



Legislative Bulletin.....July 14, 2008

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**H.R. 5618— National Sea Grant College Program Amendments Act
(Bordallo, D-GU)**

Order of Business: The bill is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5618 would authorize funding for the national sea grant program to be administered by the National Oceanic and Atmospheric Administration (NOAA). The bill also requires a independent committee to be known as the National Sea Grant Advisory Board to report to Congress every two years on the state of the national sea grant college program. The bill lists the following purpose for the grant program, “The National Oceanic and Atmospheric Administration, through the national sea grant college program, offers the most suitable locus and means for such commitment and engagement through the promotion of activities that will result in greater such understanding, assessment, development, utilization, and conservation. The most cost-effective way to promote such activities is through continued and increased Federal support of the establishment,

development, and operation of programs and projects by sea grant colleges, sea grant institutes, and other institutions, including strong collaborations between Administration scientists and research and outreach personnel at academic institutions.”

The bill authorizes \$66 million for FY 2009; \$72.8 million for FY 2010; \$79.6 for FY 2011; \$86.4 for FY 2012; \$93.2 for FY 2013; and \$100 million for FY 2014.

Additional Information: This grant program has been funded at approximately \$62 million per year since FY 2001. According to the grants official website, their mission is environmental stewardship, long-term economic development and responsible use of America’s coastal, ocean and Great Lakes resources. Sea Grant is a nationwide network of 30 university-based programs that work with coastal communities. The National Sea Grant College Program engages this network of the nation’s top universities in conducting scientific research, education, training, and extension projects designed to foster science-based decisions about the use and conservation of our aquatic resources.

Committee Action: H.R. 5618 was introduced on March 13, 2008, and referred to the Committee on Natural Resources as well as the Committee on Science and Technology. Both Committees held a mark-up of the bill and ordered the bill, as amended, by unanimous consent and voice vote respectively.

Cost to Taxpayers: According to CBO, “spending for the program ... would total \$316 million over the 2009-2013 period. An additional \$182 million would be spent after 2013, including \$100 million authorized to be appropriated for 2014. Enacting H.R. 5618 would not affect direct spending or revenues.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill would authorize \$316 million over the 2009-2013 period.

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 Natural Resources Committee, in [House Report 110-701](#), asserts that, “H.R. 5618 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 Natural Resources Committee, in [House Report 110-701](#), cites constitutional authority for H.R. 5618 in Article I, Section 8.

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

**H.R. 1714— To clarify the boundaries of Coastal Barrier Resources System
Clam Pass Unit FL-64P
(Mack, R-FL)**

Order of Business: The bill is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1714 would replace the map subtitled “FL-64P” of the Coastal Barrier Resources System in Collier County, Florida with another map entitled “Coastal Barrier Resources System Clam Pass Unit, FL-64P.”

This revised map would exclude 48 acres of private land mistakenly included in the System and include 65 acres of county land that are within the Clam Pass Conservation Area. The addition of this land to the System would enable those owning condominiums on the property to purchase flood insurance.

Additional Information: According to the Sponsor’s office, officials at the Department of Interior admit that this land was never intended to be included in the system. This legislation would correct certain errors that were made in the mapping process of the Coastal Barrier Resources Act (CBRA) in Southwest Florida. The mapping error inadvertently put several hundred of Congressman Mack’s constituents on land improperly designated as federal land. The neighborhood that is impacted is known as Naples Cay and is located in northern Collier County, Florida. Naples Cay has about 600 residents living in 292 total units. Because Naples Cay is included in a CBRA or Otherwise Protected Area (OPA) designation, many of his constituents are unable to participate in the Federal Flood Insurance Program. According to figures provided by the residents, the economic impact of the CBRA/OPA designation on this area has cost them between \$500,000 and \$700,000 annually for flood insurance. Passage of this bill will ensure these constituents can participate in State and Federal programs which landowners in similar situations are now allowed to do.

Committee Action: H.R. 1714 was introduced on March 27, 2007, and referred to the House Committee on Natural Resources which took no further action.

Cost to Taxpayers: No CBO score exists, 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 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. 3227— To direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area (Hastings, R-WA)

Order of Business: The bill is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3227 would authorize the stocking of fish in lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area under certain conditions. Such conditions set by the bill are:

- The Secretary shall stock fish only with the concurrence of and in coordination with the State of Washington;
- The Secretary shall only select lakes to be stocked from the 91 lakes that have historically had fish stocking;
- The Secretary shall only stock fish that are native to the watershed; or functionally sterile.

Committee Action: H.R. 3227 was introduced on June 30, 2007, and referred to the House Committee on Natural Resources. On June 25, 2008 the Committee held a mark-up of H.R. 3227 and ordered the bill reported, as amended, by voice vote.

Cost to Taxpayers: According to CBO, “Based on information provided by the NPS, CBO estimates that enacting H.R. 3227 would have no effect on revenues or direct spending and no significant effect on discretionary spending. The expense of stocking fish would be borne by the state or other nonfederal entities, as it has been since the three park units were established.”

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. Res. 984— Expressing support for the designation of July 26, 2008 as “National Day of the Cowboy” (Giffords, D-AZ)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 9, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 984 would express the sense that the House or Representatives:

- “expresses support for the designation of a ‘National Day of the Cowboy’; and
- “encourages the people of the United States to observe the day with appropriate ceremonies and activities.”

The resolution lists a number of findings, including:

- “pioneering men and women, known as cowboys, helped establish the American West;
- “the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;
- “the cowboy spirit exemplifies strength of character, sound family values, and good common sense;
- “the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliation;
- “the cowboy is an excellent steward of the land and its creatures;
- “the cowboy lives off the land and works to protect and enhance the environment;
- “cowboy traditions have been part of the American culture for generations;
- “the cowboy continues to be an important part of the economy, through the work of approximately 727,000 ranchers in all 50 States, and contributes to the well-being of nearly every county in the Nation;
- “annual attendance at professional and working ranch rodeo events exceeds 27,000,000 fans, and the rodeo is the 7th most watched sport in the Nation;
- “membership and participation in rodeo and other organizations that promote and encompass the livelihood of the cowboy spans race, gender, and generations;
- “the cowboy is a central figure in literature, film, and music, and occupies a central place in the public imagination;
- “the cowboy is an American icon; and
- “the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged.”

Committee Action: H. Res. 984 was introduced on February 13, 2008, and referred to the House Committee on Oversight and Government Reform, which ordered the bill to be reported 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: Sarah Makin; sarah.makin@mail.house.gov; 202-226-0718.

H.R. 5506—The “Bishop Ralph E. Brower Post Office Building” Designation Act
(Sires, D-NJ)

Order of Business: H.R. 5506 is scheduled for consideration on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5506 would designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ‘Bishop Ralph E. Brower Post Office Building’.

Additional Information: According to the Sponsor’s office:

Over five decades ago, Bishop Brower was called to Jersey City, New Jersey and has dedicated his time by servicing the community in a variety of capacities. His professional and ministerial accomplishments include serving as President of the Interdenominational Ministerial Alliance and as Pastor of St. Michaels Methodist Church in Jersey City, New Jersey for 54 years. Bishop Brower has also served the community for 25 years as the Hudson County Chaplain, and worked as the Jersey City Redevelopment Commissioner, and Deputy Mayor.

Committee Action: H.R. 5506 was introduced on February 27, 2008, and referred to the Committee on Oversight and Government Reform, which ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 5506 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. Such a report is not required because the bill is being considered under a suspension of the rules.

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

H.R. 4010—The “Minnie Cox Post Office Building” Designation Act (Thompson, D-MS)

Order of Business: H.R. 4010 is scheduled for consideration on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4010 would designate the facility of the United States Postal Service located at 100 West Percy Street in Indianola, Mississippi, shall be known and designated as the ‘Minnie Cox Post Office Building’.

Additional Information: According to the [African American Registry](#):

Minnie M. Geddings Cox was one of two daughters born to William and Mary Geddings of Lexington, Mississippi. She graduated from Fisk University and first taught school at the common schools in Lexington. Soon after married and assisted her husband, Wayne, when he was principal of the Indianola Colored Public School. In 1891, President Benjamin Harrison appointed Cox postmistress of Indianola, and was reappointed by President William McKinley; becoming first Black postmistress of the United States.

On January 25, 1900, McKinley raised her rank from fourth class to third class and appointed Mrs. Cox for a full four-year term. However, in the fall of 1902 under the presidency of Theodore Roosevelt a controversy brought national attention to Mrs. Cox. Jim Crow Laws overran Reconstruction in America and whites wanted Blacks eliminated from leadership positions. Some of the local whites in Indianola met and drew up a petition requesting Cox’s resignation. Increased tension and threats of physical harm caused Cox to submit her resignation to take effect January 1, 1903.

Roosevelt felt Mrs. Cox had been wronged, and that the authority of the federal government was being compromised and refused to accept her resignation. Instead, he closed Indianola’s post office on January 2, 1903, rerouted the mail to Greenville, MS, and Cox continued to receive her salary. Also for four hours in January 1903, the Indianola postal event was debated on the floor of the United States Senate, and appeared on the front pages of newspapers across the country. A year later, at the expiration of Mrs. Cox’s term, in February 1904 the post office was reopened, but demoted in rank from third class to fourth class. Minnie Cox died in 1933.

Committee Action: H.R. 4010 was introduced on October 30, 2008, and referred to the Committee on Oversight and Government Reform, which ordered the bill reported by voice vote.

Cost to Taxpayers: A CBO score for H.R. 4010 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. Such a report is not required because the bill is being considered under a suspension of the rules.

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

H. Res. 1067— Recognizing the 50th anniversary of the crossing of the North Pole by the USS Nautilus (SSN 571) and its significance in the history of both our Nation and the world
(Courtney, D-CT)

Order of Business: The resolution is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1067 would express that it is the sense of the United States House of Representatives:

- “recognizes the historic significance of the journey to the North Pole undertaken by the USS Nautilus;
- “commends the officers and crew of the USS Nautilus on the 50th anniversary of their magnificent achievement;
- “recognizes the importance of the USS Nautilus’ journey to the North Pole as not only a military and scientific accomplishment, but also in confirming America’s longstanding interest in this vital region of the world;
- “commends the role of the USS Nautilus and the United States Submarine Force in protecting the interests of the free world during the Cold War; and
- “supports the continuing role of the United States Submarine Force in defending our Nation in the 21st century.”

The resolution lists a number of findings, including:

- “the USS Nautilus (SSN 571), built and launched at Electric Boat in Groton, Connecticut, on January 21, 1954, was the first vessel in the world to be powered by nuclear power;
- “the USS Nautilus overcame extreme difficulties of navigation and maneuverability while submerged under the polar ice, and became the first vessel to cross the geographic North Pole on August 3, 1958;
- “the USS Nautilus continued on her voyage and became the first vessel to successfully navigate a course across the top of the world;
- “the USS Nautilus, having claimed this historic milestone and returned home to Naval Submarine Base New London, continued to establish a series of naval records in her

distinguished 25-year career, including being the first submarine to journey ‘20,000 leagues under the sea’;

- “the USS Nautilus completed these significant and laudable achievements during a critical phase of the Cold War, providing a source of inspiration for Americans and raising the hopes of the Free World;
- “the USS Nautilus was the first naval vessel in peacetime to receive the Presidential Unit Citation for its meritorious efforts in crossing the North Pole;
- “Commander William R. Anderson of the United States Navy was awarded the Legion of Merit for his role in commanding the USS Nautilus during its historic voyage;
- “the USS Nautilus and its contribution to world history was praised by a range of American Presidents, including President Harry Truman, President Dwight D. Eisenhower, President Lyndon B. Johnson, President Jimmy Carter, and President Bill Clinton; and
- “President Eisenhower described the voyage to the North Pole as a ‘magnificent achievement’ from which ‘the entire free world would benefit.’”

Committee Action: H. Res. 1067 was introduced on April 1, 2008, and referred to the House Committee on Armed Services, 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. 1080— Honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles. (Whitfield, R-KY)

Order of Business: H. Res. 1080 is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1080 would express that it is the sense of the United States House of Representatives:

- “recognizes the 101st Airborne Division (Air Assault), also known as the Screaming Eagles, as one of the great Divisions in American military history;
- “recognizes that America owes a tremendous debt to the 101st Airborne Division (Air Assault) for the extraordinary service, sacrifice, and patriotism of the soldiers of the Division and their families; and
- “acknowledges that the contributions of the 101st Airborne Division (Air Assault) to ensure the continued safety and security of this nation will not go unnoticed.”

The resolution lists a number of findings, including:

- “the 101st Airborne Division (Air Assault), or the Screaming Eagles, headquartered in Fort Campbell, Kentucky, has faithfully answered America’s call for service since its formation on August 15, 1942;
- “the Screaming Eagles were the first Americans to land in France as part of the D-day invasion of Europe by Allied forces;
- “the Screaming Eagles were one of the first units to deploy to Afghanistan in support of Operation Enduring Freedom in November, 2001, following the terrorist attacks of September 11, 2001;
- “the 101st Airborne Division (Air Assault) has since deployed tens of thousands of young men and women to Iraq and Afghanistan no less than three times in support of the Global War on Terrorism, performing counter-insurgency operations, securing liberty for such nations to deny safe-haven to terrorists, and helping build a better future for such nations;
- “186 Screaming Eagles have made the ultimate sacrifice and countless others have been injured in multiple operations since deployments began in support of Operation Enduring Freedom and Operation Iraqi Freedom; and
- “the 101st Airborne Division (Air Assault) has recognized its ‘rendezvous with destiny,’ serving the Nation in five wars, and Congress has awarded 22 members with the Congressional Medal of Honor.”

Committee Action: H. Res. 1080 was introduced on April 3, 2008, and referred to the House 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.

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

H. Con. Res. 295— Expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces (Bilirakis, R-FL)

Order of Business: H. Con. Res. 295 is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 295 would express that Congress expresses its deepest appreciation to the families, both immediate and extended, of members of the United States Armed Forces for the unwavering support, both physical and emotional, that family members give their loved ones while they answer the call to serve their country and keep the United States safe.

The resolution lists a number of findings, including:

- “more than 2,000,000 Americans are demonstrating their devotion to the United States and freedom by serving in the United States Armed Forces;
- “there are a multitude of family members, including mothers, fathers, siblings, spouses, and children, supporting each member of the Armed Forces;
- “even in peacetime, the family of a member of the Armed Forces makes concessions given the inherent dangers of military service and the frequent relocations resulting in disruption of everyday routine;
- “during wartime, family members endure increased sacrifices, forgo time with their loved one, and face increased worry and uncertainty when their loved one serves extended tours overseas or engages in enhanced training activities;
- “an increasing number of family members have taken on volunteer responsibilities in organizations associated with the Armed Forces;
- “the family of a member of the Armed Forces wounded in action willingly accepts the additional role of caregiver, even when it requires postponement of personal goals;
- “the families of members of the Armed Forces serve as a pillar of strength and encouragement for those serving the interests of the United States at home and abroad; and
- “the families of members of the Armed Forces play a critical role in providing emotional support and readjustment assistance as members transition from military life to civilian life.”

Committee Action: H. Con. Res. 295 was introduced on February 13, 2008, and referred to the House Committee on Armed Services, 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. 297— Recognizing the 60th anniversary of the integration of the United States Armed Forces (Rogers, R-AL)

Order of Business: H. Con. Res. 297 is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 297 would express that it is the sense of Congress to honorably and respectfully recognize the historic significance and to celebrate the 60th Anniversary of President Truman's Executive Order 9981 signed on July 26, 1948 that declared it to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed

services without regard to race, color, religion or national origin thereby beginning the process of ending segregation in the United States Armed Forces.

The resolution lists a number of findings, including:

- “the United States has always had strong armed forces made up of courageous men and women serving the ideals of duty, honor, and country;
- “the United States Armed Forces was unfortunately once a place of segregation of the races;
- “despite segregation, minority members of the United States Armed Forces, such as the Tuskegee Airmen, who trained at historic Moton Field in Macon County, Alabama, demonstrated honor and bravery above and beyond the call of duty;
- “the bravery and sacrifice of all members of the United States Armed Forces regardless of race during World War II and prior conflicts is a matter of National honor;
- “the integration of the United States Armed Forces in 1948 was a seminal event in our Nation’s history and instilled the democratic ideal of equality in the military; and
- “the continued bravery and dedication of every member of the United States Armed Forces continues to be a source of pride to every American.”

Committee Action: H. Con. Res. 297 was introduced on February 14, 2008, and referred to the House Committee on Armed Services, 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.R. 3564— Regulatory Improvement Act of 2007 (Cannon, R-UT)

Order of Business: H.R. 3564 scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3564 would amend title 5 of the United States Code to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011. H.R. 3564 authorizes \$1,000,000 for fiscal year 2008, \$3,300,000 for fiscal year 2009, \$3,400,000 for fiscal year 2010, and \$3,500,000 for fiscal year 2011. In addition, H.R. 3564 stipulates that no more than \$2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries.

Additional Information: The Administrative Conference of the U.S. is an independent advisory agency that assists the federal government in developing and implementing regulations.

According to the Sponsor's office:

Congress established the Administrative Conference of the United States ("ACUS," or the "Conference") in 1964. ACUS was designed to be a relatively small, public/private think tank, with membership drawn from both the public and private sectors and from across the ideological spectrum. Over the years, ACUS' members included future Supreme Court justices, high-ranking administration officials and civil servants, and many leading administrative law scholars. For approximately 30 years after its establishment, the Conference provided a unique source of innovations and recommendations for the improvement of federal administrative practices. Among the improvements the Conference fostered were innovations in negotiated rulemaking, lower-cost dispute resolution, the facilitation of judicial review of agency decisions, and the fostering of electronic rulemaking procedures.

In these ways and others, ACUS helped to focus attention on the need for the federal government to be more efficient, smaller and more accountable, and to identify solutions to that end. ACUS did so, moreover, at an exceptionally high cost-benefit ratio. For example, just one agency, the Social Security Administration, estimated that ACUS' recommendation to change that agency's appeals process produced about \$85 million in savings. That one act accounted for savings that were more than 47 times the size of ACUS' last yearly appropriation of \$1.8 million.

With ACUS' track record as background, former White House Counsel C. Boyden Gray once observed that, "as long as there is a need for regulatory reform, there is a need for something like the Administrative Conference.

Committee Action: H.R. 3564 was introduced on September 18, 2007, and referred to the Committee on Judiciary. The Subcommittee on Commercial and Administrative Law held a markup of the bill on September 19, 2007, and on October 10, 2007, the full Committee held a markup and reported the bill by voice vote. On October 22, 2007, the House passed the bill by voice vote. On June 27, 2008, the H.R. 3564 passed the Senate, with an amendment, by unanimous consent

Cost to Taxpayers: According to a CBO estimate, H.R. 3564 would authorize \$11 million in over the FY 2008-2012 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? House Committee on the Judiciary Report [110-390](#) states, "In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 3564 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: House Committee on the Judiciary Report [110–390](#) cites Article I, Section 8, Clause 14 of the Constitution, which gives Congress the authority to “make Rules for the Government and Regulation of the land and naval Forces”.

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H. Con. Res. 381— Honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth (Payne, D-NJ)

Order of Business: The resolution is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 381 would express the sense that the House or Representatives:

- “honors the dedication and achievements of Thurgood Marshall;
- “recognizes the contributions of Thurgood Marshall to the struggle for equal rights and justice in the United States; and
- “celebrates the lifetime achievements of Thurgood Marshall on the 100th anniversary of his birth.”

The resolution lists a number of findings, including:

- “Thurgood Marshall was born in Baltimore, Maryland, on July 2, 1908, the grandson of a slave;
- “Thurgood Marshall developed an interest in the Constitution and the rule of law in his youth;
- “Thurgood Marshall graduated from Lincoln University in Pennsylvania with honors in 1930, but was denied acceptance at the all-white University of Maryland Law School because he was African-American;
- “Thurgood Marshall attended law school at Howard University, the country’s most prominent black university, and graduated first in his class in 1933;
- “Thurgood Marshall served as the legal director of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961;
- “Thurgood Marshall argued 32 cases before the Supreme Court of the United States, beginning with the case of *Chambers v. Florida* in 1940, and won 29 of them, earning more victories in the Supreme Court than any other individual;
- “as Chief Counsel of the NAACP, Thurgood Marshall fought to abolish segregation in schools and challenged laws that discriminated against African-Americans;
- “Thurgood Marshall argued *Brown v. Board of Education* before the Supreme Court in 1954, which resulted in the famous decision declaring racial segregation in public schools unconstitutional, overturning the 1896 decision in *Plessy v. Ferguson*;
- “Thurgood Marshall was nominated to the United States Court of Appeals for the Second Circuit by President John F. Kennedy in 1961, and was confirmed by the United States Senate in spite of heavy opposition from many Southern Senators;

- “Thurgood Marshall served on the United States Court of Appeals for the Second Circuit from 1961 to 1965, during which time he wrote 112 opinions, none of which were overturned on appeal;
- “Thurgood Marshall was nominated as Solicitor General of the United States by President Lyndon Johnson, and served as the first African-American Solicitor General from 1965 to 1967;
- “Thurgood Marshall was nominated as an Associate Justice of the Supreme Court by President Johnson in 1967, and served as the first African-American member of the Supreme Court;
- “Thurgood Marshall sought to protect the rights of all Americans during his 24 years as a justice on the Supreme Court;
- “Thurgood Marshall was honored with the Liberty Medal in 1992, in recognition of his long history of protecting the rights of women, children, prisoners, and the homeless; and
- “Thurgood Marshall died on January 24, 1993, at the age of 84.”

Committee Action: H.Con.Res. 381 was introduced on June 24, 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.

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**H.Res. 1182— Expressing the sense of the House of Representatives that
American flags flown on Federal Government buildings and on Federal
property be made in the United States
(*Filner, D-CA*)**

Order of Business: The resolution is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Res. 1182 would express that it is the sense of the United States House of Representatives that all American flags flown over Federal buildings be entirely produced in the United States.

The resolution lists a number of findings, including:

- “on June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States;

- “Francis Scott Key was so inspired by the sight of the American flag still flying over Baltimore’s Fort McHenry after a British bombardment that he wrote the ‘Star-Spangled Banner’ on September 14, 1814;
- “the American flag has 7 red and 6 white horizontal stripes;
- “these stripes represent the 13 original States;
- “the flag still has its field of blue, which represents the Union and contains 50 stars, one for each State;
- “many brave men and women have fought and died for the freedoms that this flag represents; and
- “the sight of this banner brings feelings of joy, courage, pride, and unity for all Americans.”

Committee Action: H. Res. 1182 was introduced on May 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.

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H. Con. Res. 369— Honoring the men and women of the Drug Enforcement Administration on the occasion of its 35th anniversary (Souder, R-IN)

Order of Business: The resolution is scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H. Con. Res. 369 would express the sense that the House or Representatives:

- “the Drug Enforcement Administration (DEA) was created by an Executive order on July 6, 1973, and merged the previously separate law enforcement and intelligence agencies responsible for narcotics control;
- “the first administrator of the DEA, John R. Bartels, Jr., was confirmed by the Senate on October 4, 1973;
- “since 1973, the men and women of the DEA have served our Nation with courage, vision, and determination, protecting all Americans from the scourge of drug trafficking, drug abuse, and related violence;
- “the DEA has adjusted and refined the tactics and methods by which it targets the most dangerous drug trafficking operations to bring to justice criminals such as New York City's Nicky Barnes, key members of the infamous Colombian Medellin cartel, Thai warlord Khun Sa, several members of the Mexican Arellano-Felix organization, Afghan terrorist Haji Baz Mohammad, and international arms dealer Viktor Bout;

- “throughout its 35 years, the DEA has continually adapted to the evolving trends of drug trafficking organizations by aggressively targeting organizations involved in the growing, manufacturing, and distribution of such substances as marijuana, cocaine, heroin, methamphetamine, Ecstasy, and controlled prescription drugs;
- “in its 227 domestic offices in 21 field divisions, the DEA continues to strengthen and enhance existing relationships with Federal, State, and local counterparts in every State in the Union to combat drug trafficking;
- “in this decade alone, DEA special agents have seized over 5,500 kilograms of heroin; 650,000 kilograms of cocaine; 2,300,000 kilograms of marijuana; 13,000 kilograms of methamphetamine; almost 80,000,000 dosage units of hallucinogens; and made over 240,000 arrests;
- “in its 87 foreign offices in 63 countries, the DEA has the largest international presence of any Federal law enforcement agency;
- “its personnel continue to collaborate closely with international partners around the globe, including in such drug-producing countries as Colombia, Mexico, Afghanistan, and Thailand;
- “the results of this international collaboration in this decade alone have led to the indictments of 63 leaders, members, and associates of the Revolutionary Armed Forces of Colombia, a designated foreign terrorist organization, as well as 144 arrests and detentions of narcotics traffickers for violations of Afghan and United States narcotics laws and terrorist-related offenses;
- “through the creation of the Diversion Control Program in 1971, the DEA now registers and regulates over 1,200,000 registrants, while simultaneously combating the continually-evolving threat posed by the diversion of controlled pharmaceuticals;
- “the DEA continues to hit drug traffickers financially, where it hurts the most, denying drug trafficking organizations \$3,500,000,000 in fiscal year 2007 alone, exceeding their 5-year goal of \$3,000,000,000 annually by fiscal year 2009;
- “DEA special agents continue to work shoulder-to-shoulder with Federal, State, and local law enforcement officials throughout the Nation in a cooperative effort to put drug traffickers behind bars;
- “throughout its history, many DEA employees and members of the agency's task forces have given their lives in the line of duty, including: Charles Archie Wood, Stafford E. Beckett, Joseph W. Floyd, Bert S. Gregory, James T. Williams, Louis L. Marks, James E. Brown, James R. Kerrigan, John W. Crozier, Spencer Stafford, Andrew P. Sanderson, Anker M. Bangs, Wilson M. Shee, Mansel R. Burrell, Hector Jordan, Gene A. Clifton, Frank Tummillo, Richard Heath, Jr., George F. White, Emir Benitez, Gerald Sawyer, Leslie S. Grosso, Nickolas Fragos, Mary M. Keehan, Charles H. Mann, Anna Y. Mounger, Anna J. Pope, Martha D. Skeels, Mary P. Sullivan, Larry D. Wallace, Ralph N. Shaw, James T. Lunn, Octavio Gonzalez, Francis J. Miller, Robert C. Lightfoot, Thomas J. Devine, Larry N. Carwell, Marcellus Ward, Enrique S. Camarena, James A. Avant, Charles M. Bassing, Kevin L. Brosch, Susan M. Hoefler, William Ramos, Raymond J. Stastny, Arthur L. Cash, Terry W. McNett, George M. Montoya, Paul S. Seema, Everett E. Hatcher, Rickie C. Finley, Joseph T. Aversa, Wallie Howard, Jr., Eugene T. McCarthy, Alan H. Winn, George D. Althouse, Becky L. Dwojeski, Stephen J. Strehl, Juan C. Vars, Jay W. Seale, Meredith Thompson, Frank S. Wallace, Jr., Frank Fernandez, Jr., Kenneth G. McCullough, Carrol June Fields, Rona L. Chafey, Shelly D. Bland, Carrie A. Lenz, Shaun E. Curl, Royce D. Tramel, Alice Faye Hall-Walton, Elton Armstead, Larry Steilen, Terry Loftus, Jay Balchunas, and Richard E. Fass;

- “many other DEA employees and task force officers have been wounded or injured in the line of duty; and
- “over 9,000 employees of the DEA, including special agents, intelligence analysts, diversion investigators, program analysts, forensic chemists, attorneys, and administrative support, along with over 2,000 task force officers, and over 2,000 vetted foreign officers, work tirelessly to hunt down and bring to justice the drug trafficking cartels that seek to poison our citizens with dangerous narcotics.”

Committee Action: H. Con. Res. 369 was introduced on June 10, 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.

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H.R. 5057— Debbie Smith Reauthorization Act of 2008 *(Maloney, D-NY)*

Order of Business: H.R. 5057 scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5057 amends the DNA Analysis Backlog Elimination Act of 2000 to authorize appropriations for DNA analysis grant programs through FY2014.

The bill authorizes \$151 million for each of the FY 2009 through 2014.

Additional Information: The DNA Analysis Backlog Elimination Act of 2000 authorized the Attorney General to make grants available to states to carry out DNA analyses. As a requirement to receive grant funding, recipients must enter the DNA samples taken from individuals convicted of certain crimes and crime scenes into the Combined DNA Identification System (CODIS). Under the act, the grants could be used to increase the capacity of laboratories to carry out DNA analyses. It also provided for the collection and use of DNA identification information from certain federal, District of Columbia, and armed forces offenders in custody or under federal supervision, and established submission of a DNA sample as a condition of probation, supervised release, or parole.

According to the [website](#) for the President’s DNA initiative, Debbie Smith was a rape victim whose assailant was identified after his DNA information was processed through the Virginia’s DNA databank.

Committee Action: H.R. 5057 was introduced on January 17, 2008, and referred to the Committee on Judiciary. The Subcommittee on Crime, Terrorism, and Homeland Security held a mark-up of the bill on May 6, 2008, and on May 14, 2007, the full Committee held a markup and reported the bill, as amended, by voice vote.

Cost to Taxpayers: According to a CBO estimate, “the bill would authorize the appropriation of about \$75 million over the 2009-2013 period for other DOJ programs. Assuming appropriation of the necessary amounts, we estimate that implementing H.R. 5057 would cost about \$875 million over the 2009-2013 period, with remaining amounts spent in subsequent years. 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 authorize \$151 million for each of the fiscal years 2009 through 2014.

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.

S. 3218— Criminal History Background Checks Pilot Extension Act of 2008 (Biden, D-DE)

Order of Business: S. 3218 scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 3218 amends the PROTECT Act to extend by six months the Child Safety Pilot Program.

Additional Information: The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 was signed into law by President George W. Bush on April 30, 2003. This legislation strengthened several laws dealing with the prosecution and law enforcement of crimes involving children.

Established in the PROTECT Act was a pilot program for a national criminal history background check system to enable volunteer groups—such as the Boys and Girls Clubs of America, National Mentoring Partnership, and the National Council for Youth Sports—to obtain national and state criminal history background checks for adults. The Child Safety Pilot program uses fingerprints to search the database of the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation.

Committee Action: S. 3218 was introduced on June 26, 2008, and referred to the House Committee on Judiciary where no further action was taken. The Senate passed S. 3218 by unanimous consent on June 26, 2008.

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.

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H.R. 5464— A Child Is Missing Alert and Recovery Center Act (Klein, D-FL)

Order of Business: H.R. 5464 scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5464 directs the Attorney General to make annual grants to the “A Child Is Missing Alert and Recovery Center” to assist federal, state, and local law enforcement agencies in recovering missing children.

The bill authorizes \$5 million for each of the fiscal years 2009 through 2014.

Additional Information: The “A Child Is Missing Alert and Recover Center” is a non-profit advocacy group for missing children. This organization has been funded through numerous earmarks in the Department of Commerce, Justice and Science appropriations bills for several years. The organization operates in a number of different states including Ohio, Georgia, and Nevada. This bill would authorize a direct grant program to this organization, removing their reliance on annual earmarks.

Committee Action: H.R. 5464 was introduced on February 14, 2008, and referred to the Committee on Judiciary. The Subcommittee on Crime, Terrorism, and Homeland Security held a mark-up of the bill on May 6, 2008, and on May 14, 2007, the full Committee held a markup and reported the bill by voice vote.

Cost to Taxpayers: According to a CBO estimate, “CBO estimates that implementing H.R. 5464 would cost about \$15 million over the 2009-2013 period, assuming appropriation of the authorized 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? Committee on the Judiciary [House Report 110-753](#) states, “In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 5464 does not contain any limited tax benefits or limited tariff benefits as defined in clause 9(e) or 9(f). The Committee is treating the bill, which authorizes a grant in a specific amount to a specific entity, as an earmark, as defined in clause 9(d), and is treating the sponsor of the bill, Ron Klein, as the requester, the A Child Is Missing Alert and Recovery Center in Fort Lauderdale, FL, as the recipient, and the authorization, \$5 million per year for each of fiscal years 2009-2014, as the requested amount.”

Constitutional Authority: Committee on the Judiciary [House Report 110-753](#) cites constitutional authority for H.R. 5465 in Article I, Section 8 of the Constitution.

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**S. 231— A bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012
(Feinstein, D-CA)**

Order of Business: S. 231 scheduled to be considered on Monday, July 14, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 231 would authorize appropriations for the Edward Byrne Memorial Justice Assistance Grant Program at \$1.1 billion annually through FY2012.

Additional Background: The Edward Byrne Memorial Justice Assistance Grant Program was established in 1988 as an anti-drug program to provide federal law enforcement grants to state and local governments. The program offer grants for local drug task-force agencies, crime prevention initiatives and substance abuse programs, among other efforts. Byrne, the officer for whom the program is named, was killed while protecting a witness in a drug case in New York in 1988.

The Bush Administration has proposed eliminating funding for the program and it has been regularly appropriated at levels far lower than the \$1.1 billion authorization. Though the President did not request any funding for the program in FY 2008, the omnibus spending bill appropriated \$170 million for the program.

On June 25, 2008, the House passed H.R. 3544, a bill which would have extended the authorization of the Edward Byrne Memorial Justice Assistance Grant Program at \$1.1 billion annually through FY 2012. The bill passed the House by a vote of [406-11](#).

Possible Conservative Concerns: Some conservatives may be concerned that S. 231 authorizes \$1.1 billion annually for a federal grant program that the Administration has attempted to defund in multiple budget requests.

Committee Action: S. 231 was introduced on January 9, 2007, and referred to the House Committee on Judiciary where no further action was taken. The Senate passed S. 231 by unanimous consent on May 24, 2007.

Cost to Taxpayers: According to CBO, “CBO estimates that implementing S. 231 would cost about \$2.3 billion over the 2007-2012 period, assuming appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts.”

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill authorizes \$1.1 billion annually for the Edward Byrne Memorial Justice Assistance Grant 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.

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