



REP. TOM PRICE, M.D. (R-GA), CHAIRMAN
PAUL TELLER, EXECUTIVE DIRECTOR
 424 CANNON HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515

rsc.price.house.gov

ph (202) 226-9717 / fax (202) 226-1633

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Contents:

- H.R. 4692** - National Manufacturing Strategy Act of 2010
- H.R. 5156** - Clean Energy Technology Manufacturing and Export Assistance Act of 2010
- H.R. 1875** - End the Trade Deficit Act
- H.Res. 1481** - Supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy
- H.R. 1796** - Residential Carbon Monoxide Poisoning Prevention Act
- H.Res. 1499** - Honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care
- H.R. 2480** - Truth in Fur Labeling Act
- S. 1789** - Fair Sentencing Act of 2010
- H.R. 5751** - Fee on Lobbyists Act
- H.R. 5872** - General and Special Risk Insurance Funds Availability Act of 2010
- Senate Amendments to H.R. 5610** - Independent Living Centers Technical Adjustment Act
- H.R. 5874** - Making Supplemental Appropriations for the United States Patent and Trademark Office for the Fiscal Year Ending September 30, 2010
- H.R. 5875** - Making Emergency Supplemental Appropriations for Border Security for the Fiscal Year Ending September 30, 2010
- H.Res. 1558** - Expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers
- H.R. 4658** - Benton MacKaye Cherokee National Forest Land Consolidation Act
- H.R. 5669** - To direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa

H.R. 4692—National Manufacturing Strategy Act of 2010
(Lipinski, D-IL)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: H.R. 4692 requires the President to conduct a comprehensive analysis of the nation’s manufacturing sector and submit to Congress a report containing a National Manufacturing Strategy by the last day of February of the second year of each Presidential term. Prior to releasing a strategy, the bill requires the President to conduct a comprehensive analysis of the nation’s manufacturing sector and related government programs that consider the current domestic and international environment for the nation's manufacturing sector. The analysis is required to include twenty-three factors

including workforce meetings, government policies affecting manufacturing, viability of natural resources, supply chain, intellectual property protections, and short- and long-term forecasts for the nation's manufacturing sector, among other issues.

In collaboration with the strategy, the bill requires the President to assemble a Manufacturing Strategy Task Force of Cabinet-level appointees and other advisors to the President to make recommendations for the incorporation of specific ideas for the strategy. In addition, the committee shall consist of the Governors of two states, from different political parties, and appointed by the President in consultation with the National Governors Association. The Manufacturing Strategy Task Force will be required to convene public meetings to solicit views on the manufacturing sector and proposed recommendations for the strategy with locations picked to ensure the inclusion of multiple regions and industries of the manufacturing sector. The bill requires the Comptroller General to conduct a review three years after the strategy assessing the recommendations, their implementation, and improving the next strategy.

In addition, the bill requires the creation of a Manufacturing Strategy Board consisting of 21 individuals from the private sector, appointed by the President after consultation with industrial organizations and co-chaired by 3 members representing the President's Council of Advisors on Science and Technology, the Manufacturing Council of the Department of Commerce, and the Defense Policy Board. The board must consist of at least three representatives of labor organizations, three representatives of manufacturing firms with fewer than 500 employees, and one representative of an academic institution who is involved in research and development regarding manufacturing-related technology or systems.

The bill also requires the President and the National Academy of Sciences, to submit three additional reports that describes the stresses on the nation's manufacturing sector and recommends ways in which the federal government can support such sector, predicts the likely needs of, and challenges to, the manufacturing sector in the year 2035, and a report that assesses government manufacturing programs and research and development portfolios.

The bill requires the President to consider the National Manufacturing Strategy when submitting the yearly budget proposal to Congress.

Additional Background: According to the bill's sponsor, the manufacturing sector employed 11.5 people in 2009, approximately 5.8 million Americans less than 10 years earlier.

Committee Action: On February 25, 2010, the bill was introduced and referred to the Committee on Energy and Commerce. On July 21, 2010, the Energy and Commerce Committee held a mark-up and ordered the bill reported (as amended) by a voice vote.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO report for H.R. 4692 is unavailable at press time.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is not available at press time.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.R. 5156—Clean Energy Technology Manufacturing and Export Assistance Act of 2010 (*Matsui, D-CA*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The bill authorizes a total of \$75 million over five years, and requires the Secretary of Commerce to establish a Clean Energy Technology Manufacturing and Export Assistance Fund administered through the International Trade Administration. The stated purpose of the fund is to promote policies that will “reduce production costs and encourage innovation, investment, and productivity in the clean energy technology sector, and implement a national clean energy technology export strategy.” The bill defines “clean energy technology” as anything that:

- Achieves substantial reductions in greenhouse gas emissions;
- Does not result in significant incremental adverse effects on public health or the environment; and
- Does one or more of the following:
 - ◆ Generates electricity or useful thermal energy from a renewable resource;
 - ◆ Substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption; or
 - ◆ Substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

The bill allows the Secretary to provide information, tools, and other assistance to United States businesses to promote clean energy technology manufacturing and facilitate the export of clean energy technology products and services. These are defined to include educational opportunities, policy analysis to businesses to promote innovation, investment, and productivity in the clean energy technology sector. Additionally, the bill requires the Secretary to provide additional assistance to businesses to promote clean energy technology by helping companies learn about the export process and export opportunities in foreign markets, helping United States companies to navigate foreign markets, and helping United States companies provide input regarding clean energy technology manufacturing and trade policy developments and trade promotion.

Finally, the bill requires a report to Congress by 2015 assessing the extent to which the program has been successful in promoting industry and creating jobs.

Additional Background: With unemployment expected to continue hovering around 10% through the end of the year, House Democrats [are promoting](#) a national manufacturing strategy revolving around the creation of new programs under the guise of promoting job creation. Many political observers credit strategy as an attempt to distract voters from the failed policies implemented under the so-called stimulus. Most conservatives would argue the manufacturing sector would be better served by fair free-trade agreements and regulatory relief.

Possible Conservative Concern: Some conservatives have express concern that it is inappropriate for the federal government to authorize an additional \$75 million in spending for a new program that essentially can be labeled “corporate welfare.” Taxpayers should not have to subsidize the development of business plans for private industry. While conservatives agree it is important to find solutions to create jobs, new programs like H.R. 5156 are clearly not the solution and do little - if anything - to promote job creation and simply waste taxpayer dollars to allow the government to pick winners and losers in what is supposed to be a “free” market. Conservatives would agree with President Reagan that “government is not the solution to our problem, government *is* the problem” [and would prefer to support comprehensive market-based solutions to spur job growth](#).

Committee Action: On April 27, 2010, the bill was introduced and referred to the Committee on Energy and Commerce and Foreign Affairs. On July 21, 2010, the Energy and Commerce Committee held a mark-up and ordered the bill reported (as amended) by a voice vote.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: CBO estimates that H.R. 5156 would authorize \$75 million over the 2011 – 2015 period, and would cost \$67 million over the 2011-2015 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new program for “clean” energy technology efficiency program administered by the Secretary of Commerce.

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A Committee Report citing Constitutional authority is not available at press time.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.R. 1875 – End the Trade Deficit Act (*DeFazio, D-OR*)

Order of Business: The legislation is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1875 would establish an emergency commission to end the trade deficit.

Commission. The bill would establish a Commission with 11 members (3 appointed by the President, 2 by the President pro tempore of the Senate with the recommendation of the Majority Leader of the Senate, 2 with the recommendation from the Minority Leader of the Senate, 2 from the Speaker, and 2 from the Minority Leader in the House). Members shall be appointed no later than 60 days after the date of enactment. The Commission is responsible for examining the “nature, causes, and consequences of the United States trade deficit” and providing recommendations on how to address and reduce trade imbalances. In examining the causes of the U.S. trade deficit, the Commission shall, *among other things*:

- Identify and assess the impact of macroeconomic factors on U.S. bilateral trade imbalances and global trade imbalances;
- Assess the impact of tariff and non-tariff barriers maintained by countries with which the U.S. has sectoral and bilateral trade deficits;
- Assess the impact of investment, offset, and technology transfer requirements by countries with which the U.S. has sectoral and bilateral trade deficits;
- Assess the impact due to the failure of such countries (with which the U.S. has trade deficits) to adhere to internationally-recognized labor standards; and
- Assess any impact due to differences in levels of environmental protection;

- Assess the impact of policies maintained by such countries that assist manufacturers in such countries;
- Assess the impact of border tax adjustments by such countries;
- Examine the impact of free trade agreements on the U.S. trade deficit; and
- Examine the impact of investment flows into and out of the U.S on the trade deficit.

In examining the consequences of the U.S. trade deficit, the Commission shall, *among other things*:

- Identify and quantify the impact of the trade deficit on the domestic economy; and
- Assess the effects the trade deficits in the areas of manufacturing and technology have on defense production.

Recommendations. The Commission shall make recommendations:

- Identifying specific strategies to achieve improved trade balances with those countries with which the U.S. has trade deficits;
- Identifying trade policy tools that can be more effectively used to address causes of trade deficits; and
- Identifying policies that can enhance U.S. competition with regard to domestic and global manufacturing.

Report. No later than 16 months after the date of enactment, the Commission shall submit to the President and the Committee on Ways and Means and the Committee on Finance in the Senate, the findings and conclusions of the Commission and any recommendations.

Authorization. The bill authorizes \$2 million to the Commission to carry out its activities.

Additional Information: The issues of trade agreements and their ability to reduce the trade deficit has been one that conservatives continuously talk about, especially in light of the three pending trade agreements with Korea, Colombia, and Panama. According to the House Ways and Means Republicans, “The U.S. trade balance with the 13 countries for which trade agreements have been implemented under Trade Promotion Authority improved by an overwhelming 467% between 2001 and 2009, creating a trade surplus of over \$25 billion.” This provides proof that trade agreements with foreign countries frequently produce positive results that will help the trade deficit.

Potential Conservative Concerns: Some conservatives might be concerned that this bill creates a \$2 million Commission to study the causes and effects of the trade deficit. Many conservatives might believe that, while this is an opportunity to talk about pending trade agreements and their potential positive effects, the establishment of a Commission will do little to actually reduce the trade deficit.

Committee Action: H.R. 1875 was introduced on April 2, 2009, and referred to the House Committee on Ways and Means, which took no public action.

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

Cost to Taxpayers: A score from CBO is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. It creates a new federal commission.

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?: Although 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.

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

H.Res. 1481 - Supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy (*Schwartz, D-PA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1481 resolves that the House of Representatives:

- “Supports the goals and ideals of `National Save for Retirement Week', including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security;
- “Supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many Americans but which should be utilized by more;
- “Supports the need to raise public awareness of the importance of saving adequately for retirement, and the continued existence of tax preferred employer-sponsored retirement savings vehicles; and
- “Calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week

with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.”

The resolution contains a number of findings, including:

- “Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;
- “Financial literacy is an important factor in United States workers' understanding of the true need to save for retirement;
- “Many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of such plans at all or to the full extent allowed by such plans as prescribed by Federal law;
- “October 17 through October 23, 2010, has been designated as ‘National Save for Retirement Week’.”

Democrat Inconsistency Alert!

Hypocrisy: House Democrats continue to encourage hard working Americans to become financially literate, save more of their income, and prepare for future expenses. Meanwhile the Democrat lead Congress is presiding over record breaking deficits.

This is also at least the sixth resolution this Congress that encourages Americans to be financially literate. Other resolutions that have passed the House are:

- H.Res. 180** – Supporting the goals and ideals of the third annual America Saves Week
- H.Res. 1082** - Supporting the goals and ideals of the fourth annual America Saves Week
- H.Res. 357** - Supporting the goals and ideals of Financial Literacy Month 2009
- H.Res. 1353** - Supporting the goals and ideals of Student Financial Aid Awareness Month to raise awareness of student financial aid
- H.Res. 1257** - Supporting the goals and ideals of National Financial Literacy Month, 2010

Committee Action: H.Res. 1481 was introduced on June 28, 2010, and referred to the House Ways and Means 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 citing constitutional authority is unavailable.

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

H.R. 1796—Residential Carbon Monoxide Poisoning Prevention Act (*Matheson, D-UT*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The legislation requires the Consumer Product Safety Commission (CPSC) to publish in the Federal Register mandatory consumer product safety standards for single and multiple station carbon monoxide alarms. After implementation of the standard, it will be illegal for a manufacturer or distributor to import or distribute any new assembled or unassembled residential carbon monoxide detector unless it complies with the standard. Within one year, all manufactures will be required to clearly identify its conformance with the requirements of the consumer product safety standard promulgated by the CPSC. The bill also allows the American National Standards Institute to include any additional provisions that the Commission determines is reasonably necessary to ensure their safe and effective operation.

Additionally, the bill requires the CPSC to promulgate consumer product safety rules by placing prominently displayed warning labels on portable generators regarding the carbon monoxide hazard posed by incorrect use of the portable generator. The warning label must include the word “DANGER” in prominently displayed text and shall include the following information, at a minimum, presented in a clear manner:

- Indoor use of a portable generator can kill quickly.
- Portable generators should be used outdoors only and away from garages and open windows.
- Portable generators produce carbon monoxide, a poisonous gas that people cannot see or smell.

Each portable generator sold to the public for purposes other than resale shall have a large pictogram, affixed to the portable generator, which clearly states “OUTDOOR USE ONLY: EMITS POISONOUS GAS” and visually depicts the harmful effects of breathing carbon monoxide. Instruction manuals for portable generators must also include provisions regarding the dangers associated with the use of it from carbon monoxide poisoning.

Finally, the bill *creates a grant program* to provide assistance to eligible states to carry out a carbon monoxide alarm program. In order to be eligible for the program, states must demonstrate satisfaction of the Commission it has adopted a state-wide rule, regulation, or similar measures with the force and effect of law, requiring the inclusion of approved carbon monoxide alarms installed in all commercial residential dwelling units and all new dwelling unit construction and providing penalties for failure to include such alarms. The grant program shall give priority to multi-state applications (including those involving nonprofit organizations) and states demonstrating greater than average losses of life from carbon monoxide poisoning in the home. The bill authorizes \$2 million for each year for FY 2010 through 2014, for a total of \$10 million over five years. The bill allows up to 25% of the authorizations to be used to educate the public about the risk associated with carbon monoxide as a poison and the importance of proper carbon monoxide alarm use.

Additional Background: According to the Centers for Disease Control and the bill's sponsor, "carbon monoxide is the leading cause of accidental poisoning deaths in America. Nearly all carbon monoxide poisonings can be prevented by simply placing a carbon monoxide detector in one's home. Carbon monoxide poisoning kills 500 people each year in the U.S. and hospitalizes an additional 20,000 people. Poisonings occur from several sources, including leaky furnaces that aren't properly serviced, water heaters, stoves, and portable generators that are used inside or in an area with poor ventilation."

Committee Action: On March 30, 2009, the bill was introduced and referred to the Committee on Energy and Commerce. On June 30, 2010, the Energy and Commerce Committee held a mark-up and ordered the bill reported (as amended) by a voice vote.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO report for H.R. 1796 is unavailable at press time. However, the bill authorizes \$2 million for each year for FY 2010 through 2014, for a total of \$10 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates a new grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, there are new labeling requirements for portable generators.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

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

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

**H.Res. 1499 - Honoring the achievements of Dr. Robert M. Campbell, Jr., to provide children with lifesaving medical care
(*Wasserman Schultz, D-FL*)**

Order of Business: The resolution is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1499 resolves that the House of Representatives:

- “Honors Dr. Robert Campbell for his lifelong devotion to children's health care;
- “Congratulates Dr. Robert Campbell and his colleagues on their extraordinary achievement in pediatric and orthopedic innovation;
- “Recognizes the Vertical Expandable Prosthetic Titanium Rib device which has saved the lives of so many infants and children, while giving hope to their families; and
- “Calls on the Food and Drug Administration to continue to support and incentivize other medical advances to save children's lives threatened by rare disorders.”

The resolution contains a number of findings, including:

- “Dr. Robert M. Campbell, Jr., is a pediatric orthopedic surgeon affiliated for many years with the University of Texas Health Science Center at San Antonio and now Director of the Thoracic Insufficiency Center at The Children's Hospital of Philadelphia;
- “Dr. Campbell, working with other specialists, helped identify Thoracic Insufficiency Syndrome, which is associated with the rare conditions of congenital scoliosis, fused ribs, small chests, and missing ribs, and results in the inability of the thorax to support normal respiration or lung growth which is often fatal in children;
- “In 1987, Dr. Robert Campbell, working together with the late Dr. Melvin Smith, a professor of pediatric general surgery at CHRISTUS Santa Rosa Children's Hospital, invented the Vertical Expandable Prosthetic Titanium Rib, which is easy to implant and easy to expand with minor outpatient surgery as the child grows;
- “Dr. Campbell has also served as an advocate for children through actions such as his March 27, 2007, testimony before the United States Senate Committee on Health, Education, Labor, and Pensions entitled ‘Ensuring Safe Medicines and Medical Devices for Children’; and

- “There is a need to promote pediatric device development by providing incentives to manufacturers while equipping the Food and Drug Administration with the appropriate authority to monitor the safety of these devices in children.”

Committee Action: H.Res. 1499 was introduced on July 1, 2010, and 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: 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 citing constitutional authority is unavailable.

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

H.R. 2480—Truth in Fur Labeling Act of 2009 (*Moran, D-VA*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The bill amends the Fur Products Labeling Act to eliminate the exemption of products of a “relatively small quantity or value” from labeling requirements and requires the Federal Trade Commission to hold a rulemaking process to review its Fur Products Name Guide ensure the accuracy and consistency of species names.

Additional Background: It is illegal to import, export, sell or advertise any domestic dog or cat fur in the United States. Clothing made with fur harvested from other animals must be identified with a label. However, this is only required if the value of the fur exceeds \$150. According to the bills sponsor “Humane Society of the United States [investigators found a proliferation](#) of falsely labeled and falsely advertised dog fur on fashion clothing sold by some of the largest names in U.S. retailing. Of the fur-trimmed jackets subjected to mass spectrometry testing by HSUS, 96 percent were found to be domestic dog, wolf or raccoon dog, and either mislabeled or not labeled at all.”

The 1951 Fur Products Labeling Act requires fur clothing and accessories must be labeled generally with the name of the animals used, the country in which the animals were killed, and the manufacturer. However, the act exempts garments with a “relatively small quantity or value” defined by the Federal Trade Commission as a value today of \$150.

Committee Action: On May 19, 2009, the bill was introduced and referred to the Committee on Energy and Commerce. On July 15, 2010, the Energy and Commerce Committee held a mark-up and ordered the bill reported (as amended) by a voice vote.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO report for H.R. 2480 is unavailable at press time.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available at press time. However, such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is not available at press time.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

S. 1789 – Fair Sentencing Act (*Sen. Durbin, D-IL*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill. The Senate passed the exact same bill on March 17, 2010, by unanimous consent.

Summary: S. 1789 would reduce the disparity between sentencing for crack and powder cocaine. It would also increase criminal penalties for serious drug offenses and eliminate the mandatory minimum sentence of five years for simple possession of crack. The bill also calls for the U.S. Sentencing Commission to review and amend sentencing guidelines to ensure an increase in penalties for:

- Those that engaged in bribery of a law enforcement officer; or
- Those that had an establishment for the manufacturing or distribution of a controlled substance; or

- Those that were organizers, leaders, managers, or supervisors of drug trafficking activity subject to an aggravating role enhancement.

Specifically, the bill lessens the disparity between crack and powder cocaine sentencing from 100:1 to 18:1. It does this by increasing the amount of crack needed to trigger the 5-year mandatory minimum sentence from 5 grams to 28 grams (approximately 1 ounce). The amount needed to trigger a 10-year mandatory minimum sentence is increased from 50 grams to 280 grams.

U.S. Sentencing Commission Review. The bill includes a requirement that the U.S. Sentencing Commission review and amend the applicable guidelines for crack offenses involving violence. The Commission shall also promulgate guidelines, policy statements, or amendments required by this Act within 90 days of enactment of the Act.

Comptroller General Report to Congress. The bill further requires the Comptroller General of the U.S. to submit a report to Congress analyzing the effectiveness of drug court programs.

Additional Background: The current penalties for crack were implemented in 1986 during an epidemic of crack abuse. The penalties were enacted to help make communities safer and they were supported on the floor by then-Chairman of the Select Committee on Narcotics Abuse and Control, Congressman Charlie Rangel (D-NY).

Under current federal law, the sentencing ratio between crack and powder cocaine is 100:1. Many law enforcement groups argue that the ratio is unfair because sentencing leads to prosecution of small-time drug dealers instead of major drug traffickers and sellers. The 18:1 ratio that is established in this bill lessens the disparity but keeps in mind too, that crimes associated with crack are frequently more violent than those associated with powder cocaine. As stated in a recent letter of support signed by 11 Senators, including Senator Tom Coburn (R-OK) and Senator John Cornyn (R-TX), “Tough anti-cocaine legislation is needed, but the law also must be fair. Under current federal law, possessing five grams of crack cocaine is subject to the same mandatory minimum sentence as selling 500 grams of powder cocaine. This creates a 100:1 crack-powder sentencing disparity.”

U.S. Sentencing Commission. Additionally, the U.S. Sentencing Commission has [continuously stated](#) that “the 100-1 crack-powder quantity ratio significantly undermines various congressional objectives set forth in the Sentencing Reform Act and elsewhere.”

Race disparity. Many supporters of the bill also assert that the current sentencing disparity creates unjustifiable racial discrimination due to the fact that a significant majority of those sentenced to federal prison for crack-related offenses are African-American. Pat Nolan of Prison Fellowship Industries states in a letter to the Senate that, “The disparity in sentences between crack and powder has locked up many, many young men, particularly African American men, for prison sentences much longer than for those who sell similar amounts of other comparable drugs.” However, it is also important to

note, according to numbers from the U.S. Sentencing Commission during a hearing in front of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security on May 21, 2009, the numbers of African Americans that have had have decreased from 91% in 1992 to 80% in 2008.

Potential Conservative Concerns: Additionally, some conservatives might be concerned that this bill lessens the mandatory minimum sentence for a drug that is frequently associated with violent crime. Supporting a bill that decreases mandatory minimum sentences could be seen as supporting an initiative that is weak on crime in that it will risk a surge of violence and addiction seen in the 1980's when the penalties were implemented. According to a 2008 report from the National Institute on Drug Abuse, crack and powder cocaine use has dropped by 2/3 over the last 20 years. Some might attribute this fact to the harsh penalties associated with the drugs.

Some conservatives might also be concerned that this bill follows a trend of support for lessening of drug penalties in general.

Groups/Individuals Supporting:

- Association of Prosecuting Attorneys
- Federal Law Enforcement Officers Association
- International Union of Police Associations
- National Association of Police Organizations
- National District Attorneys Association
- Galen Carey, National Association of Evangelicals
- Former Congressman J.C. Watts
- Pat Nolan, Vice President, Prison Fellowship. See Mr. Nolan's Washington Times op-ed [here](#).
- Tom Minnery, Citizenlink
- Emmett Solomon, Executive Director of the Restorative Justice Ministry Network of North America (RJMN), Retired Director of Chaplaincy of the Texas Department of Criminal Justice
- Rev. David Valentine, Lead Pastor of Covenant Fellowship Huntsville, Texas
- Asa Hutchison: Former administrator for the Drug Enforcement Administration and former Republican Congressman from Arkansas Click [here](#) for Mr. Hutchison's Roll Call op-ed.
- David Keene, President of the American Conservative Union
- Ward Connerly, American Civil Rights Institute
- Grover Norquist, President of Americans for Tax Reform

Committee Action: The bill was introduced on December 15, 2009 and referred to the Senate Committee on the Judiciary. After Senate passage of the bill on March 17, 2010, the bill was referred to the House Committee on the Judiciary.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: No CBO score is available.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: A committee reporting 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 unavailable.

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

H.R. 5751— Lobbying Disclosure Enhancement Act (*Rep. Kilroy, D-OH*)

Order of Business: H.R. 5751 is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.R. 5751 would require the Attorney General to establish the Lobbying Disclosure Act Enforcement Task Force that would be responsible for the following functions:

- Investigating cases referred by the Secretary of the Senate and the Clerk of the House of Representatives for potential non-compliance with the Lobbying Disclosure Act (LDA).
- Collecting and disseminating information on enforcement of the LDA.

The bill would amend the LDA to require the Secretary of the Senate and the Clerk of the House of Representatives to report potential non-compliance to the Attorney General instead of the United States Attorney for the District of Columbia as under current law. The Attorney General would be responsible for” making recommendations to Congress on:

- Enforcement and compliance with the LDA.
- The need for and resources available for enhanced enforcement of the LDA. This provision presumably is meant to allow the Task Force to recommend that fees for registering and penalties for failure to file on time be placed on lobbyists, as proposed in the original text of the bill.

Additionally, the bill would amend the LDA to require the names of individual lobbyists or lobbying firms involved and any sentences imposed for non-compliance to be published.

The bill would authorize to be appropriated “such sums” as necessary to carry out this legislation.

Additional Background: Currently, lobbyists must register with the Secretary of the Senate and the Clerk of the House of Representatives within 45 days of making a first lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier. Additionally, the Attorney General is required to report to Congress the aggregate number of enforcement actions taken by the Department of Justice by case, any sentences imposed, except that such report shall not include the names of individuals, or personally identifiable information, that is not already a matter of public record.

Committee Action: H.R. 5751 was introduced on July 15, 2010, as the “Fee on Lobbyists Act” and referred to the House Committee on Judiciary, which took no action. On July 28, 2010, the same day the bill was to be considered on the floor, the text of the bill was entirely swapped out and the bill was renamed “Lobbying Disclosure Enhancement Act.”

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

Cost to Taxpayers: No CBO score was available at press time.

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 is 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 the constitutional authority for Congress to enact this bill is unavailable.

RSC Staff Contact: Emily Henehan Murry; Emily.Murry@mail.house.gov; 202-225-9286

H.R. 5872 - To provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development (*Frank, D-MA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: The legislation increases from \$15 billion to \$20 billion the loan limit for the Federal Housing Administration’s multifamily loan program. According to the Department of Housing and Urban Development, the program will hit the current law cap of \$15 billion in August of this year.

Potential Conservative Concern: Some conservatives may oppose increasing the cap for this program since it is 100% backed government insurance. The higher the cap, the higher the potential taxpayer liability under the program.

Committee Action: H.R.5872 was introduced on July 27, 2010, and referred to the House Financial Services Committee, which took no public action.

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

Cost to Taxpayers: No formal CBO score is available at press time. However, a preliminary CBO analysis projects that the legislation reduces mandatory spending by \$94 million. This score results from CBO assuming a negative subsidy rate for the program.

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

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 citing constitutional authority is unavailable.

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

Senate Amendments to H.R. 5610 - Independent Living Centers Technical Adjustment Act (*Miller, D-CA*)

Order of Business: The legislation is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill. The bill passed the House on June 30, 2010, by voice vote. It passed the Senate on July 27, 2010, by unanimous consent.

Summary: H.R. 5610 would make technical changes to the formula by which Centers for Independent Living (CILs) receive funding. This legislation would allow states to apply to for a waiver to disregard “stimulus” funds when allocating annual FY 2010

funds under certain conditions. The House-passed bill stated that the waiver must be made by July 30, 2010. The Senate amended the House bill to change the date to August 5, 2010.

Additional Information: Centers for Independent Living (CILs) are private, nonprofit, non residential agencies that provide services for individuals with disabilities which enables them to live independently.

The [Rehabilitation Act](#) provides funding for CILs through the states through a formula grant. In FY 2009 CILs received \$77.3 million in regularly-appropriated federal funds. The “stimulus” provided an additional \$87.5 million for CILs in FY 2009. States had the option to distribute stimulus funds based on the same formula used for annual funds, or based on another formula that would be determined by the state. There were 31 states (which include DC and Puerto Rico) that chose to distribute stimulus funds based on another formula. Because the annual funding formula for CIL funds specifies that centers must receive the same amount they received in the prior year, stimulus funds are being considered when distributing annual funds to CILs. Additionally, since stimulus funds were distributed irregularly to states, those CILs that received those funds will experience a significant increase in FY 2010 funding while other CILs that received no “stimulus” funds will receive a significant cut in annual funding.

The 31 states are: AL, AR, AZ, CA, CT, DC, FL, GA, HI, IA, ID, IN, KY, LA, MD, MO, MT, ND, NH, NV, OR, PA, PR, RI, SC, UT, VA, VT, WI, WV, and WY.

Committee Action: H.R. 5610 was introduced on June 28, 2010, and referred to the House Education and Labor Committee, which took no public action.

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

Cost to Taxpayers: A score from CBO is unavailable.

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?: Although 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.

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

H.R. 5874—United States Patent and Trademark Office Supplemental Appropriations Act (*Rep. Mollohan, D-WV*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The legislation *appropriates* \$129 million in FY 2010 for the salaries and expenses at the U.S. Patent and Trademark Office. Should offsetting fee collections amount to less than \$2.016 billion, the appropriation would be reduced accordingly.

The legislation *rescinds* \$129 million of previously appropriated funds for the U.S. Census.

Cost to Taxpayers: No CBO score is available. However, the legislation appears to have no net impact on discretionary budget authority.

Committee Action: H.R. 5874 was introduced on July 27, 2010 and was referred to the House Committee on Appropriations, which took no action.

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 CBO score citing any potential such mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing any potential earmarks is available, though the legislation does not appear to contain any earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov (202) 226-9719

H.R. 5875—Emergency Border Security Supplemental Appropriations Act, 2010 (*Rep. Price, D-NC*)

Order of Business: The bill is scheduled to be considered on Wednesday, July 28, 2010 under a motion to suspend the rules and pass the bill.

Summary: The legislation appropriates a net of \$500 million as described below:

New Appropriations: The bill appropriates a total of \$701 million for border security, and gives this spending an emergency designation. The money would be divided as follows:

- \$78 million—U.S. Customs and Border Protection Officer staffing on southwest border of U.S.;
- \$58 million—hiring additional U.S. Customs and Border Protection Officers for deployment at ports of entry on the southwest border of the U.S.;
- \$208.4 million—hiring additional border patrol agents for deployment to the southwest border of the U.S.;
- \$2.5 million—forward operating bases on the southwest border of the U.S.; and
- \$10 million—integrity and background investigation programs;
- \$14 million—border security, fencing, and technology;
- \$32 million—air and marine interdictions, operations, maintenance, and procurement;
- \$9 million—construction and facilities management;
- \$30 million—U.S. Immigration and Customs Enforcement, Salaries and Expenses;
- \$50 million—FEMA, State and Local programs (for Operation Stonegarden); and
- \$8.1 million—Federal Law Enforcement Training Center; and
- \$201 million—Department of Justice for law enforcement activities on the southwest border.

Rescissions: The bill rescinds a total of \$201 million of previously appropriated money as follows:

- \$100 million—Border Security, Fencing, Infrastructure, and Technology;
- \$15.5 million—Transportation Security Administration, Aviation Security;
- \$34.5 million—Federal Emergency Management Agency; and
- \$51 million—U.S. Census.

Cost to Taxpayers: No CBO score is available. However, the bill appropriates \$701 million and rescinds \$201 million, which is a net increase in discretionary budget authority of \$500 million.

Potential Conservative Concern: Some conservatives may be concerned that the legislation is not fully offset, and would increase the deficit by \$500 million. Some conservatives may also believe that this funding could instead be provided through the regular FY 2011 appropriations process, which would require the majority to pay for this spending through lower spending for other programs. It is worth noting that none of the money provided by this bill is actually expected to be spent until FY 2011.

Committee Action: H.R. 5875 was introduced on July 27, 2010 and was referred to the House Committee on Appropriations, which took no action.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill increases discretionary spending budget authority by a net of \$500 million.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score citing any potential such mandates is available.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No committee report citing any potential earmarks is available, though the legislation does not appear to contain any earmarks.

Constitutional Authority: No committee report citing constitutional authority is available.

RSC Staff Contact: Brad Watson, brad.watson@mail.house.gov (202) 226-9719

H.Res. 1558 - Expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers (*Cardoza, D-CA*)

Order of Business: The resolution is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1558 resolves that it is the sense of the House of Representatives:

- “That fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers.”

The resolution contains a number of findings, including:

- “Everyday products from crayons to fuel are produced by America's farmers and ranchers;
- “The image of the American flag gives inspiration to our Nation's farmers that produce our most valued products that we are so dependent on;
- “The American flag symbolizes the noble dreams of our founding fathers, the freedoms fought for by our soldiers, and the most noble aspirations in history of the human spirit; and
- “The American flag has served throughout our Nation's history as the needle with which we have sewn our patriotic seed.”

Committee Action: H.Res. 1558 was introduced on July 26, 2010, and referred to the House Agriculture 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 citing constitutional authority is unavailable.

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

H.R. 4658 - Benton MacKaye Cherokee National Forest Land Consolidation Act (Duncan, R-TN)

Order of Business: The legislation is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4658 would allow the Secretary of Agriculture to sell to the Towee Falls Baptist Church, a 66.5 acre parcel. This parcel is currently part of the National Forest System land in Cherokee National Forest. The sale price shall be the estimated fair market value, as determined by an appraiser.

The legislation also allows the Secretary to purchase, from the Monroe County Tennessee Board of Education, a 120 acre parcel known as the "Doc Rogers tract." The Secretary may use the funds received from the sale of the 66.5 acre parcel to pay for the acquisition of this parcel.

The Secretary will make adjustments to the boundaries of Cherokee national Forest to reflection the land transaction.

Committee Action: H.R. 4658 was introduced on February 23, 2010, and referred to the House Agriculture Subcommittee on Department Operations, Oversight, Nutrition and Forestry. A full committee markup was held on June 30, 2010, and the legislation passed, as amended, by voice vote.

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

Cost to Taxpayers: A CBO report is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. After the transactions allowed in this legislation, the federal government will own approximately 53.5 more acres than it did before.

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 citing constitutional authority is unavailable.

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

H.R. 5669 - To direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa (Latham, R-IA)

Order of Business: The legislation is scheduled to be considered on Wednesday, July 28, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5669 would allow the Secretary of Agriculture to sale a 44 acre parcel to the city of Ames, Iowa. The sale price shall be determined by an appraiser. The city will responsible for reimbursing the Secretary for costs incurred during the land transaction, appraisal, survey, title search and the closing.

Funds received from the transaction will be deposited into the Treasury, and will be credited to the appropriation for the Agricultural Research Service. The funds will then be available to the Secretary of the Treasury for the acquisition of land and interests in land and other related purposes of the National Animal Disease Center.

Committee Action: H.R. 5669 was introduced on July 1, 2010, and referred to the House Agriculture Committee, which took no public action.

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

Cost to Taxpayers: A CBO report is unavailable.

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 citing constitutional authority is unavailable.

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