exporter, sending \$12.4 billion worth of textiles overseas in 2005 – a 5% rate of growth over the previous year. However, over the past several decades, textile and apparel manufacture has been shifting to developing countries, with textiles and apparel accounting for large portions of their exports to industrially developed countries like the U.S. As of August 2006, 610,000 Americans were employed in the textile industry.

*The U.S. Generalized System of Preferences (GSP) is a program designed to promote economic growth in the developing world, provides preferential duty-free entry for more than 4,650 products from 131 designated beneficiary countries and territories. The GSP program was instituted on Jan. 1, 1976, and authorized under the Trade Act of 1974 for a 10-year period. It has been renewed periodically since then, most recently in 2006, when President George Bush signed legislation that reauthorized the GSP program through December 31, 2008.

Committee Action: H.R. 6560 was introduced on July 22, 2008 and was referred to the House Committee on Ways and Means, which took no official action.

Cost to Taxpayers: While no CBO score is available, the Committee on Ways and Means Republican staff has noted that the cost of the legislation is \$54 million over ten years. According to staff, the costs represent tariff revenue that will not be collected because the apparel imports will be duty free.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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H.R. 6580—Hubbard Act (*Kind, D-WI*)

Order of Business: The bill is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6580 would enhance separation benefits for service-members who are sole survivors. The bill would define a sole survivor as a member of the armed forces who is the only surviving child in a family in which the mother or father, or one or more siblings, died or were severely injured, while in service, or as a result of service in the military, through no fault of their own. The bill would allow sole survivors to leave the military and retain any bonus pay received in advance of completing an obligated period of service, receive remaining installment payments for any period of obligated service not completed, earn separation pay despite serving for less than six years, receive transitional health coverage, and make use of commissaries and exchanges.

According to the House Veteran's Affairs Committee Republican staff, the bill would provide the enhanced separation benefits retroactively to about 55 service-members who received a sole-survivor discharge during the period from September 11, 2001, to the enactment date of this bill. The bill would also grant sole survivors various veterans' benefits, including eligibility for housing loans, job training, and education benefits, that an early departure from the military may have otherwise denied them. Finally, H.R. 6580 would make sole survivors eligible for unemployment compensation.

Committee Action: H.R. 6580 was introduced on July 23, 2008 and was referred to the House Committee on Armed Services, as well as the Committees on Veterans' Affairs, Ways and Means, and Oversight and Government Reform. No official action was taken in any Committee.

Cost to Taxpayers: According to the CBO, "implementing H.R. 6580 would allow about 20 service-members a year to receive those enhanced benefits and thus would incur a discretionary cost totaling about \$1 million over the 2009-2013 period, assuming the availability of appropriated funds. In addition, enacting H.R. 6580 would increase direct spending in several ways, with cumulative costs of about \$1 million over the 2009-2018 period. The estimate of small direct spending costs is based on information from DoD, the Department of Veterans Affairs, and the Department of Labor.

"Enacting H.R. 6580 also would increase revenues, more than offsetting the direct spending costs cited above. The Joint Committee on Taxation (JCT) estimates that a provision relating to funeral trusts would increase revenues by \$6 million over the 2009-2018 period. An individual may establish a "qualified funeral trust" provided that all funds in the trust are used to pay for funeral or burial services or property for the benefit of the trust's beneficiaries. The income earned on such a trust is taxable at the tax rates on estates and trusts. Under current law, if a funeral trust accepts aggregate contributions in excess of a certain dollar amount, it ceases to be a qualified funeral trust. The income earned on those trusts would be taxable at rates applied on ordinary income of individuals, which is generally taxed at a lower effective rate. The bill would eliminate the dollar limitation on contributions to a funeral trust, thereby increasing the amounts of funds within qualified funeral trusts and thus the amount of income that would be taxable at higher rates. JCT estimates that additional revenues would amount to \$3 million over the 2009-2013 period and \$6 million over the 2009-2018 period. CBO and JCT estimate that, on net, the effects of H.R. 6580 on direct spending and revenues would lower deficits (or increase surpluses) by about \$5 million over the 2009-2018 period."

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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H.R. 6309—Lead-Safe Housing for Kids Act of 2007 *(Ellison, D-MN)*

Order of Business: H.R. 6309 is scheduled to be considered on Tuesday, July 28, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 6309 amends the Residential Lead-Based Paint Hazard Reduction Act of 1992 to define environmental intervention blood lead level and establish additional requirements for certain lead hazard screens.

Defines an environmental intervention blood lead level as the lower of the elevated blood lead level of concern for a child under six years of age that has been established by the Centers for Disease Control and Prevention; or a confirmed concentration of lead in whole blood equal to or greater than 10 ug/dL (micrograms of lead per deciliter) for a confirmatory test.

Requires that lead hazard screens include an examination of toys and materials in the child's environment that are likely to contain lead.

The bill would require a report to Congress on previous lead-abatement programs. The report must including the following information:

- A description of the purpose of such programs implemented or planned to be implemented.
- A statement of the amounts allocated for each of such programs.
- Identification of the sources of the funding for each of such programs.
- A statement of the amount expended to each of such programs, as of the date of the submission of the report.
- A statement of the number of properties and the number of dwelling units intended to be covered by each of such programs.
- A statement of the number of properties and the number of dwelling units actually assisted by each of such programs.
- A description of the status of each of such programs, as of the date of the submission of the report.
- An explanation as to why each of such programs have not been completed.
- A description of any enforcement actions taken against owners of such housing who were to have been held harmless with respect to any noncompliance with section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4852d), or with any rules implementing such section, during implementation of such programs.

- A timeline for completion of the remaining properties and units covered by each of such programs.

The bill authorizes “such sums” to carry out the amendments made to the Residential Lead-Based Paint Hazard Reduction Act of 1992.

Additional Information: The following background information was provided by the Minority staff on the House Financial Services Committee:

Eliminating lead exposure greater than 10 micrograms of lead per deciliter of blood among children by the year 2010 is one of the national health objectives established by the Department of Health and Human Resources.

According to the Center for Disease Control <http://www.cdc.gov/nceh/lead/>:

- Approximately 310,000 U.S. children under age 6 years of age have blood lead levels greater than 10 micrograms of lead per deciliter of blood, the level at which CDC recommends public health actions be initiated.
- Children under the age of 6 years are particularly at risk for lead poisoning because of their rapid growth rate and because they tend to put things into their mouths. Children from all social and economic levels can be affected by lead poisoning, but children living at or below the poverty line are at the greatest risk.
- Children of certain racial and ethnic groups and those living in older housing are also disproportionately affected by lead. For example, 3% of black children but only 1.3% of white children have elevated blood lead levels.
- Lead poisoning can cause learning disabilities, behavioral problems, and, at very high levels, seizures, coma, and even death. It can affect nearly every system in the body. Lead poisoning is completely preventable when children can be stopped from coming into contact with lead.
- The major source of lead exposure among U.S. children is lead-based paint and lead-contaminated dust found in deteriorating buildings.
- While lead-based paints were banned for use in housing in 1978, approximately 24 million housing units in the United States still have deteriorated leaded paint and high levels of lead-contaminated dust.
- More than 4 million of these dwellings are homes to one or more young children.
- In addition to lead based paint, other sources of lead poisoning in the home are related to drinking water and in some areas of the United States as many as 35% of children identified with elevated lead levels are reported to have been exposed to items decorated with or made of lead. In most cases of these cases, the hazardous product is only identified after a child is poisoned.
- Systematic reduction of lead sources, particularly in old, poorly maintained housing combined with periodic maintenance monitoring should prevent children from being exposed to lead in these units in the future.

In 1992 the Residential Lead-Based Paint Hazard Reduction Act (P.L. 102-550) was signed into law. The Act directed HUD to establish regulations for the evaluation of lead hazards. In its regulation, - referred to as the Lead Safe Housing Rule (LSHR) – HUD established an environmental intervention blood lead level (EIBLL) of 20 micrograms

per deciliter for a single test or 15-19 micrograms per deciliter for two tests taken at least 3 months apart.

Committee Action: H.R. 6309 was introduced on June 19, 2008, and referred to the House Committee on Financial Services. On June 24, 2008, the Committee held a mark-up and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to CBO, implementing H.R. 6309 would cost \$21 million over the 2009-2013 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues.

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? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is not required because the bill is being considered under a suspension of the rules.

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

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