



H.R. 6599 – Military Construction and Veterans Affairs Appropriations Act for FY2009

EXECUTIVE SUMMARY

The House will consider H.R. 6599 – Military Construction and Veterans Affairs Appropriations Act, 2009, on July 30, 2008, pursuant to a modified open rule. The bill provides \$72.7 billion in overall discretionary spending, which is an increase of \$8.8 billion (14%) over last year's bill. Additionally, this funding level is \$3.4 billion (5%) over the President's requested budget. H.R. 6599 contains over 100 earmarks, mostly for military construction and requested by the President.

This bill contains funding for 1) military construction and family housing; 2) the Department of Veterans Affairs; and 3) operating expenses for related agencies such as American Battle Monuments Commission and U.S. Court of Veterans Appeals. By funding military construction, this bill provides for the facilities needed to house and train military personnel at home and abroad. H.R. 6599 also provides funding for the medical care, benefits, and other important services the Department of Veterans Affairs provides for our veterans. In addition, the bill funds the operation and maintenance of monuments and cemeteries devoted to the men and women in uniform who have fought to protect our freedom.

The bill is expected to be considered on the floor under a modified open rule on July 31, 2008.

FLOOR SITUATION

H.R. 6599 is being considered on the floor pursuant to a modified open rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Appropriations;
- Waives all points of order against consideration of the bill except those arising under clause 9 (regarding earmarks) or 10 (regarding PAYGO) of rule XXI;
- Waives all points of order against provisions of the bill for failure to comply with clause 2 of rule XXI;
- Makes in order only those amendments to the bill that are preprinted in the *Congressional Record* by July 30 or are pro forma amendments for the purpose of debate;
- Provides that each amendment printed in the *Congressional Record* may be offered only by the Member who caused it to be printed or a designee and that each amendment shall be considered as read;
- Provides one motion of recommit with or without instructions; and
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The bill was introduced by Representative Chet Edwards (D-TX) on July 24, 2008. The House Committee on Appropriations reported H.R. 6599 on July 24, 2008 by voice vote.

The bill is expected to be considered on the floor on July 31, 2008.

BACKGROUND

The annual Military Construction – Veterans Affairs appropriations bill is traditionally one of the least controversial spending measures. Last year's bill passed the House on June 15, 2007, by a vote of 409-2. H.R. 6599 is the first fiscal year 2009 appropriations bill to be considered by the House this year. The appropriations process had been recently halted due to the refusal of the Democrat leadership to allow Republican amendments to spending measures which would increase American energy production.



FUNDING SUMMARY

Table: MilCon-VA Appropriations

(funding in \$ millions)

	FY09 House Proposal	FY09 Administration Request	FY08 Enacted
<i>Net Budget</i>	72,700	69,300	63,900
Military Construction, Army	4.750	4.616	3.928
Military construction, Navy and Marine Corps.	3.281	3.096	2.188
Military construction, Air Force	.959	.935	1.149
Family Housing, Total	3.166	3.203	2.866
Base realignment and closure account, 1990	.473	.393	.296
Base realignment and closure account, 2005	9.065	9.065	7.235
Veterans Benefits Administration, Total	46.155	46.155	44.642
Medical Services, Veterans Health Administration	30.854	34.076	27.168
Medical Support and Compliance, VHA	4.400	---	3.442
Medical Facilities, VHA	5.029	4.661	3.592
Medical and Prosthetic Research, VHA	.500	.442	.411
Office of Inspector General	.088	.077	.073
Construction, major projects	.923	.582	.727
Construction, minor projects	.991	.329	.233



More detailed funding tables, as well as a listing of earmarks in the bill can be found in the [Committee Report](#).

Key Provisions

Title I

Military Construction: This bill authorizes a total appropriation of \$24.8 billion for military construction efforts. This total is \$400 million over the President's requested budget.

Military Housing: The bill authorizes a total of \$3.2 billion for military and family housing projects. This is an increase of \$300 million over the fiscal year 2008 level. This funding is used for construction and maintenance of housing units.

NATO Security Investment Program: H.R. 6599 appropriates \$219 million for the North Atlantic Treaty Organization (NATO) Security Investment Program. The program finances the provision of the installations and facilities needed to support the roles of NATO Strategic Commands. These investments cover such installations and facilities as communications and information systems, radar, military headquarters, airfields, fuel pipelines and storage, and harbors.

1990 Base Realignment and Closure (BRAC): This bill provides \$473 million to carry out environmental cleanup efforts at bases closed during previous BRAC rounds. These bases are identified in the most recent "Defense Environmental Programs Annual Report." This funding is \$80 million above the President's request.

2005 Base Realignment and Closure (BRAC) and Re-stationing: The bill authorizes \$9.1 billion for the re-stationing of overseas U.S. military personnel to the United States. This funding matches the President's request, and represents an increase of \$1.8 billion over the fiscal year 2008 level.

Pinyon Canyon: No funds are available to promote the expansion of the boundaries or size of the Pinyon Canyon Maneuver Site, Colorado. The Army announced plans to expand the site in 2007, but has experienced legal resistance due to certain environmental concerns.

Privatized Housing Study: The bill requires the Army to study the feasibility of expanding the privatization of unaccompanied housing for junior and senior personnel. The Army must report to Congress on its findings by December 31, 2008.

Prohibiting New Bases: This bill bars the construction of new bases in the U.S. without Congressional appropriation.

Quality of Life Initiative: The bill authorizes \$336 to continue a quality of life initiative that was begun in the 2008 Supplemental. This sum includes \$200 million for new trainee and recruit housing, and \$136 million for medical military construction and upgrades to certain medical treatment facilities. The President did not request this funding in his budget.

Schools Report: H.R. 6599 requires the Department of Defense to report to Congress by December 31, 2008, on military construction projects at schools for the children of service members.

Steel Procurement: The bill bars the procurement of steel unless American producers and manufacturers are able to compete.

Title II

Department of Veterans Affairs: This bill includes a total funding level of \$47.7 billion for the Department of Veterans Affairs. This total is \$2.9 billion over the President's request.



Extended Care Facilities: This bill authorizes \$165 million in grants for States to construct and renovate VA extended care facilities. This sum exceeds the President's request by \$80 million.

Information Technology: \$2.5 billion is authorized for an emergency fund for information technology needs at medical facilities. This represents a \$50 million increase over the President's budget.

VA Inspector General: The bill funds the Department of Veterans Affairs Office of Inspector General at \$87.8 million. This level is \$4 million above the President's requested budget.

Operating Expenses: \$1.8 billion is authorized in this bill for general VA operating expenses. This includes funding for the hire of about 2,100 claims processors.

Other Construction: This bill includes \$1.9 billion for a number of specific major and minor VA construction projects. This funding level is \$788 million over the President's request.

Veterans Health Administration: The bill funds the Veterans Health Administration at \$40.8 billion for medical care for veterans. This level is \$1.8 billion over the President's requested budget.

Veterans Medical Facilities: The bill authorizes \$5 billion for VA medical facilities- \$368 million above the President's request. This provision includes funding to increase enrollment of Priority 8 veterans in the Veterans Health Administration. The President banned enrollment of new Priority 8 veterans on January 17, 2003, due to overcrowding in the VA health care system. Priority 8 veterans are those veterans whose injuries are not service related and who have an income of 80% of the median in their community.

Veterans Medical Research: H.R. 6599 includes \$500 million for medical and prosthetic research, including trauma and mental health research. This level is \$38 million above the President's request, and \$20 million above the fiscal year 2008 level.

Veterans Medical Services: The bill includes a total of \$30.9 billion for veterans' medical services. This sum is \$1 billion over the President's requested level. This includes \$400 million for the enrollment of some Priority 8 veterans.

Note: The President banned enrollment of new Priority 8 veterans on January 17, 2003, due to overcrowding in the VA health care system. Priority 8 veterans are those veterans whose injuries are not service related and who have an income of 80% of the median in their community.

This provision also includes \$3.8 billion in funding for specialty mental health care and \$584 million for substance abuse programs. \$200 million, not requested by the President, is included for fee-based health care for access where Veterans Health Administration services are not available. H.R. 6599 also includes \$130 million in funding for the homeless veterans grants program.

Veterans Medical Support: H.R. 6599 includes \$4.4 billion to ensure the efficient operation of the VA health care system. Some of this funding will also be used to support the initiative to enroll 10 percent of Priority 8 veterans in the health care system. This level of funding is \$144 million over the President's requested budget.

Title III

American Battle Monuments Commission: The American Battle Monuments Commission, responsible for operating and supporting American military monuments and cemeteries around the world, is funded at \$55.5 million. This sum is \$8 million above the President's requested budget for the Commission.



Arlington Cemeterial Expenses: This bill authorizes \$31.2 million for the operation of Arlington National Cemetery. This amount matches the President's request.

Armed Forces Retirement Home: The bill authorizes \$63 million to be appropriated from the Armed Forces Retirement Home Trust Fund for the operation of the Retirement Home. This includes \$8 million for capital expenditures at the Washington, D.C. campus.

Court of Appeals for Veterans Claims: This bill funds the U.S. Court of Appeals for Veterans Claims at \$73.98 million for the purpose acquiring a new facility for the Court. This is \$50 million above the President's budget request for construction of a new courthouse facility.

ADDITIONAL VIEWS

Ranking Members Jerry Lewis (R-CA) and Zach Wamp (R-TN): "There is no greater way to honor the volunteers who serve our country than to make sure that they have the best medical care and facilities with which to treat them. This bill provides historic funding increases to do just that. But, we can't forget that we also owe it to them to ensure that the VA manages these funds in a way that also honors our veterans...In conclusion, while American taxpayers and future generations of Americans will be paying the price for this bill and other bills under the bloated discretionary spending levels adopted by the Democrat majority, this is a good bill." ([Additional Views, House Report 110-775](#))

AMENDMENTS PRE-PRINTED IN THE CONGRESSIONAL RECORD

- 1) Rep. Steve Buyer (R-IN): Would transfer \$150 million from the Major Construction account to the Medical Facilities account for the installation of appropriate solar electric energy roof applications at 10 Department of Veterans Affairs (VA) medical facility sites.
- 2) Rep. Steve Buyer (R-IN): Would transfer \$7 million from the Major Construction account to the Medical Facilities account for the installation of alternative fueling stations at 35 Department of Veterans Affairs (VA) medical center campuses.
- 3) Rep. Steve King (R-IA): Would prohibit funds in this Act from being used enforce the requirements of Davis-Bacon.
- 4) Rep. Jeff Flake (R-AZ): Strikes all Member-requested military construction earmarks in the underlying bill.
- 5) Rep. Jeb Hensarling (R-TX): Would prohibit funds provided by this Act to be available to enforce section 526 of the Energy Independence and Security Act of 2007.
- 6) Rep. Michael McCaul (R-TX): Would prohibit funds to be used for a project or program named for a serving Member, Delegate, Resident Commissioner, or Senator of the United States Congress.
- 7) Rep. Michael Burgess (R-TX): Would appropriate \$100 million for the construction of one Army petroleum refinery, \$200 million for one petroleum refinery for each the Navy and Marine Corps, and \$100 million for an Air Force refinery. The amendment would reduce funding for the 2005 BRAC Account by \$400 million.
- 8) Rep. Lee Terry (R-NE): Would establish a national cemetery in Sarpy County, Nebraska to serve veterans and their families.
- 9) Rep. Sheila Jackson-Lee (D-TX): Would direct the Secretary of Veterans Affairs to increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas.



- 10) Rep. Christopher Murphy (D-CT): None of the funds made available in this Act may be used to obstruct nonpartisan voter registration activities at VA facilities.
- 11) Rep. Scott Garrett (R-NJ): Would reduce funding for general VA operating expenses by \$18 million and increase funding for state extended care facilities by \$18 million.
- 12) Rep. Doug Lamborn (R-CO): Would specify that the Pinyon Canyon Maneuver Site in Colorado may be expanded if land is purchased from a willing seller.
- 13) Rep. Ed Perlmutter (D-CO): Would reduce funding for general VA operating expenses by \$42 million and increase funding for major VA construction projects by \$42 million.
- 14) Rep. Bart Stupak (D-MI): Would prohibit funding for DOD construction on public buildings and works unless all iron and steel is produced in the United States. This requirement would be waived if American steel is not reasonably available or would increase the overall cost of the project by more than 25 percent.
- 15) Rep. Bart Stupak (D-MI): Would prohibit funding for VA construction on public buildings and works unless all iron and steel is produced in the United States. This requirement would be waived if American steel is not reasonably available or would increase the overall cost of the project by more than 25 percent.
- 16) Rep. Bart Stupak (D-MI): Would prohibit the Secretary of Veterans Affairs from using funds in this Act to adjust proportionately the dollar amounts payable for beneficiary travel, in the event that Secretary increases or decreases the rates of allowances or reimbursement.
- 17) Rep. Alcee Hastings (D-FL): Would prohibit funds from being used to establish contracts or procurements not consistent with the Federal Property and Administrative Services Act of 1949.
- 18) Rep. Bob Filner (D-CA): Would establish a community grant program to provide rehabilitative services to veterans with post-traumatic stress disorder or traumatic brain injury. \$250 million available for "Medical services" in this bill would be made available for this purpose.
- 19) Rep. Bob Filner (D-CA): Would establish a heroes' homecoming pilot program to assess the effectiveness of offering compulsory screening and treatment for mental health conditions to recently discharged servicemembers, and veterans returning from deployment. \$10 million designated for "Medical services" in this bill would be made available for this purpose.
- 20) Rep. Phil Gingrey (R-GA): None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.
- 21) Rep. Bob Filner (D-CA): This amendment would clarify the definition of "combat with the enemy", for the purposes of service-connected disabilities. Would also establish two VA pilot programs to provide disability compensation to veterans on the basis of certain presumptions of service-connected disability. The amendment also reduces the number of disability grades for these programs, and directs the Secretary to determine appropriate compensation for the grades.
- 22) Rep. Bob Filner (D-CA): Would make one-time payments to American and Filipino veterans of World War II of \$15,000 and \$9,000, respectively. These veterans must have served in the Philippines under the direction of the U.S. Armed Forces. The amendment would reduce funding for VA information technology systems by \$198 million.



- 23) Rep. Bob Filner (D-CA): Would establish a Merchant Marine Equity Compensation Fund in the Treasury general fund. This fund would be used to make monthly payments of \$1,000 to individuals who served in the U.S. Merchant Marine during World War II, subject to appropriations. This amendment would reduce funding for VA information technology systems by \$120 million.
- 24) Rep. John Boehner (R-OH): Would amend the bill to include the text of H.R. 6566, the American Energy Act. Please visit the following website for more information on this bill: [House Republican Conference - American Energy Act](#)
- 25) Rep. Shelley Moore Capito (R-WV): Would increase funding for the Veterans Equitable Resource Allocation account by \$100 million dollars. This funding will go towards increasing monies for fee-based health services for rural veterans. The offset comes from over funded DVA construction accounts.
- 26) Rep. Shelley Moore Capito (R-WV): Would increase the mileage reimbursement rate for veterans by 6.5 cents, to 41.5 cents per mile.
- 27) Rep. Cliff Stearns (R-FL): Would create an Internet website for veterans with a comprehensive list of employment opportunities throughout the United States.
- 28) Rep. Steve Buyer (R-IN): Would provide \$7 million of the amounts appropriated for the Department of Veterans Affairs (VA) Minor Construction account for the installation of alternative fueling stations at 35 VA medical facilities.
- 29) Rep. Steve Buyer (R-IN): Would provide \$150 million of the amounts appropriated for the Department of Veterans Affairs (VA) Minor Construction account for the installation of appropriate solar electric roof applications at VA medical centers.
- 30) Rep. Gene Taylor (D-MS): Would prohibit funds made available in the Act from being used to implement section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (P.L. 109-234), which requires the Secretary of the VA to clean up and transfer all of the Department's land parcels in Gulfport, MS, to the city of Gulfport, MS.
- 31) Rep. William Jefferson (D-LA): Would give priority for funding to areas in the Gulf Opportunity Zone from amounts available under "General operating expenses" and "Medical support and compliance" to carry out the guaranteed transitional housing loan program.
- 32) Rep. Lee Terry (R-NE): Would require the Secretary of the VA to establish a national cemetery in the Sarpy County region of Nebraska.
- 33) Rep. Lee Terry (R-NE): Would prohibit the use of funds made available by this Act to be used to carry out the construction of a new national veterans' cemetery, unless the Secretary provides a list of the six new locations for establishment of national cemeteries that includes Omaha, Nebraska.
- 34) Rep. Patrick Murphy (D-PA): Would prohibit funds made available by this act to be spent by the VA to prevent nonpartisan voter organizations from conducting voluntary and nonintrusive voter registration drives at VA facilities.



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- 35) Rep. Michael Burgess (R-TX): Would require that funds be made available from the amounts appropriated for military construction for the design and construction of petroleum refineries for the Army, Navy, Marine Corps, and Air Force.
- 36) Rep. Zach Wamp (R-TN): Would prohibit the use of funds made available in this Act to modify the standards used to determine the entitlement of veterans to special monthly pensions.
- 37) Rep. Christopher Murphy (D-CT): Would prohibit the use of funds made available to enforce section 3, Policy of VHA Directive 2008-25, regarding to restrictions on voter registration drives.

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.



H.R. 6456 – TO PROVIDE FOR EXTENSIONS OF CERTAIN AUTHORITIES OF THE DEPARTMENT OF STATE, AND FOR OTHER PURPOSES

FLOOR SITUATION

H.R. 6456 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Howard Berman (D-CA) on July 10, 2008. The bill was referred to the House Committee on Foreign Affairs, but was never considered.

H.R. 6456 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.R. 6456 extends the authority of the State Department, until 2009, to hire retired Foreign Services officers to staff difficult posts in Iraq and Afghanistan, and to help curb visa and passport backlogs in the U.S. Additionally, the bill makes clear that the State Department has the authority to pay the subsistence expenses of special agents serving on protective details, and that this authority extends to expenses made outside of the agent's duty station.

The bill extends to 2009 the Broadcasting Board of Governor's authority to hire a limited number of temporary contractors to meet "surge" broadcasting needs in the International Broadcasting Bureau and the Voice of America. The bill also extends the operational authority for 'Radio Free Asia' (RFA) through 2010.

Additionally, the bill incorporates the text of H.R. 3658, which allows U.S. Foreign Service Officers to take their rest and recuperation travel in U.S. territories.

Note: H.R. 3658, which was introduced by Rep. Luis Fortuno (R-PR) on September 25, 2007, passed the House by a vote of 416-0, on May 6, 2008. [Link to Legislative Digest for H.R. 3658](#)

BACKGROUND

The State Department currently possesses authority to hire a limited number of retired foreign service officers who are already trained and experienced, in order to help rectify backlogs in the issuance of passports for American citizens and the issuance of U.S. visas, and to help staff positions in the U.S. diplomatic posts in Iraq and Afghanistan that have proven exceptionally hard to fill due to the various strains on State's personnel structure.

Current law covering the State Departments ability to pay certain expenses of special agents assigned to protective details does not explicitly state whether the Department may cover an agent's subsistence expenses, such as for a hotel room.

According to the RFA website, the purpose of the RFA is to provide a news source to Asian countries whose government policies prohibit access to free press. It is broadcast in nine languages across China, Tibet, North Korea, Vietnam, Laos, and Burma. RFA is a privately owned non-profit corporation founded in 1996 under provisions contained in the 1994 International Broadcasting Act (P.L. 103-236). Currently, many RFA contracts operate on two year terms and H.R. 6456 accommodates these terms.

COST

The Congressional Budget Office did not have a cost estimate available for H.R. 6456 as of July 29, 2008.

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.



H.CON.RES. 361 – COMMEMORATING IRENA SENDLER, A WOMAN WHOSE BRAVERY SAVED THE LIVES OF THOUSANDS DURING THE HOLOCAUST AND REMEMBERING HER LEGACY OF COURAGE, SELFLESSNESS, AND HOPE

FLOOR SITUATION

H.Con.Res. 361 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Janice Schakowsky (D-IL) on May 22, 2008. The resolution was referred to the Committee on Foreign Affairs, but was not considered.

H.Con.Res. 361 is expected to be considered on the floor of the House on July 29, 2008.

SUMMARY

H.Con.Res. 361 resolves that Congress:

- Mourns the loss of Irena Sendler, a woman whose bravery and heroic efforts saved over 2,500 Jewish children during the Holocaust;
- Pays its respect and extends its condolences to the Sendler family;
- Honors her legacy of courage, selflessness, and hope; and
- Remembers the life of Irena Sendler for her heroic efforts to save over 2,500 Jewish children during the Holocaust, and for her unwavering dedication to justice and human rights.

BACKGROUND

Irena Sendler was born in 1910 and grew up in Otwock, Poland. She was in charge of the Children's Division of Zegota, an underground Polish group that assisted Jewish people during World War II. During her time with Zegota, she helped rescue 2,500 Jewish children in Poland.

Arrested by the Germans on October 20, 1943, Irena was placed in Piawiak prison where she was interrogated and sentenced to death. However, the Zegota arranged for her escape and she lived and conducted her work for Zegota in hiding for the remainder of the war.

Because of her courageous work during WWII, she was honored as Righteous Among the Nations in 1965 by Yad Vashem, Israel's Holocaust Martyrs' and Heroes' Remembrance Authority, but she was unable to visit Israel to receive the honor until 1983. In 2003, she was awarded the Order of the White Eagle, which is Poland's highest honor.

Irena Sendler passed away on May 12, 2007, at the age of 98.

STAFF CONTACT

For questions or further information contact Brianne Miller at (202) 226-2302.



H.Res. 1266 – Congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance

FLOOR SITUATION

H.Res. 1266 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Elton Gallegly (R-CA) on June 11, 2008. The resolution was referred to the House Committee on Foreign Affairs, but was never considered.

H.Res. 1266 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1266 resolves that the House of Representatives:

- Congratulates Albania and Croatia on being invited by the North Atlantic Treaty Organization (NATO) to begin accession talks and recognizes the historic nature of that achievement, earned through years of hard work and a demonstrated commitment to common security and the shared values of NATO members;
- Expresses strong support for the timely completion of the accession process with Albania and Croatia;
- Fully supports the invitations to initiate an Intensified Dialogue between NATO and Bosnia and Herzegovina, Montenegro, and Serbia;
- Supports the enlargement of NATO and believes that continued engagement with all countries that aspire to join NATO will strengthen security for all countries in the Euro-Atlantic region;
- Supports the declaration of NATO at the Bucharest Summit, which states that NATO's door should remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with article 10 of the North Atlantic Treaty, signed at Washington April 4, 1949 (TIAS 1964); and
- Affirms the statement in that declaration that any decision with respect to the membership of countries in NATO will be made through consensus, by members of NATO, and no country outside of NATO has a vote or veto with respect to such decisions.

BACKGROUND

At its April 2008 meeting, the North Atlantic Treaty Organization (NATO) invited Albania and Croatia to begin talks to join the alliance immediately. On July 9, 2008, these two Balkan states signed Accession Protocols with NATO. The signing of protocols is a key step toward formal NATO membership for Albania and Croatia. The 26 NATO member states must now ratify the protocols according to their national requirements and procedures.

NATO is a military alliance established by the signing of the North Atlantic Treaty in 1949. Headquartered in Brussels, Belgium, NATO constitutes a system of collective defense whereby its member states agree to mutual defense in response to an attack by any external force. NATO has engaged in military operations in Kosovo, Bosnia, and Afghanistan. The United States is a founding member state of NATO.

Albania is a parliamentary democracy which is currently transforming its economy to a market-based system. Albania, a country of 3.6 million, is located in the Balkans and borders Greece, Macedonia, and Montenegro. Croatia, also located in the Balkans, is a former Yugoslav state. Croatia is now a democratic republic with a population of 4.5 million.



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H.Res. 1279 – Recognizing the Special Olympics' 40th anniversary

FLOOR SITUATION

H.Res. 1279 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Lee Terry (R-NE) on June 17, 2008. The resolution was referred to the Committee on Foreign Affairs, but was never considered.

H.Res. 1279 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1279 resolves that the House of Representatives congratulates the Special Olympics on its 40th anniversary for the contributions and opportunities it provides to all its participants.

BACKGROUND

The first Special Olympics Summer Games were held in Chicago in 1968. The Special Olympics are held every four years. The Special Olympics involves 2.5 million people with intellectual disabilities in more than 180 countries. The events are open to all intellectually disabled individuals over the age of 8, regardless of degree of disability. Over 700,000 volunteers and 500,000 coaches worldwide contribute to the games.

In July 2010, Lincoln and Omaha, Nebraska will host the Special Olympics. The symbol of the Special Olympics is the Flame of Hope, which is lit in a ceremony in Athens, Greece. At Special Olympics award ceremonies, medals are presented for not only first, second, and third place, but also fourth to last place contestants receive ribbons.

STAFF CONTACT

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H.Res. 1370 – Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur citizens, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness

FLOOR SITUATION

H.Res. 1370 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Howard Berman (D-CA) on July 23, 2008. The House Committee on Foreign Affairs ordered the resolution to be reported, as amended, by voice vote on July 24, 2008.

H.Res. 1370 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1370 resolves that the House of Representatives:

- Calls on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness;
- Calls on the Government of the People's Republic of China to immediately release all those imprisoned or detained for nonviolently exercising their political and religious rights and their right to free expression, such as Hu Jia, who have been imprisoned, detained, or harassed for seeking to hold China accountable to commitments to improve human rights conditions announced when bidding to host the Olympic Games, embodied in China's own laws and regulations, and in international agreements;
- Calls on the Government of the People's Republic of China to honor its commitment to freedom of the press for foreign reporters in China before and during the Olympic Games, to make those commitments permanent, and publicly to guarantee an immediate end to the detention, harassment, and intimidation of both foreign and domestic reporters;
- Calls on the Government of the People's Republic of China to permit visitors to China, including through the issuance of visas, for the period surrounding the Olympics, regardless of religious background, belief, or political opinion;
- Calls on the Government of the People's Republic of China to guarantee freedom of movement within China during the period surrounding the Olympics for all visitors, participants, and journalists visiting China for the Olympics, and such freedom of movement should include the freedom to visit Tibet, Xinjiang, China's border regions, and all other areas of China without restriction and without special permits or advance notice;
- Calls on the Government of the People's Republic of China to guarantee access to information by Chinese citizens and foreign visitors, including full access to domestic and overseas broadcasts, print media, and websites that in the past may have been excluded, censored, jammed, or blocked;
- Calls on the Government of the People's Republic of China to permit political dissidents, protesters, petitioners, religious activists, minorities, the disabled, the homeless, and others to maintain their homes, usual locations, jobs, freedom of movement, and freedom to engage in peaceful activities during the period surrounding the Olympics;
- Calls on the Government of the People's Republic of China to end the exploitative and dangerous conditions faced by Chinese workers in many state enterprises and other commercial entities;



- Calls on the Government of the People's Republic of China to begin earnest negotiations, without preconditions, directly with His Holiness the Dalai Lama or his representatives, on the future of Tibet to provide for a mutually agreeable solution that addresses the legitimate grievances of, and provides genuine autonomy for, the Tibetan people;
- Calls on the Government of the People's Republic of China to end its political, economic, and military support for the Government of Sudan until the violent attacks in Darfur have ceased and the Sudanese Government has allowed for the full deployment of the United Nations-African Union Mission peacekeeping force in Darfur;
- Calls on the Government of the People's Republic of China to end its political, economic, and military support for the Government of Burma until democracy is restored in Burma, human rights abuses have ceased, and Aung San Suu Kyi and other political prisoners of conscience are released;
- Calls on the President to make a strong public statement on China's human rights situation prior to his departure to Beijing for the Olympic Games, to make a similar statement in Beijing and meet with the families of jailed prisoners of conscience, and to seek to visit Tibet and Xinjiang while in China to attend the Olympic Games;
- Calls on the Government of the People's Republic of China to abandon its coercive population control policy which includes forced abortion and involuntary sterilization; and
- Calls on the Government of the People's Republic of China to review the political prisoner list published by the Congressional-Executive Commission on China with a view to releasing ill and aged prisoners on humanitarian grounds, and to releasing those imprisoned in violation of Chinese law or international human rights law.

BACKGROUND

The Summer Olympics will be held in Beijing, China from August 8 to August 24, 2008. Approximately 10,500 athletes are expected to compete in 302 events in 28 sports at this international event. The Olympic Games were awarded to Beijing after a ballot of the International Olympic Committee (IOC) in 2001.

China has a history of human rights violations, including limiting freedoms of speech, press, religion, movement, assembly, and political dissent. Particularly, China has committed well-documented human rights abuses in the region of Tibet. The Chinese government also systematically represses and harasses HIV/AIDS activists. On June 26, 2008, the Congressional-Executive Commission on China published a list of 734 political prisoners detained in China for exercising rights guaranteed under Chinese law and Constitution.

China had pledged that it would allow open media access during the Olympic games, but the nongovernmental organization Human Rights Watch alleges that it has failed to do so. There is concern that Chinese citizens and foreign visitors will not have free access to information if China continues to block and filter Internet access. China has also been struggling with air pollution in the city of Beijing and surrounding areas, which the Beijing Organizing Committee is attempting to clean-up before the games begin.

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.



H.Res. 1351 – Expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID

FLOOR SITUATION

H.Res. 1351 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Steve Chabot (R-OH) on July 16, 2008. The Committee on Foreign Affairs ordered the resolution to be reported, as amended, by voice vote on July 24, 2008.

H.Res. 1351 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1351 resolves that the House of Representatives:

- Strongly condemns the attack on the United Nations-African Union Mission in Darfur (UNAMID) peacekeepers and expresses its condolences to the people of Rwanda, Ghana, and Uganda, and to the family and friends of those killed and wounded;
- Calls for those responsible to be brought to justice;
- Expresses its commitment to the Darfuri people;
- Expresses support for UNAMID and the UNAMID peacekeepers;
- Calls upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID;
- Urges nations that possess the capability to provide the tactical and utility helicopters needed for the United Nations - African Union peacekeeping mission to do so as soon as possible;
- Urges the President to continue to personally intervene by contacting other heads of state and asking them to contribute the aircraft and crews for the Darfur mission;
- Urges the Department of State to organize a special meeting of the United Nations Security Council, the Friends of UNAMID working group, and the United Nations Department of Peacekeeping Operations to resolve outstanding force resource and equipment issues;
- Calls upon Member States of the United Nations and all responsible nations to contribute the resources necessary to ensure the success of UNAMID; and
- Calls upon the parties to the conflict in Darfur to immediately commit to and respect binding cessations of hostilities agreement and seize upon the opportunity that has been afforded by the deployment of UNAMID to find a political solution to the crisis in Darfur.

BACKGROUND

In July 2007, the United Nations Security Council approved the deployment of 26,000 peacekeeping troops to the Darfur region of Sudan. The ensuing United Nations African Mission in Darfur (UNAMID) has repeatedly been undermined by the Sudanese government and rebel groups. Most recently, on July 8, 2008, seven UNAMID peacekeepers were killed while carrying out their mission.

Darfur is a region in western Sudan which has been in a state of humanitarian emergency since 2003. This emergency is the result of ethnic and tribal conflict between Sudanese military and the Janjaweed, a militia group, and a variety of rebel factions. The United Nations estimates that the conflict has left as many as 400,000 dead from violence and disease.

On April 18, 2007, President George W. Bush declared at the United States Holocaust Museum that the United States has a moral obligation to help end the genocide in Darfur.



LEGISLATIVE DIGEST

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H.Res. 1008 – Condemning the persecution of Baha'is in Iran

FLOOR SITUATION

H.Res. 1008 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Mark Kirk (R-IL) on February 28, 2008. The resolution was referred to the Committee on Foreign Affairs, but was never considered.

H.Res. 1008 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1008 resolves that the House of Representatives:

- Condemns the Government of Iran for its state-sponsored persecution of Baha'is, calls on the Government of Iran to immediately cease activities aimed at the repression of the Iranian Baha'i community, and continues to hold the Government of Iran responsible for upholding all the rights of its nationals, including members of the Baha'i community;
- Condemns the Government of Iran's continued imprisonment of individuals without due process and a fair trial;
- Calls on the Government of Iran to immediately release 3 Baha'is: Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi; and
- Calls on the Government of Iran and the Iranian Parliament to reject a draft Islamic penal code, which violates Iran's commitments under the International Covenants on Human Rights.

BACKGROUND

Although Iran is a signatory of the International Covenant on Human Rights, the Iranian government has a well-established history of persecuting the Baha'i community in the country. Recent examples of such persecution include the July 2007 destruction of a Baha'i cemetery, the 2007 expulsion of two-thirds of the Baha'i students in Iranian universities, and the arrest and detainment of 54 Baha'is in Shiraz in May 2006.

Baha'is are followers of the Baha'i faith, a religion founded in nineteenth-century Persia. The religion emphasizes the spiritual oneness of humanity and the underlying unity of the major world religions. There are approximately 5 to 6 million Baha'is worldwide. Baha'is are persecuted in many Islamic countries, especially Iran, where over 200 believers have been executed between 1978 and 1998.

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.



H.R. 6604 – COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

FLOOR SITUATION

H.R. 6604 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Collin Peterson (D-MN) on July 24, 2008. The House Committee on Agriculture approved the bill, by voice vote, on July 24, 2008.

H.R. 6604 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

Speculative Limits and Transparency

H.R. 6604 prohibits the Commodity Futures Trade Commission (CFTC) from allowing a foreign board of trade to provide its members or participants located in the U.S. with access to the electronic trading and order matching system for energy and agricultural commodities, unless the board of the foreign board sets transparency requirements similar to those on U.S. exchanges.

Such requirements include providing the CFTC with information necessary to publish reports on aggregate trader positions in foreign commodities markets and notifying the CFTC of any change regarding the position limits that the foreign board of trade or foreign futures authority will adopt and enforce. These requirements will not take effect until 180 days after enactment.

Persons registered with the CFTC, or those exempt from registration by the CFTC, may not be held liable for violations of the provisions in H.R. 6604 if the person reasonably believes that the commodity transaction they are involved with is being made subject to the rules of a legally organized foreign board of trade and not determined by the CFTC to be in violation of the provisions of the CFTC.

Publication and Disaggregation of Index Funds in Energy and Agricultural Markets

The legislation requires the CFTC to publish weekly the number and total value of index and futures commodity transactions in energy and agricultural markets. Also to be published is information on speculative positions in futures markets.

Detailed Reporting From Index Traders and Swap Transactions

The bill requires that the CFTC place record keeping and reporting requirements on index traders and swap transaction dealers. Records and reports are to detail information related to their dealings in futures contracts markets, with foreign boards of trade, and electronic trading facilities. The CFTC is to issue proposed requirements within 60 days of enactment, and a final set of requirements within 120 days of enactment.

Trading Limits Preventing Excessive Speculation

The Commission is to establish limits on the positions that may be held by a single person with respect to the future sale of agriculture and energy commodities contracts traded on the open market, either through contract market, a derivatives transaction facility, or an electronic trading facility.

Within 150 days of enactment, the CFTC is to assemble and convene a 'Position Limit Agricultural Advisory Group' and a 'Position Limit Energy Group.' These groups are to consist of members from commercial short hedgers, commercial long-hedgers, non-commercial participants in futures and designated contract markets.



These groups are to submit advisory recommendations regarding position limits, and whether the limits should be administered by the CFTC or by the registered entity on which the commodity is listed. These advisory groups should report within 60 days of convening and annually thereafter.

CFTC Administration

As soon as possible after enactment, the CFTC is to appoint at least 100 full time employees (in addition to those already employed by the CFTC) whose purpose will be to increase public transparency of agriculture and energy futures markets and to help carry out the requirements implemented by H.R. 6604.

Review of Prior Actions

The bill requires the Commodity Futures Trading Commission to review, as appropriate, all actions taken by or on behalf of the Commission and any action taken pursuant to the Commodity Exchange Act by an exchange or other registered entity to ensure that such prior actions are in compliance with the provisions of this legislation.

Review of Over the Counter Markets

The bill requires the Commission to conduct a study to determine the effects of establishing position limits and the effects of establishing aggregate position limits for on-exchange and OTC transactions in physical-based commodities. It requires the Commission to hold at least two public hearings as a part of the fact gathering process in preparation for the report that they must submit to Congress within twelve months of the enactment of the bill.

Studies and Reports

The bill requires the Comptroller General to conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives and report their results and recommendations within one year of enactment. In addition, the Comptroller General is required to study the effect of speculators on agriculture and energy futures markets and agriculture and energy prices to Congress within two years of the date of enactment.

Over-the-Counter Authority

H.R. 6604 directs the Commission to require routine reporting of over-the-counter transactions in the agricultural or energy commodities that are fungible, or interchangeable, with contracts traded on Designated Contract Markets (DCMs), Exempt Commercial Markets (ECMs), and Significant Price Discovery Contracts (SPDCs). The Commission is required to assess every reported transaction and issue a finding on whether the transaction has the potential to disrupt liquidity or price discovery on a registered entity, cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity, or prevent or impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand. If the commission makes a finding that the transaction causes the aforementioned impacts, then the commission may establish positions on these transactions.

**Note: Over-the-Counter means the trading of commodities, contracts, or other instruments not listed on any exchange. OTC transactions can occur electronically or over the telephone.*

BACKGROUND

With the price of gas at \$3.93 per gallon as of July 30, 2008, the rise in the price of gasoline has caused debate over proposed energy policies. Contributing to the high price of gas are factors such as political instability and violence in oil producing regions as well as simple supply and demand, with increasing global demand for oil (most notably in developing countries such as China and India) and limited U.S. refining capabilities.



Oil is one of many commodities that is bought and sold through future contracts for its delivery and sale. Speculators purchase these contracts based on how they expect the market will perform in the future. Whether speculators made a profit on the settlement or sale of these contracts depends on the price of oil at the time it matures. Some critics argue that the increased number of investors in the oil commodities market is causing the price of oil to rise.

The Commodity Futures Trading Commission (CFTC) was created by Congress in 1974 as an agency to regulate commodity futures markets in the U.S. Today, the CFTC assures the economic efficacy of futures commodity markets by protecting market participants against fraudulent and abusive trading practices, and encouraging competitiveness and efficiency among investors. Oil futures are exchanged on the New York Mercantile Exchange (NYMEX), which is regulated by the CFTC along with all other U.S. commodities exchanges. Oil commodities are also traded on other international exchange markets such as those in London and Dubai.

On June 10, 2008, the CFTC announced that they will create an Interagency Task Force to study recent developments in futures commodity markets and the high price of tradable commodities, such as oil. Specifically, the commission will examine practices such as investor practices, supply and demand factors, as well as the effects that speculators have in commodity markets. The CFTC released a report on July 22, 2008, assessing fundamental market factors affecting the crude oil market. The report concludes that it was fundamental supply and demand offer the best explanation for the recent increases in crude oil prices.

On June 26, 2008, the House passed H.R. 6377 - Energy Markets Emergency Act of 2008, by a vote of 402-19 ([Roll no. 468](#)). H.R. 6377 directs the CFTC to immediately curb the role of excessive speculation in any contract market within its jurisdiction and control, or through which energy futures or swaps are traded.

Additionally, the legislation directs the CFTC to eliminate excessive speculation, price distortion, sudden or unreasonable fluctuations or unwarranted changes in prices, as well as any other unlawful activity that causes market disturbances which prevent the market from accurately reflecting the forces of supply and demand for energy commodities.

[CFTC – Glossary of Terms](#)

ADDITIONAL VIEWS

According to a July 30, 2008, Statement of Administration Policy addressing H.R. 6604, "The Administration is concerned about the current high price of oil and its effect on consumers and the economy. On the basis of these concerns, the President recently lifted an executive prohibition on drilling for oil and natural gas on the Outer Continental Shelf, and urged Congress to remove similar legislative barriers in order to increase domestic production of oil and gas. The President has also repeatedly urged congressional action to: (1) remove the prohibition on completing commercial oil shale leasing regulations to allow access to this promising resource; (2) allow exploration in the Arctic National Wildlife Refuge; and (3) streamline the permitting process for expansions and reconfigurations of refineries.

The Administration is strongly opposed to H.R. 6604, which offers poorly targeted short-term measures that do nothing to address the fundamentals of supply and demand that bear the primary responsibility for current high energy prices. The bill will hurt the competitiveness of American futures markets and place significant, unnecessary burdens on CFTC staff. The new and sometimes redundant authorities and studies in the bill will consume significant CFTC resources and will divert the agency from its core mission of promoting fair and efficient futures markets. If the bill were presented to the President in its current form, his senior advisors would recommend that he veto it."



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[Full Statement of Administration Policy for H.R. 6604](#)

COST

The Congressional Budget Office did not have a cost estimate available for H.R. 6604 as of July 30, 2008.

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.



S. 3352 – A bill to temporarily extend the programs under the Higher Education Act of 1965

FLOOR SITUATION

S. 3352 is expected to be considered on the floor under suspension of the rules and will require a two-thirds vote for passage. This legislation was introduced by Senator Edward Kennedy (D-MA) on July 28, 2008. The Senate passed the bill by unanimous consent the same day.

S. 3352 is expected to be considered on the floor on July 30, 2008.

SUMMARY

S. 3352 extends the Higher Education Extension Act of 2005 (P.L. 109-81) through August 15, 2008.

**Note: This is the eighth extension of the Higher Education Act this Congress.*

BACKGROUND

The Higher Education Act of 1965 was part of President Lyndon Johnson's Great Society domestic agenda. The goal of this Act was "to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in postsecondary and higher education."

The Higher Education Act authorizes the federal government's student aid programs to support postsecondary education attendance. It also authorizes other major programs such as those providing assistance to special groups of Institutions of Higher Education and support services to enable disadvantaged students to complete secondary school and enter and complete college. The Higher Education Act of 1965 was reauthorized in 1968, 1972, 1976, 1980, 1986, 1992, and 1998.

On June 28, 2007, the House passed the First Higher Education Extension Act of 2007 by voice vote. The bill extended the Higher Education Act through July 31, 2007. The President signed this into law on July 3, 2007 (P.L. 110-44).

The House passed the Second Higher Education Extension Act of 2007 on July 25, 2007. The bill extended the Higher Education Act through October 31, 2007. The President signed this into law on July 31, 2007 (P.L. 110-51). The House and Senate passed a third short-term extension of the Higher Education Act in October 2007, which the President signed into law (P.L. 110-109) on October 31, 2007.

An additional extension was signed into law (P.L. 110-198) on March 24, 2008, and expired on April 30, 2008. The fifth short term extension (P.L. 110-230) was signed into law by the President on May 14, 2008. The sixth extension was signed into law on May 30, 2008, and extended the program through June 30, 2008 (P.L. 110-238). The most recent legislation (P.L. 110- 256) extended the program through July 31, 2008.

On July 29, 2008, the Senate passed the College Opportunity and Affordability Act of 2008 (H.R. 4137) as amended and requested a conference with the House.

**Note: The House and Senate have been holding informal negotiations on their respective Higher Education Reauthorization bills (H.R. 4137 and S. 1642) since February 2008. ([Legislative Digest for H.R. 4137](#))*

STAFF CONTACT

For questions or further information contact Brianne Miller at (202) 226-2302.



H.CON.RES. 296 – EXPRESSING SUPPORT FOR THE DESIGNATION OF AUGUST 2008 AS "NATIONAL HEAT STROKE AWARENESS MONTH" TO RAISE AWARENESS AND ENCOURAGE PREVENTION OF HEAT STROKE

FLOOR SITUATION

H.Con.Res. 296 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative John Boozman (R-AR) on February 13, 2008. The resolution was referred to the House Committee on Energy and Commerce, but was never considered.

H.Con.Res. 296 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Con.Res. 296 resolves that it is the sense of Congress that:

- National Heat Stroke Awareness Month provides an opportunity to educate the people of the United States about heat stroke;
- All Americans should applaud the Kendrick Fincher Memorial Foundation for its efforts in promoting awareness about heat stroke; and
- Policymakers, parents, coaches, student athletes, not-for-profit organizations, and other members of the community should work to increase awareness and prevention of heat stroke.

Additionally, Congress urges national and community organizations, businesses in the private sector, and the media, through National Heat Stroke Awareness Month to promote the awareness of heat stroke.

BACKGROUND

According to the Mayo Clinic, heat stroke is the most severe of heat related health problems. Heat stroke causes the normal temperature controls of the body, such as sweating, to shut down. These functional shut downs can lead to a range of health impacts, varying from confusion to coma.

Heat stroke is often the result of exercise and heavy work in hot environments combined with inadequate fluid intake. Possible symptoms of heat stroke include rapid heartbeat, cessation of sweating, headache, and confusion. Those most at risk for heat stroke are young children, older people, those suffering from obesity, and those who have an inability to produce sweat.

[Mayo Clinic – Heat Stroke](#)

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.



H.RES. 896 – RECOGNIZING THE NEED TO PURSUE RESEARCH INTO THE CAUSES, A TREATMENT, AND AN EVENTUAL CURE FOR PRIMARY LATERAL SCLEROSIS, SUPPORTING THE GOALS AND IDEALS OF THE HARDY BROWN PRIMARY LATERAL SCLEROSIS AWARENESS MONTH, AND FOR OTHER PURPOSES

FLOOR SITUATION

H.Res. 896 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Joe Baca (D-CA) on December 19, 2008. The resolution was referred to the House Committee on Energy and Commerce, but was never considered.

H.Res. 896 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 896 resolves that the House of Representatives:

- Recognizes the need to pursue research into the causes, treatment, and an eventual cure for primary lateral sclerosis;
- Commends those hospitals, community clinics, educational institutes, and other organizations that are--
 - Working to increase awareness of primary lateral sclerosis; and
 - Conducting research for methods to help patients suffering from primary lateral sclerosis;
- Congratulates the work of the Spastic Paraplegia Foundation for its great efforts to educate, support, and provide hope for individuals who suffer from primary lateral sclerosis, while funding research to help find a cure for this disorder;
- Supports the designation of an appropriate time to recognize ‘Hardy Brown Primary Lateral Sclerosis Awareness Month’; and
- Calls upon the people of the United States to observe the month with appropriate programs and activities.

BACKGROUND

According to the National Institutes of Health (NIH), primary lateral sclerosis (PLS) is a rare neuromuscular disease characterized by progressive muscle weakness in the voluntary muscles. The onset of PLS usually occurs after the age of 50, and symptoms usually include difficulty with balance, weakness and stiffness in the legs, and clumsiness. There is presently no cure for PLS.

Hardy Brown is the co-publisher of ‘Black Voice News,’ which is a weekly paper distributed in California. Mr. Brown has worked to promote awareness for amyotrophic lateral sclerosis (ALS) or Lou Gehrig’s disease, which is commonly mistaken for PLS. In PLS, there is no evidence of the degeneration of spinal motor neurons or muscle wasting that occurs in ALS. [NIH - Primary lateral sclerosis](#)

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.



H.R. 6432 – Animal Drug User Fee Amendments of 2008

FLOOR SITUATION

H.R. 6432 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Frank Pallone (D-NJ) on July 8, 2008. The bill was ordered reported as amended from the Committee on Energy and Commerce, by voice vote, on July 16, 2008.

H.R. 6432 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

Animal Drug User Fee Amendments (ADUFA): The bill reauthorizes the FDA's ability to assess and use animal drug fees. The total fee revenues for application, supplement, and product fees for fiscal years 2009 through 2013 are specified in the bill. The bill authorizes \$15.2 million for 2009, \$17.3 million for 2010, \$19.4 million for 2011, \$21.7 million for 2012, and \$24.2 million for 2013. H.R. 6432 stipulates that if the amount of fees collected from 2009 to 2011 exceeds the appropriated amount, the excess funds will be credited to the FDA appropriation account and will be subtracted from the fees that would be authorized for collection in 2013.

According to H.R. 6432, the Secretary must report annually to Congress on the FDA's progress toward achieving the goals of this Act. The Secretary must also report on the implementation of the fee authority, and the fees collected during each fiscal year. The Secretary must publish these reports on the FDA website. This bill establishes a number of criteria the Secretary must fulfill before developing recommendations to present to Congress regarding the review of animal drug applications. These requirements include consultation with veterinarians, Congress, and industry representatives.

Each sponsor of a new animal drug that contains an antimicrobial active ingredient must report to the Secretary annually on the amount of each antimicrobial active ingredient that is sold or distributed for use in food-producing animals. The Secretary must make summaries of these reports publicly available, while ensuring protection of national security and confidential business information.

The authorizations described above take effect October 1, 2008. This authorization will sunset on October 1, 2013. The reporting requirements in this bill will sunset January 31, 2014.

Animal Generic Drug User Fee (AGDUFA): The bill gives the Secretary new authority to assess and use fees for generic new animal drugs. The total fee revenues for application, sponsor, and product fees for fiscal year 2009 through 2013 are specified in the bill. H.R. 6432 authorizes \$4.831 million for 2009, \$5.106 billion for fiscal year 2010, \$5.397 million for fiscal year 2011, \$5.706 million for fiscal year 2012, and \$6.031 million for fiscal year 2013. H.R. 6432 stipulates that if the amount of fees collected from 2009 to 2011 exceeds the appropriated amount, the excess funds will be credited to the FDA appropriation account and will be subtracted from the fees that would be authorized for collection in 2013.

The bill requires the FDA to provide Congress with annual reports on the performance and progress of expediting the generic new animal drug development process and annual reports on the amount of fees collected and used by the FDA. In addition, the FDA is required to consult with Congress, scientific and academic experts, veterinary professionals, advocacy groups and the regulated industry prior to making a recommendation for the reauthorization of the bill in 2013.

The authorizations described above take effect October 1, 2008. This authorization will sunset on October 1, 2013. The reporting requirements in this bill will sunset January 31, 2014.



BACKGROUND

The Animal Drug User Fee Act of 2003 (ADUFA I, P.L. 108-130) provided the Food and Drug Administration with the authority to collect user fees from the animal drug industry for the review of drug applications, similar to the user fee programs used for human drugs and medical devices. According to the FDA, the supplemental funds provided by ADUFA user fees have enabled the review times for new animal drug applications to decrease from 295 days to 180 days because they have been able to hire additional staff, provide educational and training opportunities to animal drug reviewers, developed guidance, policy, and procedural documents, and implemented improvements to their business process. Authorization for ADUFA expires on October 1, 2008.

Generic animal drugs are currently funded through Congressional appropriations. According to the FDA, there was a backlog of 446 submissions for generic animal drugs and the review time for these drugs averaged 570 days (by law FDA is supposed to review these applications within 180 days).

**Note: ADUFA and AGDUFA were initially stand alone bills (H.R. 6432 and H.R. 6433, respectively), but have been integrated.*

COST

According to the Congressional Budget Office, "CBO estimates that implementing H.R. 6432 would reduce discretionary outlays, on net, by \$6 million over the 2009-2013 period, assuming the necessary authorities are provided in appropriation acts. The bill would not affect direct spending or revenues." ([CBO Cost Estimate](#))

According to the Congressional Budget Office cost estimate for H.R. 6433 (AGDUFA), "CBO estimates that implementing H.R. 6433 would reduce discretionary outlays, on net, by \$1 million over the 2009-2013 period, assuming the necessary authorities are provided in appropriation acts. Enacting the bill would not affect direct spending or revenues." ([CBO Cost Estimate](#))

STAFF CONTACT

For questions or further information contact Brianne Miller at 6-2302.



H.R. 2851 – Michelle’s Law

FLOOR SITUATION

H.R. 2851 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Paul Hodes (D-NH) on June 25, 2007. The Committee on Energy and Commerce ordered the bill to be reported, as amended, on July 16, 2008, by voice vote.

H.R. 2851 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.R. 2851 requires that health plans continue to provide coverage for college students covered as dependents on their parents’ medical plan who take a medically necessary leave of absence from school for up to one year. A physician must certify that the dependent has a medical condition that requires a leave of absence. There may be no change in benefits for a dependent due to a medical leave of absence from school.

This Act will take effect for plan years beginning one year after the date of enactment.

BACKGROUND

Although not universal, health plans typically extend coverage to dependents of family policyholders as long as the dependent is younger than a certain age and/or enrolled at a post-secondary institution. Dependents that are covered by such a group health plan on the basis of their enrollment as a student may lose eligibility if they take a leave of absence for any reason.

Currently, many states already require employer-sponsored plans to cover dependents for other reasons. Thus, only a small proportion of students enrolled in post-secondary educational institutions would be affected by this new legislation. The bill does not mandate health plans to cover dependents, but simply protects those dependent students who have coverage from losing it if they fall seriously ill.

The most common causes for medical leave from post-secondary schools are mental disorders, major illnesses such as cancer, drug and alcohol-related problems, and serious trauma.

This bill is named after Michelle Morse, a student at Plymouth State University in New Hampshire, that was diagnosed with colon cancer. Knowing the toll chemotherapy treatments would take, her doctors recommended that she cut back her college course load. However, if she cut back her course load, she would either lose her insurance or would have to pay C.O.B.R.A. The premiums for C.O.B.R.A. were more than her family could afford. C.O.B.R.A. insurance provided for by the Consolidated Omnibus Budget Reconciliation Act (COBRA). This law provides continuation of group health coverage that otherwise would be terminated.

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 2851 “would have no significant impact on the budget”. [Full CBO Cost Estimate](#)

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.



H.R. 4040 - CPSC Reform Act – Conference Report

EXECUTIVE SUMMARY

The H.R. 4040 conference report reauthorizes and reforms the Consumer Product Safety Commission. This legislation also includes a number of provisions which increase safety standards on children's products and paint.

The Consumer Product Safety Commission (CPSC) is a Federal agency created in 1972 through the Consumer Product Safety Act to protect against unreasonable risks of injuries associated with consumer products. The CPSC has the authority to regulate the sale and manufacture of more than 15,000 different consumer products, including children's products and toys.

The bill passed the House on December 19, 2007, by a vote of 407-0. The Senate passed its version of the bill on March 6, 2008, by a vote of 79-13. Major differences between the House and Senate versions of the bill were worked out recently during a House-Senate conference.

According to Ranking Member Joe Barton (R-TX), "One of the roles of government is to get between kids and the sorts of hazards that are well beyond parents who aren't engineers and chemists with laboratories at their disposal. This reauthorization gives the CPSC more teeth and a deeper bite...This bill also makes toy safety a national concern instead of relying on the growing conglomeration of local and state rules that threatened to leave everybody confused."

The H.R. 4040 conference report is expected to be considered on the floor under suspension of the rules on July 30, 2008.

FLOOR SITUATION

The conference report to accompany H.R. 4040 – CPSC Reform Act is being considered on the floor under suspension of the rules. This legislation was introduced by Representative Bobby Rush (D-IL) on November 1, 2007. The bill passed the House on December 19, 2007, by a vote of 407-0. The Senate passed its version of the bill on March 6, 2008, by a vote of 79-13. On July 17, 2008, House and Senate conferees held a conference on H.R. 4040. The Conference Report was filed on July 29, 2008.

The bill is expected to be considered on the floor under suspension of the rules on July 30, 2008.

SUMMARY

Title I – Children's Product Safety

Lead in Children's Products: The conference report establishes specific limits on lead content in children's products. Any children's product that contains more lead than these limits allow will be treated as a banned hazardous substance, under the Federal Hazardous Substances Act. The Commission will periodically review and revise downwards the lead content limits, at least every five years. Certain products may be excluded from the lead content standards, at the determination of the Commission.

This conference report additionally establishes a more stringent lead paint ban than currently permitted under Federal standards. The acceptable level of lead content in paint is reduced from .06 percent to .009 percent.



Third Party Testing: The conference report language requires third party testing of certain children's products. Certain requirements for the accreditation of the third party testers are set forth in the report. The conference report also authorizes the Commission to inspect manufacturers' proprietary laboratories.

Children's Products Tracking Labels: Within one year, manufacturers of children's products must place marks on packaging to identify the location and date of the product's production.

Nursery Products Standards: The Commission will examine and assess the effectiveness of voluntary consumer product safety standards for infant and toddler products, and promulgate standards at least as stringent as the voluntary standards. The Commission must promulgate rules within one year of this assessment, and periodically review the standards to ensure high levels of safety. The Commission must also require infant and toddler product manufacturers to provide consumers with a registration form, and maintain a record of their contact information. Finally, the Commission must review recall notification technology and assess the effectiveness of this technology in facilitating recalls of infant and toddler products.

Labeling Requirement for Toys and Games: The conference report requires any toy or game advertisement that provides a direct means for purchase of the product to include a cautionary statement, if such a statement is required for that toy or game. The cautionary statement must be prominently displayed in the advertisement language, in conspicuous and legible type.

Mandatory Toy Safety Standards: The conference report language makes the American Society for Testing and Materials (ASTM) International standard the interim consumer product safety standard, pending an evaluation by the Commission. The Commission would then be required to establish mandatory standards by rule, after the relevant components of the standard are evaluated. This rule must be promulgated within one year of the completion of the Commission's assessment.

This Conference Report requires the Commission to periodically review its rules to ensure the highest level of safety for toys. States or other political subdivisions may promulgate their own standards, if the Commission finds they provide a higher degree of protection from injury and do not unduly burden interstate commerce.

Study: Within 90 days, the Comptroller General must initiate a GAO study to assess the risks and incidence of preventable injuries and deaths among minority children. The Comptroller General must report to Congress within one year with the study's findings.

Prohibition on Sale of Phthalates: The conference report language would permanently prohibit the sale of children's toys or child care articles that contain more than a set level of three phthalates. Three additional phthalates would be temporarily prohibited in children's products small enough to be put into a child's mouth. The sale of these products containing more than the acceptable levels would be prohibited on an interim basis until a review by a Chronic Hazard Advisory Panel (CHAP). After the Commission receives the report from the CHAP, the Commission would determine whether to continue the interim prohibition, to set alternative acceptable levels, or to repeal the prohibition altogether.

Note: Phthalates are esters that are used as plasticizers (substances added to plastics to increase their flexibility). They are used to turn a hard plastic into a flexible plastic. Such materials may often be found in plastic toys.

Preemption: The conference report also relies on the Federal preemption provisions of the underlying Consumer Product Safety Act and the other Acts the Commission administers. Standards enacted by the Commission, and those enacted directly by statute, preempt State law to ensure efficient and consistent enforcement, and avoid a patchwork of laws that apply different across the country. This preemption applies to lead content, lead paint, and phthalates and many other issues.



Title II – Consumer Safety Product Commission Reform

Reauthorization of the Consumer Product Safety Commission (CPSC): The bill reauthorizes the CPSC at the following funding levels:

- \$118.2 million for FY2010
- \$115.64 million for FY2011
- \$123.994 million for FY2012
- \$131.783 million for FY2013
- \$136.409 million for FY2014

Inspector General Audits and Reports: H.R. 4040 requires the Inspector General of the Commission to conduct reviews and audits to assess the Commission's capital improvement efforts and employee complaints about CPSC inspectors failing to enforce the rules or regulations of the Consumer Product Safety Act.

Industry Sponsored Travel Ban: The bill prohibits members or employees of the Commission from accepting travel, subsistence, or related expenses from a person seeking official action from, doing business with, or conducting activities regulated by the Commission.

Consumer Product Safety Database: The bill requires the Commission to establish and maintain a publicly available and searchable database on the safety of consumer products.

Prohibited Acts: The bill prohibits the sale, importing, or manufacturing of recalled products, and increases the civil penalty to \$100,000 for each violation and up to \$15 million for a related series of violations.

Whistleblower Protections: This legislation contains limited whistleblower protections for employees of retailers, manufacturers, and distributors that are similar to protections afforded by Congress to employees in many other sectors of the economy.

Import Safety Management: The bill requires that one year after the enactment of this act the Commission to develop a plan for sharing information and coordinating with U.S. Customs and Border Protection to identify shipments of consumer products that are in violation of the Consumer Product Safety Act.

All Terrain Vehicles: H.R. 4040 requires the Commission to publish a mandatory consumer product safety standard, the American National Standard for Four Wheel All-Terrain Vehicles Equipment Configuration, and performance requirements for ATVs, as well as bans Three Wheel ATVs.

BACKGROUND

The Consumer Product Safety Commission (CPSC) is a Federal agency created in 1972 through the Consumer Product Safety Act to protect against unreasonable risks of injuries associated with consumer products. The CPSC has the authority to regulate the sale and manufacture of more than 15,000 different consumer products, including children's products and toys. The CPSC develops voluntary and mandatory safety standards, bans dangerous products, issues recalls, and researches potential hazards associated with consumer products.

Recently, there have been several recalls of children's products for high levels of lead content. For nearly two years there have been warnings regarding imported products from China, especially.



LEGISLATIVE DIGEST

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On July 17, 2008, House and Senate conferees held a conference on H.R. 4040. The Conference Report was filed on July 29, 2008.

[Energy and Commerce Ranking Member Joe Barton Statement on Conference Agreement](#)

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for the H.R. 4040 Conference Report, as of July 29, 2008.

STAFF CONTACT

For questions or further information contact Adam Hepburn or Brianne Miller at 6-2302.



H.R. 6633 – EMPLOYEE VERIFICATION AMENDMENT ACT OF 2008

FLOOR SITUATION

H.R. 6633 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Gabrielle Giffords (D-AZ) on July 30, 2008. The bill was referred to the Committee on the Judiciary, but was never considered.

H.R. 6633 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

E-Verify Extension: The bill extends the termination date for the basic pilot employment eligibility confirmation program, known as E-Verify, for an additional five years.

Protection of Social Security Administration Programs: The bill requires the Secretary of Homeland Security and the Commissioner of the Social Security Administration (SSA) to enter an agreement to reimburse the SSA for costs associated with the E-Verify program. This provision also outlines certain processes in the case that an agreement is not reached by October 1 of any fiscal year, including Congressional notification.

GAO Studies: This legislation requires the GAO to study erroneous tentative nonconfirmations by the E-Verify Program, and to report to Congress with findings within two years.

The GAO must also study the effects of E-Verify on small entities (i.e. businesses). The study must include the costs of compliance with E-Verify and factors impacting small entities' enrollment in the program, among other factors. GAO must report to Congress within two years with its findings.

BACKGROUND

The E-Verify program is currently set to expire in November 2008. The program was established in 1997 as the Basic Pilot/Employment Eligibility Verification Program. E-Verify (formerly known as the Basic Pilot/Employment Eligibility Verification Program) is an online system operated jointly by the Department of Homeland Security and the Social Security Administration. E-Verify allows employers to check the work status of new hires online by comparing information from an employee's I-9 form against SSA and Department of Homeland Security databases.

Note: The I-9 form is a U.S. Citizenship and Immigration Services document used by an employer to verify an employee's identity.

More than 69,000 employers are enrolled in the program, including the U.S. House of Representatives. Over 4 million queries have been run so far in fiscal year 2008, according to DHS. E-Verify is a free and voluntary program for most employers, but a few states have mandated that their employers use it.

On June 9, 2008, President George W. Bush amended Executive Order 12989 to direct all Federal departments and agencies to require contractors to agree to use an electronic system to verify workers' employment eligibility. In response to this Executive Order, DHS Secretary Michael Chertoff designated E-Verify as the verification system of choice. [Department of Homeland Security - E-Verify](#)

COST

As of July 30, 2008, there is no Congressional Budget Office (CBO) cost estimate available for this legislation.

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.



H.R. 2339 – PRODUCED WATER UTILIZATION ACT OF 2007

FLOOR SITUATION

H.R. 2339 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Ralph Hall (R-TX) on May 16, 2007. The House Committee on Science and Technology agreed to the bill, as amended, by voice vote on July 17, 2008.

H.R. 2339 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.R. 2339 directs the Secretary of Energy, in coordination with the Secretary of the Interior and the Environmental Protection Agency, to carry out research programs aimed at developing technologies that would maximize the utilization and quality of water brought to the surface from underground sources as part of the process of exploration process for energy sources that are located underground. These projects are aimed at improving the desalinization and purity of these waters as well as for the reinjection of produced water into subsurface geological formations to increase energy production.

Additionally, the Secretary may enter into an agreement with an experienced entity to manage the research and administration of these water use programs. The Secretary is also to carry out research and development activities through the appropriate National Laboratory, supporting research efforts under the bill.

The legislation authorizes \$20 million for each of fiscal years 2009-2013, with 25 percent for research at the National Laboratory and the remainder for all other programs under H.R. 2339.

BACKGROUND

Alternate water sources and recycling programs that are utilized in the U.S. today include municipal supplied reclaimed water that is treated and recycled for non-potable uses. Additionally, grey water treatment programs typically remove suspended solids from water with varying degrees of subsequent treatment depending on its use (non-potable uses such as car washes and laundromats).

According to the EPA, only one percent of the water on the planet is available for human consumption. Today, Americans use an average of 100 gallons of water per person every day. At least 36 states are anticipating local, regional, or statewide water shortages by 2013. [EPA website](#)

COST

The Congressional Budget Office estimates that “implementing H.R. 2339 would cost \$71 million over the 2009-2013 period, with additional spending occurring in later years.”

[Full CBO cost estimate for H.R. 2339](#)

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.



H.Res. 1316 – Honoring the service of the Navy and Coast Guard veterans who served on the Landing Ship Tank (LST) amphibious landing craft during World War II, the Korean war, the Vietnam war, Operation Desert Storm, and global operations through 2002 and recognizing the essential role played by LST amphibious craft during these conflicts

FLOOR SITUATION

H.Res. 1316 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative James McGovern (D-MA) on June 26, 2008. The resolution was referred to the Committee on Armed Services, but was never considered.

H.Res. 1316 is expected to be considered on the floor of the House on July 30, 2008.

SUMMARY

H.Res. 1316 resolves that the House of Representatives:

- Recognizes the essential role played by Landing Ship Tanks (LSTs) during World War II, the Korean war, the Vietnam war, Operation Desert Shield, Operation Desert Storm, and many other military and humanitarian operations;
- Honors the service of the Navy and Coast Guard sailors who bravely served their country aboard the LSTs;
- Acknowledges the debt modern amphibious operations owe to the LST sailors and ships in pioneering the multiple missions carried out by amphibious landing craft; and
- Commends the many volunteers of the USS LST Ship Memorial who have preserved the LST 325 as a living memorial in honor and remembrance of the ships and veterans in their service.

BACKGROUND

Landing Ship Tank (LST) was the military designation for naval vessels created during World War II to support amphibious operations by carrying vehicles, cargo, and landing troops directly onto shore. Congress authorized the construction of LSTs during World War II. Over 1,000 of these vessels were constructed during that war. During the D-Day operation, LSTs evacuated 41,035 wounded Allied soldiers from the Normandy beaches to England.

Landing Ship Tanks were also used during military campaigns in Korea, Vietnam, Operation Desert Storm in the Persian Gulf, and Operation Restore Hope in Somalia. The last LST, the *USS Frederick*, was decommissioned in 2002.

STAFF CONTACT

For questions or further information contact Adam Hepburn at 6-2302.