



**Legislative Bulletin.....February 12, 2007**

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

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

**Total Cost of Discretionary Authorizations: at least \$23 million over five years**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

**Total New State & Local Government Mandates: 0**

**Total New Private Sector Mandates: 0**

**Number of Bills Without Committee Reports: 5**

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

**H.Res. 134 — Recognizing and honoring the employees of the Department of Homeland Security for their efforts and contributions to protect and secure the Nation (*Carney, D-PA*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1324 would resolve that the House of Representatives recognizes and honors the employees of the Department of Homeland Security for their exceptional efforts and contributions to protect and secure the Nation.

The resolution also states a number of findings, including the following:

- “the United States must remain vigilant against all threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;
- “the Department of Homeland Security marked its 4th anniversary on January 24, 2007;
- “the more than 208,000 employees of the Department work tirelessly to prepare the Nation to counter acts of terrorism, natural disasters, and other emergencies;
- “the Department’s employees work diligently to deter, detect, and prevent acts of terrorism;
- “the Department’s employees stand willing, ready, and able to respond if catastrophe strikes;
- “the Department’s employees support the Department's mission to protect continuously the Nation’s borders, airports, seaports, rail lines, and other transit systems; and
- “the Department’s employees are called upon to sacrifice time with their families to work long hours to fulfill the Department’s vital mission”

**Committee Action:** H.Res. 134 was introduced on February 7, 2007, and referred to the Committee on Homeland Security, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**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.

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**H.R. 437 — To designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the “Lino Perez, Jr. Post Office” (Cuellar, D-TX)**

**Order of Business:** The bill is scheduled for consideration on Monday, February 12, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 437 would designate the U.S. Postal Service facility located at 500 West Eisenhower Street in Rio Grande City, Texas, as the “Lino Perez, Jr. Post Office.”

**Additional Background:** According to the sponsor’s office, Lino Perez, Jr. served the U.S. Postal Service for more than 41 years and rose to the rank of Postmaster for Rio Grande City, Texas.

**Committee Action:** H.R. 437 was introduced on January 12, 2007, and referred to the Committee on Oversight and Government Reform, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 437 is unavailable, but the only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

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

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**H.R. 414 — To designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the “Miguel Angel Garcia Mendez Post Office Building” (Fortuno, R-PR)**

**Order of Business:** The resolution is scheduled for consideration on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 414 would designate the U.S. Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the “Miguel Angel Garcia Mendez Post Office Building.”

**Additional Background:** According to various media sources, Miguel Angel Garcia Mendez was a former legislator in Puerto Rico and Speaker of the Puerto Rican House of

Representatives. Mr. Garcia Mendez died on November 17, 1998, on his 96<sup>th</sup> birthday. Mr. Mendez was an ardent supporter of statehood for Puerto Rico, and helped found the Statehood Republican Party in 1948.

**Committee Action:** H.R. 414 was introduced on January 11, 2007, and referred to the Committee on Oversight and Government Reform, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 414 is unavailable, but the only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

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

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## **H.R. 34 — To establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges (Issa, R-CA)**

**Order of Business:** The resolution is scheduled for consideration on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

An identical bill, H.R. 5418, passed the House during the 109<sup>th</sup> Congress by a voice vote on September 28, 2006 (House Report [109-673](#)).

**Summary:** H.R. 34 would authorize the appropriation of \$5 million per year (for ten years) to **create a new pilot program within the federal court system to increase the expertise of district judges presiding over patent and plant variety protection cases.** Specifically, the program funds would be used for educational and professional development of participating district judges in matters relating to patents and plant variety protection and for compensation of law clerks with expertise in technical matters arising in patent and plant variety protection cases.

The program, administered by the Administrative Office of the U.S. Courts, would have to operate in at least five U.S. district courts in at least three circuits. The Administrative Office would have to periodically report to Congress on the progress made by this program.

**Additional Background:** For information on plant variety protection, as an alternative to patents, visit this website: [http://www.ams.usda.gov/science/PVPO/PVPO\\_Act/PVPA.htm](http://www.ams.usda.gov/science/PVPO/PVPO_Act/PVPA.htm).

**Committee Action:** H.R. 34 was introduced on January 4, 2007, and referred to the Committee on Judiciary's Subcommittee on Courts, the Internet, and Intellectual Property, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 34 is unavailable. However, **CBO estimated that implementing H.R. 5418 (identical bill in the 109<sup>th</sup> Congress) would cost \$23 million over the 2007-2011 period.**

**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.

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

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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### **H.Con.Res. 44 — Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary (*Green-D-TX*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

An almost identical bill, H.Con.Res. 335, passed the House during the 109<sup>th</sup> Congress by a voice vote on March 1, 2006.

**Summary:** H.Con.Res. 335 states that it is resolved by the House of Representatives that Congress:

- 1) “recognizes the 98th anniversary of the historic founding of the National Association for the Advancement of Colored People; and
- 2) “honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.”

**Additional Information:** According to the resolution’s findings, the NAACP was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln’s birth, by a multiracial group of activists, and is the oldest and largest civil rights organization in the U.S. The resolution states it is “mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination” and that “the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans.” The NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, and the Fair Housing Act.

**Possible Conservative Concerns:** The resolution specifically resolves that Congress praises the work of the NAACP. Some conservatives may be concerned over recent legislation and issues that the NAACP has worked for or against, many of which have questionable relation to racial equality, and recent statements by the head of the NAACP regarding the Republican Party and the Nazi Party, including the following examples:

**“The Republican Party would have the American flag and the swastika flying side by side,”**  
NAACP Chairman Julian Bond said in a speech at Fayetteville State University in North Carolina on Feb. 1, 2006.  
<http://www.opinionjournal.com/best/?id=110007929>

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NAACP HEALTH POLICIES AND RESOLUTIONS...

WHEREAS, today, women of color seek abortion at rates higher than their percentage in the population, and overwhelmingly describe themselves as pro-choice in public opinion surveys, and WHEREAS, **on April 25, 2004, thousands of pro-choice supporters will gather in Washington, D.C. for the March Against Fear to demonstrate their support for the right to choice, and** WHEREAS, **a woman denied the right to control her own body is denied equal protection of the law, a fight the NAACP has fought for and defended for nearly 100 years, and**  
... THEREFORE, BE IT RESOLVED, **that the NAACP adds its endorsement and support for the March Against Fear** and urges all who believe in equal rights to attend on April 25, 2004 in Washington, D.C. 2004  
[http://www.naacp.org/inc/docs/health/health\\_resolutions-04.pdf](http://www.naacp.org/inc/docs/health/health_resolutions-04.pdf) (PDF page 41)

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Call to Action on Health ...

Confidentiality of services and access to a trusted medical provider are particularly important in sensitive healthcare areas ... for example, sexually transmitted diseases, including HIV; reproductive health services, including fertility services, pregnancy testing, and **abortion...**  
[http://www.naacp.org/inc/docs/health/health\\_call\\_to\\_action.pdf](http://www.naacp.org/inc/docs/health/health_call_to_action.pdf)

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**The NAACP scorecard for the first session of the 109<sup>th</sup> Congress, in which more than 50% of Congress received a failing grade**, rates and scores Members on the following votes, among others:

- Souder Amendment on DC gun ownership (NAACP advocated a no vote)

- Boehner amendment allowing faith-based groups to participate in Head Start programs and maintain their ability to consider faith in hiring (NAACP advocated a no vote)
- “Regressive Federal Budget Resolution For Fiscal Year 2006” (NAACP advocated a no vote)
- CAFTA (NAACP advocated a no vote)
- Hate Crimes Conyers Amendment (NAACP advocated a yes vote)
- “Regressive, Mean-Spirited Budget Reconciliation Bill (NAACP advocated a no vote)
- *Protection of Lawful Commerce in Arms Act* (Gun manufacture liability bill) (NAACP advocated a yes vote)
- The Senate scorecard scored the “**Confirmation of Extreme Right-Wing Judicial Nominee William H. Pryor, Jr., To the US Court of Appeals For The 11<sup>th</sup> Circuit**”  
[http://www.naacp.org/inc/docs/washington/109/109\\_report\\_card.pdf](http://www.naacp.org/inc/docs/washington/109/109_report_card.pdf)  
<http://www.naacp.org/news/2006/2006-01-23.html>

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**“NAACP Supports Reintroduction of Reparations Study Legislation; Bill Seeks To Create Federal Agency to Study Effects of Slavery on African Americans and to Apologize for the Injustice, Cruelty, Brutality and Inhumanity of Slavery.**

**Committee Action:** H.Con.Res. 44 was introduced on January 24, 2007, and referred to the Committee on Judiciary’s Subcommittee on Crime, Terrorism, and Homeland Security, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**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.

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**H.Res. 122 — Recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II (*Honda, D-CA*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 122 resolves that the House of Representatives “recognizes the historical significance of February 19, 1942, the date Executive Order 9066 was signed by President Roosevelt, restricting the freedom of Japanese Americans, German Americans, and Italian Americans, and legal resident aliens through required identification cards, travel restrictions, seizure of personal property, and internment; and supports the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of these events.”

The resolution lists a number of findings, including the following:

- “President Franklin Delano Roosevelt signed Executive Order 9066 on February 19, 1942, which authorized the exclusion of 120,000 Japanese Americans and legal resident aliens from the West coast of the United States and the internment of United States citizens and legal permanent residents of Japanese ancestry in internment camps during World War II;
- “the freedom of Italian Americans and German Americans was also restricted during World War II by measures that branded them enemy aliens and included required identification cards, travel restrictions, seizure of personal property, and internment;
- “President Gerald Ford formally rescinded Executive Order 9066 on February 19, 1976, in his speech, ‘An American Promise’;
- Congress adopted legislation which was signed by President Jimmy Carter on July 31, 1980, establishing the Commission on Wartime Relocation and Internment of Civilians to investigate the claim that the incarceration of Japanese Americans and legal resident aliens during World War II was justified by military necessity;
- Congress enacted the Civil Liberties Act of 1988, in which it apologized on behalf of the Nation for ‘fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry’;
- “the Civil Liberties Act of 1988 established the Civil Liberties Public Education Fund, the purpose of which is ‘to sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians so that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood’;
- “Congress adopted the Wartime Violation of Italian Americans Civil Liberties Act, which was signed by President Bill Clinton on November 7, 2000, and which resulted in a report containing detailed information on the types of violations that occurred, as well as lists of individuals of Italian ancestry that were arrested, detained, and interned;
- “the Japanese American community recognizes a National Day of Remembrance on February 19th of each year to educate the public about the lessons learned from the internment to ensure that it never happens again; and
- “the Day of Remembrance provides an opportunity for all people to reflect on the importance of political leadership and vigilance and on the values of justice and civil rights during times of uncertainty and emergency.”

**Committee Action:** H.Res. 122 was referred to the House Committee on the Judiciary on January 31, 2007, which took no official action

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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**H.Res. 109— Recognizing the historical significance of the Pinedale Assembly Center, the reporting site for 4,823 Japanese Americans who were unjustly interned during World War II (*Costa, D-CA*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, February 12, 2007, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 109 resolves that the House of Representatives “recognizes the historical significance of the Pinedale Assembly Center to the Nation and the importance of an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese Americans, so that the United States will be reminded of the need to remain vigilant in protecting our Nation’s core values of equality, due process of law, and fundamental fairness.”

The resolution also lists a number of findings, including the following:

- “in the largest single relocation of individuals in the United States in U.S. history, approximately 120,000 of these Japanese Americans were forced into internment camps by the United States Government in violation of their fundamental Constitutional rights;
- “due to this unjust internment, these Japanese Americans faced tremendous hardships, such as the loss of their homes, businesses, jobs, and dignity;
- “following Executive Order 9066, Japanese Americans in parts of Washington, Oregon, California, and southern Arizona were ordered to report to assembly centers before being removed to more permanent war relocation centers;
- “the Pinedale Assembly Center, located in Fresno, California, was the reporting site for 4,823 Japanese Americans;
- “he Pinedale Assembly Center Memorial Project Committee is charged with the task of establishing a memorial to recognize the historic tragedy that took place at the Pinedale Assembly Center; and
- “the ground-breaking ceremony for the memorial at the Pinedale Assembly Center will take place on February 19, 2007, the 65th anniversary of Executive Order 9066.”

**Committee Action:** H.Res. 109 was referred to the House Committee on the Judiciary on January 30, 2007, which took no official action

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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**H.R. 342 — To designate the United States courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush Hudson Limbaugh, Sr., United States Courthouse” (Emerson, R-MO)**

**Order of Business:** The bill is scheduled to be considered on Monday, February 12, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 342 would designate the U.S. courthouse located at 555 Independence Street, Cape Girardeau, Missouri, as the “Rush Hudson Limbaugh, Sr., United States Courthouse.”

**Additional Information:** Limbaugh was born in 1891 in Bollinger County, Missouri, and died in 1996, at the age of 104. At the age of 23, he entered law school, and after only two years of school, he skipped the third year, and passed the Missouri Bar. He practiced law for almost 80 years, and at the time of his death, was the Nation’s oldest practicing attorney. He founded a law firm in Cape Girardeau, Missouri, which has been in existence for over 50 years. In addition, Limbaugh served as President of the Missouri Bar and went on to serve as President of the Missouri State Historical Society. Limbaugh’s two sons, Rush Jr. and Steven, both also practiced law, and Steven current serves as a Senior Federal Judge in St. Louis. He has four grandsons, who also work in the legal field, and one grandson, Steven Jr., is currently a Missouri Supreme Court Justice. (Source: [Speech](#) by Senator Kit Bond)

**Committee Action:** H.R. 342 was referred to the House Committee on Transportation and Infrastructure, which considered it, held a mark-up, and reported the bill by voice vote, as amended.

**Cost to Taxpayers:** There is no CBO score for this bill, but the only costs associated with a court office renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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**H.R. 798 — To direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy (*Oberstar, D-MN*)**

**Order of Business:** The bill is scheduled to be considered on Monday, February 12, 2007, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 798 would direct the Administrator of General Services to install a photovoltaic system (essentially a solar panel wall), as set forth in the Sun Wall Design Project, for the headquarters building of the Department of Energy located at 1000 Independence Avenue, Southwest, Washington, D.C., commonly known as the Forrestal Building. The bill provides that there is to be available from the Federal Buildings Fund \$30 million to carry out this project. H.R. 798 states that “such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alterations and other activities (excluding amounts made available for the energy program).”

**Additional Information:** According to the Transportation Committee, in 1999, the Department of Energy held a competition in which individuals competed to design a solar energy wall for the Department. This bill authorizes the winning design to be added to the Department’s building.

**Committee Action:** H.R. 798 was introduced on February 5, 2007, and referred the House Committee on Transportation and Infrastructure, which considered it, held a mark-up, and reported the bill by voice vote on February 7, 2007.

**Cost to Taxpayers:** CBO confirms that the bill would direct the use of \$30 million in unobligated (i.e. existing) balances in the Federal Buildings Fund and thus not score as increasing budget authority.

**Does the Bill Create New Federal Programs or Rules?:** No.

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

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