



Legislative Bulletin.....January 22, 2008

Contents:

- H.R. 3988**—A bill to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the “Master Sergeant Kenneth N. Mack Post Office Building”
- H.R. 4211**—A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the “Judge Richard B. Allsbrook Post Office”
- H.R. 3720**—To designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the “Army PFC Juan Alonso Covarrubias Post Office Building”
- H.Con.Res. 198**—Expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty
- H.R. 409**—To amend title 23, United States Code, to inspect highway tunnels
- H.Res. 772**—Recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes
- H.Res. 866**—Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over 350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records
- H.R. 3432**—200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade Act of 2007

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 2

Total Cost of Discretionary Authorizations: \$1 million in FY 2008 and \$5 million over the FY 2008—FY 2012 period.

Effect on Revenue: 0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

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

**H.R. 3988—A bill to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the “Master Sergeant Kenneth N. Mack Post Office Building”
(Rep. Granger, R-TX)**

Order of Business: H.R. 3988 is scheduled for consideration on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3988 would designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the “Master Sergeant Kenneth N. Mack Post Office Building”.

Additional Background: According the Department of Defense, Master Sgt. Kenneth N. Mack, 42, of Fort Worth, Texas, served with the II Marine Expeditionary Force, operating out of Camp Lejeune, North Carolina. On May 5, 2007, while conducting combat operation in Al Anbar province, Iraq, Master Sgt. Mack was killed by enemy forces.

Committee Action: H.R. 3988 was introduced on October 29, 2007, and was referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on December 12, 2007.

Cost to Taxpayers: A CBO score of H.R. 3988 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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**H.R. 4211—A bill to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the “Judge Richard B. Allsbrook Post Office”
(Butterfield, D-NC)**

Order of Business: H.R. 4211 is scheduled for consideration on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4211 would designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the “Judge Richard B. Allsbrook Post Office.”

Additional Background: According the North Carolina Bar Association, Judge Richard Brown Allsbrook, of Halifax County, N.C., was appointed as the superior court judge for the Sixth Judicial District in 1978. Judge Allsbrook served his appointment for 22 year, until his retirement on September 29, 2000. On Friday, October 26, 2007, Judge Allsbrook died at the age of 78 in Chapel Hill, N.C.

Committee Action: H.R. 4211 was introduced on November 15, 2007, and was referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on December 12, 2007.

Cost to Taxpayers: A CBO score of H.R. 4211 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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**H.R. 3720—To designate the facility of the United States Postal Service
located at 424 Clay Avenue in Waco, Texas, as the “Army PFC Juan
Alonso Covarrubias Post Office Building”
(*Edwards D-TX*)**

Order of Business: H.R. 3720 is scheduled for consideration on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3720 would designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the “Army PFC Juan Alonso Covarrubias Post Office Building.”

Additional Background: According the Vietnam Veterans Memorial Fund, PFC Juan Alonso Covarrubias was born on April 19, 1948, in Dallas, Texas. PFC Covarrubais was drafted into the Army in 1969, and was subsequently killed in an automobile accident in South Vietnam less than one year after joining the Armed Forces. PFC Covarrubais, who is honored on Panel 28W, Row 24 of the Vietnam Veterans Memorial, was 20 years old when he was killed.

Committee Action: H.R. 3720 was introduced on November 15, 2007, and was referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on December 12, 2007.

Cost to Taxpayers: A CBO score of H.R. 3720 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

Constitutional Authority: Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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H.Con.Res. 198—Expressing the sense of Congress that the United States has a moral responsibility to meet the needs of those persons, groups and communities that are impoverished, disadvantaged or otherwise in poverty (*Lee, D-CA*)

Order of Business: H.Con.Res. 198 is scheduled to be considered on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 198 would express the sense of the House that “the United States should set a national goal of cutting poverty in half over the next 10 years using a strategy that promotes good jobs at livable wages.”

The resolution lists a number of findings, including:

- “poverty is a deep, structural problem that implicates our value system and our educational and economic institutions;

- “a widely acknowledged definition of poverty is the lack of basic necessities of life such as food, shelter, clothing, health care, education, security, and opportunity;
- “policy initiatives addressing poverty have not kept pace with the needs of millions of Americans;
- “the failure of America’s ability to meet the needs of its poorest was acutely seen during Hurricanes Katrina, Rita, and Wilma in August 2005;
- “many experts believe that the lack of an equitable distribution of housing choices across the country leads to isolation and concentrated poverty that makes low-income individuals and families vulnerable to catastrophic natural or man-made disasters like the Gulf Coast hurricanes;
- “the economic disparities that have exacerbated restoration of impoverished communities in the Gulf Coast region continue to persist in the aftermath of Hurricane Katrina;
- “the number of Americans living in poverty has risen by over 5,000,000 since 2000;
- “there were 37 million Americans living in poverty in 2005;
- “the official poverty rate in 2005 was 12.6 percent;
- “24.9 percent of African Americans, 21.8 percent of Hispanics, 25.3 percent of Native Americans, 10.9 percent of Asian Americans, and 8.3 percent of Whites lived in poverty in the United States in 2005;
- “in 2005 a family of 4 was considered poor under the U.S. Census Bureau’s official measure if the family’s income was below \$19,971;
- “the poverty rate for children 18 years and younger (17.6 percent) remained higher than that of 18-24 year-olds (11.1 percent) and that of people 65 and older (10.1 percent) in 2005;
- “the number in poverty increased for people 65 and older by almost 400,000 since 2000; and
- “in international poverty comparisons, a common approach is to ask what share of the population has income below 50 percent of the Nation’s median income. Using this measure the United States poverty rate at the turn of the 21st century ranked 24th of 25 countries, with only Mexico having a higher percentage rate.”

Possible Conservative Concerns: Some conservatives may be concerned that the presumption that Congress has a “moral responsibility” to meet the needs of impoverished and disadvantaged groups and persons exceeds the requirements of Members of Congress established in the U.S. Constitution. Article VI, Clause 3 of the Constitution explicitly enumerates the responsibilities of Member’s of Congress in the Oath of Office, which states:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.

Although Article I, Section 8, Clause 1 of the Constitution grants Congress the power to provide for the **general welfare** of the United States, it does not include the specific welfare of individuals.

Further, some conservatives may be concerned that the resolution advocates additional “policy initiatives addressing poverty,” which could be redistributive, punitive, and anti-free market.

Committee Action: H.Con.Res. 198 was introduced on August 1, 2007, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the resolution, as amended, by voice vote on December 12, 2007.

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. 409—To amend title 23, United States Code, to inspect highway tunnels (*Capuano, D-MA*)

Order of Business: The bill is scheduled to be considered on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 409 would require the Department of Transportation (DOT), in consultation with state departments of transportation and concerned private parties, to establish federal guidelines for the inspection of all highway tunnels in the U.S. The DOT would also be required to establish training and testing standards for tunnel inspectors nationwide.

Further, H.R. 409 would authorize the DOT to make funds available from their administrative expenses and the Surface Transportation Research Program to implement the tunnel inspection program, which CBO estimates will cost \$1 million annually.

Additional Background: According to CBO, there are approximately 300 tunnels in the entire U.S. highway system. Under the stipulations of H.R. 409, each tunnel in the system would be required to be inspected in the same way that bridges are inspected under current law. The majority of the cost of inspection would be paid for by state and local governments that receive federal highway funds.

Committee Action: H.R. 409 was introduced January 1, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Highways and

Transit. On August 2, 2007, a mark-up was held and the bill was reported to the full committee, as amended. On November 15, 2007, the Committee on Transportation and Infrastructure released House Report [110—454](#), and reported the bill.

Cost to Taxpayers: According to CBO, H.R. 409 would the cost DOT \$1 million annually, which would come from the department’s administrative expenses and the Surface Transportation Research Program.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it creates new federal regulations and requirements for bridge inspections.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to House Report [110—454](#), H.R. 409 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: House Report [110—454](#) cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

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**H.Res. 772—Recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes
(Oberstar, D-MN)**

Order of Business: H.Res. 772 is scheduled to be considered on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 772 would express the sense that the House:

- “recognizes the American Highway Users Alliance on the occasion of its 75th anniversary;
- “commends the many achievements of the American Highway Users Alliance; and
- “encourages the American Highway Users Alliance to continue its tradition of excellence in service to motorists and the transportation industry.”

The resolution lists a number of findings, including:

- “in 1932, Alfred P. Sloan, Jr., then president of General Motors Corporation, and other civic leaders had the foresight to found the National Highway Users Conference for the purpose of working ‘for good, all-weather roads in every state’;
- “in 1970, the National Highway Users Conference merged with the Automotive Safety Foundation to form the Highway Users Federation for Safety and Mobility, which in 1995 was renamed as the American Highway Users Alliance (known as the ‘Highway Users’);
- “since its founding, the Highway Users has been a persistent and outspoken proponent for adequate funding of the Nation’s highway infrastructure and a consistent voice for motorists who use the highways for leisure, family, and business purposes and for those who depend on the Nation’s transportation infrastructure for commercial purposes;
- “the Highway Users has voiced the interests of motorists and businesses on all major national highway and traffic safety legislation over the past 75 years, including the Federal-Aid Highway Act of 1956, which authorized the Interstate Highway System and established the Highway Trust Fund;
- “the Highway Users has been a consistent force for protecting the integrity of the Highway Trust Fund and State highway trust funds;
- “research conducted by the Highway Users has documented the promise and potential of modern United States highways in improving safety, facilitating emergency evacuations, and growing the national economy; and
- “the Highway Users has been a strong advocate in favor of strengthening the national highway network by promoting a strong Federal role in mobility and safety and by advocating policies that benefit highway users.”

Committee Action: H.Res. 772 was introduced on October 24, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Highway and Transit on October 25, 2007. On October 31, 2007, the full committee 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.

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H.Res. 866—Honoring the brave men and women of the United States Coast Guard whose tireless work, dedication, and commitment to protecting the United States have led to the Coast Guard seizing over

350,000 pounds of cocaine at sea during 2007, far surpassing all of our previous records (Coble, R-NC)

Order of Business: H.Res. 866 is scheduled to be considered on Tuesday, January 22, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 866 would express the sense that the House “honors the United States Coast Guard, with its proud 217 year legacy of maritime law enforcement and border protection, along with the brave men and women whose efforts clearly demonstrate the honor, respect, and devotion to duty that ensures America's parents can sleep soundly knowing the Coast Guard is on patrol.”

The resolution lists a number of findings, including:

- “the estimated street value of the cocaine seized by the Coast Guard in 2007 is more than \$4,700,000,000 or nearly half of the Coast Guard’s annual budget;
- “the Coast Guard’s at sea drug interdictions are making a difference in the lives of American citizens evidenced by the reduced supply of cocaine in more than 35 major cities throughout the United States;
- “keeping illegal drugs from reaching our shores where they undermine American values and threaten families, schools, and communities continues to be an important national priority;
- “through robust interagency teamwork, collaboration with international partners, and ever-more effective tools and tactics, the Coast Guard has seized more than 2,000,000 pounds of cocaine during the past 10 years and will continue to tighten the web of detection and interdiction at sea; and
- “the Coast Guard men and women who, while away from family and hundreds of miles from our shores, execute this dangerous mission, as well as other vital maritime safety, security, and environmental protection missions, with quiet dedication and without want of public recognition, continue to show dedication and selfless service in protecting the Nation and the American people.”

Committee Action: H.Res. 866 was introduced on December 11, 2007, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Coast Guard and Maritime Transportation. On January 16, 2008, the full committee 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.

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H.R. 3432—200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade Act of 2007(Payne, D-NJ)

Order of Business: H.R. 3432 is expected to be considered on Tuesday, January 22, 2008, on a motion to suspend the rules and pass the bill.

Summary: H.R. 3432 originally passed the House by voice vote on October 2, 2007. On December 19, 2007, the bill was passed in the Senate with an amendment which struck out the authorization of “such sums” for the establishment of the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade. A summary of the bill in its current form can be found below.

H.R. 3432 would establish the 200th Anniversary Commemoration Commission of the Abolition of the Transatlantic Slave Trade. The purpose of the commission would be to assist programs and activities throughout the United States to ensure that there is a suitable national observance of the 200th anniversary of the abolition of the transatlantic slave trade.

The commission would be composed of nine appointees, seven appointed by the majority leaders in the House and Senate and two appointed by the minority leaders. The commission’s duties would include planning and developing commemorative activities, encouraging local involvement, facilitating the commemoration through out the U.S., developing marketing, and sponsoring high school and college essay contests to mark the occasion. The commissions would issue a report to Congress within 11 months of enactment detailing their activities.

The chair of the commission would be authorized to appoint an executive director and any additional staff that was deemed necessary to carry out the purpose of the commission.

The commission would terminate on December 31, 2009.

Additional Information: According to the findings in the bill, on March 3, 1807, President Thomas Jefferson signed into law a bill approved by Congress ‘An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States’ and made it unlawful to import a slave into the United States or any territories. Due to the fact that Article 1, Section 9 of the U.S. Constitution mandated that the international slave trade could not be banned prior to 1808, the law took affect on January 1, 1808. Thus, 2008 marks the 200th anniversary of the end of the international slave trade in the U.S.

Committee Action: H.R. 3432 was passed the House by voice vote on October 2, 2007. On December 19, 2007, the bill was passed in the Senate with an amendment and was sent back to the House the following day.

Cost to Taxpayer: A CBO score for H.R. 3432 was unavailable at press time. However, the Senate passed an amendment to H.R. 3432 that removed the authorization of “such sums” from the text of the bill.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would create a new commission to organize state and federal activities that commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

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

Constitutional Authority: A committee report citing constitutional authority is unavailable. However, House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

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