THE REPUBLICAN STUDY COMMITTEE
Rep. Jim Jordan, Chairman
Paul Teller, Executive Director
RSC
202.226.9717
rsc.jordan.house.gov

Legislative Bulletin…….December 5, 2012

Contents:

H.R. 6602 – To make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements (Smith, R-TX)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: H.R. 6602 revises title 36 of the United States Code by making technical corrections and improvements as required by section 205(c) of House Resolution No. 988 from Public Law 93-554 (93rd Congress, 2 U.S.C. 285b). According to the description provided by the House of Representatives' Office of the Law Revision Counsel, this office is required to submit to the Judiciary Committee proposed bills to maintain titles of the United States Code that have been enacted into law. These types of bills are sometimes referred to as "legal housekeeping" bills necessary to maintain the clarity and intent of the law.

The main revisions H.R. 6602 involve replacing title 36's abbreviated table of contents for a more comprehensive one (along with striking the subtitle's table of contents) and updating the format of the chapter headings of reserved chapters.

Title 36 of the U.S. Code is the title of federal laws regarding Patriotic and National Observances, Ceremonies, and Organizations.

Committee Action: Judiciary Committee Chairman Lamar Smith (R-TX) introduced H.R. 6602 on November 16, 2012. No further committee action has occurred on the bill.

Administration Position: No Statement of Administration Policy is available.

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

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

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying H.R. 6602 upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18 of the Constitution."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 6605 – To eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program
(Conyers, D-MI)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: H.R 6605 eliminates a state and local government use-of-funds reporting requirement under the Violent Crime Control and Law Enforcement Act for states and local governments that receive federal grant funding for DNA sample analysis. These grants are called DNA Identification grants. Specifically, the bill repeals Section 2406 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-5).

Earlier this year, H.R. 6189 passed both chambers of Congress and became Public Law 112-189. This law eliminated Justice Department reporting requirements for DNA Identification Grants since the grants have not been funded since FY2003. It did not repeal the state and local government reporting requirements, which H.R. 6605 seeks to address.

Some Conservatives may question why only the reporting requirements are being repealed and not the statutory language authorizing the DNA Identification grants even though these grants have not been funded since FY2003.

Committee Action: Judiciary Committee Ranking Member John Conyers *(D-MI)* introduced H.R. 6605 on November 17, 2012. No further committee action has occurred on the bill since introduction.

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

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

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

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill states, "Congress has the power to enact this legislation pursuant to the following: U.S. Constitution, Article I, Section 8, Clause 18."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-2076.

H.R. 6620 – Former Presidents Protection Act of 2012 (Gowdy, R-SC)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: H.R. 6620 restores lifetime Secret Service protection for former Presidents and the children of former Presidents until the age of sixteen.

Additional Background: Current law imposes a 10-year limitation of Secret Service protection afforded to former Presidents after they leave office. It also provides protection for former Presidents' children up to age sixteen or 10 years after the President parent leaves office—whichever happens first. This limitation was signed into law in 1994 (Public Law 103-329) yet became effective for all Presidents elected after January 1, 1997. Therefore, George W. Bush is the first and only former President impacted so far by the statutory protective service limitation. Should H.R. 6620 not be signed into law, he and his family will cease to have Secret Service protection after 2018—ten years after he left office. Interestingly, at that time, Barbara Bush, the spouse of former President

George Herbert Walker Bush, would be eligible for Secret Service protection while her son would not.

According to the bill sponsor's office, the Secretary of the Department of Homeland Security (DHS) has the discretion to temporarily authorize such Secret Service protection to former Presidents and their families despite the statutory limitation's expiration. Some conservatives believe that this statutory limitation should be eliminated because of post-9/11 national security interests.

Committee Action: Rep. Trey Gowdy (R-SC) introduced H.R. 6620 on November 30, 2012. No further Judiciary Committee action has occurred on the bill since introduction.

Administration Position: No Statement of Administration Policy is available.

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

Does the Bill Expand the Size and Scope of the Federal Government?: The bill eliminates the 10-year statutory limitation on protective services provided to former Presidents and the children of former Presidents.

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill states, "Congress has the power to enact this legislation pursuant to the following: The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

H.R. 6223 – To amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes (Dent, R-PA)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: H.R. 6223 amends current law[1] to permit foreign nationals who work on behalf of the U.S. Armed Services, or in a diplomatic role in an executive or managerial national security position outside of the United States, to earn time towards the physical presence requirement for becoming a naturalized citizen. Current law allows translators or interpreters who provide services to the U.S. armed services or U.S. diplomatic service in Iraq or Afghanistan to earn time towards the "continuing residence" U.S. Naturalization requirement, but not the one-year "continuous physical presence" requirement.[2]

H.R. 6223 authorizes translators, interpreters, or security-related positions in an executive or managerial capacity for the United States Armed Forces or Chief of Mission to earn this "continuing physical presence" naturalization requirement in any foreign country in addition to Iraq or Afghanistan and applies this provision retroactively as if it were included in the National Defense Authorization Act of 2006. According to the Judiciary Committee, the changes in law the bill provides will not apply to a large group of persons.

Committee Action: Representative Charles Dent (R-PA) introduced H.R. 6223 on July 26, 2012. No further Judiciary Committee action has taken place on the bill.

Administration Position: No Statement of Administration Policy has been released.

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

Does the Bill Expand the Size and Scope of the Federal Government? The bill permits foreign national U.S. Armed Forces, or diplomatic workers in executive or managerial security roles, to earn continuous physical presence credits towards nationalization in countries other than Iraq and Afghanistan, which current law does not permit.

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

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

Constitutional Authority: The Constitutional Authority Statement accompanying the bill upon introduction states, "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

---

[1] Section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note)
[2] Section 316 (b) of the Immigration and Nationality Act requires lawful admission for permanent residence through physical presence and residence in the US for an uninterrupted period of at least one year after being lawfully admitted for permanent residence.

S. 3486 – Patent Law Treaties Implementation Act of 2012
(Senator Leahy, D-Vermont)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: S. 3486 amends U.S. patent law to implement requirements established by two treaties the U.S. Senate ratified in 2007 without dissent: the Hague Agreement Concerning the International Deposit of Industrial Designs Systems (Hague Agreement), and the Patent Law Treaty (PTL). Former President Bill Clinton signed both of these treaties in the late 1990s yet implementing legislation has not yet been enacted.

The Senate passed S. 3486 by Unanimous Consent on September 22, 2012.

Additional Background: The Hague System provides the owner of an industrial design in member countries and/or intergovernmental organizations of the Hague Agreement a way to obtain protection in several countries by filing one application with the International Bureau of the World Intellectual Property Organization (WIPO). An international registration produces the same effects in each of the designated countries as if the design had been registered directly with each national office except if a participating country refuses.

The main provisions of the bill implementing the Hague Agreement (Title I of the bill) are described below:

- grants limited rights to patent applicants between the date that their international design application is published and the date on which they are granted a U.S. patent based on that application;
- extends the patent term for designs from 14 to 15 years from grant;
- specifies administrative procedures to be followed by design patent applicants seeking multinational registration under the Geneva Act;
- allows the United States to have the benefits of a multinational design protection system, while maintaining the U.S. substantive examination system; and
- provides an effective date as the later of one year after the date of enactment of the bill or the date on which the Geneva Act of the Hague Agreement enters into force with respect to the United States.

According to the Judiciary Committee, this bill benefits the United States and its businesses and designers because the centralized registration procedure under the Geneva Act and cost savings to American industrial design owners are expected to be substantial. Currently, U.S. design applicants must file separate applications for design protection in each country or intergovernmental organization. The filing of a single application to a

centralized office is expected to lead to fewer processing mistakes and delays on the part of both the applicant and the relevant foreign patent offices.

The United States is one of 54 countries that signed the Patent Law Treaty. It is not yet one of the 32 countries where it is considered in force. Supporters maintain that implementing the PTL will make it easier for American patent applicants and patent owners to obtain and protect their patent rights throughout the world by simplifying national and international formal requirements associated with patent applications. The PTL seeks to harmonize patent applications and examination procedures, standards to obtain patents, and the available patent rights and infringement remedies.

The main provisions of the bill implementing the PTL (Title II of the bill) are described below:

- implements PTL requirements including application requirements, fees, revival of applications, and reinstatement of reexamination proceedings subject to regulations promulgated by the US Patent and Trademark Office (PTO) Director;
- ensures that U.S. obligations under the PTL are reflected in our national law. including various fees for such services as reviving an abandoned application; and
- establishes an effective date one year after the date of enactment that applies to all patents, whenever granted and to all applications for patent pending on or filed after the date that is one year following the date of enactment of the bill. However, the revisions shall have no effect on any patent that is the subject of litigation in an action commenced before one year following the date of enactment.

Committee Action: Senate Judiciary Committee Chairman Patrick Leahy *(D-Vermont)* introduced S. 3486 on August 2, 2012. On September 22, 2012, the Senate passed an amended version under unanimous consent. No further committee action in the House has occurred on the bill. A House companion identical to the text of the Senate-passed S. 3486 has been introduced—but not acted upon—by Judiciary Committee Chairman Lamar Smith as H.R. 6432.

Administration Position: No Statement of Administration Policy is available.

Cost to Taxpayers: The Congressional Budget Office (CBO) released cost estimate for the bill on October 15, 2012, which states that implementing the bill would not have a significant effect on the federal budget, direct spending, or revenues.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill implements two treaties ratified by the U.S. Senate in 2007.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Section 4 of the Unfunded Mandates Reform Act excludes from application of intergovernmental or private-sector mandates any legislation that is

necessary for the implementation of an international treaty. The CBO determined that S. 3486 fits within this exclusion.

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

Constitutional Authority: No Constitutional Authority Statement accompanies S. 3486. However, the Constitutional Authority Statement accompanying the House-introduced H.R. 6432, which is identical to the Senate-passed S. 3486 bill states, "Congress has the power to enact this legislation pursuant to the following: Clause 8 of section 8 of Article I of the Constitution."

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

S. 2367 – 21st Century Language Act of 2012
(Senator Conrad, D-ND)

Order of Business: The legislation is scheduled to be considered on December 5, 2012, under a motion to suspend the rules and pass the bill requiring two-thirds majority vote for passage.

Summary: S. 2367 removes all references to the word "lunatic" included in the United States Code. Specifically, it eliminates such references in Section 1 of title 1; section 92a of title 12 (Banking Law Provisions); and in section 215 of title 12 (Consolidation and Mergers of Banks).

Additional Background: Congress passed similar legislation addressing sensitive mental health language referenced in the U.S. Code when it eliminated any mention of "mental retardation" in 2010 (H.R. 2781 passed by voice in 2010 and became Public Law 111-256).

Reports indicate the bill has the support from mental health advocates including the National Alliance on Mental Illness, Mental Health America, National Council on Community Behavioral Healthcare, and the Clinical Social Work Association.

Committee Action: Senator Kent Conrad *(D-ND)* introduced S. 2367 on April 25, 2012. On May 23, 2012, the Senate passed the bill by unanimous consent. No further House committee action has occurred on the bill.

Administration Position: No Statement of Administration Policy is available.

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

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

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

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

Constitutional Authority: No Constitutional Authority Statement accompanies the bill.

RSC Staff Contact: Joe Murray, Joe.Murray@mail.house.gov, (202) 226-0678

###