

**Legislative Bulletin.....July 21, 2010**

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**H.R. 4380 – U.S. Manufacturing Enhancement Act of 2010**  
*(Levin, D-MI)*

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

**Summary:** This summary is based on a [document on the House Ways and Means Committee website](#) indicating that there will be a Manager’s Amendment made to the bill before it comes to the floor.

H.R. 4380, commonly referred to as the Miscellaneous Tariff Bill (MTB), would temporarily suspend (through December 31, 2012) tariffs on hundreds of imported chemicals and other products. These imported products, which are mostly (though not exclusively) complex chemicals, have no domestic production, or are not opposed by American companies, and each of them are listed within the text of the bill. Usually the product has no competition here in the U.S. (see potential conservative concerns below for why this bill is controversial).

The bill applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act. It is also retroactive to January 1, 2010.

**Background:** The purpose of MTBs is to increase the competitiveness of U.S. manufacturers. In many cases, products in the U.S. cannot be made without inputs (usually a chemical) that are only made overseas. MTBs reduce or suspend costs for U.S. imports on these products so other products can be manufactured here in the United States using those imports.

The last time an MTB bill was enacted into law was 2006. However, products that were covered under that bill expired on December 31, 2009.

**Potential Conservative Concerns:** House Rules (as authored by the Democrat majority) treat limited tax benefits and limited tariff benefits in the same manner as congressional earmarks. The earmark moratorium that the Republican Conference adopted in March 2010 used the same definition and therefore encompasses limited tariff benefits in the moratorium.

**Groups in Support of the Bill:** The Chamber of Commerce and the National Association of Manufacturers have issued letters stating that they reserve the right to Key Vote the bill. They argue that MTBs allow for innovation and competitiveness in the global economy.

**Committee Action:** The bill was introduced on December 16, 2009 and referred to the House Committee on Ways and Means, which took no further public action.

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

**Cost to Taxpayers:** A [preliminary CBO score](#), available on the Ways and Means Committee website, states that the bill would reduce revenues by \$298 million over 10 years.

**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?:** The list of limited tariff benefits in the bill can be found in the Congressional Record [here](#).

**Constitutional Authority:** A committee report stating constitutional authority is unavailable.

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## **Senate Amendment to H.R. 725—Indian Arts and Crafts Amendments Act (*Pastor, D-AZ*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, July 20, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** Originally, when passed by the House on January 15, 2010, H.R. 725 would allow any federal law enforcement officer to conduct investigations into alleged violations regarding the sale of counterfeit Indian products. Current law dictates that only FBI employees can conduct these investigations. This legislation would reduce the maximum penalty given to offenders who market or sell counterfeit items priced at less than \$1,000. Current law sets the same maximum penalties for all offenders, regardless of the price of the counterfeit product. Fines set by this legislation will be recorded as revenues and deposited into the Crime Victims Fund. If the price of the counterfeit goods sold is more than \$1,000, the individual can be fined up to \$250,000, imprisoned for up to 5 years, or both, and in the case of a “person other than an individual” (such as a business), they can be fined up to \$1,000,000. If the price of the counterfeit goods sold is less than \$1,000 the individual can be fined up to \$25,000, imprisoned for up to 1 year, or both, and in the case of a “person other than an individual” (such as a business), they can be fined up to \$100,000. Repeat offenders can be imprisoned for up to 15 years and “persons other than individuals” (such as a business) can be fined up to \$5,000,000.

The Senate Amendments to H.R. 725 makes several changes to existing laws and provides authorization for a number of tribal justice programs under the Department of Justice and Bureau of Indian Affairs (BIA), including protocols to address domestic abuse and sexual violence. Some of the provisions of note in the legislation are as follows:

***Federal Accountability & Coordination:*** Directs the Office of Justice Services under the Bureau of Indian Affairs to emergency and E-911 services, consulting, training, and provide technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center.

The bill requires investigative and prosecutorial coordination between the field office in Indian Territory when a decision has been made to decline prosecution or to refer for prosecution of an alleged violation of federal criminal laws regarding the status of the case and use of evidence. In addition, the bill requires the United States Attorney for each district that includes Indian country to appoint at least 1 assistant United States Attorney to serve as a tribal liaison for the district and establishes the Office of Tribal Justice as a component of the Department of Justice, and creates the position of Native American Issues Coordinator within the Executive Office of US Attorneys within the Department of Justice.

***State Accountability & Coordination:*** The bill permits federal law enforcement to have criminal jurisdiction upon Indian tribes’ request and the consultation and consent of the Attorney General. As a result, tribal, state, and federal governments would have concurrent criminal jurisdiction to prosecute and investigate crimes in Indian Territory. The bill also allows the Attorney General to enter into cooperative agreements with tribes relating to mutual aid, the hot pursuit of suspects, and cross-deputization.

***Empowering Tribal Law Enforcement Agencies and Tribal Governments:*** The bill requires the establishment of standards for training of law enforcement officers which is

equal to the Federal Law Enforcement Training Center standards and increases the maximum hiring age for law enforcement officers in Indian Country from 37 to 47. H.R. 725 also creates the Indian Law Enforcement Foundation to receive funding and other assistance to assist BIA and tribal law enforcement.

The bill allows tribes to become eligible to receive training in comprehensive drug control and methamphetamine abuse prevention and provides access for tribes to obtain and submit information into federal criminal information databases. H.R. 725 increases the tribal sentencing authority from 1 year imprisonment or \$5,000 fine (or both) to 3 years imprisonment or \$15,000 fine (or both) and requires the Attorney General to issue a report on the effectiveness of the enhanced sentencing on decreasing violence. The bill also requires the Director of the Bureau of Prisons to establish a pilot program under which the Bureau of Prisons must accept offenders tribally convicted of certain violent crimes at the tribe's request. Finally, this section authorizes \$2 million for the creation of a special Law and Order Commission to conduct a comprehensive study on criminal justice in Indian Country.

***Tribal Justice Systems:*** This section of the bill reauthorizes the Indian Alcohol and Substance Abuse Prevention and Treatment Act programs at \$5 million annually for each FY 2011-2015 for developing emergency shelters for youth and \$ 2 million annually for illegal narcotics trafficking training for each FY 2011-2015. The bill authorizes \$40 million annually for each FY 2011 to 2015 for the tribal resource grants program under the Community Oriented Policing Services program (COPS) within the DOJ and \$35 million annually for FY 2011 to 2015 for the tribal jails program. The bill authorizes \$25 million for each FY 2011-2015 to codify the Office of Juvenile Justice and Delinquency Prevention grants to Indian tribes and allows tribal organizations in Alaska to be eligible to apply for COPS grants.

**Domestic Violence and Sexual Assault Prosecution and Prevention:** The bill requires training to properly interview victims of domestic and sexual violence to collect, preserve, and present evidence to federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses. Additionally, the bill provides for expedited approval for Indian Health Service employee testimony pursuant to a state or tribal subpoena for domestic or sexual abuse, coordination between, federal, state, and tribal authorities to develop standardized sexual assault policies and protocol to prevent, treat, and improve the prosecution of domestic or sexual violence, and requires a study by the Attorney General to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution.

**Additional Background:** There are 564 federally recognized tribes in the United States, covering about 56 million acres in the continental United States and including 1.9 million American Indians and Alaska Natives. Each Tribe holds the unique status of a “dependent domestic sovereign nation” within the United States, and the United States maintains a general trust responsibility with each Tribe.

According to the committee, “less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than 1/2 of the

law enforcement presence in comparable rural communities nationwide.” Established in 1935 under the Department of the Interior, the Indian Arts and Crafts Board is an agency responsible for the promotion of Native American crafts for the purposes of economic development. In 1990, Congress passed legislation to enhance existing laws that on fraudulently selling imitation arts and crafts as Indian to also make it illegal to offer, display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization. However, the illegal sale of imitation products is still prevalent and according to the Indian Arts and Crafts Association as much as 75% of the roughly \$1 billion of jewelry, pottery, rugs and other merchandise sold every year as authentic is not. The State of New Mexico estimates that 50 percent of the Indian jewelry on the New Mexico market is not authentic. The Department of Justice (DOJ) reports it does not investigate many cases relating to the sale of counterfeit Indian goods are investigated each year. Under current law, investigations’ occur when the Indian Arts and Crafts Board refers complaints to the Department of Justice. H.R. 725 would allow any federal law enforcement officer to investigate the sale of counterfeit Indian art products.

Additionally, rising crime rates for drugs and violent crimes on Indian reservations have been a serious concern for many years. Amnesty International estimates that more than one-in-three Indian women will be raped during their lifetime. Further, the Centers for Disease Control estimate that 40% of Native American women will be victims of domestic violence. The Senate Amendments to H.R. 725 seeks to address the law enforcement challenges on tribal lands and increase the federal responsibility for crimes on Indian land.

***Potential Conservative Concerns:*** Some conservatives have expressed concern over the cost to the Senate amendments to H.R. 725. No CBO estimate of the cost of this legislation is available, but it could amount to approximately \$1 billion in total authorizations and arguably creates several new programs in addition to reauthorizing several programs that have not been authorized since 2000.

Some conservatives have expressed concern over the legislative process involving the Senate Amendment to H.R. 725. At the least, legislation of this magnitude should not be considered “under suspension of the rules,” which is a procedure typically reserved for measures that do not have a significant cost and are uncontroversial. Some conservatives have expressed concern the Senate amendment is over 100 pages of changes to different titles of the U.S. Code containing significant changes to expired and existing statutes, affecting the benefits and programs awarded to Indians as U.S. citizens. Some conservatives may believe it would be more appropriate to fully evaluate improvement efforts taken by the Department of Justice to enforce tribal laws before supporting passage of such an expensive bill without adequate time to properly review.

Additionally, some conservatives have expressed concern that because H.R. 725 grants explicit authority to any federal law enforcement officer to investigate crimes it is an overly broad grant of authority to law enforcement. Many agencies do not have the expertise or suitable background to deal with Indian tribes or with artists or counterfeit

arts and crafts. Some conservatives believe the law should be clear that the Bureau of Indian Affairs' Office of Law Enforcement is the primary agency to investigate and enforce violations of the law.

**Committee Action:** On January 27, 2009, the bill was introduced and referred to the Committee on Natural Resources. On December 16, 2009, the committee held a mark-up and ordered the bill to be reported by favorably by a voice vote. On January 19, 2010, the bill was passed by voice vote on the House Floor and referred to the Senate. On June 23, 2010, the Senator Dorgan amended H.R. 725 by unanimous consent to incorporate many provisions of S. 797. The bill passed the full Senate with an amendment by, unanimous consent, on June 23, 2010, and was referred to the House for further action.

**Administration Position:** While no Statement of Administration Policy (SAP) is available, a White House spokesman stated “The president applauds the Senate for passing the Tribal Law and Order Act, and he urges the House to move swiftly.”

**Cost to Taxpayers:** A CBO score for the Senate Amendments to H.R. 725 is unavailable. However, the **total authorizations listed in the Senate amendments to H.R. 725 amounts to approximately \$477 million over the FY 2011 – 2015 period.** This *does not include hundreds of millions* in the reauthorization incorporated by S. 797 of grants and programs for jail construction, alcohol and substance abuse programs, training for tribal law enforcement officials, tribal courts, youth programs, community policing, technical assistance, and access to national crime databases.

CBO scored similar legislation to H.R. 725, as authorizing nearly \$1.1 billion over the 2010-2014 fiscal years, and at \$380 million after 2014. According to the Judiciary Committee, after reviewing the amendments to the bill, CBO changed its score and estimated that the bill will cost \$821 million to implement over the 2010-2014 fiscal years.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?** Yes, the bill allows any federal law enforcement officer to investigate crimes involving the sale or distribution of fake Indian crafts.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill expands on the responsibilities of the DOJ to enforce Indian law and the bill expands a number of grant programs to reduce crime in Native American reservations.

**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?** According to Committee Report 111-397, “H.R. 725 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

**Constitutional Authority:** According to Committee Report 111-397, “Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.”

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**S. 1053 - To amend the National Law Enforcement Museum Act to extend the termination date (Sen. Murkowski, R-AK)**

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

**Summary:** S. 1053 would extend the termination date of the National Law Enforcement Museum Act (Public Law 106-492), by three years. Currently, this act is set to expire on November 9, 2013.

The National Law Enforcement Museum Act was S. 1438 in the 106<sup>th</sup> Congress, and passed the House on October 24, 2000 by voice vote. This legislation would allow the National Law Enforcement Officers Memorial Fund to construct a museum that would honor law enforcement officers on federal lands. The museum would be in the District of Columbia and would be established without federal funds.

**Committee Action:** S. 1053 was introduced on May 14, 2009, and referred to the Senate Energy and natural Resources Subcommittee on National Parks, which held a markup and approved the bill without amendment. The Senate passed S. 1053 on May 7, 2010 by unanimous consent. The legislation was then referred to the House Natural Resources Subcommittee on National Parks, Forests and Public Lands, which took no public action.

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

**Cost to Taxpayers:** Because the museum would be established with nonfederal funds, CBO estimates that enacting S. 1053 would have no significant effect on the federal budget.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?** No.

**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?:** 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:** No explanation of constitutional authority is provided for S. 1053.

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## **H.R. 2693—Oil Pollution Research and Development Program Reauthorization Act (*Woolsey, D-CA*)**

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

**Summary:** The bill amends the Oil Pollution Act of 1990 to establish an interagency committee under the National Oceanic and Atmospheric Administration (NOAA). The Federal oil spill research committee will consist of representatives from NOAA, the United States Coast Guard, the Environmental Protection Agency, and other federal agencies the President deems appropriate. The committee will be tasked with the purpose of coordinating a comprehensive federal oil spill research program in cooperation and coordination with industry, institutions of higher education, research institutions, state and tribal governments, and other relevant stakeholders.

The committee must submit a report to Congress within one year that identifies research programs and technologies developed by governments, institutions of higher education, and industry to respond to spills. In addition, the report must assess the status of knowledge on oil pollution prevention, response, and evaluate the availability of real time data available to mariners, researchers, and responders during a spill, among other issues. The committee must also submit a separate report to Congress that establishes the priorities for a federal research interagency plan on oil spill research and development.

***The bill allows the NOAA to establish a competitive grant program to*** award grants to institutions of higher education or other research institutions to carry out projects to demonstrate technologies for preventing, detecting, or mitigating oil discharges.;

The bill also directs the National Academy of Sciences to also evaluate the conclusions and recommendations from the federal research assessment established under H.R. 2693.

**Additional Background:** The Oil Pollution Act of 1990 authorized an interagency oil pollution program to conduct research, technology development, and demonstration for the prevention, response, and mitigation of oil pollution resulting from discharges. H.R. 2693 seeks to expand the authority of the Interagency Coordinating Committee to develop emergency contingency oil spill response plans between federal agencies.

**Possible Conservative Concerns:** Some conservatives have expressed concern that the bill shifts the original statute to concentrate the focus of the committee more on the environmental effects of the cleanup technologies. The bill essentially makes the effectiveness of new technology a secondary priority for the committee. Some conservatives have expressed concern it is short sided to focus priorities on the environmental effects unless we have technology that can prevent, contain, responding, and mitigate oil discharges. Some conservatives have expressed concern that the bill authorizes \$240 million over five years.

**Committee Action:** H.R. 2693 was introduced on June 3, 2009, and referred to the House Science & Technology Subcommittee on Energy and Environment. The subcommittee met on June 16, 2009, held a markup, and passed the bill by a voice vote. A full committee markup was held on July 14, 2010, and H.R. 2693 (as amended) passed the committee by voice vote.

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

**Cost to Taxpayers:** According to CBO, H.R. 2693 would authorize appropriations totaling \$240 million through 2015 for an interagency program to research and develop technologies to prevent, mitigate, and clean up oil spills. Of that amount, \$136 million is already authorized under existing law. Assuming appropriation of the authorized amounts, CBO estimates that implementing the legislation would cost \$93 million over the 2011-2015 period and \$11 million after 2015.

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?** No.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill expands the mission of the committee.

**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?:** 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:** No explanation of constitutional authority is provided for H.R. 2693.

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**H.R. 5716—Safer Oil and Natural Gas Drilling Technology Research and Development Act (*Gordon, D-TN*)**

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

**Summary:** H.R. 5716 amends the drilling technologies research and development program originally established under the Energy Policy Act of 2005 (P.L. 109-85) to also focus on developing technologies to improve the safety of exploration and production activities, including blowout prevention, well plugging, and well abandonment.

The bill requires the DOE to establish a Policy Advisory Committee to publish an annual update of the program's work and outline recommendations for the implementation of its research findings. In addition, the Program Advisory Committee must consist of members with extensive research experience or operational knowledge of oil and natural gas exploration that are “broadly representative of the affected interests in oil and natural gas production, including interests in environmental protection and operational safety.”

**Additional Background:** Section 999 of the EPA of 2005 required the Secretary of Energy to establish a non-profit consortium for the research, development, demonstration and commercial application of technologies an ultra-deepwater and unconventional onshore petroleum resource exploration and production. The consortium includes universities, small producers, large and small businesses and research organizations. The major purpose of the program was to develop economic technology and methods for exploration, drilling, and production under ultra-deepwater, or in the Outer Continental Shelf (OCS) in formations that are deeper than 15,000 feet.

The Obama administration repeatedly proposed the elimination of funding for DOE fossil energy R&D programs, as well as the termination of all other oil and gas research and development within the fossil energy program at DOE. However, Congress continued to provide funding those programs like the ones authorized under section 999.

**Committee Action:** H.R. 5716 was introduced on July 13, 2010, and referred to the House Committees on Natural Resources and Science & Technology. On July 14, 2010, the Science and Technology Committee held a mark-up and approved the legislation by voice vote (as amended).

**Cost to Taxpayers:** According to CBO, “under current law, the program is authorized to receive an appropriation of \$100 million and has mandatory spending authority of \$50 million annually through 2014. CBO estimates that implementing the legislation would have no significant impact on the federal budget.”

**Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10<sup>th</sup> Amendment?** No.

**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?:** 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:** No explanation of constitutional authority is provided for H.R. 5716.

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## **H.Con.Res. 292 - Supporting the goals and ideals of National Aerospace Week (Ehlers, R-MI)**

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

**Summary:** H.Con.Res. would resolve that Congress:

- “Supports the goals and ideals of `National Aerospace Week'; and
- “recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.”

The resolution contains a number of findings, including:

- “The missions to the Moon by the National Aeronautics and Space Administration are recognized around the globe as one of the most outstanding achievements of humankind;
- “The United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people in the United States and supporting more than 2,000,000 jobs in related fields;
- “the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordnances; and
- “The third week in September is an appropriate week to observe `National Aerospace Week.’”

**Committee Action:** H.Con.Res. 292 was introduced on June 30, 2010, and referred to the House Science and Technology Committee, which took no public action.

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

**Cost to Taxpayers:** The resolution would not authorize any additional 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?:** 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 stating constitutional authority is unavailable.

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## **H.Res. 611 - Supporting the goals and ideals of “Fragile X Awareness Day” (*Hare, D-IL*)**

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

**Summary:** H.Res. 611 resolves that the House of Representatives:

- “Supports the goals and ideals of ‘Fragile X Awareness Day’;
- “Supports raising awareness and educating the public about fragile X syndrome and associated disorders;
- “Applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by fragile X syndrome;
- “Recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and cure for fragile X syndrome;
- “Urges all physicians, health care providers, and specialists to--
  - “Learn the clinical signs and symptoms of fragile X syndrome, fragile X-associated disorders, fragile X-associated primary ovarian insufficiency, and fragile X-associated tremor/ataxia syndrome;
  - “Use diagnostic, developmental screening, and surveillance modalities to detect fragile X-associated disorders;
  - “Test, when appropriate, individuals exhibiting signs of developmental delay or an autism spectrum disorder to determine the status of their FMR1 gene;
  - “Gain a full understanding of the genetic implications of all fragile X-associated disorders, and when appropriate, make a referral to a geneticist or genetic counselor to assure that affected individuals and their families are aware of how a fragile X-associated disorder may impact their extended family; and

- “Provide patients diagnosed with fragile X-associated disorders with supplemental information maintained by the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development, and private foundations such as the National Fragile X Foundation and the FRAXA Research Foundation;
- “Encourages all private and public health insurance entities to provide full coverage for screening technologies, appropriate followup referrals, and genetic counseling services related to the detection, proper diagnosis, and treatment of fragile X-associated disorders;
- “Recommends that the National Institutes of Health and related member institutes fully implement the research plan on fragile X syndrome and associated disorders developed by the Trans-NIH Fragile X Research Coordinating Group and Scientific Working Groups; and
- “Supports increased funding for research into the causes, treatment, and cure for fragile X syndrome.”

This resolution contains a number of findings, including:

- “Fragile X syndrome is the most commonly known cause of inherited mental impairment in the world;
- “Up to one-half of all children diagnosed with fragile X syndrome also have autism or an autism spectrum disorder;
- “Over 100,000 people in the United States have fragile X syndrome and over 1,000,000 people in the United States carry a fragile X mutation and have or are at risk of developing a fragile X-associated disorder;
- “The National Institutes of Health is currently funding a study that will lay the groundwork for screening of all newborns in the United States for early detection of the fragile X mutation; and
- “Increased research into fragile X syndrome can lead to a better understanding of the disorder, more effective treatments, and an eventual cure.”

**Committee Action:** H.Res. 611 was introduced on July 7, 2009, and was referred to the House Energy and Commerce Committee, which took no public action.

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

**Cost to Taxpayers:** This resolution authorizes no additional expenditures. However, it does state that the House “supports increased funding for research into the causes, treatment, and cure for fragile X syndrome.” It also encourages “all private and public health insurance entities to provide full coverage for screening technologies, appropriate followup referrals, and genetic counseling services related to the detection, proper diagnosis, and treatment of fragile X-associated disorders,” which would come at a cost.

**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?:** 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 stating constitutional authority is unavailable.

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