



Legislative Bulletin.....February 13, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 2

Total Cost of Discretionary Authorizations: \$49 million in FY 2008 and \$298 million over a five year 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: 2

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

H.Res. 917—Supporting the goals and ideals of National Engineers Week, and for other purposes (*Lipinski, D-IL*)

Order of Business: H.Res. 917 is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 917 would express the sense that the House:

- “Supports the goals and ideals of National Engineers Week and its aim to increase understanding of and interest in engineering and technology careers and to promote literacy in science, technology, engineering, and mathematics; and
- “Will work with the engineering community to make sure that the creativity and contribution of that community can be expressed through research, development, standardization, and innovation.”

The resolution lists a number of findings, including:

- “National Engineers Week has grown into a formal coalition of more than 75 professional societies, major corporations, and government agencies, dedicated to ensuring a diverse and well-educated future engineering workforce by increasing understanding of and interest in engineering and technology careers among all young students, by promoting pre-college literacy in science, technology, engineering, and mathematics (STEM), and raising public understanding and appreciation of engineers’ contributions to society;
- “National Engineers Week is celebrated during the week of George Washington’s birthday to honor the contributions that our first President, a military engineer and land surveyor, made to engineering;
- “Engineers are a crucial link in research, development, and demonstration in transforming scientific discoveries into useful products, and we will look more than ever to engineers and their knowledge and skills to meet the challenges of the future;
- “Engineers play a crucial role in developing the consensus engineering standards that permit modern economies and societies to exist; and
- “The 2006 National Academy of Sciences report entitled ‘Rising Above the Gathering Storm’ highlighted the worrisome trend that fewer students are now focusing on engineering in college at a time when increasing numbers of today’s 2,000,000 United States engineers are nearing retirement.”

Committee Action: H.Res. 917 was introduced on January 15, 2008, and referred to the Committee on Science and Technology, 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. 1834—National Ocean Exploration Program Act (Saxton, R-NJ)

Order of Business: The bill is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1834 would authorize \$460 million for the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA) and the National Science Foundation (NSF), to establish and carry out the National Ocean Exploration Program (NOEP) and the National Undersea Research Program (NURP).

The National Ocean Exploration Program (NOEP)

H.R. 1834 would require the administrator of NOAA to establish the National Ocean Exploration Program (NOEP) for the purpose of conducting and coordinating ocean and undersea research and scientific efforts. To carry out the requirements of the program, the administrator of NOAA would be directed to:

- Conduct voyages and other “scientific activities of discovery” in order to explore, survey, inventory, and observe living and non-living marine resources in little known areas of the marine environment;
- Prioritize the study of deep ocean regions;
- **Conduct voyages to locate and document shipwrecks and other submerged archeology sites;**
- Develop and implement a process of peer review to determine which proposals will be conducted under this program;
- Promote improved oceanographic research, communication, navigation, and data collection systems;
- Accept donations for the purpose of exploring the oceans;
- Establish an ocean exploration forum.

The bill would stipulate that no part of NOEP may supersede or limit the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act ([43 U.S.C. 1331](#)). This section of H.R. 1834 would also establish an Ocean Exploration Advisory Board for the purpose of:

- Advising the administrator of NOAA on priority areas of discovery;
- Assisting in the development of a five-year plan for the program;
- Reviewing the quality and effectiveness of the proposed peer review process; and
- Providing any other assistance required by NOAA.

To carry out NOEP's requirements, the bill would authorize the appropriation of \$288 million as follows:

- \$30.5 million in FY 2008
- \$33.5 million in FY 2009
- \$36.9 million in FY 2010
- \$40.6 million in FY 2011
- \$44.6 million in FY 2012
- \$49.1 million in FY 2013
- \$54 million in FY 2014

The National Undersea Research Program (NURP)

H.R. 1834 would require the administrator of NOAA to establish The National Undersea Research Program (NURP) in order to conduct an undersea research, exploration, education, and technology development program. The administrator of NOAA would be required to designate the director of NURP.

NURP would be conducted through a national headquarters, a network of regional undersea research centers, and a national technology institute. The general course of the program and its administration would be determined by the director, with the consultation of all the regional research center directors. The bill would require the direction of the program to be published within three years of enactment.

The bill specifically stipulates that NURP's regional centers would be required to conduct the following research, exploration, and education:

- Core research based on national and regional undersea research priorities;
- Advanced undersea technology development;
- Development, testing, and transition of advance technology associated with underwater observatories, submersibles, and diving technology;
- Undersea science-based education to enrich ocean science and public awareness of oceans and Great Lakes; and
- Discovery, study, and development of natural products from ocean and aquatic systems.

H.R. 1834 would require the administrator of NOAA to conduct a competition to determine which regional centers will participate in the program. The initial competitive process would have to be complete within five years of enactment. The bill would require that new merit-based selection methods be applied every five years. Funding for individual projects at regional centers would also be awarded through a competitive, merit-reviewed process. The director of NURP would be authorized up to ten percent of the program's annual budget for administrative and priority spending, which he or she would determine without a competitive standard.

Finally the bill would authorize the appropriation of \$164.5 million for NURP as follows:

- \$17.5 million in FY 2008
- \$19.5 million in FY 2009
- \$21.5 million in FY 2010
- \$23.5 million in FY 2011
- \$25.5 million in FY 2012
- \$27.5 million in FY 2013
- \$29.5 million in FY 2014

Interagency Financing and Coordination

H.R. 1834 would authorize NOAA, NSF, the Department of the Navy, and any other federal agencies involved in NOEP or NURP, to participate in interoffice financing and fund sharing. Any funds shared or transferred under the bill would have to be used for administrative purposes.

Finally, the bill would require NOAA, along with any other applicable agencies, to convene an ocean exploration and undersea research technology and infrastructure task force. The task force would be required to develop and implement a strategy to:

- Facilitate transfers of new research and exploration technology;
- Improve the availability of communications infrastructure, including satellites;
- Develop a data management system that would make information collected through undersea research readily available;
- Conduct public outreach activities to improve public understanding of ocean science, resources, and processes; and
- Encourage cost sharing partnerships between governmental and non-governmental entities that will aid undersea research technology.

Additional Background: The Science and Technology Committee, [in House Report 110-311](#), stated that the presidentially appointed [Commission on Ocean Policy](#) issued a report recommending a cohesive and coordinated national ocean policy in 2004. The report noted that increased scientific knowledge of the oceans and coasts could improve “sustainable resource use, economic development, and conservation of marine biodiversity.” The Committee on Science and Technology also reported that “the American public has too little awareness of the importance of the ocean in their daily lives and to all life on the planet.” In order to correct this deficiency, the committee determined that “legislation is required” to implement the Commission’s recommendations and increase the general public’s oceanic and coastal knowledge.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 1834 would authorize \$460 million to fund two federal oceanic research and education entities. Some conservatives may believe that the stated purpose of the programs (i.e., to increase the American public’s awareness of the importance of oceans and coasts) exceeds the constitutional role of the federal government and represents a poor use of taxpayer money.

Committee Action: H.R. 1834 was introduced on March 29, 2007 and was referred to the Committee on Science and Technology, the Committee on Natural Resources, and the Armed Services Committee.

The Committee on Science and Technology referred the bill to the Subcommittee on Energy and Environment, which held a mark-up and reported the bill by voice vote on October 10, 2007. On October 24, 2007, the full committee held a mark-up and reported the bill, as amended, by voice vote.

The Committee on Natural Resources referred the bill to the Subcommittee on Fisheries, Wildlife, and Oceans, which held a mark-up and reported the bill, as amended, to the full committee on June 19, 2007. On June 28, 2008, the full committee held a mark-up and reported the amended bill by unanimous consent.

On April 26, 2007, the House Armed Services Committee referred the bill to the Subcommittee on Terrorism, Unconventional Threats and Capabilities, which took no official action. On December 18, 2007, the full committee discharged the bill.

Cost to Taxpayers: According to CBO, H.R. 1834 would authorize the appropriation of \$49 million in FY 2008; \$298 million over the FY 2008—FY 2012 period; and \$460 million over the FY 2008—FY 2014 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates new federal government programs for the National Oceanic and Atmospheric Administration to conduct ocean and undersea research, exploration, and education.

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? The Science and Technology Committee, [in House Report 110-311](#), stated that “H.R. 1834 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Constitutional Authority: The Science and Technology Committee, [in House Report 110-311](#), cites constitutional authority in Article 1, Section 8, but does not cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution. [*emphasis added*]

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H.Res. 966—Honoring African American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness (*Johnson, Eddie Bernice, D-TX*)

Order of Business: H.Res. 966 is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 966 would express the sense that the House:

- “Recognizes and appreciates the significant achievements to our national research enterprise made by African-American and other minority scientists, technologists, engineers, and mathematicians;
- “Honors and extends its appreciation and gratitude toward all African-American inventors, for the significant and honorable research and educational contributions that improve the lives of all citizens and that have gone unacknowledged too long; and
- “Looks for opportunities to make sure that the creativity and contribution of minority scientists, technologists, engineers, and mathematicians can be expressed through research, development, standardization, and innovation.”

The resolution lists a number of findings, including:

- “African-American inventors, past and present, for their leadership, courage, and significant contributions to our national competitiveness.
- “African-American and other minority scientists, technologists, engineers, and mathematicians have made significant achievements in our national research enterprise and inspired future generations;
- “Garrett Augustus Morgan made outstanding contributions to public safety;
- “Ernest Everett Just was a trailblazer in the fields of cell biology and zoology, his research and papers on marine biology were so well received in 1915 that Ernest Everett Just was awarded the first Spingarn Medal by the National Association for the Advancement of Colored People at age 32;
- “Archibald Alphonso Alexander excelled in design and construction engineering;
- “Employed by the Marsh Engineering Company, he designed the Tidal Basin bridge in Washington, DC;
- “David Nelson Crosthwait Jr. made significant and practical contributions to the engineering of heating and cooling systems;
- “He held numerous patents relating to heat transfer, ventilation, and air conditioning, the areas in which he was considered an expert; and
- “African-American innovators continue to improve the daily lives of Americans through their inventions and stir the creative spirit of future generations.”

Committee Action: H.Res. 966 was introduced on February 7, 2008, and referred to the Committee on Science and Technology, 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.Con.Res. 289—Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 99th anniversary
(*Green, Al, D-TX*)**

Order of Business: H.Con.Res. 289 is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 289 would express the sense that the House:

- “Recognizes the 99th anniversary of the historic founding of the National Association for the Advancement of Colored People; and
- “Honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.”

The resolution lists a number of findings, including:

- “The National Association for the Advancement of Colored People (NAACP), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln’s birth, by a multiracial group of activists who answered ‘The Call’ for a national conference to discuss the civil and political rights of African-Americans;
- “The NAACP is the oldest and largest civil rights organization in the United States;
- “The mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;
- “In 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama--an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States; and
- “In 2005, the National Association for the Advancement of Colored People launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives.”

Committee Action: H.Con.Res. 289 was introduced on February 7, 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.

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H.R. 4169—American Braille Flag Memorial Act (Tiahrt, R-KS)

Order of Business: The bill is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4169 would give the Secretary of the Army the authority to place a American Braille tactile flag in Arlington National Cemetery to honor blind members of the Armed Forces, veterans, and other Americans. The Secretary of the Army would be given the exclusive authority to approve of a design and a site for the flag within Arlington National Cemetery.

Additional Background: According to the sponsor’s office, “the Braille American Flag was created by the Kansas Braille Transcription Institute in Wichita, Kansas. It has been specially designed in a way that informs the blind of the full color of the American flag, 13 stripes, and fifty stars on the blue field. Additionally, this tactile flag bears the Pledge of Allegiance in both raised print and Grade One Braille. It is a plaque, not a traditional flag. It can be produced in any hard surface, like stone or bronze.”

The sponsor’s office has also indicated that the Secretary of Army and the Superintendent of Arlington National Cemetery have come to a tentative agreement on the type and location of the flag. The flag would most likely be a 15”x17” Braille flag bronze plaque in the Visitor Center of Arlington. The flag would be supplied by the Kansas Braille Transcription Institute at no cost to the government.

Committee Action: H.R. 4169 was introduced on November 13, 2007, and referred to the Committee on Veterans’ Affairs. On November 16, 2007, the bill was referred to the Subcommittee on Disability Assistance and Memorial Affairs, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 4169 was not available at press time, but the bill does not authorize any appropriation.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee report designating compliance with clause 9 of rule XXI is unavailable.

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

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H.Res. 790— Commending the people of the State of Washington for showing their support for the needs of the State of Washington's veterans and encouraging residents of other States to pursue creative ways to show their own support for veterans (*Baird, D-WA*)

Order of Business: H.Res. 790 is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 790 would express the sense that the House:

- “Commends the people of the State of Washington for showing their support for the needs of the State of Washington's veterans; and
- “Encourages residents of other States to pursue creative ways to show their own support for veterans.”

The resolution lists a number of findings, including:

- “Every day, American men and women risk their lives serving the country in the Armed Forces;
- “It is important to many Americans to be able to donate money directly to causes about which they care;
- “It is important for residents to have a tangible way to demonstrate their support for veterans;
- “Despite Government funding for the Nation’s veterans, many important needs of veterans remain unmet;
- “Citizens in the State of Washington have banded together in a grassroots effort to create a Veterans Family Fund Certificate of Deposit;
- “Any financial institution in the State of Washington can choose to offer a Veterans Family Fund Certificate of Deposit;
- “The Bank of Clark County has become the first institution to offer these Certificates of Deposit;

- “The Governor of the State of Washington and the Washington State Veterans Affairs Department have expressed the State’s support for this program;
- “When a person buys a Veterans Family Fund Certificate of Deposit from a participating financial institution, half of the interest is automatically donated to the State of Washington’s Veterans Innovation Program to address the unmet needs of the State of Washington’s veterans and their families;
- “The Veterans Innovation Program provides emergency assistance to help current or former Washington National Guard or Reserve service members cope with financial hardships, unemployment, educational needs, and many basic family necessities; and
- “The Veterans Family Fund Certificate of Deposit will be officially launched on November 8, 2007.”

Committee Action: H.Res. 790 was introduced on November 11, 2007, and referred to the House Committee on Veterans’ Affairs, 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.Res. 963— Supporting the goals and ideals of National Salute to Hospitalized Veterans Week, and for other purposes (*Rodriguez, D-TX*)

Order of Business: H.Res. 963 is scheduled to be considered on Wednesday, February 13, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 963 would express the sense that the House:

- “Supports the National Salute to Hospitalized Veterans Program and its efforts to pay tribute to and express appreciation for hospitalized veterans, to increase community awareness of the role of VA medical centers, and to encourage citizens to visit hospitalized veterans and become involved as volunteers;
- “Encourages citizens who live near a VA hospital or clinic to take time this week to visit and thank our veterans; and
- “Will continue to work with veterans service organizations to support our veterans with words, actions, and financial assistance.”

The resolution lists a number of findings, including:

- “February 11-15, 2008, has been designated by the President as National Salute to Hospitalized Veterans Week;

- “The National Salute to Hospitalized Veterans week each year is an opportunity to thank a special group of men and women, the more than 98,000 veterans of the United States Armed Forces, who are cared for every day in Department of Veterans Affairs (VA) medical centers, outpatient clinics, domiciliarys, and nursing homes;
- “At the 155 VA hospitals across the Nation, there are veterans who face the physical and mental wounds of combat every day, long after their military service has been completed;
- “We can never fully repay our debt of gratitude to the veterans, but will thank and support them with our words and deeds;
- “Mike Vogel, motion picture actor and star of the newly-released ‘Cloverfield’, will lead the VA’s annual patient recognition program as the national spokesperson, inviting the public to visit and honor hospitalized veterans during National Salute to Hospitalized Veterans Week; and
- “Mike Vogel will be the youngest celebrity to lead the National Salute, bringing youthful energy to the program at a time when the number of young combat veterans under the care of the VA is growing, and as the VA is looking to younger generations of Americans to replenish an aging volunteer force.”

Committee Action: H.Res. 963 was introduced on February 7, 2007, and referred to the House Committee on Veterans’ Affairs, 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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S. 2571—A bill to make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act (*Sen. Harkin, D-IA*)

Order of Business: The bill is scheduled to be considered on Tuesday, February 12, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2571 would make technical corrections to the Federal Insecticide, Fungicide, and Rodenticide Act.

Specifically, the correction would insert a provision which would allow the Administrator the right to exempt from, or waive a portion of, the registration service fee for an application for minor uses for a pesticide.

In addition, the bill would strike “waive the registration service fee for an application” and insert “exempt an application from the registration service fee.”

Additional Information: According to the Environmental Protection Agency, who carries out the Federal Insecticide, Fungicide, and Rodenticide Act, “The primary focus of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was to provide federal control of pesticide distribution, sale, and use. EPA was given authority under FIFRA not only to study the consequences of pesticide usage but also to require users (farmers, utility companies, and others) to register when purchasing pesticides. Through later amendments to the law, users also must take exams for certification as applicators of pesticides. All pesticides used in the U.S. must be registered (licensed) by EPA. Registration assures that pesticides will be properly labeled and that, if used in accordance with specifications, will not cause unreasonable harm to the environment.”

Committee Action: S. 2571 was introduced in the Senate on January 29, 2008, and passed without amendment by Unanimous Consent.

Cost to Taxpayers: A CBO score for S. 2571 was not available at press time, but the bill does not authorize any spending.

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 designating compliance with clause 9 of rule XXI is unavailable.

Constitutional Authority: A Committee report citing Constitutional authority is unavailable.

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