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Legislative Bulletin.....April 21, 2010

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**S.1963—Caregivers and Veterans Omnibus Health Services Act of 2009
 (Akaka, D-HI)**

Order of Business: The bill is scheduled to be considered on Wednesday, April 21, 2010 under a motion to suspend the rules and pass the bill.

Summary: S.1963 amends title 38 of the U.S. Code to provide caregiver support and make improvements to women veterans’ health care, mental health, and other health care matters, rural health improvements, as well as address issues pertaining to department personnel, homeless veterans, construction, naming, and other matters as well as nonprofit research and education corporations.

The legislation that will be considered on the floor is an amendment containing negotiated and agreed upon language between the House Committee on Veterans’ Affairs and the Senate Committee on Veterans’ Affairs. The Omnibus bill includes caregiver provisions from S. 1963 (which passed the Senate 98-0 on November 19, 2009) and H.R.

3155 (which passed the House by voice vote on July 27, 2009). The amended text also includes provisions from the following bills: H.R. 402, H.R. 1211, H.R. 1293, H.R. 2770, H.R. 3157, H.R. 3219, and H.R. 3949 which all passed the House last year. Additionally, S. 1963 includes provisions from bills referred to the House Committee on Veterans Affairs: H.R. 919, H.R. 3796, and H.R. 4166.

Below are *highlights* of the S. 1963, as amended to reflect the House and Senate Compromise Agreement.

Title I–Caregiver Support:

Assistance and Support Services for Family Caregivers–The bill would require Veterans’ Affairs (VA) to provide family caregivers (defined as a member of the family or a non-family member living with the veteran) of eligible veterans training and education, technical support, counseling, lodging and subsistence. The Compromise Agreement limits the caregiver program only to “seriously injured or very seriously injured” veterans who were injured or aggravated an injury in the line of duty on or after September 11, 2001.

- Additional benefits are available to caregivers designated a "primary provider" including mental health services, respite care, medical care, and a personal caregiver stipend reflecting the amount of care given.
- The Compromise Agreement contains the original Senate language but no longer requires the VA to enter into relationships with home health agencies to make at home visits every six months and uses the House language found in H.R. 3155 to create a separate program of general caregiver support services for family and non-family caregivers of veterans of any era.

The Secretary, in the event that sufficient funding is not available to provide training and education services, would be given the authority to suspend the services. The Secretary must certify to the Committees that there is insufficient funding 180 days before suspending services.

- The Compromise Agreement reduces the authorization level to \$60 million for FY2010 and \$1.54 billion for FY2011-2015.

Medical Care for Family Caregivers–the Compromise Agreement contains the Senate language that would provide counseling and mental health services as well as health care through the CHAMPVA program for the "primary provider" (the House bill would have included all family caregivers) for eligible Operation Enduring Freedom (OEF) or Operation Iraqi Freedom (OIF) veterans if he/she has no other insurance coverage.

Lodging and Subsistence for Attendants–The bill takes the Senate language allowing the VA to pay for lodging and subsistence costs for an attendant accompanying an eligible OEF or OIF veteran seeking VA health care (the House allowed for all family caregivers’ costs to be covered).

Title II–Women Veterans Health Care Matters:

Assessment of Health Care Barriers/Study on Women Veterans—Requires a study on the barriers to women veterans receiving health care from the Department of Veterans Affairs, as well as a comprehensive assessment of women’s health care programs at the Department of Veterans Affairs. The legislation authorizes \$4 million. (H.R. 1211)

Training and Certification for Mental Health Care Providers Suffering from Sexual Trauma and Post-Traumatic Stress Disorder—The legislation requires the Secretary to carry out a program to provide graduate medical education, training, certification, and continuing medical education for mental health professionals who provide counseling, care, and services. The legislation requires the Secretary to submit a report to Congress on the counseling, care, and services provided to veterans pursuant to the legislation. (H.R. 1211)

Pilot Program for Counseling in Retreat Settings for Women Veterans who are newly Separated from Service—The legislation requires VA to create, in at least three locations, a two year pilot program for separated women veterans to receive reintegration and readjustment services in a group retreat setting. Requires a report on the findings and recommendations on continuance of the program. The legislation authorizes \$2 million for FY2010-2011. (S. 1963)

Addition of Recently Separated Women and Minority Veterans to Serve on Advisory Committees—The legislation requires the Department of Veterans Affairs to add recently-separated women and minority women veterans to serve on the Advisory Committee on Women Veterans and the Advisory Committee on Minority Veterans.

Hospital Care and Medical Services for Newborn Children of Women Veterans Receiving Maternity Care—The Compromise Agreement allows the Secretary of Veterans Affairs to furnish hospital care and medical services to a child of a woman veteran who is receiving hospital care or medical services at a VA facility or contracted facility up to seven days beginning on the date of the birth of the child.

Pilot Program for Child Care Assistance to Certain Veterans Receiving Certain Types of Health Care Services at Department Facilities—The Compromise Agreement creates a two-year pilot program to be carried out in at least three Veterans Integrated Service Networks (VISNs) for child care assistance for women veterans receiving (or in need of) regular and intensive mental health care health care services and would include:

- Stipends for the payment of child care offered by licensed child care centers;
- The development of partnerships with private agencies;
- The collaboration with facilities or programs of other federal department or agencies; and
- The arrangement of after-school care.

The legislation authorizes \$1.5 million for FY2010 and \$1.5 million for FY2011.

Title III–Rural Health Improvements:

Expands the purpose and payments of the Education Debt Reduction Program (EDRP)–The bill would expand EDRP to include retention and modify and expand the eligibility requirements for participation in the program. The bill increases the total VA education debt reduction payments from \$44,000 to \$60,000 and raises the cap on payments to be made during the fourth and fifth years of the program from \$10,000 to \$12,000. Provides VA with the ability to waive the limitations of the EDRP for hard-to-recruit positions and pay the full principal and interest owed. (H.R. 4166)

Scholarship program to individuals studying visual impairment or orientation and mobility–Establishes a scholarship program to provide financial assistance to an individual who is accepted for enrollment or currently enrolled in a program of study leading to a degree in visual impairment or orientation and mobility. Individuals must serve as a full-time VA employee for three years within six years after graduating. The purpose is to increase the supply of qualified blind rehabilitation specialists for the Department and the nation. (H.R. 3949)

Demonstration projects on alternatives to expand care to Veterans in Rural Areas–Authorizes projects through the Office of Rural Health and could include partnerships with CMS, HHS community health centers and the Indian Health Service. The legislation authorizes \$5 million for FY2010 and each fiscal year thereafter.

Program on Readjustment and Mental Health Care Services for Veterans who Served in OEF and OIF–Requires VA to establish a program providing OEF and OIF veterans with mental health services, readjustment counseling and services, and peer outreach and support and education, support, counseling, and mental health services for immediate families of these veterans. In areas not adequately served by VA facilities, the bill authorizes VA to contract with community mental health centers and other qualified entities to provide services and to contract with a national non-profit mental health organization to train individuals in the peer outreach and support program.

Allows adjustments to travel reimbursement rates for veterans receiving treatment at facilities of the Department of Veterans Affairs–VA may change mileage rate to those allowed for government employees and if the adjustment is decreased they must submit a report.

Pilot Program on Incentives for Physicians who Assume Inpatient Responsibilities at Community Hospitals in Health Professional Shortage Areas–Requires VA to establish a voluntary three year pilot program where VA physicians, caring for veterans admitted to community hospitals in health care shortage areas, would receive financial incentives for maintaining inpatient privileges at those hospitals. Participation in the pilot program would be voluntary. VA would be required to implement the program in not less than five community hospitals in each of not fewer than two VISNs. In addition, VA would be allowed to collect third party payments for care VA physicians provided to nonveterans while carrying out their responsibilities at the hospitals.

Grants program for innovative transportation options of highly rural veterans—Grant recipients would include state veterans service agencies and veterans’ service organizations. \$3 million is authorized over five years and grant awards would be limited to \$50,000.

Clarifies to the definition of eligible veterans, for participation in pilot program of enhanced contract care authority for health care needs of certain veterans (based on driving time rather than miles) to include those:

- Living more than 60 minutes driving distance from the nearest VA facility providing primary care service;
- Living more than 120 minutes driving distance from the nearest VA facility providing acute hospital care; and
- Living more than 240 minutes driving distance from the nearest VA facility providing tertiary care.

Title IV—Mental Health Care Matters:

The bill would allow any member of the Armed Forces, including members of the National Guard or Reserve, who served in OEF or OIF to be eligible for readjustment counseling services at VA Readjustment Counseling Centers (Vet Centers). Services would be limited by the availability of appropriations.

The bill requires the VA to provide certain former members of the Armed Forces who have been discharged or released from active duty, but are not eligible for readjustment counseling referrals to obtain counseling and services from sources outside of VA or advise individuals of their right to apply for a review of their release.

Finally, the bill requires a study, in coordination with the Secretary of Defense, veterans’ service organizations, the Centers for Disease Control and Prevention, and state public health offices and veterans agencies, on veterans who committed suicide between January 1, 1999 and the enactment of the legislation.

Title V—Other Health Care Matters:

Several provisions in S. 1963 that were not included in previous House bills include:

- Repeals certain annual reporting requirements including pay adjustments for registered nurses, and long-range healthcare planning that includes operations and construction plans this information is already submitted elsewhere.
- Amends the submittal date of annual report on Gulf War research from March 1 to July 1 of each of the five years with the first report due in 2010.
- Clarifies that payments to providers who furnish care to CHAMPVA Beneficiaries constitutes payment in full, thus removing any beneficiary liability.
- Authorizes VA health care practitioners to disclose clinically relevant portions of VA medical records to authorized surrogate decision-makers.
- Creates a National Quality Management Officer responsible, appointed by and at each VISN and medical facility for the Veteran Health Administration’s quality assurance program.

- Creates a two year pilot program to study the use of community-based organizations and local and state government entities to ensure that veterans receive care and benefits.
- Authorizes the VA to contract for specialized residential care and rehabilitation services for certain veterans.
- Requires the VA to contract with the Institute of Medicine (IOM) to study the health impact of veterans' participation in Project Shipboard Hazard and Defense (SHAD). There was no comparable House provision.
- Clarifies that non-VA facilities may be used for rehabilitation of individuals with TBI when the VA cannot provide the service as needed.
- Creates a three year pilot program to provide certain dental services through a contract with a dental insurer to take place on a voluntary basis in any number of VISNs the Secretary deems appropriate.

Provisions previously included in House bills include:

- Prohibits the VA from collecting copayments from veterans who are catastrophically disabled. (H.R.3219)
- Permanently authorizes special treatment authority for hospital care, medical services, and nursing home care for certain Vietnam-era veterans exposed to Herbicide and veterans of the Persian Gulf War. (H.R. 3219)
- Gives higher priority status for certain veterans who are Medal of Honor recipients. (H.R. 3519)
- Increase the payment under the Home Improvements and Structural Alterations (HISA) program from \$4,100 to \$6,800 for veterans with service-connected disabilities and from \$1,200 to \$2,000 for those with non-service-related disabilities. (H.R. 1293)
- Establishes in the Veterans Health Administration a committee to be known as the "Committee on Care of Veterans with Traumatic Brain Injury" that would evaluate the VA's ability to meet the needs of veterans with TBI, make recommendations and submit an annual report on to the Veterans Affairs Committees in the House and Senate on their findings. (H.R. 3219)
- Creates a Director of Physician Assistant Services to report directly to the Chief of the Office of Patient Services (instead of in the office of the Under Secretary for Health of the VA in H.R. 3219). The Director of Physician Assistant Services shall serve in a full-time capacity at the Central Office of the Department and who shall be a qualified physician assistant who shall report on all matters relating to the education and training, employment, appropriate utilization, and optimal participation of physician assistants within the programs and initiatives of the Administration.

The Following provisions were not previously included in a House or Senate bill:

- Extends Statutorily Defined Copayments for Certain Veterans for Hospital Care and Nursing Home Care set to expire on September 30, 2010 to September 30, 2012.
- Currently the VA has authority to recover the costs associated with medical care provided to a veteran for a non-service-connected disability if, among other eligibility criteria, the veteran receives such care before October 1, 2010, has a service-connected disability, and is entitled to benefits for health care under a health-plan

contract. The bill extends the authority to recover the cost of such care and services from disabled veterans with health-plan contracts to October 1, 2012.

Title VI—Department Personnel Matters:

Enhancement of Authorities for Retention of Medical Professionals—Many of the provisions in this title are meant to improve the VA’s ability to recruit and retain health professionals some of these include the ability to:

- Apply the title 38 hybrid employment system to additional health care occupations as needed.
- A probationary period for full-time and part-time registered nurses would be set at two years; part-time registered nurses who served previously on a full-time basis would not be subject to a probationary period.

The bill would expand or allow the VA new pay setting authority for all senior executives according the Executive Schedule including the ability to:

- Provide incentive pay for pharmacist executives of up to \$40,000;
- Modify the pay cap for registered nurses (RNs) and allows the pay caps for certified registered nurse anesthetists (CRNAs) to exceed RNs caps;
- Increase the limitation on special pay for nurse executives from \$25,000 to \$100,000; and
- Expand the eligibility for additional premium pay to part-time nurses.

Finally, the bill provides guidelines for VA’s locality pay system surveys.

Limitations on Overtime Duty, Weekend Duty, and Alternative Work Schedules for Nurses—The bill would prohibit VA from requiring nurses to work more than 40 hours in an administrative work week or more than 8 hours consecutively, except under narrow circumstances. The bill strikes a provision that provides that nurses on approved sick or annual leave during a 12-hour work shift shall be charged at a rate of five hours of leave per three hours of absence. The VA would be authorized to consider a nurse who has worked 6 regularly scheduled 12-hour work shifts within a 14-day period to have worked a full 80 hour pay period.

Additionally the bill reauthorizes the Health Professionals Educational Assistance Scholarship Program through December 31, 2014 and allows the VA to utilize the loan repayment program for health professionals from disadvantaged background under the PHSA to employ them as clinical researchers.

Title VII—Homeless Veterans Matters:

The Compromise Agreement authorizes the VA to make the rate of per diem payments to organizations assisting homeless veterans. The bill authorizes, but does not require, the Secretary to award 25% of the funds available for such payments are made available to organizations that furnish services to homeless individuals, of which less than 75% are veterans and meet some, but not all, of the transitional and supportive services criteria prescribed by the Secretary (as opposed to H.R. 3796 would require it). The bill provides

a higher priority for payments to organizations that meet all or most of the transitional and supportive services criteria.

Title VIII–Nonprofit Research and Education Corporations:

The bill modifies areas regarding Nonprofit Research and Education Corporations (NPCs). NPCs accept and administer private sector and federal research and education funds (H.R. 2700). Specifically, this title would:

- Allow two or more VA medical centers to share one NPC;
- Amends the requirement that all senior management officials on the VA board at each VA medical center serve on the NPC board;
- Provides that any corporation established shall abide by the nonprofit corporation laws of the state in which the medical center is located;
- Refines the purpose of the NPC so funds can be spent on projects that would benefit general VA research and not expenditures directly linked to an approved research project (i.e. travel to conferences, lab improvements, etc.);
- Clarifies the general powers of corporations established under this bill;
- Provides that a corporation with revenues in excess of \$500,000 for a year shall obtain an independent audit;
- Provides that a corporation with revenues between \$100,000 and \$500,000 for a year shall obtain an independent audit at least once every three years; and
- Increases from \$35,000 to \$50,000 the threshold for reporting compensation by an NPC.

Title IX–Construction and Naming Matters:

The bill maintains funds authorized in S.1963 for major medical facility projects ion FY2010 including: Livermore, California; Louisville, Kentucky; Dallas, Texas; St. Louis, Missouri; Denver, Colorado and Bay Pines, Florida. The legislation authorizes a total of \$1.184 billion for construction projects. The bill also designates the Department of Veterans Affairs Outpatient Clinics as follows:

- Designates the clinic in Knoxville, Tennessee, as the “William C. Tallent Department of Veterans Affairs Outpatient Clinic.” (H.R. 402)
- Designates the clinic in Alexandria, Minnesota as the “Max J. Beilke Department of Veterans Affairs Outpatient Clinic.” (H.R. 3157)
- Designates the clinic in Havre, Montana, the “Merril Lundman Department of Veterans Affairs Outpatient Clinic.” (S. 1963)

Title X–Other Matters:

The following provisions come from S. 1963 as passed by the Senate:

- Provides additional authorities to VA uniformed police officers, including the ability to carry a VA-issued weapon in an official capacity when off VA property and in official travel status, the ability to conduct investigations on and off VA property of offenses that may have been committed on VA property, expanded authority to enforce traffic regulations when granted such authority by local or State law, and to make arrests based upon an arrest warrant.

- Modifies the uniform allowance for VA police officers such that the allowance is the lesser of the amount provided by the Office of Personnel Management or the actual or estimated cost determined by periodic surveys conducted by VA.

The Compromise Agreement requires the VA to submit reports to Congress, or any Committee thereof, in electronic format.

The bill requires the determination of budgetary effects for purposes of compliance with Statutory Pay-As-You-Go-Act of 2010.

Committee Action: The bill was introduced on October 28, 2009, and placed on the Senate Legislative calendar. On November 19, 2009, the bill passed Senate without amendment by 98 – 0. S. 1963 was referred to the House Committee on Veterans’ Affairs on November 19, 2009. The bill being voted on before the House is amended text reflecting a Compromise Agreement between the Committees that includes additional bills that passed the House or were referred to the House Committee on Veterans’ Affairs.

Possible Conservative Concerns: Some conservatives may be concerned that no complete CBO score is available for this omnibus bill. While [CBO](#) did provide an estimate of direct spending, the bill contains no direct spending and as such the score and Statutory Pay-As-You-Go Impact was zero.

Administration Position: A formal Statement of Administration Policy (SAP) was unavailable at press time.

Cost to Taxpayers: While a complete CBO score was unavailable at press time, according to RSC staff calculations, the bill authorizes \$1,284,310,000 for FY 2010 and \$1,594,500,000 for FY 2011 - FY 2014. While [CBO](#) did provide an estimate of direct spending, the bill contains no direct spending and as such the score and Statutory Pay-As-You-Go Impact was zero.

Does the Bill Expand the Size and Scope of the Federal Government?:

Yes, S. 1963 would create new benefits, including a monthly stipend, for caregivers and family caregivers of disabled veterans as well as increase overall benefits.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: A CBO report addressing new state, local, or private-sector mandates is unavailable.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

Constitutional Authority: A committee report citing Constitutional authority is not available.

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**H.Res. 1216 - Congratulating Reverend Daniel P. Coughlin on his tenth year of service as Chaplain of the House of Representatives
(Lipinski, D-IL)**

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1216 resolves that the House of Representatives:

- “Congratulates Reverend Daniel P. Coughlin on his 10th year of faithful service as Chaplain of the House of Representatives.”

The resolution contains a number of findings, including:

- “Reverend Daniel P. Coughlin has served honorably and faithfully as Chaplain of the House of Representatives since being sworn in as the 59th Chaplain on March 23, 2000;
- “Reverend Coughlin graduated from St. Mary of the Lake University in Mundelein, Illinois, becoming a Licentiate of Sacred Theology in 1960, and from Loyola University in Chicago, Illinois, with a degree in Pastoral Studies in 1968;
- “Reverend Coughlin spent a year-long sabbatical in residence with the Trappist monks of the Abbey of Gethsemani in Kentucky, and served the poor through the Missionaries of Charity in Calcutta, India, in 1984;
- “Reverend Coughlin worked as Vicar for Priests of the Archdiocese of Chicago under both Joseph Cardinal Bernardin and Francis Cardinal George from 1995 through 2000; and
- “Reverend Coughlin is the first person of Roman Catholic faith to hold the Office of Chaplain of the House of Representatives.”

Additional Information: H.Res. 1185 (*Lipinski, D- IL*) was scheduled to be considered on the House Floor on April 14, 2010

Committee Action: H.Res. 1216 was introduced on March 24, 2010, and referred to the House Administration Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1116 - Supporting the goals and ideals of Multiple Sclerosis Awareness Week (*Lee, D-CA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1116 resolves that the House of Representatives:

- “Supports the goals and ideals of Multiple Sclerosis Awareness Week;
- “Encourages the President to issue a proclamation in support of the goals and ideals of Multiple Sclerosis Awareness Week;
- “Encourages States, territories, possessions of the United States, and localities to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;
- “Encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;
- “Commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of Multiple Sclerosis Awareness Week;
- “Recognizes and reaffirms the Nation's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and
- “Recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.”

The resolution contains a number of findings, including:

- “The Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes, and celebrates Multiple Sclerosis Awareness Week;

- “The Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;
- “The goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate their commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and
- “This year Multiple Sclerosis Awareness Week is recognized during the week of March 8, 2010, through March 14, 2010.”

Committee Action: H.Res. 1116 was introduced on February 25, 2010, and referred to the House Energy and Commerce Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. __ - Celebrating the life of Dr. Dorothy Irene Height and recognizing her life-long dedication and leadership in the struggle for human rights and equality for all people until her death at age 98 on April 20, 2010 (*Fudge, D-OH*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. __ resolves that the House of Representatives:

- “Celebrates the life of Dr. Dorothy Irene Height and;
- “Expresses recognition for her life-long dedication and leadership in the struggle for human rights for all people.”

The resolution contains a number of findings, including:

- “Dr. Height was the godmother of the Civil Rights Movement and tireless advocate of equality for women and women's rights in the United States;
- “Dr. Height led many national organizations, including thirty-three years of service on the staff of the National Board of the YWCA of the USA, Director of the National YWCA School for Professional Workers, and became the first Director of the Center for Racial Justice, served as President of the National Council of Negro Women (NCNW) for four decades, as President of Delta Sigma Theta Sorority, Incorporated during two consecutive terms, and continued to provide guidance as Chair and President Emerita of NCNW until her death;
- “Dr. Height was the recipient of countless awards and honors, including the Presidential Citizens Medal in 1989 by President Ronald Reagan, the Presidential Medal of Honor in 1994 by President William Clinton, and the Congressional Medal of Honor by President George W. Bush on behalf of the United States Congress in 2004; and
- “Dr. Height was a tenacious and zealous civil rights activist, social worker, advocate, educator, and organizer in the quest for equality.”

Committee Action: H.Res. __ has yet to be introduced.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 855 - Expressing support for designation of May 1 as “Silver Star Service Banner Day” (Blunt, R-MO)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 855 resolves that the House of Representatives:

- “Supports the designation of ‘Silver Star Service Banner Day’ and calls upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.”

The resolution contains a number of findings, including:

- “The Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;
- “The Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;
- “The sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying; and
- “May 1 would be an appropriate date to designate as ‘Silver Star Service Banner Day.’

Committee Action: H.Res. 855 was introduced on October 22, 2009 and referred to the House Oversight and Government Reform Committee, which held a markup on April 14, 2010 and favorably reported the resolution by unanimous consent.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1262 - Expressing condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington (*Larsen, D-WA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1262 resolves that the House of Representatives:

- “Expresses condolences to the families, friends, and loved ones of the victims of the fire at the Tesoro refinery in Anacortes, Washington;
- “Honors Matthew C. Bowen, Darrin J. Hoines, Daniel J. Aldridge, Kathryn Powell, Lew Janz, and Donna Van Dreumel who died as a result of the fire;
- “Offers best wishes to Matt Gumbel, who suffered severe burns and is recovering at Harborview Medical Center in Seattle; and
- “Expresses sympathies to the people of Anacortes, the entire State of Washington, and the Nation who grieve for the victims.”

The resolution contains a number of findings, including:

- “The people of the State of Washington experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;
- “A team of seven Tesoro employees was working in the refinery's naphtha hydrotreater when the fire occurred; and
- “Three of these individuals died immediately in the fire, three more died of their injuries, and one more remains in intensive care after suffering severe burns;

Committee Action: H.Res. 1262 was introduced on April 15, 2010 and was referred to the House Oversight and Government Reform Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Con.Res. 255 - Commemorating the 40th anniversary of Earth Day and honoring the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin (*Obey, D-WI*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 255 resolves that the House of Representatives:

- “Commemorates the 40th anniversary of Earth Day and honors the founder of Earth Day, the late Senator Gaylord Nelson of Wisconsin.”

The resolution contains a number of findings, including:

- “Gaylord Nelson, former United States Senator from Wisconsin, is recognized as one of the leading environmentalists of the 20th Century who helped launch an international era of environmental awareness and activism;
- “Gaylord Nelson was responsible for legislation that created the Apostle Islands National Lakeshore and the St. Croix Wild and Scenic Riverway and protected other important Wisconsin and national treasures;
- “In addition to his environmental leadership, Gaylord Nelson fought for civil rights, enlisted for the War on Poverty, challenged drug companies and tire manufacturers to protect consumers, and stood up to Senator Joe McCarthy, the House Un-American Activities Committee, and the Nixon White House to defend and protect civil liberties;
- “Gaylord Nelson was a patriot, who as a young soldier honorably served 46 months in the Armed Forces during World War II, and then, as Senator, courageously opposed the Vietnam War and worked to ban the use of the toxic defoliant Agent Orange; and
- “In 1995, Gaylord Nelson was awarded the highest honor accorded civilians in the United States, the Presidential Medal of Freedom.”

Committee Action: H.Con.Res. 255 was introduced on March 19, 2010 and referred to the House Oversight and Government Reform Committee, which held a markup on March 14, 2010 and favorably reported the resolution by unanimous consent.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available.

However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1182 - Congratulating Radford University on the 100th anniversary of the university (*Boucher, D-VA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1182 resolves that the House of Representatives:

- “Commends Radford University on the 100th anniversary of the university.”

The resolution contains a number of findings, including:

- “Radford University was chartered on March 10, 1910, by the Commonwealth of Virginia as the State Normal and Industrial School for Women at Radford;
- “The brilliant faculty of Radford University is committed to the highest ideals of academic scholarship and the advancement of society;
- “The devoted administrators and staff members of Radford University strive to foster an environment that supports the noble work of the university;
- “Radford University celebrates the culture of service of the university through a program entitled ‘Centennial Service Challenge’ that invites every member of the campus and extended university community to engage in, and document community service in honor of, the centennial; and
- “Radford University will observe a Centennial Charter Day Celebration on March 24, 2010, and host numerous other academic programs and arts and cultural events throughout 2010 to commemorate the event.”

Committee Action: H.Res. 1182 was introduced on March 15, 2010, and referred to the House Energy and Commerce Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1239 - Commending the University of Connecticut Huskies for their historic win in the 2010 NCAA Division I Women's Basketball Tournament (*Courtney, D-CT*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1239 resolves that the House of Representatives:

- “Commends the University of Connecticut Huskies for their historic win in the 2010 National Collegiate Athletic Association Division I Women's Basketball Tournament;
- “Recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and
- “Directs the Clerk of the House of Representatives to transmit a copy of this resolution to University of Connecticut President Michael Hogan and head coach Geno Auriemma for appropriate display.”

The resolution contains a number of findings, including:

- “On April 6, 2010, the University of Connecticut Huskies defeated the University of Stanford Cardinal 53 to 47 in the final game of the National Collegiate Athletic Association Division I Women's Basketball Tournament in San Antonio, Texas;
- “The Huskies were undefeated with a record of 39-0, defeating 38 of their 39 opponents by more than 10 points;
- “Coach Geno Auriemma, who holds the highest winning percentage among active coaches, serves as president of the Women's Basketball Coaches Association and coach of the 2012 United States Olympic team;
- “The University of Connecticut Women's Basketball program has a 100 percent graduation rate among four-year players, representing the team's commitment to achievement in the classroom as well as on the court; and
- “Residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in this team.”

Committee Action: H.Res. 1239 was introduced on April 13, 2010 and referred to the House Education and Labor Committee Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.R. 1585 – FIT Kids Act (*Kind, D-WI*)

Order of Business: The bill is scheduled to be considered on Wednesday, April 21, 2010 under a motion to suspend the rules and pass the bill.

Summary: H.R. 1585 is a bill to increase awareness of physical activity opportunities at school and for other purposes.

Local Educational Agencies. The bill requires that no later than one year after the date of enactment, and annually thereafter, each local educational agency (LEA) located in a State receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 must do the following:

- Post on its website, or make available to parents and families of students, information on healthful eating habits, physical education (PE), and physical activity such as:
 - The importance of a healthy lifestyle (i.e. eating habits and physical activity);
 - How schools served by the LEA are promoting healthy lifestyles;
 - Whether the schools served by the LEA follow an age-appropriate PE curriculum for all elementary and secondary school students enrolled in schools that adhere to national guidelines adopted by the CDC;
 - The most recent national recommendations for PE and physical activity for elementary and secondary schools as established by the CDC; and

- A description of the amount of time that K-12 students served by the LEA are required to spend in PE, disaggregated by grade level.
- Assist each school served by the LEA in collecting and disseminating to parents and families of students, information on:
 - Whether the school follows an age-appropriate PE curriculum established by the CDC;
 - The most recent national recommendations for PE and physical activity for elementary and secondary school students established by the CDC;
 - A description of the facilities used for PE;
 - Any health and wellness council located in the school, including information on members, membership criteria, opportunities for parental involvement, and meeting dates and agendas.

State Education Agencies. The bill also requires that state education agencies post the same information no later than 15 days after the LEA posts the information on its website. This information must be made widely available to parents.

Studies on Physical Activity and Fitness. The Secretary of Education shall enter into a contract with the National Research Council of the National Academy of Sciences to:

- Examine and make recommendations on various means that may be used to incorporate PE into schools, innovative ways to increase physical activity to students in K-12, and efforts to encourage students with disabilities in PE programs;
- Study the impact of health, physical activity, and PE on students' ability to learn; and
- Study and provide recommendations for effectively measuring the progress of students in increasing physical activity and improving their health and well-being.

National Fitness Study. The Secretary of Education shall conduct a study on the participation of students in PE and other physical activities in public elementary schools and public secondary schools that examines students' participation and assesses student physical activity and fitness levels. **The bill authorizes such sums as may be necessary to carry out this section for FY2011.**

Dissemination of Best Practices. No later than 180 days after enactment, the Secretary of Education shall identify and make available to state educational agencies and LEAs, best practices on innovative PE and physical activity policies and programs at the state and local level that:

- Identify and address common challenges in implementing PE and physical activity policies and programs; and
- Meet or are working towards meeting the national recommendations for PE and physical activity in schools, as established by the CDC.

Promoting the HealthierUS Challenge. The Secretary of Education, with the Secretary of Agriculture, shall encourage schools to participate in the HealthierUS School Challenge of the Food and Nutrition Service of the Department of Agriculture.

Potential Conservative Concerns: Some conservatives might be concerned that this bill adds new reporting requirements on schools, local educational agencies, and state education agencies relating to physical education and healthy living. These reporting requirements could set the precedent for new mandates on schools. Many conservatives would argue that there is already a problem with federal overreach in our education system. Local school districts are already inundated with many onerous reporting requirements. This bill adds another mandate that now requires local school districts and state education agencies to report on the details of each school district's physical education programs.

While it is a worthwhile goal to ensure that students have an opportunity to increase their physical activity and improve their health, many conservatives may question whether it is the federal government's role to require states to spend time reporting and disseminating information on PE requirements when many schools are struggling to comply with the already-mandated federal requirements in other areas.

Support for the bill: While the RSC has listed potential conservative concerns, it is also important to note that RSC Congressman Wamp (TN) is an original sponsor of the FitKids Act and there are other RSC cosponsors. Provided below is a synopsis of the bill from Mr. Wamp's office:

Transparency, Personal Responsibility, and Saving Money – FitKids embodies all of these principles to fight childhood obesity.

- **Transparency:** Provides parents information on whether their children's school has physical activity programs and the amount of time spent in these programs. Utilizing the established education infrastructure of state and local education agencies, FIT Kids would help those agencies, who receive funds appropriated to the Dept. of Education, to disseminate important information about the benefits of a healthy lifestyle for children.
- **Personal Responsibility:** With help from the Dept of Education and the knowledge gained from the National Research Council's study authorized in the bill, parents and children in addition to schools will have the tools and means necessary to understand the benefits of a healthy lifestyle, especially the positive impact it has on learning, and how best to implement or adopt these habits.
- **Saving Money:** Leveraging the fact that schools control a significant amount of our children's day, especially early in their developmental years, physical activities and diet education can be part of their daily routine, developing into a beneficial habit as the children grow. This habit will save us all from the \$147 billion cost of treating chronic diseases and sicknesses resulting from obesity at a young age.

If there any questions, please contact John Frierson in Zach Wamp's office at 5-3271 (johnf@mail.house.gov)

Committee Action: H.R.1585 was introduced on March 18, 2009, and referred to the House Education Subcommittee on Early Childhood, Elementary, and Secondary Education, which took no official action.

Administration Position: No Statement of Administration Policy (SAP) is available.

Cost to Taxpayers: No CBO score is available.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill establishes new reporting requirements for local and state educational agencies.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. The bill places new reporting requirements on local and state educational agencies.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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

RSC Staff Contact: Natalie Farr, Natalie.Farr@mail.house.gov, (202) 226-0718

H.Res. 1270 - Expressing support for Mathematics Awareness Month (McMorris Rodgers, R-WA)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1270 resolves that the House of Representatives:

- “Supports the goals and ideals of Mathematics Awareness Month; and
- “Encourages colleges, universities, and other organizations to hold events to honor Mathematics Awareness Month; and
- “Supports increased public awareness and appreciation for the importance of mathematics at all levels of the educational system in the United States.”

The resolution contains a number of findings, including:

- “Current educational and economic trends indicate that the demand for employees with a high-quality mathematics education could exceed the supply of individuals with such an education;
- “April 2010, is recognized as Mathematics Awareness Month;
- “Mathematics is found in sports in the forms of measurement, time, computation, fractions, statistics, and probability; and
- “Mathematics Awareness Month encourages colleges, universities, and other organizations to hold events that draw and retain students to the field of mathematics.”

Committee Action: H.Res. 1270 was introduced on April 16, 2010 and was referred to the House Education and Labor Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.

H.Res. 1276 - Recognizing the continued importance of volunteerism and national service and commemorating the anniversary of the signing of the landmark service legislation, the Edward M. Kennedy Serve America Act (*Miller, D-CA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, April 21, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1276 resolves that the House of Representatives:

- “Recognizes that service is of significant value to the United States; and
- “Recognizes the first anniversary of the Edward M. Kennedy Serve America Act, and encourages every citizen of the United States to continue to answer the call to serve.”

The resolution contains a number of findings, including:

- “April 21, 2010, marks the first anniversary of the signing of the Edward M. Kennedy Serve America Act;
- “The Edward M. Kennedy Serve America Act reauthorized the Corporation for National and Community Service and its programs through 2014, expanding opportunities for millions of people in the United States to serve the Nation;
- “The Edward M. Kennedy Serve America Act increases volunteer opportunities for people in the United States of all ages, with a focus on disadvantaged youth, seniors, and veterans;
- “Edward M. Kennedy Serve America Act promotes social innovation by supporting and expanding proven programs and builds capacity of individuals, nonprofits, and communities to volunteer; and
- “The legislation leverages service to assist in meeting challenges in the areas of education, health, clean energy, veterans, and economic opportunity.”

Conservative Concern: Some conservatives might be concerned that this resolution celebrates the anniversary of H.R. 1388, the GIVE Act, which was opposed by 104 Republicans in the House ([Roll Call 140](#)).

The GIVE ACT expanded the scope of a number of programs including AmeriCorps, Learn and Serve, and the National Civilian Community Corps. It also stretched the definition of a volunteer by paying them for their service, frequently providing volunteers with health benefits, housing, and other items that undermine the definition of a volunteer. Further, H.R. 1388 funded AmeriCorps at a level of “such sums may be necessary.” AmeriCorps has funded programs in the past such as **Planned Parenthood of Western Washington** and the Los Angeles Gay and Lesbian Center (LAGLC). Additional information about the GIVE Act (including additional conservative concerns) can be found [here](#).

Committee Action: H.Res. 1276 was introduced on April 20, 2010 and was referred to the House Education and Labor Committee, which took no public action.

Cost to Taxpayers: The resolution authorizes no 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Curtis Rhyne, Curtis.Rhyne@mail.house.gov, (202) 226-8576.