



**Legislative Bulletin.....July 22, 2008**

**Contents:**

- H.R. 6362**—To amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce shall appoint administrative patent judges and administrative trademark judges
- S. 2565**—Law Enforcement Congressional Badge of Bravery Act of 2008
- H.R. 6531**—The Vessel Hull Design Protection Amendments of 2008
- H.Res. 1241**—Congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy's class of 2008 and becoming the first African-American female to earn this honor
- H.R. 6493**—The Aviation Safety Enhancement Act
- H.R. 5949**—The Clean Boating Act of 2008
- H.R. 6556**—To clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels
- H.R. 4049**—Money Service Business Act of 2007
- H.Res. 1139**—Recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet “fit to fight”
- H.Con. Res. 364**—Recognizing the Significance of National Caribbean-American Heritage Month
- H.Res. 1311**—Expressing support for the designation of National GEAR UP Day
- H.Res.1202**—Supporting the goals and ideals of a National Guard Youth Challenge Day
- H.Res. 1128**—Expressing support of the goals and ideals of National Carriage Driving Month
- H.R. 6226**—The “Stan Lundine Post Office Building” Designation Act
- H.R. 5235**—The Ronald Reagan Centennial Commission Act
- H.R. 6545**—National Energy Security Intelligence Act of 2008

**Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs:** 0

**Total Cost of Discretionary Authorizations:** Indeterminate, but at least \$4 million

**Effect on Revenue:** Increased negligibly

**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:** 11

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority:** 0

**Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges, and for other purposes (*Berman, D-CA*)**

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

**Summary:** H.R. 6362 would amend current law to stipulate that the Secretary of Commerce, in consultation with the Director of the U.S. Patent and Trademark Office, is required to appoint administrative patent and trademark judges. Under current law, administrative patent judges are appointed solely by the Director of the Patent and Trademark Office.

H.R. 6362 would allow The Secretary to retroactively appoint judges from the date that they were appointed by the Director, thus legitimizing decisions made by such judges and allowing them to keep their appointments. The bill would also state that decisions made by such judges could not be legally challenged on the grounds that the judges were appointed by the Director.

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

In 2008, a scholarly paper written by George Washington University Law School professor John F. Duffy, questioned the constitutionality of allowing such judges to be appointed by the Director rather than the Secretary. According to Duffy's paper, administrative patent judges fall under the definition of "inferior officers" as described in Article 2, Section 2 of the U.S. Constitution. As inferior officers, the Constitution requires that administrative judges must be appointed by the President, the courts, or the heads of departments. According to [Duffy's findings](#), the current "method of appointment is almost certainly unconstitutional, and the administrative patent judges serving under such appointments are likely to be viewed by the courts as having no constitutionally valid governmental authority."

As a result of these findings some companies have filed appeals against rulings made by judges that were appointed in a manner that would likely be considered unconstitutional. Many of these decisions have been in place for nearly a decade and have affected millions of dollars worth of patents. In order to legally uphold the many patent rulings made by these judges, H.R. 6362 would return the power of appointment back over to the Secretary of Treasury and allow the Secretary to retroactively appoint the administrative judges whose rulings are in question.

**Committee Action:** H.R. 6362 was introduced on June 25, 2008, and referred to the Committee on the Judiciary, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 6362 was not available.

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

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

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

## **S. 2565— Law Enforcement Congressional Badge of Bravery Act of 2008 (*Biden, D-DE*)**

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

**Summary:** S. 2565 would create the Congressional Badge of Bravery which would be presented to a federal, state, or local law enforcement officer for sustaining a physical injury while in the line of duty or performing an act of bravery in the line of duty that could have resulted in serious injury or death. The badge would be presented by a Member of Congress or the Attorney General.

The bill would establish a process by which federal officers may be nominated for the badge by their respective federal agency. The bill would require that each nominee:

- Received physical injury while carrying out their duty;
- Put themselves at risk while performing their duty; and
- Injured themselves during an act characterized as bravery by the agency head making the nomination; or
- Though not injured, performed an act characterized as bravery by the agency head making the nomination at the risk of death or serious physical injury.

S. 2565 would also create a Congressional Badge of Bravery Board (CBBB) to design and produce the badge and make recommendations regarding nominees. The CBBB would be responsible for presenting badges annually. Two of the seven members of the board would be members of the [Federal Law Enforcement Officers Association](#) and two would be members of the [Fraternal Order of Police](#). The final three would be individually selected by the House, the Senate, and the Attorney General respectively. The CBBB would be granted the power to hold hearings, call witnesses, keep information, and travel to carry out the purposes of the bill. S.

2565 would also establish the Congressional Badge of Bravery Office within the Department of Justice (DOJ) to provide staff support for the CBBB.

In addition, S. 2565 would authorize the Attorney General to award a State and Local Law Enforcement Congressional Badge of Bravery to a state or local law enforcement officer that is recommended by the State and Local Board for an act of bravery while in the line of duty. The bill would establish State and Local Law Enforcement Congressional Badge of Bravery Board within the DOJ to design the State and Local Law Enforcement Badge and make recommendations regarding award recipients. The state and local board would be comprised of nine members, one appointed by the majority and minority leader of the Senate, one appointed by the Speaker and minority leader of the House, one appointed by the Attorney General, two appointed by the Fraternal Order of Police, one appointed by the National Organization of Black Law Enforcement Executives, one appointed by the International Association of Chiefs of Police, and one appointed by the National Sheriffs' Association. No more than five of the state and local board members may be members of the Fraternal Order of Police. The state and local board would have the same authority to call witnesses, hold hearings, and retain information as the CBBB.

**Additional Background:** According to the DOJ, there are an average of 150 federal law officers injured by suspects annually. There is currently no congressionally recognized award given specifically to federal officers who are injured in the line of duty. S. 2565 is supported by the Federal Law Enforcement Officers Association, a non-profit special interest group which represents more than 25,000 federal officers.

A companion version of S. 2565 (H.R. 4056) was considered in the House on April 15, 2008, and was passed by voice vote. Unlike S. 2565, H.R. 4056 did not establish a State and Local Law Enforcement Congressional Badge of Bravery Board or authorize a Congressional Badge of Bravery for state and local law enforcement officers.

**Committee Action:** S. 2565 was introduced on January 29, 2008, and referred to the Senate Committee on the Judiciary. On May 15, 2008, the committee reported the bill favorably, with an amendment. The bill was passed in the Senate by unanimous consent on June 26, 2008, and received in the House, which took no official action.

**Cost to Taxpayers:** According to CBO S. 2565 would cost less than \$500,000 annually, based on the assumption that each board would meet no more than ten times each year.

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

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

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

**H.R. 6531—To amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the definitions of a hull and a deck  
(*Berman, D-CA*)**

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

**Summary:** H.R. 6531 would specify that the designs of vessel’s hulls, decks, or a combination of the two are protected under federal copyright law. Under current law, vessel hulls are subject to copyright protection, but decks are not specifically protected. The bill would add deck designs to the list of vessel components that are protected under copyright law and define decks as “the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.”

**Additional Background:** According to the U.S. Copyright Office, the Digital Millennium Copyright Act of 1998 (DMCA) included a provision known as the Vessel Hull Design Protection Act. The provision added chapter 13 to title 17 of U.S Code to establish protection of original vessel hull designs. The definition of a “hull” under the Act is the frame or body of a vessel, including its deck, but exclusive of the mast, sails, yards, and rigging. H.R. 6531 would amend this definition to recognize a vessel’s deck as a distinct, protected component of the vessel.

**Committee Action:** H.R. 6531 was introduced on July 17, 2008, and referred to the Committee on the Judiciary, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 6531 was not available.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 6531 was not available.

---

---

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

**H.Res. 1241—Congratulating Ensign DeCarol Davis upon serving as the valedictorian of the Coast Guard Academy’s class of 2008 and becoming the first African American female to earn this honor (*Thompson, D-MS*)**

**Order of Business:** H.Res. 1241 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1241 would resolve that the House of Representatives:

- “Congratulates Ensign DeCarol Davis for becoming the first African-American female to serve as the valedictorian of the Coast Guard Academy; and
- “Encourages the Coast Guard Academy to seek diverse candidates for the cadet corps and to continue to train and graduate cadets of a quality that the Coast Guard needs to fulfill all its homeland and non-homeland security missions.”

The resolution lists a number of findings, including:

- “Ensign DeCarol Davis is the first African-American female to serve as the valedictorian of the Coast Guard Academy;
- “Ensign Davis is from Woodbridge, Virginia, and was the 2004 Forest Park High School valedictorian;
- “Ensign Davis’s academic achievement at the Coast Guard Academy in a class of over 200 cadets earned her status as the valedictorian of the Coast Guard Academy's class of 2008;
- “Ensign Davis’s accomplishments include being selected as a 2007 Truman Scholar, 2008 Connecticut Technology Council Women of Innovation Award recipient, 2006 Arthur Ashe, Jr. Women’s Basketball First Team Sports Scholar, and 2007 ESPN The Magazine Academic All-District I College Women’s Basketball First Team;
- “Ensign Davis’s community outreach during her four years at the Coast Guard Academy significantly impacted the lives of others, including those at a local elementary school where Ensign Davis wrote and directed a play that introduced engineering as a career to the students;
- “The Coast Guard Academy has few women and people of color within its cadet population;
- “On April 24, 2008, the House of Representatives approved H.R. 2830, the Coast Guard Authorization Act of 2008, which included several provisions to improve the diversity of the Coast Guard Academy; and
- “Ensign Davis gave her valedictorian address on May 21, 2008.”

**Committee Action:** H.Res. 1241 was introduced on June 4, 2008, and referred to the Committee on Transportation and Infrastructure’s Subcommittee on Coast Guard and Maritime Transportation, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

## **H.R. 6493—Aviation Safety Enhancement Act of 2008 (*Oberstar, D-MN*)**

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

**Summary:** H.R. 6493 would require the Administrator of the Federal Aviation Administration (FAA) to establish a new office to investigate claims of safety violations made by FAA and air carrier employees. The bill would also require the FAA to modify certain internal initiatives with regard to the FAA's treatment of air carriers. In addition, the bill would place certain time restrictions regarding FAA inspectors and require enhanced oversight of the FAA's system database. The specific provisions of the bill are summarized below.

**Aviation Safety Whistleblower Investigation Office:** The bill would establish an Aviation Safety Whistleblower Investigation Office within the FAA to receive and investigate complaints submitted by airline and agency employees relating to violations of FAA orders or safety regulations. The office would be headed by a Director selected by the Secretary of Transportation and appointed for a term of five years. The Director would be required to assess all complaints and accusations relating to safety violations and determine if the violation likely occurred. Based on the findings of the investigation, the Director would make a recommendation to the FAA Administrator regarding further actions.

The Secretary of Transportation and the FAA Administrator would have no authority to prohibit the Director of the Aviation Safety Whistleblower Investigation Office from carrying out any safety complain assessment and reporting its findings to Congress. The bill would give the Director access to all records, reports, audits, or reviews necessary to determine whether a safety violation has taken place. In addition, the Director would be required to make annual reports to Congress regarding investigations, the results of the investigations, and the FAA's response to the Director's findings.

**Modification of Customer Service Initiative:** H.R. 6493 would require the FAA to modify certain aspects of a 2003 FAA customer service initiative that, according to findings in the bill, required aviation inspectors to treat airlines as customers rather than regulated entities. According to the bill's findings, "As a result of the emphasis on customer satisfaction, some managers of the Agency (FAA) have discouraged vigorous enforcement and replaced inspectors whose lawful actions adversely affected an air carrier."



The bill would require the FAA to modify its customer service initiative within 90 days of enactment to remove any reference to air carriers as ‘customers,’ clarify that the only customers of the FAA are passengers traveling on aircraft, and state that air carriers do not have the right to select the FAA employees who inspect their operations. The bill would also require the FAA give higher priority to safety than preventing the dissatisfaction of an air carrier.

*Post-Employment Restrictions for FAA Flight Standards Inspectors:* The legislation prohibits an air carrier from knowingly hiring an individual to represent them before the FAA if that individual had served as a flight standards inspector for the FAA in the proceeding two years. The bill states that this restriction would not apply to former FAA standards inspectors that are employed by air carriers at the time of enactment.

*Assignment of FAA Principle Maintenance Inspectors:* H.R. 6493 would prohibit a single individual from serving as the FAA’s principle maintenance inspector for the same air carrier for more than five consecutive years. The bill would require the FAA to issue an agency-wide order to carry out this section within 30 days of enactment. The bill would authorize the appropriation of “such sums as may be necessary” to execute the requirements of this section.

*Headquarters Review of Air Transportation Oversight System Database:* Finally, H.R. 6493 would require the Administrator of the FAA to establish a process by which the air transportation oversight system database is reviewed every month by a team of FAA employees. Each month, the team would be required to ensure that any trends in regulatory compliance are identified and appropriate actions are taken in accordance with FAA regulations, directives, policies, and procedures. The bill would require the FAA to report to Congress on a quarterly basis regarding the monthly reviews.

**Additional Background:** During hearings conducted by the House Committee on Transportation and Infrastructure, Members have raised concerns that the Federal Aviation Administration (FAA) has become too interconnected to commercial air carries. Though the FAA is responsible for conducting inspections of all registered air carries, certain investigations have caused Members to worry that the FAA is allowing airlines to regulate themselves. According to a report in Congressional Quarterly, “collusion between FAA inspectors based in Dallas and officials of Southwest Airlines allowed Southwest to fly 46 Boeing 737 jets that should have been grounded because they had not received required inspections.” The incident resulted in a fine of \$10.2 million. H.R. 6493 would attempt to improve aviation safety by creating an avenue for FAA or air carrier employees to report safety deficiencies or violations and altering the FAA’s customer service initiative, which has been viewed by some as overly favorable to the airlines. The bill also puts certain time restrictions regarding contact between FAA inspectors and air carriers to discourage excessive involvement and complacency. The bill is sponsored by the Chairs and Ranking Members of both the full Transportation and Infrastructure Committee and the relevant subcommittee.

**Committee Action:** H.R. 6493 was introduced on July 15, 2008, and referred to the Committee on Transportation and Infrastructure, which took no official action.



**Cost to Taxpayers:** A CBO score for H.R. 6493 was not available.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 6493 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

## **H.R. 5949—Clean Boating Act of 2008 (LaTourette, R-OH)**

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

**Summary:** H.R. 5949 would prohibit the Administrator of the Environmental Protection Agency (EPA), or a state, from requiring the owner of a recreational vessel to obtain a permit for the discharge of graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, effluent from marine engines, or any “discharge that is incidental to the normal operation of a vessel.” The bill would define a ‘recreational vessel’ as a vessel that is manufactured and purchased primarily for pleasure and is not engaged in commercial uses.

The bill would require the Administrator, in consultation with the Coast Guard, the Secretary of Commerce, and interested states, to determine which recreational vessel discharges could be reasonably managed to mitigate adverse impacts on U.S. waters. The legislation would then require the Administrator to develop reasonable management practices for recreational vessels to mitigate the discharge. The Administrator would be required to make an initial determination within one year of enactment and review the determination every five years thereafter.

H.R. 5949 would require the Administrator to promulgate performance standards relating to every recreational vessels discharge for which a management practice is developed. The bill would require the Administrator to distinguish between size, type and class of vessel when issuing performance standards. The Administrator would be required to promulgate standards determination within one year of the issuance of the management determination, and every five years thereafter.

Finally, the measure would require the Secretary of Homeland Security, in consultation with the Coast Guard, to create regulations regarding the design, construction, installation, and use of management practices necessary to meet new performance standards required under the bill. The

regulations must be promulgated within one year of the issuance of performance standards. After the regulations go into effect, an owner or operator may not operate a recreational vessel that does not use the management practices established as a result of the legislation to reduce the incidental discharges.

**Additional Background:** According to *Boat U.S.*, a recreational boater advocacy group, a group of environmental organizations filed a lawsuit against the Environmental Protection Agency (EPA) in 1999 to force the agency to mandate the treatment of ballast water in large commercial ships. The lawsuit was aimed at stopping the spread of invasive aquatic species. In 2006 the court ruled that the EPA must develop an operational discharge permit by September 30, 2008, and every vessel must obtain a permit to operate in the U.S. The requirement would include small recreational and commercial boats as well as large commercial ships. The requirement would mean that every boat owner would be required to receive a discharge permit (at a cost that is yet undetermined) and renew that permit every five years to operate any vessel in the U.S. Without a permit, which have yet to be issued, recreation boaters could face federal and state fines for operating boats after September 30, 2008.

H.R. 5949 would provide an exception for incidental discharges that are released by recreational vessels. The bill would also establish a process under which the EPA, in conjunction with the Department of Homeland Security and the Coast Guard, would establish a structure to determine if additional management practices and regulations should be applied to recreational vessels. The three year, three step framework for determining management practices for recreational boats would consist of a determination of whether any incidental discharges require new management practices, the establishment of performance standards for those practices, and the creation of new regulations for those discharges.

Other bills have been introduced in the House and Senate that would have exempted recreational and small commercial vessels from the permit requirements without establishing new management practices or regulations for incidental discharges, however, those bills have not been brought to the floor for consideration.

**Committee Action:** H.R. 5949 was introduced on May 1, 2008, and referred to the Committee on Transportation and Infrastructure's Subcommittee on Water Resources and Environment. On May 15, 2008, the subcommittee discharged the bill. The full committee considered the bill the same day and it was reported by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 5949 would have no significant effect on the federal budget because the EPA is already authorized to regulate discharges from recreational vessels if it sees fit.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 5949 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

**H.R. 6556—To clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels  
(Oberstar, D-MN)**

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

**Summary:** H.R. 6556 would clarify the circumstance under which certain small commercial vessels and all fishing vessels would be required to obtain an incidental discharge permit to operate within U.S. waters. The bill would also require the Environmental Protection Agency (EPA) to conduct a study relating to the incidental discharges that occur during the normal operation of vessels.

H.R. 6556 would exempt any vessel under 79 feet in length, or a fishing vessel of any length, from the EPA's operational discharge permit requirement that is set to be implemented on September 30, 2008, for two years. During the two year exemption period, such vessels would not need to acquire a discharge permit for any discharge that resulted from a properly functioning marine engine, a laundry, a shower, a galley sink, or any discharge incidental to the normal operation of the vessel.

The discharge permit exemption would not apply to any discharge related to rubbish, trash, or garbage discarded overboard, ballast water, or any discharge that violates the water quality standard or poses an unacceptable risk to human health. The exemption would also not apply to any discharge when a vessel is used as an energy or mining facility, a storage facility, a seafood processing facility, or is secured to the bed of the ocean for the purposes of mineral or oil exploration.

H.R. 6556 would require the Administrator of the EPA, in consultation with the U.S. Coast Guard, to conduct a study of incidental vessel discharges and the possible impact on the environment. The study would exclude vessels of the Armed Forces. The Administrator would be required to submit a final report to Congress within 15 months of enactment.

**Additional Background:** A group of environmental organizations filed a lawsuit against the Environmental Protection Agency (EPA) in 1999 to force the agency to mandate the treatment of ballast water in large commercial ships. The lawsuit was aimed at stopping the spread of invasive aquatic species. In 2006 the court ruled that the EPA must develop an operational discharge permit by September 30, 2008, and every vessel must obtain a permit to operate in the U.S. The requirement would include small recreational and commercial boats as well as large commercial ships. The requirement would mean that every boat owner would be required to receive a discharge permit (at a cost that is yet determined) and renew that permit every five years to operate any vessel in the U.S. Without a permit, which has yet to be issued, commercial charter and fishing boat owners could face federal and state fines for operating boats after September 30, 2008.

H.R. 5949 would provide an exception for incidental discharges that are released by fishing vessels and other commercial vessels under 79 feet in length. The bill would also establish a process under which the EPA, in conjunction with the Department of Homeland Security and the Coast Guard, would study the environmental effects of incidental boat discharges. The bill also contains several instances in which fishing vessels and vessels less than 79 feet would still be required to receive a permit. For instance, a vessel that is “used as an energy or mining facility” or “secured to the bed of the ocean, the contiguous zone, or waters of the United States for the purpose of mineral or oil exploration or development” would still require a permit under the bill. Because the text of the legislation was released only this morning, it is difficult to determine the possible effects of these requirements.

**Committee Action:** H.R. 6556 was introduced on July 21, 2008, and referred to the Committee on Transportation and Infrastructure, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 6556 was not available.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 6556 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

## **H.R. 4049—Money Service Business Act of 2007 (*Maloney, D-NY*)**

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

**Summary:** H.R. 4049 would remove a requirement that FDIC insured banks review the anti-money laundering compliance standards of money transmitting businesses with which they do business. The bill would allow money transmitting businesses to conduct and certify their own anti-money laundering compliance review. The money transmitting business would be liable for civil and criminal penalties for non-compliance.

The bill would state that no FDIC insured bank would not have increased liability for any non-compliance by a money transmitting business. The legislation would require the Secretary of Treasury to prescribe regulations appropriate to implement the new compliance requirements within 120 days of enactment.

**Additional Background:** Money transmitting businesses, also designated as money services businesses (MSBs), are defined as a person or business that provides money orders, traveler's checks, money transfers, check cashing, currency exchange, stored value, and the U.S. postal Service. According to [www.MSB.gov](http://www.MSB.gov), the Bank Secrecy Act requires money services businesses to establish anti-money laundering programs. However, current law requires FDIC insured financial institutions, such as traditional lending banks, to conduct reviews of MSBs' anti-money laundering and anti-terrorism compliance if the MSB has an account with the bank. This requirement can be costly and inconvenient for banks, which often decline to do business with MSBs rather than risk potential liability and cost by reviewing the compliance of an MSB. H.R. 4049 would remove the requirement that traditional banks review MSBs' regulatory compliance, establishes a MSB compliance standard, and makes MSBs liable for failure to comply with anti-laundrying regulations. The bill is sponsored by the Chairs and Ranking Members of both the full Financial Services Committee and the relevant subcommittee.

**Committee Action:** H.R. 4049 was introduced on November 1, 2007, and referred to the Committee on Financial Services, which held a mark-up and reported the bill, as amended, by voice vote.

**Cost to Taxpayers:** According to CBO, H.R. 4049 would have no significant impact on spending but may have a "negligible" effect on revenues from additional civil and criminal penalties collected from money services businesses that fail to comply with anti-money laundering regulations.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 4049 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

**H.Res. 1139—Recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet “fit to fight”  
(Abercrombie, D-HI)**

**Order of Business:** H.Res. 1139 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1139 would resolve that the House of Representatives “recognizes the 100th anniversary of Pearl Harbor Naval Shipyard and congratulates the men and women who provide exceptional service to our military and keep our Pacific Fleet ‘fit to fight.’”

The resolution lists a number of findings, including:

- “Congress established the Pearl Harbor Naval Shipyard on May 13, 1908, and it has grown from a ‘coaling and repair station’ to being known as the ‘No Ka Oi Shipyard’ and a national treasure that is strategically important to our Nation and equally vital to Hawaii;
- “During World War II, shipyard workers earned the motto, ‘We keep them fit to fight’, by resurrecting the United States Pacific Fleet from the bottom of Pearl Harbor, helping turn the tide of the war at Midway, and maintaining the ships that would ultimately win victory at sea and sail triumphantly into Tokyo Bay;
- “The shipyard has demonstrated its diverse capabilities by supporting America’s space exploration, Antarctic expeditions, and national missile defense;
- “It continues to support the United States Pacific Fleet as the largest ship repair facility between the western coast of the United States and the Far East, providing full-service maintenance for Pacific Fleet ships and submarines throughout the Asia-Pacific theater;
- “The shipyard has become the largest single industrial employer in Hawaii and is the largest fully integrated military-civilian workforce involved in full-service shipyard work in the United States;
- “The shipyard has earned multiple national awards for its dedicated environmental stewardship and excellent safety programs, such as the prestigious Occupational Safety and Health Administration’s Star award in May 2007; and

- “The shipyard has a direct annual economic impact of more than \$600,000,000 in Hawaii, and through its apprentice, engineer co-op, and other student hire programs, provides extraordinary training, employment, and career opportunities for residents.”

**Committee Action:** H.Res. 1139 was introduced on April 23, 2008, and referred to the Committee on Armed Services Subcommittee on Military Personnel, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

### **H.Con.Res. 364—Recognizing the Significance of National Caribbean-American Heritage Month (*Lee, D-CA*)**

**Order of Business:** H.Con.Res. 364 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 364 would express the sense that the Congress:

- “Supports the goals and ideals of Caribbean-American Heritage Month;
- “Encourages the people of the United States to observe Caribbean-American Heritage Month with appropriate ceremonies, celebrations, and activities; and
- “Affirms that the contributions of Caribbean-Americans are a significant part of the history, progress, and heritage of the United States, and the ethnic and racial diversity of the United States enriches and strengthens the Nation.”

The resolution lists a number of findings, including:

- “People of Caribbean heritage are found in every State of the Union;
- “Emigration from the Caribbean region to the American Colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia;
- “During the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States;
- “Since 1820, millions of people have emigrated from the Caribbean region to the United States;
- “Much like the United States, the countries of the Caribbean faced obstacles of slavery and colonialism and struggled for independence;
- “Also like the United States, the people of the Caribbean region have diverse racial, cultural, and religious backgrounds;



- “The countries of the Caribbean are important economic partners of the United States;
- “The countries of the Caribbean represent the United States third border;
- “The people of the Caribbean region share the hopes and aspirations of the people of the United States for peace and prosperity throughout the Western Hemisphere and the rest of the world;
- “In both June 2006 and June 2007, President George W. Bush issued a proclamation declaring June National Caribbean-American Heritage Month after the passage of H. Con. Res. 71 in the 109th Congress by both the Senate and the House of Representatives; and
- “June is an appropriate month to establish a Caribbean-American Heritage Month.”

**Committee Action:** H.Con.Res. 364 was introduced on May 22, 2008, and referred to the Committee on Oversight and Government Reform. On July 16, 2008, a mark-up was held and the resolution was 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:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

## **H.Res. 1311—Expressing support for the designation of National GEAR UP Day (*Fattah, D-PA*)**

**Order of Business:** H.Res. 1311 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1311 would express the sense that the House of Representatives “expresses support for the designation of a National GEAR UP Day.”

The resolution lists a number of findings, including:

- “Congress created the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in 1998 to increase the number of low-income students who are prepared to enter and succeed in postsecondary education;
- “Increasing the number of low-income students who complete postsecondary education is critical to the health and vitality of our communities and the Nation as a whole;
- “GEAR UP is currently providing essential college preparatory services to 640,000 students in over 5,000 schools across 46 States, the District of Columbia, American Samoa, Palau, and Puerto Rico;

- “GEAR UP students are taking more rigorous and advanced courses, graduating from high school and enrolling in postsecondary education at rates significantly higher than their low-income peers;
- “These remarkable achievements are attributable to the selfless dedication of the students, families, education professionals, and business and community leaders involved in GEAR UP;
- “The National Council for Community and Education Partnerships and the Department of Education work in partnership to provide technical assistance and host national conferences to strengthen GEAR UP programs throughout the Nation; and
- “July 22, 2008, would be an appropriate day to designate as National GEAR UP Day.”

**Committee Action:** H.Res. 1311 was introduced on June 26, 2008, and referred to the Oversight and Government Reform, which reported the resolution by voice vote on July 16, 2008.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

## **H.Res. 1202—Supporting the goals and ideals of a National Guard Youth Challenge Day (Davis, R-VA)**

**Order of Business:** H.Res. 1202 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1202 would express the sense that the House of Representatives “supports the goals and ideals of a National Guard Youth Challenge Day and calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.”

The resolution lists a number of findings, including:

- “Many of America’s youth who drop out of high school need avenues, guidance, and encouragement toward self-sufficiency and success;
- “1,200,000 students drop out of high school each year, costing the Nation more than \$309,000,000,000 in lost wages, revenues, and productivity over students’ lifetimes;
- “33,000,000 Americans ages 16 to 24 do not have a high school degree;
- “High school dropouts can expect to earn about \$19,000 per year compared to \$28,000 for high school graduates;
- “Nearly 30 percent are unemployed and 24 percent are on welfare;
- “Approximately 67 percent of Americans in prison are high school dropouts;

- “Since 1993, the National Guard Youth Challenge Program has grown to 35 sites in 28 States, Puerto Rico, and the District of Columbia;
- “Since 1993, over 77,100 students have successfully graduated from the program, of whom 80 percent earned their high school diploma or GED, 26 percent entered college, 18 percent entered the military, and 56 percent joined the workforce in career jobs;
- “The National Guard Youth Challenge Program has successfully helped our Nation’s dropouts; and
- “The National Guard Youth Challenge Program can play a larger role in serving and helping America’s youth.”

**Committee Action:** H.Res. 1202 was introduced on May 15, 2008, and referred to the Oversight and Government Reform, which reported the resolution by voice vote on July 16, 2008.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

## **H.Res. 1128—Expressing support of the goals and ideals of National Carriage Driving Month (Davis, R-TN)**

**Order of Business:** H.Res. 1128 is scheduled to be considered on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1128 would express the sense that the House of Representatives “expresses support for National Carriage Driving Month, along with its goals and ideals, and encourages supporters, historical organizations, and educational entities to observe the month and collaborate on efforts to further protect, preserve, and appreciate carriages as part of our Nation’s history.”

The resolution lists a number of findings, including:

- “The Carriage Association of America has, for almost 50 years, fostered and organized efforts to preserve and recognize the significant contributions that animal-drawn vehicles have made to American culture;
- “Animal-drawn vehicles helped settle and build the United States of America;
- “It is now almost 100 years since the rapid change from animal-drawn vehicles to machine-powered vehicles;

- “Museums across America have preserved and protected examples of carriages, wagons, and other types of mostly horse-drawn vehicles, which helped Americans build, farm, and socialize from the earliest days of this Nation’s existence;
- “Tens of thousands of Americans enjoy collecting, preserving, driving, and restoring horse-drawn vehicles;
- “There are hundreds of annual parades, shows, auctions, and similar events to enjoy, recognize, and preserve this important part of our Nation’s heritage;
- “The World Equestrian Games have been awarded to the United States and will be held in 2010 at the Kentucky Horse Park in Lexington, Kentucky; and
- “The month of May is celebrated by the carriage-riding community as Carriage Riding Month.”

**Committee Action:** H.Res. 1128 was introduced on April 22, 2008, and referred to the Oversight and Government Reform, which reported the resolution by voice vote on July 16, 2008.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

**H.R. 6226—To designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the “Stan Lundine Post Office Building” (Higgins, D-NY)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, July 22, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6226 would designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the “Stan Lundine Post Office Building.”

**Additional Information:** According to the State of New York’s government Website, [www.ny.gov](http://www.ny.gov), Stan Lundine is a Democratic politician from Jamestown, NY. During his career Lundine served as a Member of the U.S. House of Representatives, mayor of the city of Jamestown, and Lieutenant Governor of New York under Mario Cuomo from 1986 to 1994. Most recently, Lundine was appointed as Chairman of New York’s Local Government Efficiency and Competitiveness, which seeks to find ways for the state’s local governments to become more efficient by collaborating in regional efforts and sharing services.

**Committee Action:** H.R. 6226 was introduced on June 10, 2008, and referred to the House Committee on Oversight and Government Reform, which held a mark-up and reported the bill by voice vote on July 16, 2008.

**Cost to Taxpayers:** A CBO score for H.R. 6226 is unavailable, but the only costs associated with a U.S. post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

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

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

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

## **H.R. 5235—Ronald Reagan Centennial Commission Act (Gallegly, R-CA)**

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

**Summary:** H.R. 5235 would establish the Ronald Reagan Centennial Commission for the purposes of developing and carrying out activities to honor Ronald Reagan on the occasion of the 100<sup>th</sup> anniversary of his birth.

Specifically, the Commission would be responsible for providing assistance to federal, state, and local government agencies, as well as civic organizations, that are preparing activities to celebrate the 100<sup>th</sup> anniversary of Reagan's birth. The Commission would be required to study the appropriateness of issuing a postal stamp, commemorative coin, or convening a joint session of Congress to honor Reagan.

The Commission would be comprised of 11 members appointed by the Archivist of the U.S., the Secretary of Interior, the President, and Board of Trustees of the Ronald Reagan Library. Each member of the Commission would be appointed within 90 days of enactment and a chairperson would be selected by majority vote of the Commission. The Commission would also be authorized to hire employees as it saw fit and would cap employee's pay at the maximum amount for a GS-13 government employee (\$89,217 in 2008).

The Administrator of the General Services Administration would be required to provide facilities for the Commission. In addition, the Commission would be given the authority to hold hearings, secure official data from departments, use U.S. mail in the same manner as federal agencies, solicit gifts, and enter into contracts. The bill would require the Commission to submit annual reports to the President and Congress concerning its revenues and expenditures, and a final report containing the activities, accounting, and recommendations of the Commission no later than April 20, 2011.

H.R. 5235 would authorize the appropriation of \$4 million for the Commission to carry out its duties under the legislation. The bill would prohibit the Commission from obligating more than \$500,000 for any single project unless it is matched by an equal amount from non-government contributions.

**Additional Background:** The 100<sup>th</sup> anniversary of the birth of our Nation's 40<sup>th</sup> President, Ronald Wilson Reagan, will occur on February 9, 2011.

**Committee Action:** H.R. 5235 was introduced on February 6, 2008, and referred to the Committee on Oversight and Government Reform, which held a mark-up and reported the bill, as amended, by voice vote on July 16, 2008.

**Cost to Taxpayers:** A CBO score for H.R. 5235 was not available, however, the bill would authorize \$4 million for the Ronald Reagan Commission to carry out its duties.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 5235 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.

---

---

## **H.R. 6545—National Energy Security Intelligence Act of 2008** *(Cazayoux, D-LA)*

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

**Summary:** H.R. 6545 would require the Director of National Intelligence (DNI) to submit an intelligence assessment on national and energy security issues relating to the rapidly rising cost

of energy. The bill would require the DNI to submit the assessment to Congress no later than January 1, 2009.

Specifically the assessment would evaluate: 1) the short-term and long-term outlook for prices, supply and demand of key forms of energy; 2) the plans and intentions of key energy-producing nations with respect to energy production and supply; 3) the national security implications of rapidly increasing energy costs; 4) the potential of U.S. adversaries, such as Venezuela and Iran, leveraging energy resources against the U.S.; 5) the national security implications of increased funding of U.S. adversaries because of high energy costs; 6) the likelihood that energy prices will increase funding for terrorist organizations; 7) the national security implications of extreme energy price fluctuations; and 8) the national security implications of continued dependence on international energy.

**Additional Background:** H.R. 6545 contains the text of a Republican Motion to Recommit (MTR) H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009, which was considered on Wednesday, July 16, 2008. The MTR was defeated by a roll call vote of [200-225](#). During debate, Democrats offered to accept the amendment through a unanimous consent agreement, but refused to support the motion because of their contention that the MTR would kill the bill by requiring the committee of jurisdiction to report the bill “promptly” rather than “forthwith.” If passed, the promptly directive would have actually sent the bill back to committee along with the MTR instructions. It would not have instantaneously amended the bill, as would a “forthwith” directive, nor would this motion kill the bill (as the majority asserted). In that instance, the committee is not required to act upon the bill. However, the committee could convene a special meeting to consider the bill and potentially send it back to the House, but the Rules Committee would have to meet and report another rule for consideration of the bill.

**Committee Action:** H.R. 6545 was introduced on July 17, 2008, and referred to the Permanent Select Committee on Intelligence, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 6545 was not available.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority for H.R. 5235 was not available.

**RSC Staff Contact:** Andy Koenig; [andy.koenig@mail.house.gov](mailto:andy.koenig@mail.house.gov); 202-226-9717.