

Legislative Bulletin.....November 15, 2010

Contents:

- H. Res. ___** - Providing for the concurrence by the House in the Senate amendment to **H.R. 5566** with an amendment - Prevention of Interstate Commerce in Animal Crush Videos Act of 2010
- H.Res. 716** - Recognizing Gail Abarbanel and the Rape Treatment Center
- Senate Amendment to H.R. 5283** - Help HAITI Act of 2010
- S. 1376** - International Adoption Simplification Act
- H.R. ___** - Marine Sergeant Michael H. Ferschke, Jr. Memorial Act
- H.R. ___** - To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status
- H.R. 5264** - Department of Justice Appropriations Authorization Act, Fiscal Year 2011
- H.Res. ___** - Honoring the 30th Anniversary of the Bayh-Dole Act
- S. 3689** - Copyright Cleanup, Clarification, and Corrections Act of 2010
- H.Res. ___** - Recognizing and honoring the 50th anniversary of Ruby Bridges desegregating a previously all-white public elementary school

H.Res. ___ — Providing for the concurrence by the House in the Senate amendment to H.R. 5566 with an amendment - Prevention of Interstate Commerce in Animal Crush Videos Act of 2010 (Gallegly, R-CA)

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the resolution. H.R. 5566 passed the House on July 21, 2010 by a vote of [416-3](#). The bill then passed the Senate, with an amendment, on September 28, 2010 by unanimous consent.

Summary: H.R. 5566, as amended, defines an “animal crush video” as “any photograph, motion-picture film, video or digital recording, or electronic image that depicts actual conduct in which 1 or more living non-human mammals, birds, reptiles, or amphibians is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury...; and is obscene.”

The Senate amendment to H.R. 5566 amends current law by prohibiting the creation and distribution of animal crush videos. The Senate bill also includes a provision that prohibits the creation or distribution of an animal crush video outside the U.S. if “the person engaging in such conduct intends or has reason to know that the animal crush video will be transported into the United States...; or the animal crush video is transported into the United States...”.

Penalties. The penalty under the Senate amendment to H.R. 5566 is a fine or imprisonment up to 7 years (**this is a change from 5 years in the House-passed bill**), or both.

Exceptions. The bill includes an exception that states this bill shall not apply to any visual depiction of “customary and normal veterinary or agricultural husbandry practices; the slaughter of animals for food; or hunting, trapping, or fishing.” The section shall also not apply to the good-faith distribution of an animal crush video to law enforcement.

Severability Clause. The bill also contains a severability clause.

Committee Action: H.R. 5566 was introduced on June 22, 2010 and referred to the House Judiciary Committee. A full committee markup was held on June 23, 2010 and the legislation was ordered to be reported by a roll call vote of 23-0. It passed the House on July 21, 2010 by a vote of [416-3](#). The bill then passed the Senate, with an amendment, on September 28, 2010 by unanimous consent.

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

Cost to Taxpayers: CBO estimates this legislation would have no significant cost to the federal government.

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?: Yes. The legislation would impose a private-sector mandate by prohibiting the sale or distribution of photographs, videos, or other electronic images that depict individuals conducting illegal acts of cruelty against animals.

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: Natalie Farr, Natalie.Farr@mail.house.gov, (202) 226 0718.

H.Res. 716 - Recognizing Gail Abarbanel and the Rape Treatment Center (*Kennedy, D-RI*)

Order of Business: The resolution is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 716 resolves that the House of Representatives:

- “Applauds Gail Abarbanel for founding the Rape Treatment Center and creating the Fast Track Forensics Program;
- “Commends the Rape Treatment Center for its work in providing the necessary services to victims of sexual assault;
- “Calls upon local law enforcement agencies and State legislatures to work towards eliminating the delays in processing rape kits by utilizing innovative programs such as the Fast Track Forensics Program; and
- “Urges the Congress to support programs that facilitate the timely processing of DNA evidence to assist local law enforcement agencies.”

This resolution contains a number of findings, including:

- “In a study conducted by the Department of Justice and the Centers for Disease Control and Prevention, researchers found that 1 in 6 women are victims of rape or attempted rape;
- “Gail Abarbanel, the founder and director of the Rape Treatment Center at the Santa Monica-UCLA Medical Center, created the Fast Track Forensics Program, an innovative program that speeds up the processing of DNA evidence to assist local law enforcement agencies;
- “Delays in processing rape kits hamper investigations, jeopardize public safety, and result in lost justice for the victims who report their rape to the police and consent to the 4- to 6-hour rape kit collection process;
- “The Rape Treatment Center is nationally recognized for its exemplary treatment, education, and prevention programs; and
- “The work of Gail Abarbanel and the Rape Treatment Center helps sexual assault victims become whole again by addressing the social, emotional, and physical pain resulting from the violence of sexual assault.”

Committee Action: H.Res. 716 was introduced on July 31, 2009, and was referred to the House Judiciary Committee, which took no public action.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

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

Senate Amendment to H.R. 5283 - Help HAITI Act of 2010 (Fortenberry, R-NE)

Order of Business: The bill is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill. H.R. 5283 passed the House on July 20, 2010 by voice vote. The Senate then passed an amended version of the bill on August 4, 2010 by unanimous consent.

Summary: H.R. 5283 would allow the Secretary of Homeland Security to adjust the status of Haitian orphans that were inspected and granted parole into the United States, pursuant to the Haitian humanitarian parole policy announced on January 18, 2010. These children will be deemed to have satisfied the requirements applicable to adopted children if the alien is under the age of 18 at the time adjustment occurs, and if a U.S. citizen adopts the alien, regardless of when adoption occurs. Essentially, the bill grants immediate permanent residence to these particular Haitian orphans. Under current law, they must wait two years after having been adopted before being eligible for permanent resident status. Because the children were airlifted so quickly out of Haiti, the adoption proceedings had not been completed.

The Secretary of State will not be required to reduce the number of immigrant visas authorized under the Immigration and Nationality Act when aliens are granted status to lawfully be in the U.S. as a result of this legislation.

Parents of aliens who obtain an adjustment in status under this legislation will have no inherent right, privilege, or status under this legislation.

The Senate amendment adds the following:

- A numerical limitation on the number of aliens who are granted the status of an alien lawfully admitted for permanent residence to 1400.
- Language stating that the alien must file an application for an adjustment of status not later than 3 years after the date of enactment.

Committee Action: H.R. 5283 was introduced on May 12, 2010, and was referred to the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. It passed the House on July 20, 2010 by voice vote. It then passed the Senate, with an amendment, on August 4, 2010 by unanimous consent.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A CBO score is unavailable.

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

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

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 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.

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

S. 1376 – International Adoption Simplification Act (Sen. Klobuchar, D-MN)

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill. The bill passed the Senate by unanimous consent on July 21, 2010.

Summary: S. 1376 amends the Immigration and Nationality Act to restore immunization and sibling age exemptions for children adopted by U.S. citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States. According to the sponsor of the bill, the exemptions “were inadvertently eliminated when the United States began implementation of the Hague Convention on Intercountry Adoption.”

Exemption from Vaccination Documentation Requirement. Section 2 allows an exempted from required admissions vaccination documentation those children who have been adopted from any foreign country that is a signatory to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (the Hague Convention). This would allow adoptees to receive their vaccinations inside the U.S. in American facilities.

Sibling Adoptions. Section 3 exempts from required admissions vaccination documentation any child who is under 18 at the time a petition is filed on the adoptee’s behalf **if that child is the natural sibling** of an adopted child from a Hague Convention signatory country; a child that was adopted under the age of 16 who has lived with the

adoptive parents for at least two years, or a child who has been abused; or is an orphan who was under 16 at the time a petition was filed on his or her behalf.

Additional Background: According to the Senate [committee report](#), in 1997, the Immigration and Nationality Act (INA) was amended to allow orphans being adopted into the U.S. to provide certain vaccination documents up to 30 days after entering the United States. This was to ensure orphans got immunizations in American medical facilities. In 2000, the INA was amended by the Intercountry Adoption Act (IAA) which did not include the same immunization language. The result was that in 2008, when the Hague Convention entered into force, adoptees adopted from countries that are signatories to the Hague Convention were not exempted from the immunization ineligibility provision which allowed them to get their immunizations here in the United States.

With regard to siblings, in 1999, the INA was amended to permit the adoption of a child between 16 and 17 years old when the child's sibling had been adopted by a U.S. citizen. However, when the IAA was signed into law in 2000, it did not include the same language, resulting in older siblings of children adopted by U.S. citizens from countries that are signatories to the Hague Convention not being able to be adopted after they turned 16.

Committee Action: S. 1376 was introduced on June 25, 2009 and referred to the Senate Committee on the Judiciary. The bill then passed the Senate by unanimous consent and was referred to the House Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. No further public action was taken.

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

Cost to Taxpayers: CBO states that: "Enacting this legislation could affect direct spending of immigration fees by the Departments of State and Homeland Security and the cost of certain federal assistance programs. Because the bill could affect direct spending and revenues, pay-as-you-go procedures would apply. However, based on information from the Department of State, CBO expects the bill would affect few people and we estimate that enacting S. 1376 would have no significant budgetary impact."

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? According to CBO, the bill "contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments."

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Although 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 stating constitutional authority is unavailable.

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

**H.R. ___ - Marine Sergeant Michael H. Ferschke, Jr. Memorial Act
(Duncan, R-TN)**

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. ___ would provide an exception to the consummation requirement necessary for immigration purposes when it comes to recognizing a marriage, where the failure to consummate a marriage was caused by physical separation due to deployment.

Additional Background: Under the Immigration and Nationality Act, if a U.S. citizen dies during or as a result of combat, the citizen's alien spouse may still become a permanent resident. The INA also requires that the marriage needed to occur where the two parties were "physically present in the presence of each other, unless the marriage shall have been consummated."

Hotaru Ferschke is the widow of Michael Ferschke, who died in Iraq on August 10, 2008. He and Hotaru had been married by proxy via the telephone on July 10, 2008, after having learned that Hotaru was pregnant just before Michael Ferschke left for Iraq. Because the marriage was done over the phone and it was never consummated, their marriage is not recognized for immigration purposes.

Committee Action: H.R. ___ had not been introduced at press time.

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?: Although 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 stating constitutional authority is unavailable.

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

H.R. ___ - To amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status (*Lofgren, D-CA*)

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. ___ would remove the requirement that active-duty servicemembers must petition and appear for an interview (with the goal to remove conditional permanent resident status for the spouse or the servicemember) within the required 90-day timeframe (described below).

Additional Background: Currently, U.S. citizens may sponsor alien spouses for permanent residence. U.S. permanent residents may also sponsor spouses for permanent residence. Both aliens become a conditional permanent resident. After two years, the couple must jointly file a petition, within 90 days of the second anniversary of having become a conditional permanent resident, to the Department of Homeland Security to remove conditional status. The couple must then appear in person for an interview to determine whether any fraud has been involved.

Committee Action: H.R. ___ had not been introduced at press time.

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?: Although 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 stating constitutional authority is unavailable.

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

H.R. 5264 – Department of Justice Appropriations Authorization Act (Conyers, D-MI)

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5264 authorizes the appropriation of funds for FY2011 for the Department of Justice. The authorizations are as follows:

- General Administration: \$223,336,000;
- Administration of pardon and clemency petitions and for immigration-related activities: \$319,220,000;
- Office of Inspector General: \$88,792,000;
- General Legal Activities: \$976,389,000;
- Antitrust Division: \$167,028,000;
- United States Attorneys: \$2,041,269,000;
- Federal Bureau of Investigation: \$8,165,791,000;
- United States Marshals Service: \$1,207,159,000;
- Federal Prison System, including the National Institute of Corrections: \$6,803,512,000;
- Drug Enforcement Administration: \$2,130,117,000;
- Bureau of Alcohol, Tobacco, Firearms, and Explosives: \$1,162,986,000;
- Fees and Expenses of Witnesses: \$270,000,000;
- Interagency Crime and Drug Enforcement: \$579,319,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds;
- Foreign Claims Settlement Commission: \$2,159,000;
- Community Relations Service: \$12,606,000 expenses authorized by section 524(c) of title 28, United States Code: \$20,990,000;
- United States Parole Commission: \$13,582,000;
- Federal Detention Trustee: \$1,533,863,000;
- Administrative expenses of the Office of Justice Programs: \$216,396,000 (including the expenses of the Office of Audit, Assessment, and Management);
- Office on Violence Against Women: \$22,735,000;
- Administrative expenses of the Community Oriented Policing Services Office \$40,312,000;
- National Drug Intelligence Center: \$44,580,000;
- Justice Information Sharing Technology: \$179,785,000;
- Law Enforcement Wireless Communications: \$207,727,000; and

- National Security Division: \$99,537,000.

Potential Conservative Concerns: The bill authorizes approximately \$26.6 billion for the Department of Justice. The FY 11 request was approximately \$29.2 billion. DOJ's FY 10 appropriated amount was \$27.7 billion. The question of whether everything that was appropriated funding last year is in this year's bill still remains.

While this seems to be a cut from last year's appropriated level, RSC has been given an indication that this is likely a 4% increase in funding for non-grant DOJ programs. Furthermore, this is a 9-10% increase over FY2008 levels. Some conservatives might believe that this increase is unwarranted during a time of economic hardship.

Committee Action: H.R. 5264 was introduced on May 11, 2010 and referred to the House Committee on the Judiciary. No further public action was taken.

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

Cost to Taxpayers: No CBO score was available at press time. However, the bill authorizes \$26.6 billion.

Does the Bill Expand the Size and Scope of the Federal Government? Yes. H.R. 5264 increases the size of the federal government since it appears to authorize increased federal spending.

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 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 stating constitutional authority is unavailable.

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

H.Con.Res. __ — Regarding the Bayh-Dole Act On the Occasion of the 30th Anniversary of its Enactment (*Conyers, D-MI*)

Order of Business: The bill is scheduled to be considered on Monday, November 15, 2010 under a motion to suspend the rules and pass the resolution.

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

- States that it is the sense of Congress that the Bayh-Dole Act has made “substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the higher education system, led to the development of new domestic industries and hundreds of thousands of new private sector jobs, and benefitted the economic and trade policies of the United States” and that the “Act remains critical to the future well being of the United States”;
- “Reaffirms both its support for this landmark legislation and the critical role that innovation, entrepreneurship, and job creation hold for the future of the United States, and its commitment to the policies and objectives of that Act; and
- “Shows its gratitude for the bipartisan leadership shown by Senators Birch Bayh and Robert Dole and Representatives Peter Rodino, Hamilton Fish, Robert Kastenmeier, Tom Railsback, Don Fuqua, and former Chairman and Ranking Minority members of the Senate Judiciary Committee, Edward Kennedy, and Strom Thurmond for securing the enactment of the Bayh-Dole Act, for strengthening it in 1984, and for providing unwavering support for the policies underlying that Act.”

This resolution contains a number of findings, including:

- “Article I, Section 8, Clause 8, of the United States Constitution provides that Congress shall have Power ‘to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries’;
- “The United States Government is one of the largest funders of research in the world, but that research does not fully benefit American taxpayers unless it contributes new products and processes to the marketplace, thereby creating new companies and jobs, and solving societal problems;
- “Before the enactment of that Act, few inventions arising from the billions of taxpayer dollars granted each year to American research universities, nonprofit organizations, and Federal laboratories were being translated into commercial products of benefit to the public and the United States economy;
- “The success of the Bayh-Dole Act became apparent with the creation and dominance of the United States biotechnology and information technology industries, that remain largely dependent on university research;
- “Objective examples of how the Bayh-Dole Act has not only benefitted the United States but has also created a better world include the creation of over 150 new drugs, vaccines, or in vitro devices, including the hepatitis B vaccine, cisplatin, carboplatin and taxol anticancer therapeutics, laser eye surgery devices, the Palmaz balloon expandable stent, and many more; and
- “Economic activity spurred on by the Bayh-Dole Act include the formation of more than 6,500 new companies from the inventions created under the Act, an estimated contribution of \$450,000,000,000 to United States gross industrial output, and the creation of 280,000 new high technology jobs between 1999 and 2007.”

Background: The “Government Patent Policy Act” (which became known as the Bayh-Dole Act) was signed into law on December 12, 1980. The Act both changed and unified

the government's patent policy approach in order to encourage private industry to patent inventions that came about from federally funded research.

Committee Action: H.Con.Res. __ had not been introduced at press time.

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

Cost to Taxpayers: A report from CBO was 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?: 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.

RSC Staff Contact: Emily Murry, Emily.murry@mail.house.gov, (202) 225-9286

S. 3689 – Copyright Cleanup, Clarification, and Corrections Act of 2010 (*Sen. Leahy, D-VT*)

Order of Business: The legislation is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the bill. The bill passed the Senate on August 2, 2010.

Summary: S. 3689 would make technical and clarifying changes to the Copyright Act in title 17, USC. The bill standardizes and corrects certain cross-references in the law and eliminates certain expired and obsolete provisions.

Committee Action: S. 3689 was introduced on August 2, 2010 and referred to the Senate Committee on the Judiciary. The bill then passed the Senate by unanimous consent and was referred to the House Judiciary Committee. No further public action was taken.

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?: Although 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 stating constitutional authority is unavailable.

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

H.Res. 716 - Recognizing Gail Abarbanel and the Rape Treatment Center (*Kennedy, D-RI*)

Order of Business: The resolution is scheduled to be considered on Monday, November 15, 2010, under a motion to suspend the rules and pass the resolution.

Summary: (Provided by Judiciary Committee Republican staff) H.Res. ___ resolves that the House of Representatives:

- “Recognizes and honors the 50th anniversary of Ruby Bridges desegregating a previously all-white public elementary school;
- “Encourages all Americans to recognize the historical importance of the desegregation of elementary schools and Ruby Bridges, who not only secured integration for William Frantz Elementary School, but hundreds of thousands of schools across the country; and
- “Commits itself, in the wake of recent challenges, to continuing the legacy of *Brown v. Board of Education* by protecting and advancing equal educational opportunity for all.”

This resolution contains a number of findings, including:

- “On May 17, 1954, the United States Supreme Court announced in *Brown v. Board of Education* (347 U.S. 483) that, “in the field of education, the doctrine of ‘separate but equal’ has no place”;
- “The *Brown* decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;
- “In 1960, six years after the landmark *Brown v. Board of Education* decision, the promise of access and equality within the realm of education remained unfilled in New Orleans, Louisiana, and throughout much of the Nation;

- “In 1960, the National Association for the Advancement of Colored People (NAACP) contacted Ruby Bridges’ family to solicit her participation in the integration of New Orleans public schools;
- “Six years after the Brown decision, on November 14, 1960, Ruby Bridges, at the age of six, was the first black child to integrate the previously all-white William Frantz Elementary school;
- “Ms. Bridges’ courageously took the first step into a desegregated future made possible by the Supreme Court’s historic ruling in the Brown decision;
- “Ms. Bridges’ was the only student in her class for an entire year, taught by the only remaining teacher, Mrs. Barbara Henry, after the other teachers and students withdrew from the school in a gesture of disapproval of desegregation;
- “Ms. Bridges’ was a pioneer in the movement for an integrated public education system that afforded equal educational opportunities to all, regardless of race...”

Committee Action: H.Res. ____ had not been introduced at press time.

Administration Position: No Statement of Administration Policy (SAP) 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?: 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.

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