



## Legislative Bulletin.....December 14, 2005

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## Summary of the Bill Under Consideration Today:

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

**Total Cost of Discretionary Authorizations:** \$0

**Effect on Revenue:** \$0

**Total Change in Mandatory Spending:** Unknown

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

**Total New Private Sector Mandates:** 0

**Number of Bills Without Committee Reports:** 3

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

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### **H.R. 4508—To commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes (Young, R-AK)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill. Some of the provisions in the bill are nearly identical to language that was included in H.R. 889, the Coast Guard and Maritime Transportation Act of 2005, passed by the House on September 15, 2005.

**Summary:** H.R. 4508 would authorize the Secretary of Homeland Security to temporarily extend the duration of a Coast Guard-issued licenses, registries, and merchant marine documents until February 28, 2006, if the documents are for individuals from Alabama, Mississippi, or Louisiana, or individuals from any state whose records were destroyed by Hurricane Katrina.

The bill would also grant the Secretary the authority through February 28, 2006, to extend, for up to three months, certificates of inspection or compliance for vessels inspected by a Coast Guard Marine Safety Office located in Alabama, Mississippi, or Louisiana.

Any Coast Guard member who served in response to Hurricane Katrina from August 28, 2005 to January 1, 2006, could retain up to 90 days of leave (subject to certain time limits), if he would otherwise lose accumulated leave in excess of 60 days.

The bill also contains findings and a sense of Congress praising the Coast Guard for its efforts in response to Hurricane Katrina and its role in future natural disasters.

**Committee Action:** The bill was referred to the Transportation and Infrastructure Committee on December 13, 2005, but no public action was taken.

**Cost to Taxpayers:** Although a CBO cost estimate is unavailable, the legislation does not appear to yield any significant cost to taxpayers.

**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 statement of constitutional authority is unavailable.

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## **H.R. 2892—Reverse Mortgages to Help America’s Seniors Act (Fitzpatrick, R-PA)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2892 would amend section 255 of the National Housing Act (12 U.S.C. 1715z-20) to remove the limitation on the number of “reverse mortgages” (mortgages that convert a portion of accumulated home equity into liquid assets) that may be insured under the Federal Housing Administration’s (FHA) mortgage insurance program. The current-law limitation allows for up to 150,000 mortgages to be insured under this program.

**Additional Background:** “Reverse mortgages” are aimed at meeting “the special needs of elderly homeowners by reducing the effect of the economic hardship caused by the increasing costs of meeting health, housing, and subsistence needs at a time of reduced income....” (12 U.S.C. 1715z-20(a)(1))

**Committee Action:** On June 14, 2005, the bill was referred to the Financial Services Committee, which referred it to its Subcommittee on Housing and Community Opportunity on July 29<sup>th</sup>. Neither entity took public action on the legislation.

**Cost to Taxpayers:** A CBO cost estimate is not 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.

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

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## **H.Res. 579—Expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected (Jo Ann Davis, R-VA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 579 would resolve that the House:

- “recognizes the importance of the symbols and traditions of Christmas;
- “strongly disapproves of attempts to ban references to Christmas; and
- “expresses support for the use of these symbols and traditions.”

**Additional Background:** Christmas is a national holiday celebrated on December 25<sup>th</sup> each year to mark the birthday of Jesus Christ. As the resolution argues, “the Framers intended that the First Amendment to the Constitution of the United States would prohibit the establishment of religion, not prohibit any mention of religion or reference to God in civic dialog.”

To see an RSC one-pager on the renaming of the “Capitol Holiday Tree” to the “Capitol Christmas Tree,” visit this webpage: <http://www.house.gov/pence/rsc/doc/2005ChristmasTree.doc>

**Committee Action:** On December 6, 2005, the resolution was referred to the Government Reform Committee, which took no public action.

**Cost to Taxpayers:** The resolution would authorize 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. 587 — Congratulating Tony Stewart on winning the 2005 NASCAR Nextel Cup Championship — *as introduced* (Sodrel, R-IN)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 587 resolves that it is the sense of the House of Representatives that:

- “the House of Representatives congratulates Tony Stewart for winning the 2005 NASCAR Nextel Cup Championship.”

**Additional Information:** Tony Stewart, who hails from Columbus, Indiana, won the 2005 NASCAR Nextel Cup Championship, finishing with 6,533 points, the most for any driver in the 2005 NASCAR

series. In the 2005 series, Stewart won 3 starting pole positions, had 5 wins, 17 top-5 finishes, and 25 top-10 finishes. “Stewart’s #20 car started in 22<sup>nd</sup> position, led the most laps, and also finished first in the Allstate 400 at the Brickyard, continuing Hoosier dominance at the Indianapolis Motor Speedway’s only NASCAR Nextel Cup race,” according to the resolution. On August 29, 2005, Indiana Governor Mitch Daniels awarded Stewart Indiana’s highest honor, the Sagamore of the Wabash.

**Committee Action:** On December 6, 2005, the resolution was introduced and referred to the House Committee on Government Reform, 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. 4473 —CFTC Reauthorization Act — *as introduced* (Goodlatte, R-VA)**

**Order of Business:** The bill is expected to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4473 would reauthorize the Commodity Futures Trading Commission (CFTC) through 2010 (at funding levels of “such sums as are necessary”). The bill would clarify that the CFTC has jurisdiction over futures contracts, based on foreign currency, involving certain investors *unless* the transaction involves a financial institution, a registered broker, a futures commission merchant, etc. This change would effectively ensure that such futures contracts will be sold on professional markets and not to smaller investors. The bill would also extend CFTC’s antifraud authority to allow it to bring fraud actions against certain off-exchange futures transactions (“principal-to-principal” transactions). In 2000, the 7<sup>th</sup> Circuit Court of Appeals held that the CFTC only had authority over intermediate futures transactions (those involving a broker). In addition, H.R. 4473 would require that the Securities Exchange Commission and the CFTC allow risk-based portfolio margining (a method of setting margin requirements by looking to the entirety of a portfolio, including potential gains and losses) for security futures by September 30, 2006, and to expand the types of securities, such as debt and foreign securities, that can be traded by June 30, 2006.

H.R. 4473 also includes a provision to expand the CFTC’s role in increasing transparency in the natural gas market and deterring manipulation in such market. The bill requires the CFTC to conduct an investigation if it suspects price manipulation is occurring and to require large holders (to be defined by the CFTC) of natural gas futures to maintain and report detailed records of their transactions. Finally, H.R. 4473 increases the ceiling for penalties from \$100,000 to \$1 million (or triple the monetary gain of the violation).

**Conservative Concerns:** Some conservatives may be concerned that this natural gas provision amounts to a significant expansion of CFTC’s authority that could lead to regulations that would hamper the efficiency of the natural gas futures market. On December 13, 2005, the Chairman of the

Federal Reserve, Alan Greenspan outlined his concerns in a letter to Financial Services Chairman Michael Oxley:

The provisions of Title II are rather vague and could be construed as a broad expansion of the Commodity Futures Trading Commission's mandate. Specifically, the legislation requires the Commission to conduct surveillance of trading in contracts for natural gas, which could be read to require surveillance of cash markets and over-the-counter derivatives, as well as the exchange-traded markets that the Commission currently oversees. The case for such a broad expansion of the Commission's mandate simply has not been made.

The legislation also directs the Commission to require persons that hold large positions in natural gas futures contracts on an exchange to keep records and submit reports on those contracts, as well as on any related contracts to which the person is a party. The Commission already has broad authority under existing law to require records and reports on futures contracts, so there does not appear to be a need for additional statutory provisions with regard to that authority. Potentially broadening recordkeeping and reporting requirements beyond futures contracts could impose substantial burdens on market participants that are unlikely to be outweighed by their benefits.

The Treasury Department sent a similar letter the day before.

**Additional Background:** Last reauthorized in 2000, the CFTC regulates the trading of commodity futures – financial contracts where parties buy or sell some quantity of an underlying commodity at a future date to “hedge” against sudden or unfavorable changes in commodity prices or the market. The authorization of the CFTC expired on September 30, 2005.

**Committee Action:** On December 7, 2005, the Agriculture Committee approved this language as amended, which was subsequently introduced the next day by Chairman Bob Goodlatte. As a result, the House is considering H.R. 4473 *as introduced* even though the Committee has already considered the legislation. H.R. 4473 was also referred to the House Financial Services Committee which has taken no action on it.

**Cost to Taxpayer:** A CBO cost estimate is not yet available.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill expands the regulatory authority of the CFTC.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** A CBO analysis of any new mandates is not yet available.

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

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**H.J.Res. 38—Recognizing Commodore John Barry as the first flag officer of the United States Navy (King, R-NY)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.J.Res. 38 would resolve that Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

**Additional Background:** The resolution reports that “John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the Lexington, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign.... Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea.”

George Washington relied on John Barry to help build the first Navy of the United States and conferred upon him (with the Senate’s advice and consent) the rank of Captain in 1794.

The resolution also notes that, “as commander of the first United States naval squadron under the Constitution of the United States,... John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer.”

**Committee Action:** On March 17, 2005, the resolution was referred to the Armed Services Committee, which referred it to the Subcommittee on Military Personnel on April 6<sup>th</sup>. Neither entity took public action on the resolution.

**Cost to Taxpayers:** The resolution would authorize 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.Con.Res. 294 — Calling on the international community to condemn the Laogai, the system of forced labor prison camps in the People’s Republic of China, as a tool for suppression maintained by the Chinese Government. —as introduced (Wolf, R-VA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 294 resolves that the House of Representatives:

- “calls on the international community to condemn the Laogai, the system of forced labor prison camps in the People’s Republic of China, as a tool for suppression maintained by the Chinese Government;
- “calls on the Government of the United States to fully implement United States laws that prohibit the importation of forced labor products made in the Laogai;
- “calls on the Government of the United States to take actions to review the implementation of the Memorandum of Understanding on Prison Labor in 1992 and the Statement of Cooperation in 1994 with respect to the Laogai;
- “will undertake efforts to join with the European Parliament to urge the introduction of a resolution at the United Nations Human Rights Commission condemning the Laogai and the human rights situation in China;
- “calls on the Government of the People’s Republic of China to release information about the Laogai, including the total number of Laogai camps and prisoners throughout China, the exact locations of the camps, and the business production activities taking place at the camps;
- “calls on the Government of the People’s Republic of China to release information about the number of executions of prisoners at the camps that are carried out every year, and the extent of the harvesting and transplantation of organs of executed prisoners;
- “urges the Government of the People’s Republic of China to allow unrestricted visits by international human rights inspectors, including United Nations inspectors, to Laogai camps throughout China; and
- “urges the Congressional-Executive Commission on China to investigate the Laogai system in China and to make recommendations for United States policy that will help protect human rights for Chinese citizens.”

**Additional Information:** The Laogai is a prison labor system in China consisting of more than 1,000 prisons, camps, and mental institutions in which detainees must work at factories, farms, mines, and other facilities. According to the resolution, “China relies on the Laogai as a tool for political suppression of pro-democracy activists, Internet dissidents, labor activists, and religious and spiritual believers, including Han Chinese, Tibetans, Uyghurs, Mongolians, and ‘house church’ Christians.” The Laogai houses approximately three million prisoners and fifty million people have suffered as part of this system. “More than 100,000 religious believers have been illegally imprisoned in one Laogai camp alone, where they have been beaten, tortured, and often killed,” the resolution notes.

**Committee Action:** On November 9, 2005, the resolution was introduced and referred to the House Committee on International Relations, which considered it and reported it to the full House of Representatives by unanimous consent on November 16, 2005.

**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. 529 — Recommending the integration of the Republic of Croatia into the North Atlantic Treaty Organization — *as introduced* (Gallegly, R-CA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 529 resolves that it is the sense of the House of Representatives that:

- “the Republic of Croatia has made significant progress since its independence in strengthening its democratic institutions and respect for human rights and the rule of law;
- “Croatia should be commended for its progress in meeting the political, economic, military, and other requirements of NATO’s Membership Action Plan, its contribution to the global war on terrorism, and for its constructive participation in the United States-Adriatic Charter;
- “the Government of Croatia should be commended for the significant improvement in its cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) and it should continue to take all necessary steps to ensure that the remaining indictee is located and transferred to the ICTY;
- “Croatia would make a significant contribution to NATO; and
- “with complete satisfaction of NATO guidelines and criteria for membership, Croatia should be invited to be a full member of the North Atlantic Treaty Organization at the earliest possible date.”

**Additional Information:** According to the resolution, on April 7, 1992, the United States recognized the Republic of Croatia. “Since achieving their independence, the people of Croatia have built a democratic society, based on the rule of law, respect for human rights, and a free market economy. ...The United States has shown support for Croatia in many ways since its independence, including by providing Croatia with economic and military assistance that has contributed significantly to the continued success. ... Croatia was invited into the [UN’s] Membership Action Plan in May 2002 and has made substantial progress in attaining the necessary level of reforms required for receiving an invitation to start accession talks with NATO. ...On October 3, 2005, the European Union decided to open accession negotiations with Croatia based on the assessment of its Council of Ministers that Croatia met the political and economic criteria for candidacy in the European Union.”

**Committee Action:** On November 2, 2005, the resolution was introduced and referred to the House Committee on International Relations, which considered it and reported it to the full House of Representatives by unanimous consent on September November 16, 2005.

**Cost to Taxpayers:** The resolution authorizes no expenditure. Through Article V of the NATO treaty requires all members to defend any other member from an attack on its borders and should Croatia be a part of NATO, the U.S., as a NATO member, would be obligated under the treaty, to defend Croatia, which may incur future cost.

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

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

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**H.Con.Res. 252—Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country—as amended (Burton, R-IN)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Background:** According to the resolution, “jailed ex-President Arnaldo Aleman and Sandinista Liberation Front (FSLN) leader Daniel Ortega have entered into an agreement widely known throughout Nicaragua as the ‘Pact,’ to control the National Assembly in order to exploit its legislative powers to undermine the Nicaraguan Constitution, the Presidency of Enrique Bolanos, and all institutions of representative democratic governance.”

**Summary:** H.Con.Res. 252 would resolve that Congress:

- “condemns the continued operation of the Aleman-Ortega Pact as detrimental to democracy in the Republic of Nicaragua, the future of democracy in Nicaragua, and the stability of the entire region;
- “denounces the previous attempts by the National Assembly to encroach unconstitutionally upon the powers of the Executive, undermine the governability of the country, and advance the personal ambitions of some of its current and former members;
- “applauds the diplomatic efforts of the Organization of American States and its Secretary-General for demonstrating the viability of the Inter-American Charter as an increasingly effective instrument in the Western Hemisphere for overcoming obstacles that impede institutions, whether they be executive, legislative, or judicial in nature, from governing democratically;
- “concur with the convening of a broad National Dialogue to address the challenges which confront the Nicaraguan people as they attempt to build a more effective democracy; and
- “supports the efforts of the Nicaraguan government and civil society to create the necessary conditions for free, fair, transparent, and inclusive elections in 2006, including by having effective and robust monitoring missions by the Organization of American States and other international observers, supporting the training of domestic election observers, assisting the auditing of voter rolls to ensure accuracy, promoting the complete distribution without discrimination of proper voter identification documents, and encouraging the lawful inclusion of all qualified candidates in the electoral contest.”

The resolution would also express a sense of Congress that:

- “it should be the policy of the United States to actively support democracy, the rule of law, and human rights in the Republic of Nicaragua and work cooperatively with regional and international organizations to bolster Nicaraguan efforts to establish requisite conditions for free, fair, transparent, and inclusive presidential and legislative elections in 2006;
- “it should be the policy of the United States to work through the Organization of American States and other regional and international organizations to encourage political elements within Nicaragua to preserve, protect, and defend the letter and spirit of that country’s constitution against those forces which intend to undermine the tenets, institutions, and processes of a true democracy; and

- “to the extent that electoral or democracy and governance assistance is provided, the President of the United States should ensure that such assistance be provided only for the purposes of training international election observers and ensuring the integrity of the electoral process as requested by President Bolanos, that such assistance be provided through non-governmental organizations on a non-partisan basis in the United States and Nicaragua, and that the details of such assistance be made public on a timely basis to promote transparency and accountability in both countries.”

**Committee Action:** On September 27, 2005, the resolution was referred to the International Relations Committee. On the following day, the Western Hemisphere Subcommittee marked up the resolution and forwarded it to the full committee. On October 7<sup>th</sup>, the full committee marked up, amended, and, by unanimous consent, ordered the resolution reported to the full House.

**Cost to Taxpayers:** The resolution would authorize 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.Con.Res. 312—Urging the Government of the Russian Federation to withdraw or modify proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation (Hyde, R-IL)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 312 would resolve that Congress:

- “urges the Government of the Russian Federation to withdraw the proposed legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation or to modify the legislation to ensure the unobstructed establishment and free and autonomous operations and activities of such nongovernmental organizations in accordance with the practices universally adopted by the Western democracies, including the provisions regarding foreign assistance; and
- “in the event the proposed legislation is not withdrawn or sufficiently modified, urges the State Duma and the Federation Council of the Federal Assembly to amend the measures contained in the legislation to ensure these same freedoms.”

**Additional Background:** The resolution notes that, “the Government of the Russian Federation has proposed the adoption of legislation that would have the effect of severely restricting the establishment, operations, and activities of domestic and foreign nongovernmental organizations in the Russian Federation, including imposing unprecedented restraints on foreign assistance.” Reportedly,

the Russian Government is concerned that such entities (especially those controlled by foreign persons) are undermining the Government's authority and the country's security.

**Committee Action:** On December 8, 2005, the resolution was referred to the International Relations Committee, which took no public action on it.

**Cost to Taxpayers:** The resolution would authorize 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. 534—Recognizing the importance and credibility of an independent Iraqi judiciary in the formation of a new and democratic Iraq (Burgess, R-TX)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 534 would resolve that the House “supports an independent Iraqi judiciary and its efforts to serve the cause of justice in a free and democratic Iraq.”

**Additional Background:** The Iraqi Special Tribunal holds the sole power to prosecute criminals.

**Committee Action:** On November 4, 2005, the resolution was referred to the International Relations Committee, which took no public action on it.

**Cost to Taxpayers:** The resolution would authorize 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. 575—Providing that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority (Cantor, R-VA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 575 would resolve that the House:

- “reaffirms its commitment to the safety and security of the democratic State of Israel;
- “asserts that terrorist organizations, such as Hamas, should not be permitted to participate in Palestinian elections until such organizations recognize Israel’s right to exist as a Jewish state, cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure;
- “calls on the Palestinian Authority President Abbas before the election to declare openly his intention to take action to dismantle the terrorist organizations;
- “asserts that the inclusion of Hamas, or any other terrorist group on the State Department list of foreign terrorist organizations, into the Palestinian governing structure will inevitably raise serious policy considerations for the United States, potentially undermining the continued ability of the United States to provide financial assistance and conduct normal relations with the Palestinian Authority; and
- “states its strong belief, as underlined in every recent Israeli/Palestinian peace agreement, that progress in the peace process requires sustained Palestinian effort to dismantle the terrorist infrastructure, and that delay in confronting that principal obligation only emboldens the opponents of peace and threatens its realization.”

The resolution also notes that, “since the withdrawal of Israeli military forces, the Palestinian Authority has taken few steps to establish rule of law in Gaza.” Furthermore, the resolution indicates that, “the United States has clearly stated that armed militias attached to political parties are incompatible with democratic societies.”

**Additional Background:** Hamas has announced its intention to run candidates in Palestinian legislative elections (currently scheduled for January 2006), and Palestinian Authority President Mahmoud Abbas has expressed support for such participation.

Hamas, Islamic Jihad, the al-Aqsa Martyrs’ Brigade, and other terrorist organizations have vowed to continue terrorism against Israel, seeking its ultimate destruction and the destruction of any supporters of Israel.

**Committee Action:** On November 18, 2005, the resolution was referred to the International Relations Committee, which took no public action on it.

**Administration Position:** Though a definitive Administration position on the substance of this resolution is unavailable, the resolution does indicate that, “President Bush has stated that Hamas ‘seeks to end dissent in every form, to control every aspect of life . . . the terrorists are preparing a future of oppression and misery’.”

**Cost to Taxpayers:** The resolution would authorize 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. 409 – Condemning the Government of Zimbabwe’s “Operation Murambatsvina” under which homes, businesses, religious structures, and other buildings and facilities were demolished in an effort characterized by the Government of Zimbabwe as an operation to “restore order” to the country — *as introduced (Lantos, D-CA)***

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 409 resolves that it is the sense of the House of Representatives that:

- “through Operation Murambatsvina, the Government of Zimbabwe has created a humanitarian disaster that has compounded the already existing humanitarian food and economic crises in the country, and the Government of Zimbabwe has insufficient resources to address such crises;
- “the Government of Zimbabwe has a duty to protect the economic, social, and political rights of its citizens as guaranteed by the Constitution of Zimbabwe and the African Charter on Human and Peoples’ Rights; and
- “the Government of Zimbabwe also is subject to the International Covenant on Economic, Social and Cultural Rights, to which Zimbabwe is a party, which states in part that ‘forced evictions are prima facie incompatible with the provisions of the Covenant and can only be carried out under specific circumstances’; and
- “the House of Representatives—
  - “condemns Operation Murambatsvina as a major humanitarian catastrophe caused by the Government of Zimbabwe’s callousness toward its own people, disregard for the rule of law, and lack of planning to move families and businesses to more desirable locations;
  - “calls on the United Nations, the African Commission for Peoples’ and Human Rights, and the African Union to continue efforts to investigate the impact of the demolitions of housing structures and premises from which informal businesses operated and to provide the international community with a viable strategy to address the problems;
  - “calls on the Government of Zimbabwe to allow international humanitarian organizations access to those affected by the operation who are in need of food, medicine, shelter, sanitation, and water;
  - “calls on the Government of Zimbabwe to hold accountable those responsible for this egregious injury to the Zimbabwean people, both the decisionmakers of the operation and those who carried out the operation;
  - “calls on the Government of Zimbabwe to immediately and aggressively implement politics to promote the private sector and create jobs and build housing to accommodate those displaced by the operation;
  - “calls on the United Nations and the international community to stand by the people of Zimbabwe who have been victimized by their government in this operation and to help them with relief and reconstruction of their lives; and

- “calls on the President of the United States to instruct the United States Executive Director to the International Monetary Fund (IMF) to use the voice, vote, and influence of the United States to support the IMF review of Zimbabwe’s membership in that institution currently underway, and to give serious consideration to further action at the IMF should the Government of Zimbabwe continue to pursue destructive economic policies, fail to make payments on its arrears, or block immediate emergency humanitarian assistance from the international community through the World Food Program and other international humanitarian agencies.”

**Additional Information:** According to the resolution, on May 19, 2005, the Government of Zimbabwe launched “Operation Murambatsvina”, which translated means, “Operation Drive Out the Trash.” This effort was launched in major cities throughout Zimbabwe in order to “restore order” to the country. Operation Murambatsvina was “carried out as an indiscriminate demolition of the homes and livelihood of thousands of Zimbabwean citizens already suffering from a protracted economic and political crisis brought on by poor policy directives by the Government of Zimbabwe that forced masses of rural dwellers to urban areas of the country for survival.” The operation was carried out by government security forces and resulted in wide destruction of homes and business, as well as extensive physical damage to many Zimbabwean citizens.

In light of the operation, the African Commission for Peoples’ and Human Rights dispatched an African Union envoy to investigate the ongoing demolitions. However the government refused to allow the African Union envoy an opportunity to conduct the mission. In addition, the UN also launched a fact finding envoy to Zimbabwe, which estimated that approximately 700,000 people in cities across the country have lost either their homes, their source of livelihood, or both, and that a total of 2.4 million people or 18 percent of the population was directly or indirectly affected by Operation Murambatsvina.

**Committee Action:** On July 28, 2005, the resolution was introduced and referred to the House Committee on International Relations, as well as the Committee on Financial Services. The House International Relations Committee held a mark-up and reported the resolution to the full House of Representatives by unanimous consent on September 15, 2005.

**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.Con.Res. 238 — Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979 —as introduced (Millender-McDonald, D-CA)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 238 resolves that the House of Representatives:

- “honors the victims of the genocide in Cambodia that took place beginning in April 1975 and ending in January 1979; and
- “welcomes the establishment of an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide.”

**Additional Information:** According to the resolution, beginning in 1975, Pol Pot led the Khmer Rouge, a Communist guerilla group, in an insurgency in Cambodia that forcibly removed Cambodians from their homes and into labor camps in an attempt to “restructure Khmer society. ...The Khmer Rouge separated and destroyed families and punished and killed innocent civilians, including women, children, doctors, nurses, clergy, teachers, business owners, intellectuals and artisans, [and] more than 1.7 million Cambodians, or approximately 21 percent of the population, were killed in one of the worst atrocities of the last century.” The Khmer regime was overthrown in 1979, and Cambodians have continued to show, “courage and enormous resiliency.” The United Nations has taken steps to establish an international criminal tribunal to bring to justice the perpetrators of the Cambodian genocide.

**Committee Action:** On September 8, 2005, the resolution was introduced and referred to the House Committee on International Relations, which considered it and reported it to the full House of Representatives by unanimous consent on September 15, 2005.

**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. 458 — Remembering and commemorating the lives and work of Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, who were executed by members of the armed forces of El Salvador on December 2, 1980 — as introduced (*McGovern, D-MA*)**

**Order of Business:** The resolution is scheduled to be considered on Wednesday, December 14, 2005, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 458 resolves that the House:

- “remembers and commemorates the lives and work of Sisters Maura Clarke, Ita Ford, and Dorothy Kazel and lay missionary Jean Donovan;
- “extends sympathy and support for the families, friends, and religious communities of the four United States churchwomen;



- “continues to find inspiration in the lives and work of these four United States churchwomen;
- “calls upon the people of the United States and religious congregations to participate in local, national, and international events commemorating the 25<sup>th</sup> anniversary of the martyrdom of the four United States churchwomen;
- “recognizes that while progress has been made during the post-war period, the work begun by the four United States churchwomen remains unfinished and social and economic hardships persist among many sectors of Salvadoran society; and
- “calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and the heads of other United States Government departments and agencies to continue to support and collaborate with the Government of El Salvador and with private sector, nongovernmental, and religious organizations in their efforts to reduce poverty and hunger and to promote educational opportunity, health care, and social equity for the people of El Salvador.”

**Additional Information:** According to the resolution, “on December 2, 1980, four United States churchwomen, Maryknoll Sisters Maura Clarke and Ita Ford, Ursuline Sister Dorothy Kazel, and Cleveland Lay Mission Team Member Jean Donovan, were violated and [brutally] executed by members of the National Guard of El Salvador.” The women had been working in parishes in Chalatenango, El Salvador, and La Libertad, El Salvador, providing assistance, food, and other support to refugees and victims of violence. More than 70,000 civilians were murdered during the course of the Salvadoran civil war. In May 1984, “five members of the National Guard of El Salvador-- Subsergeant Luis Antonio Colindres Aleman, Daniel Canales Ramirez, Carlos Joaquin Contreras Palacios, Francisco Orlando Contreras Recinos, and Jose Roberto Moreno Canjura--were found guilty by the Salvadoran courts of the executions of the churchwomen and were sentenced to thirty years in prison, marking the first case in the history of El Salvador where a member of the Salvadoran Armed Forces was convicted of murder by a Salvadoran judge. ...In March 1993 the United Nations Commission on the Truth for El Salvador found that the execution of the four United States churchwomen was planned and that Subsergeant Luis Antonio Colindres Aleman carried out orders from a superior to execute them, and that then Colonel Carlos Eugenio Vides Casanova, then Director-General of the National Guard and his cousin Lieutenant Colonel Oscar Edgardo Casanova Vejar, then Commander of the Zacatecoluca military detachment where the murders were committed, and other military personnel knew that members of the National Guard had committed the murders pursuant to orders of a superior and that the subsequent cover-up of the facts adversely affected the judicial investigation into the murders of the four United States churchwomen. ...The United Nations Commission on the Truth for El Salvador determined that General Jose Guillermo Garcia, then Minister of Defense, made no serious effort to conduct a thorough investigation of responsibility for the murders of the churchwomen. ...December 2, 2005, marks the 25<sup>th</sup> anniversary of the deaths of these four spiritual, courageous, and generous United States churchwomen.”

**Committee Action:** On September 22, 2005, the resolution was introduced and referred to the House Committee on International Relations, which held a mark-up and reported the resolution to the House of Representatives by unanimous consent on November 16, 2005.

**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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