



**Legislative Bulletin.....May 13, 2008**

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**H.R. 6022— To suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes (*Welch, D-VT*)**

**Order of Business:** H.R. 6022 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 6022 would direct the Secretary of the Interior and the Secretary of Energy to suspend the acquisition of petroleum for the Strategic Petroleum Reserve (SPR). The bill would specify that after 30 days from the day that the President notifies Congress that the weighted average price of petroleum in the United States for the most recent 90-day period is \$75 or less per barrel, the Secretary of the Interior and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve.

The bill specifies that any existing contracts to except oil may be accepted. In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of

this Act, the Secretary shall negotiate a deferral of the delivery of the oil in accordance with procedures of the Department of Energy.

**Additional Information:** According to an [Associated Press article](#) published today,

Both the House and Senate are expected to approve, with bipartisan support, legislation Tuesday directing Bush to temporarily halt the shipment of about 70,000 barrels of oil a day to the Strategic Petroleum Reserve.

Bush has refused to do so, arguing that this small amount of oil won't impact prices and that for security reasons he wants to increase the stockpile to its full capacity of 726 million barrels. It now has about 701 million barrels, equal to nearly two months of oil imports ...

"Our position hasn't changed," said White House press secretary Dana Perino on Monday.

She said the president believes the emergency reserve needs to be increased "in order to protect ourselves against oil shocks" and that the oil being put [in the SPR] — a tenth of one percent of global production — "would have a negligible impact on gas prices" if put into the market.

The government obtains the oil in lieu of royalties that otherwise would be paid by producers who pump it from federal land. If shipments were halted, the oil would flow into the open market.

Many Democrats and Republicans in Congress say it doesn't make sense for the government to essentially purchase oil for a reserve 97 percent full when crude is costing more than \$120 a barrel ...

Sen. Pete Domenici of New Mexico, the top Republican on the Energy and Natural Resources Committee, said that "it's clear that many Republicans and Democrats agree that given the high price of gasoline it would be wise to suspend shipments to the SPR for the time being."

How much such a move would influence prices — if at all — is unclear.

"Taking barrels of oil off the market to put in the reserve puts upward pressure on markets," Frank Rusco, acting director of the Government Accountability Office, the Congress' investigative arm, told a hearing recently. Some lawmakers believe such a move could send a signal to oil markets and tone down speculation.

"We don't think it would have a big enough impact on prices for anybody to really notice," said Perino, when asked about the push in Congress to force the president to halt the shipments.

**Conservative Concerns:** The Strategic Petroleum Reserve (SPR) has many implications regarding the safety of our nation. Some conservatives may be concerned that an issue which rises to this level of importance should not be considered under the suspension of the rules, but instead, warrants full debate time and consideration under a rule.

Furthermore, some conservatives may be concerned that suspending future petroleum to the SPR may be a detriment in our efforts to support the war in Iraq and Afghanistan. Because the SPR is designed to be utilized in a time of emergency, and during war time, some conservatives may be concerned that this bill would prevent us from ensuring that we are fully supplied with the oil reserves that we need.

**Committee Action:** H.R. 6022 was introduced on May 12, 2008, and was referred to the Committee on Energy and Commerce, as well as the Committee on Natural Resources. No further action was taken by either Committee.

**Cost to Taxpayers:** A CBO score for H.R. 6022 was not 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?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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## **H.Res. 1134— Supporting the goals and ideals of Mental Health Month (*Napolitano, D-CA*)**

**Order of Business:** H.Res. 1134 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1134 would express the sense that the House of Representatives:

- “supports the goals and ideals of Mental Health Month in order to emphasize scientific facts and findings regarding mental health and to remove the stigma associated therewith;
- “recognizes that mental well-being is equally as important as physical well-being for our citizens, our communities, our businesses, our economy, and our Nation;
- “applauds the coalescing of national and community organizations in working to promote public awareness of mental health, and providing critical information and support to the people and families affected by mental illness;
- “supports the findings of the President’s Commission on Mental Health that the Nation’s failure to prioritize mental health is a national tragedy; and
- “encourages all organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those with mental illness.”

The resolution lists a number of findings, including:

- “more than 57,000,000 Americans suffer from a mental illness;
- “approximately 1 in 5 children has a diagnosable mental disorder;
- “more than 1 in 5 of our troops suffer from major depression or post traumatic stress disorder;
- “more than half of all prison and jail inmates suffer from mental illness;
- “mental illness is the most common disability in our Nation;
- “untreated mental illness costs businesses and the American economy over \$150,000,000,000 annually;
- “untreated mental illness is a leading cause of absenteeism and lost productivity in the workplace;
- “in 2004, over 32,000 individuals committed suicide in the United States, at twice the rate of homicides;
- “suicide is the third leading cause of death among people between the ages of 10 and 24;
- “in 2004, individuals aged 65 and older made up only 12.4 percent of the population, but accounted for 16 percent of all suicides, and the rate of suicide among older Americans is higher than for any other age group;
- “1 in 4 Latina adolescents report seriously contemplating suicide, a rate higher than any other demographic;
- “studies report that persons with serious mental illness die, on average, 25 years earlier than the general population; and
- “it would be appropriate to designate May 2008 as Mental Health Month.”

**Committee Action:** H.Res. 1134 introduced on April 23, 2008, and referred to the House Committee on Energy and Commerce, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.Res. 1176— Supporting the goals and ideals of National Train Day (Brown, D-FL)**

**Order of Business:** H.Res. 1176 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1176 would express the sense that the House of Representatives:

- “recognizes the contribution trains make to the national transportation system;
- “urges the people of the United States to recognize such a day as an opportunity to learn more about trains; and
- “supports the goals and ideals of National Train Day as designated by Amtrak.”

The resolution lists a number of findings, including:

- “on May 10, 1869, the ‘golden spike’ was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;
- “in highly populated regions, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;
- “for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;
- “passenger rail provides a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;
- “passenger railroads emit only 0.2 percent of the travel industry’s total greenhouse gases;
- “Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;
- “an increasing number of people are using trains for travel purposes beyond commuting to and from work;
- “our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth; and
- “Amtrak has designated May 10, 2008, as National Train Day to celebrate the way trains connect people and places.”

**Committee Action:** H.Res. 1176 was introduced on May 6, 2008, and referred to the House Committee on Transportation and Infrastructure, which took no official action.

**Conservative Concerns:** Many conservatives may be concerned that Amtrak’s model for providing intercity rail service has been a failure since it began service in 1971. Historically, it has carried less than 1% of the traveling public, has required annual federal subsidies to cover operating losses and capital costs every year of its existence—to date some \$29 billion in taxpayer resources—lacks adequate cost controls, has deferred capital repair projects and confronts increasing debt service costs. Due in part to ridership decline, Amtrak’s costs continue to rise faster than its revenue. According to the most recent data, on a fully allocated basis (including both interest and depreciation) every one of Amtrak’s routes loses money, with a per-passenger subsidy ranging from \$3 to \$466. But the fundamental obstacle faced is an economic one: Amtrak is not cost or time competitive with other transportation modes. Simply put, if allowed to choose, most of the traveling public prefers the car, bus or plane to travel—only Congress’ protection of the status quo has shielded Amtrak from this basic market reality.

Previous RSC budgets have proposed to reduce and eventually end over 30 years of taxpayer subsidization of a failed government monopoly.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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### **H.Res. 1133— Congratulating Winona State University on winning the 2008 Division II men’s basketball championships (*Walz, D-MN*)**

**Order of Business:** H.Res. 1133 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1133 would express the sense that the House:

- “congratulates the Winona State University Warriors for winning the 2008 National Collegiate Athletic Association Division II Basketball National Championship; and
- “recognizes Bryce Welch, Brad Meyer, Travis Whipple, Quincy Henderson, Curtrel Robinson, Ben Fischer, Brent Riese, Jonte Flowers, David Johnson, Jon Walburg, Luke Doedens, Max Hintz, Josh Korth, Matt Smith, Shane Neiss, Ryan Gargaro, John Smith, Mike Muller, head coach Mike Leaf, and all other coaches and support staff who were instrumental in this achievement.”

The resolution lists a number of findings, including:

- “on March 29, 2008, the Winona State University Warriors of Winona, Minnesota, won the 2008 National Collegiate Athletic Association (NCAA) Division II National Basketball Championship with a victory over Georgia's Augusta State University, with a score of 87-76 in Springfield, Massachusetts;
- “Jonte Flowers was named the 2008 NCAA Division II Elite Eight Tournament’s Most Outstanding Player for his performance throughout the tournament;
- “Jonte Flowers also holds the NCAA Division II record for player career steals, with 414;
- “the Warriors finished the 2008 season with a record of 38-1, an NCAA Division II record for most victories in a season by an NCAA men’s basketball team;
- “over the past 3 years, the team’s overall record is an impressive 105-6;
- “the senior class, which includes John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss, and Brent Riese, accrued a record of 129-17 in their 3 years of play together at Winona State University;
- “John Smith was named the NCAA Division II Player of the Year by four separate organizations, which include 2 consecutive years of recognition from Basketball

- Times and DII Bulletin, as well as the National Association of Basketball Coaches, for his outstanding performance throughout the year;
- “John Smith also holds the NCAA Division II record for consecutive starts, with 146;
  - “the Winona State University Warriors men’s basketball team boasts two national titles from 2006 and 2008, three straight North Central Region titles from 2006, 2007, and 2008, four straight regular season championships, and three straight conference tournament championships;
  - “head coach Mike Leaf has been named the Northern Sun Intercollegiate Conference Coach of the Year four times and National Coach of the Year two times; and
  - “in 2006 and 2007, the team broke the NCAA Division II consecutive win record by winning 57 straight games.”

**Committee Action:** H.Res. 1133 was introduced on April 22, 2008, and referred to the House Committee on Education and Labor, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.Res. 1173— Recognizing AmeriCorps Week (*Matsui, D-CA*)**

**Order of Business:** H.Res. 1173 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1173 would express the sense that the House:

- “encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service;
- “acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners;
- “recognizes the important contributions to the lives of our citizens by AmeriCorps members; and
- “encourages citizens of all ages to consider serving in AmeriCorps.”

The resolution lists a number of findings, including:

- “the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs, national response directives, and promote the ethic of service and volunteering;
- “over \$5,000,000,000 in AmeriCorps funds invested in nonprofit, community, educational, and faith-based community groups since 1994 have leveraged hundreds of millions of dollars in additional funds and in-kind donations from other sources;
- “each year, AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to our districts, our States, and our Nation;
- “a total of 542,000 citizens since 1994 across the Nation haven taken the AmeriCorps pledge to ‘get things done for America’ by becoming AmeriCorps members;
- “those same individuals have served a total of more than 705,000,000 hours nationwide, helping to improve the lives of our Nation’s most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;
- “AmeriCorps members last year recruited and supervised more than 1,700,000 community volunteers, demonstrating AmeriCorps value as a powerful volunteer catalyst and force multiplier;
- “AmeriCorps members nationwide, in return for their service, have earned nearly \$1,430,000,000 to use to further their own educational advancement at our Nation’s colleges and universities;
- “AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professional in disproportionately high levels;
- “AmeriCorps members served 4,100 nonprofit organizations, schools, and faith-based and community organizations last year; and
- “2008’s AmeriCorps Week, observed May 11 through May 18, is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact, thank all of AmeriCorps’ community partners in our Nation who make the program possible and bring more Americans into service.”

**Committee Action:** H.Res. 1173 was introduced on May 5, 2008, and referred to the House Committee on Education and Labor, which took no official action.

**RSC Bonus Fact:** H.R. 2857, the Generations Invigorating Volunteerism and Education (GIVE) Act—a bill to revise and reauthorize appropriations for AmeriCorps (among other programs) through FY2012—failed to pass the House, under a rule, on March 6, 2008. The Republican motion to recommit, which passed the House, contained a requirement that the bill be reported back to the House with an amendment inserting a new section entitled “Criminal History Checks.” On March 12, 2008, the GIVE Act was brought back to the floor, with the Republican Motion to Recommit provision added, and failed to pass under suspension [by a vote of 277-140](#).

**Additional Background on AmeriCorps:** In the past, the RSC has suggested that funding for the National and Community Service Act be eliminated from the budget. According to this [RSC report](#), AmeriCorps is an inefficient and expensive way of assisting individuals to pay for college by stretching the notion of what constitutes a “volunteer.” In addition,



AmeriCorps is not means-tested. As a result, children of wealthy people can edge out low-income children for participation.

According to the [AmeriCorps](#) website, the following questions address the benefits that AmeriCorps “volunteers” receive:

**Do I get paid?**

For all AmeriCorps programs, members receive a modest living allowance, and some programs provide housing. You may not save much money during your year of service, but most members find the living allowance to be adequate to cover their needs. AmeriCorps members who complete a term of service also receive an AmeriCorps Education Award.

**What if I’m out of school and not interested in the education award? Can I get that money in cash?**

If you’re part of AmeriCorps\*VISTA, you may opt for a cash payment of \$100 per month of service instead of the education award. All other AmeriCorps members are eligible only for the education award.

**Can I defer student loans during my service with AmeriCorps?**

You may qualify for postponement, or forbearance, of the repayment of your loans during your service. The education award will help you pay off qualified student loans when you’re finished. Contact your lender for more specific information or to confirm your loan status during AmeriCorps service.

**What are the benefits of serving with AmeriCorps\*NCCC?**

AmeriCorps\*NCCC members receive a living allowance of approximately \$4,000 for the 10 months of service (about \$200 every two weeks before taxes), housing, meals, limited medical benefits, up to \$400 a month for childcare, if necessary, member uniforms, and an education award of \$4,725 upon successful completion of the program.

**What do the medical benefits cover?**

The medical benefits plan covers all injuries and/or illnesses suffered during service and most pharmacy needs. The plan does not cover medical care for pre-existing medical illnesses and/or injuries.

**Can I bring my child/children with me to the campus?**

Children are not permitted to live with members at the campus. AmeriCorps\*NCCC members with children must make arrangements for someone to care for their child/children while they are in the program. Members that have custody of their children are eligible for up to \$400 per month to help pay for child care while they serve with the program.

In addition, according to CRS (reflecting current law):

**AmeriCorps State and National Grants (Title I-C). *Benefits:*** AmeriCorps members receive a living allowance and, in some cases, student-loan forbearance (i.e., loan postponement), health coverage, and child care for those who qualify. AmeriCorps members can receive an educational award

of up to \$4,725 per year of full-time service, the amount is reduced based on service term or part-time hours (see Table 1).

**Table 1. Educational Awards by Service Term**

<b>Member service term</b>	<b>Number of hours</b>	<b>Educational award</b>
Full time	at least 1,700	\$4,725.00
Half time	at least 900	\$2,362.50
Reduced half time	at least 675	\$1,800.00
Quarter time	at least 450	\$1,250.00
Minimum time	at least 300	\$1,000.00

**Source:** CNCS, FY2007 Congressional Budget Justification.

Furthermore, the following questionable programs have been funded by AmeriCorps:

<b>State</b>	<b>City</b>	<b>Program Name</b>	<b>Funded Through</b>
Wyoming	Cheyenne	Wyoming Legal Services	AmeriCorps * VISTA
Washington	Seattle	Planned Parenthood of Western Washington	AmeriCorps * VISTA
Washington	Tacoma	Planned Parenthood of Western Washington	AmeriCorps * VISTA
Ohio	Columbus	Legal Aid Ex-Offenders Re-entry Project	AmeriCorps * VISTA
Ohio	Marion	Legal Aid Ex-Offenders Re-entry Project	AmeriCorps * VISTA
New York	Rochester	Legal Assistance of Western New York	AmeriCorps * VISTA
New York	Geneva	Access to Justice Project	AmeriCorps * State
Montana	Miles City	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Missoula	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Polson	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Helena	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Helena	Montana PBLC	AmeriCorps* National
Montana	Kalispell	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Livingston	Montana Legal Services Association	AmeriCorps*VISTA
Montana	Anaconda	Montana Legal Services Association	AmeriCorps*VISTA
Montana	Billings	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Bozeman	Montana Legal Services Association	AmeriCorps*VISTA
Montana	Great Falls	Montana Legal Services Association	AmeriCorps*VISTA
Montana	Red Lodge	Montana Legal Services Association	AmeriCorps* VISTA
Montana	Ronan	Montana Legal Services Association	AmeriCorps*VISTA
Missouri	St. Joseph	Students Taking Action Against Drugs	AmeriCorps* State
Minnesota	St. Paul	LawHelpMN	AmeriCorps* VISTA
Hawaii	Honolulu	Project Laulima	AmeriCorps*State
Iowa	Des Moines	Iowa Legal Aid AmeriCorps Project	AmeriCorps*State
		Legal Assistance Foundation of Metropolitan Chicago	
Illinois	Chicago	Chicago	AmeriCorps* VISTA
Colorado	Johnstown	Wyoming Legal Services	AmeriCorps* VISTA
Alaska	Juneau	Risk Reduction for Juneau Youth	AmeriCorps* VISTA

Alabama	Anniston	Legal Services Alabama	AmeriCorps* VISTA
Alabama	Birmingham	Legal Services Alabama	AmeriCorps*VISTA
Alabama	Dothan	Legal Services Alabama	AmeriCorps*VISTA
Alabama	Florence	Legal Services Alabama	AmeriCorps*VISTA
Alabama	Mobile	Legal Services Alabama	AmeriCorps*VISTA

Source: <http://americorps.gov/Default.asp>

**Conservative Concerns:** Many conservatives may be concerned with AmeriCorps history of funding projects that some conservatives find objectionable (e.g. Planned Parenthood of Western Washington). Along with Planned Parenthood of Washington, the Los Angeles Gay and Lesbian Center (LAGLC) has received funding from AmeriCorps. According to [this article](#), published in 2000, the LAGLC was given AmeriCorps funding to go into schools and prevent “anti-gay” bias:

The Los Angeles Gay and Lesbian Center (LAGLC), the nation’s largest gay rights organization, has received more than \$200,000 in support from AmeriCorps. The LAGLC AmeriCorps program is “focusing on society’s last ‘acceptable’ prejudice: anti-gay bias,” according to a LAGLC program update. AmeriCorps members distributed a survey in L.A. schools that implied that students should report to school authorities any time they heard any student make a derogatory comment to any other student. An example of anti-gay bias that Gwen Baldwin, the LAGLC executive director, offered was “one person not being invited to a lunch table.”

According to the [Heritage Foundation](#),

... AmeriCorps participants should be prohibited from working for programs that promote abortion or refer individuals to abortion providers. The Delaware chapter of Planned Parenthood, for instance, currently advertises its AmeriCorps grant for 20 participants “to provide human sexuality education and referrals for services to teens and their parents.”

According to an annual [report from Planned Parenthood of Houston and Southeast Texas \(PPHSET\)](#),

In 2000-2001 PPHSET initiated the Planned Parenthood Sex Education Team (PPHset), which was comprised of six AmeriCorps youth. This creative group developed program performances featuring dance, music and drama to educate peers in 42 schools in Houston and southeast Texas.

Not only are many potentially contentious organizations receiving funds through AmeriCorps, many of these organizations are double and triple dipping at the federal government. For example, AmeriCorps funds numerous legal services organizations (see above) who may already be receiving funds under the Legal Services Corporation Act ([42 U.S.C. Sect. 2996](#)). Some conservatives may be concerned that this is an egregious example of wasteful government spending.

Furthermore, many conservatives may not agree that individuals who are paid monthly stipends, compensated for living expenses, and granted healthcare and education benefits should be classified as volunteers.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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### **H.Res. 789— Honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children (Bachmann, R-MN)**

**Order of Business:** H.Res. 789 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 789 would express the sense that the House of Representatives honors the contributions of all public child welfare agencies, nonprofit organizations and private entities dedicated to finding homes for foster children and assisting foster families in securing their future success.

The resolution lists a number of findings, including:

- “500,000 children in the United States are currently in foster care which is twice as many as 20 years ago;
- “the majority of these children and youth have been removed from their homes because of abuse or neglect;
- “foster children experience a number of unique challenges based on instability in their home and school environments;
- “just over half of all foster children complete high school, 40 percent continue to rely on public assistance into adulthood and 25 percent will experience homelessness at one point in their lives;
- “numerous public child welfare agencies, nonprofit organizations and private entities work tirelessly to recruit loving foster families and improve the lives of foster children;
- “these groups strive to consider the best interest of each child and focus on keeping families together when possible;
- “they provide invaluable resources to foster families as well as teachers, counselors, physicians, clergy, and others who work closely with children in the foster care system;

- “these groups are dedicated to changing public policy and raising awareness related to the special needs of foster children; and
- “they continue to sponsor research, develop best practices, and offer assistance to youth transitioning out of the system to ensure they receive adequate support as they reach adulthood.”

**Committee Action:** H.Res. 789 was introduced on November 11, 2007, and referred to the House Committee on Education and Labor, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## **H.R. 4008— Credit and Debit Card Receipt Clarification Act of 2007 (Maboney, D-FL)**

**Order of Business:** H. R. 4008 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 4008 would amend the Fair Credit Reporting Act (FCRA) to declare that any person who printed an expiration date on any receipt provided to a consumer cardholder at a point of sale (POS) or transaction between December 4, 2004, and the enactment of this Act, but otherwise complied with FCRA requirements for such receipt, would not be in willful noncompliance by reason of printing such expiration date.

The purpose of the Act is to ensure that consumers suffering from any actual harm to their credit or identity are protected. In addition, the bill is meant to limit abusive lawsuits that do not protect consumers but only result in increased costs to business and potentially increased prices to consumers.

The bill lists the following findings:

- “The Fair and Accurate Credit Transactions Act (commonly referred to as ‘FACTA’) was enacted into law in 2003 and 1 of the purposes of such Act is to prevent criminals from obtaining access to consumers' private financial and credit information in order to reduce identity theft and credit card fraud.”
- “As part of that law, the Congress enacted a requirement, through an amendment to the Fair Credit Reporting Act, that no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card

number or the expiration date upon any receipt provided to the card holder at the point of the sale or transaction.”

- “Many merchants understood that this requirement would be satisfied by truncating the account number down to the last 5 digits based in part on the language of the provision as well as the publicity in the aftermath of the passage of the law.”
- “Almost immediately after the deadline for compliance passed, hundreds of lawsuits were filed alleging that the failure to remove the expiration date was a willful violation of the Fair Credit Reporting Act even where the account number was properly truncated.”
- “None of these lawsuits contained an allegation of harm to any consumer’s identity.”
- “Experts in the field agree that proper truncation of the card number, by itself as required by the amendment made by the Fair and Accurate Credit Transactions Act, regardless of the inclusion of the expiration date, prevents a potential fraudster from perpetrating identity theft or credit card fraud.”
- “Despite repeatedly being denied class certification, the continued appealing and filing of these lawsuits represents a significant burden on the hundreds of companies that have been sued and could well raise prices to consumers without corresponding consumer protection benefit.”

**Committee Action:** H.R. 4008 was introduced October 30, 2007, and referred to the Committee on Financial Services, as well as the Committee on the Judiciary. Neither Committee took official action.

**Cost to Taxpayers:** No CBO score exists, but the legislation does not authorize any funds.

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

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

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

**Constitutional Authority:** Currently, no House Report exists.

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## **H.R. 6021—Residency Preferences and Limitations on Housing Assistance Act (*Foster, D-IL*)**

**Order of Business:** H. R. 6021 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 6021 would prohibit individuals from buying or leasing property made available by H.R. 5818, the Neighborhood Stabilization Act—which passed the House on May 8, 2008—within five years of being convicted of a felony drug offense, mortgage fraud or a sex offense.

**Committee Action:** H.R. 6021 was introduced on May 12, 2008, and referred to the House Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** No CBO score exists, but the legislation does not authorize any funds.

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

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

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

**Constitutional Authority:** Currently, no House Report exists.

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## **H.R. 5872—Boy Scouts of America Centennial Commemorative Coin Act (Sessions, R-TX)**

**Order of Business:** H. R. 5872 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 5872 instructs the Secretary of the Treasury to mint and issue \$1 silver coins in commemoration of the Boy Scouts of America, on their 100<sup>th</sup> Anniversary.

The bill would require a coin design emblematic of the 100 years of the largest youth organization in United States, the Boy Scouts of America.

Under this Act, all sales of coins issued shall include a surcharge of \$10 per coin. The bill would require all surcharges received by the Secretary from coin sales to be paid to the National Boy Scouts of America Foundation, and such funds will be made available to local councils in the form of grants for the extension of Scouting in hard to serve areas.

The bill lists the following findings:

- “The Boy Scouts of America will celebrate its centennial on February 8, 2010;

- “The Boy Scouts of America is the largest youth organization in the United States, with 3,000,000 youth members and 1,000,000 adult leaders in the traditional programs of Cub Scouts, Boy Scouts, and Venturing;
- “Since 1910, more than 111,000,000 youth have participated in Scouting’s traditional programs;
- “The Boy Scouts of America was granted a Federal charter in 1916 by an Act of the 64th Congress which was signed into law by President Woodrow Wilson;
- “In the 110th Congress, 248 members of the House of Representative and the Senate have participated in Boy Scouts of America as Scouts or adult leaders;
- “The mission of the Boy Scouts of America is ‘to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law’;
- “Every day across our Nation, Scouts and their leaders pledge to live up the promise in the Scout Oath—‘On my honor I will do my best, To do my duty to God and my country and to obey the Scout Law; To help other people at all times; To keep myself physically strong, mentally awake, and morally straight’—and the Scout Law, according to which a Scout is “Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent’;
- “In the past 4 years alone, Scouting youth and their leaders have volunteered more than 6,500,000 hours of service to their communities through more than 75,000 service projects, benefiting food banks, local schools, and civic organizations.”

**Committee Action:** H.R. 5872 was introduced April 22, 2008, and referred to the House Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** No CBO score exists, but such coin-minting legislation usually yields some revenue for 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?** No.

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

**Constitutional Authority:** Currently, no House Report exists.

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## **H.R. 5614—Saint-Gaudens Double Eagle Ultra-High Relief Bullion Coin Act (Castle, R-DE)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5614 would require the Secretary of Treasury to mint and issue a commemorative coin that bears the design of the 1907 Augustus Saint-Gaudens Double Eagle ultra-high relief gold piece and has a face value of \$20. The bill would allow the Department of Treasury to mint as many coins as the Secretary determines are appropriate. H.R. 5614 would also allow the Secretary to choose to mint the first annual minting of the coin in 99% pure gold, but requires any additional minting to be made in pure palladium. The Secretary would be authorized to sell the coins for no less than the combined cost of designing and issuing the coins and the market value of the bullion used to produce the coin.

**Additional Information:** According to findings listed in the bill, the Augustus Saint-Gaudens \$20 Double Eagle coins, first designed in 1907, are considered by numismatists to be “the most beautiful coins ever produced.” The new \$20 version of the coin would be an exact replica of the original piece with the exception of the inscription “In God We Trust,” which would be added to the new coins. Palladium, which will be used to produce each coin minted after the first year, is a rare silver-white metal worth \$1,303 per troy ounce in 2007. Though the bill would require the Secretary of Treasury to spend federal money to obtain gold and palladium, commemorative coins often make money for the federal government from revenues generated by sales to collectors.

**Committee Action:** H.R. 5614 was introduced on March 13, 2008, and referred to the Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** A CBO score for H.R. 5614 was not 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?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits was not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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## H.R. 406— Alice Paul Congressional Gold Medal Act (*Baca, D-CA*)

**Order of Business:** H.R. 406 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 406 requires the Speaker of the House of Representatives and the President pro tempore of the Senate to make arrangements for the posthumous presentation of a congressional gold medal in commemoration of Alice Paul, to recognize her role in the women's suffrage movement and in advancing equal rights for women.

The bill authorizes the Secretary of the Treasury to strike and sell duplicates in bronze of such medal. Furthermore, the bill would require that all proceeds from the sale of such medals to be deposited into the U.S. Mint Public Enterprise Fund.

The bill lists the following findings:

- “Alice Paul was born on January, 11, 1885, in Moorestown New Jersey, and died on July 9, 1977.”
- “Alice Paul dedicated her life to securing suffrage and equal rights for all women and, as founder of the National Woman's Party, she was instrumental in the passage of the 19th Amendment to the United States Constitution.”
- “Alice Paul and the National Woman's Party were the first group ever to picket the White House.”
- “While President Woodrow Wilson trumpeted America's values of democracy abroad during World War I, Alice Paul was dedicated to reminding the President that not all Americans enjoyed democracy at home.”
- “Alice Paul used nonviolent civil disobedience to bring national attention to the women's suffrage movement, such as the 3-week hunger strike she undertook when she was sentenced to jail in October, 1917, for her demonstrations.”
- “Alice Paul's courage inspired thousands of women to join the women's suffrage movement.”
- “Instead of patiently waiting for States to grant women suffrage, Alice Paul mobilized an entire generation of women to pressure the United States Congress and the President to give all women in America the right to vote.”
- “Alice Paul did not stop her fight after the 19th Amendment was ratified; she drafted the Equal Rights Amendment to the United States Constitution in 1923 and fought tirelessly for its passage until her death 54 years later.”
- “Alice Paul lobbied Congress to include gender in civil rights bills and was successful in including sex discrimination in Title VII of the Civil Rights Act of 1964.”
- “Alice Paul sought equal rights for women all over the world, not just Americans and, as a means of pursuing this goal, founded the World Party for Equal Rights for Women in the 1930's.”
- “Alice Paul was instrumental in the placement of a passage on gender equality in the preamble of the United Nations Charter.”
- “Few people have played a greater role in shaping the history of the United States than Alice Paul.”

- “Alice Paul is an example to all Americans of what one person can do to make a difference for millions of people.”

**RSC Bonus Fact:** It may be important to note that many early feminists, like Alice Paul, were pro-life. Alice Paul has been [quoted as saying](#), “Abortion is the ultimate exploitation of women.” According to [an article](#) penned by Feminists for Life,

In the mid-seventies, Pat [Goltz, co-founder of Feminists for Life] had the honor of meeting Alice Paul, the author of the original Equal Rights Amendment. Ms. Paul, who had known some of our earlier feminist foremothers, made it clear that the early feminists were altogether opposed to abortion. Also very much opposed to abortion, she had given her all to getting the ERA [Equal Rights Amendment] into Congress. She was grateful that others were now carrying the torch but was disturbed by the new trend of linking the ERA with abortion. She related to Pat her belief that abortion would destroy feminism if it were not stopped.

For further information on Alice Paul, see this article from BBC news: [Abortion and the early feminists](#).

**Committee Action:** H.R. 406 was introduced January 11, 2007, and referred to the House Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** No CBO score exists, but such coin-minting legislation usually yields some revenue for 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?** No.

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

**Constitutional Authority:** Currently, no House Report exists.

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## H.R. 2894—Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act (*Ruppersberger, D-MD*)

**Order of Business:** H.R. 2894 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.R. 2894 instructs the Secretary of the Treasury to mint and issue \$1 silver coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner and the War of 1812.

The bill would require a coin design emblematic of the War of 1812, particularly the Battle for Fort McHenry that formed the basis for the “Star-Spangled Banner.” The bill authorizes the Secretary to issue the coins only during the calendar year beginning on January 1, 2012.

Under this Act, all sales of coins issued shall include a surcharge of \$10 per coin. The bill would require all surcharges received by the Secretary from coin sales to be paid to the Star-Spangled Banner and War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, and the preservation and improvement activities relating to the sites and structures relating to the War of 1812.

The bill lists the following findings:

- “During the War of 1812, on September 13, 1814, Francis Scott Key visited the British fleet in Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC;
- “The release was completed, but Key was held by the British overnight during the shelling of Fort McHenry, one of the forts defending Baltimore;
- “In the morning, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry;
- “He was so delighted to see the flag still flying over the fort that he began a poem to commemorate the occasion, with a note that it should be sung to the popular British melody ‘To Anacreon in Heaven’;
- “In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions;
- “In 1931, the ‘Star-Spangled Banner’ became our National Anthem.”

**Background Information:** According to CRS,

Since its inception, Congress has used commemorative legislation to express public gratitude for distinguished contributions; dramatize the virtues of individuals, groups, and causes; and perpetuate the remembrance of significant events. During the past two centuries, commemoratives have become an integral part of the American political tradition. They have been used to authorize the minting of commemorative coins and Congressional Gold Medals; fund monuments and memorials; create federal holidays; establish commissions to celebrate important anniversaries; and name public works, scholarships, endowments, fellowships, and historic sites.

**Committee Action:** H.R. 2894 was introduced June 28, 2007, and referred to the House Committee on Financial Services, which took no official action.

**Cost to Taxpayers:** No CBO score exists, but such coin-minting legislation usually yields some revenue for 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?** No.

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

**Constitutional Authority:** Currently, no House Report exists.

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**H.Res. 1181— Expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis (*Crowley, D-NY*)**

**Order of Business:** H.Res. 1181 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1181 would express the sense that the House of Representatives:

- “extends its condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis;
- “vows its full support of and solidarity with the people of Burma;
- “calls on Americans to provide immediate emergency assistance to cyclone victims in Burma through humanitarian agencies;
- “expresses confidence that the people of Burma will succeed in overcoming the hardships incurred because of this tragedy;
- “calls for the Burmese military junta to consider the well-being of its people and accept broad international assistance; and
- “demands that the referendum to entrench military rule be called off, allowing all resources to be focused on disaster relief to ease the pain and suffering of the Burmese people.”

The resolution lists a number of findings, including:

- “on the night of May 2, 2008, through the morning of May 3, 2008, Cyclone Nargis, the first tropical cyclone to make landfall on Burma since Cyclone Mala in 2006, struck the coast of Burma;
- “Cyclone Nargis caused more destruction in Burma than the Indian Ocean tsunami of December 2004;
- “Cyclone Nargis has caused the death of tens of thousands of people, displaced hundreds of thousands, and is anticipated to affect over a million people;

- “Cyclone Nargis has caused significant damage to Burma’s rice crop, likely worsening the global food crisis and affecting the supply of rice in Burma and worldwide;
- “on May 7, 2008, news media reported that the death toll, as accounted by a United States envoy, could reach over 100,000;
- “tens of thousands of people remain missing in the storm’s wake;
- “Cyclone Nargis has devastated major parts of Burma, including extensive damage to Burma’s largest city of Rangoon and throughout the Irrawaddy Delta region, Bago (Pegu) division, Karen State, and Mon State;
- “initially 5 regions in Burma were declared disaster zones;
- “2 Irrawaddy Division townships, Kyait Lat and Latputda, were almost completely destroyed, leaving several hundred thousand people without homes or shelters;
- “fallen trees, demolished homes, downed power and telephone lines, and debris have blocked roads and blanketed the affected area;
- “hundreds of thousands of people are in dire need of emergency shelter and clean drinking water;
- “Burma’s military regime did little to warn the people and is not providing adequate humanitarian assistance to address basic needs and prevent further loss of life;
- “despite the devastation, the military regime has announced plans to go ahead with its May 10, 2008, referendum on a sham constitution, delaying voting only in portions of the affected Irrawaddy region and Rangoon;
- “the military regime has failed to provide life-protecting and life-sustaining services to its people;
- “more than 30 disaster assessment teams from 18 different Nations and the United Nations have been denied permission to enter Burma by the junta;
- “the United States, through its Government, the Burma-American community, and its people as a whole, has already extended significant support to the people of Burma during this difficult time, including a \$250,000 emergency contribution authorized by the United States Embassy in Burma to be released immediately, and \$3,000,000 in additional aid relief announced on May 6, 2008, by the White House; and
- “a United States Agency for International Development disaster response team is positioned in neighboring Thailand.”

**Committee Action:** H.Res. 1181 was introduced on May 8, 2008, and referred to the House Committee on Foreign Affairs, which took no official action.

**Cost to Taxpayers:** The resolution does not authorize expenditures.

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

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

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## H.R. 5916— Security Assistance and Arms Export Control Reform Act of 2008 (*Berman, D-CA*)

**Order of Business:** H.R. 5916 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5916 would authorize security assistance for Israel and other countries, and assistance to North Korea in dismantling its nuclear facilities. In addition, the bill would require the Department of State to improve the review and processing of export licenses for defense articles, and would authorize the appropriation of such sums as may be necessary in 2009 and future years for that purpose.

The bill lists the following findings:

- “In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States;
- “In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls;
- “Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States;
- “Both staffing and funding that relate to the Department of State’s arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially over the last five years;
- “Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base;
- “Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security;
- “In the report to Congress required by the Conference Report (Report 109-272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109-108), the Department of State concluded that—defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry; the most important challenge to the Department of State’s licensing

process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers; fiscal year 2005 marked the third straight year of roughly 8 percent annual increases in licensing volume; although an 8 percent increase in workload equates to a requirement for three additional licensing officers per year, there has been no increase in licensing officers during this period; and the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times;

- “In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.
- “On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the House Committee on Foreign Affairs to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and the processing times of the Department of State doubled over the period from 2002 to 2006;
- “Although the current number of unprocessed applications for licenses to export defense items is less than 3,800 applications, due to the extraordinary efforts of the personnel and management of the Department of State’s Directorate of Defense Trade Controls, at the end of 2006, the Department of State’s backlog of such unprocessed applications reached its highest level at more than 10,000 unprocessed applications. This resulted in major management and personnel challenges for the Directorate of Defense Trade Controls;
- “Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled ‘Export Controls and the U.S. Defense Industrial Base’ found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors;
- “Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.
- “According to the Department of State’s fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded \$30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.
- “A Government Accountability Office report of October 9, 2001 (GAO-02-120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands.



During both the 108th and 109th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.”

**Additional Information:** According to RSC Member Representative Manzullo’s office (who is a co-author of the legislation):

The Defense Trade Controls Performance Improvement Act of 2008 (Title I of H.R. 5916) remedies many of the deficiencies in the licensing of defense trade by:

- Directing the Secretary of State to review the U.S. export control system within 18 months and offer recommendations to strengthen controls, improve efficiency, and reduce redundancies across federal agencies;
- Requiring the Directorate of Defense Trade Controls (DDTC) to have at least 1 licensing officer for every 1,250 applications by Fiscal Year 2010 to prevent future backlogs;
- Requiring the DDTC to assign no less than 3 individuals by Fiscal Year 2009 to review applications for commodity jurisdiction determinations;
- Creating a performance goal of no longer than 60 days to process a defense trade license;
- Creating a performance goal of no longer than 30 days to process a defense trade license for close allies;
- Establishing a 7 day processing time for defense trade licenses from our close allies in support of combat operations or peacekeeping or humanitarian operations with U.S. Armed Forces;
- Increasing the transparency of commodity jurisdiction determinations with publication of those decisions on the Internet;
- Creating a special licensing authorization for U.S. manufactured spare and replacement parts or components in connection with defense items previously lawfully exported to our close allies;
- Requiring a report within 90 days on possible means for DDTC to achieve 100 percent self-financing;
- Increasing the representation and augmenting the input of the Defense Trade Advisory Group (DTAG) into the State Department’s defense trade agenda;
- Adding South Korea and Israel to the list of NATO+3 countries receiving expedited consideration for the export of U.S. defense items.

**Committee Action:** H.R. 5916 was introduced on April 29, 2008, and was referred to the Committee on Foreign Affairs. A markup on H.R. 5916 was held on April 30, 2008 and the Committee ordered the bill reported, as amended, by voice vote.

**Cost to Taxpayers:** According to a CBO estimate, enacting H.R. 5916 would increase discretionary spending by \$3.2 billion over the FY 2009 – FY 2013 period, assuming appropriation of the estimated amounts. Furthermore, implementing the bill would increase direct spending by \$500 million over the FY 2009 – FY 2013 period, primarily by allowing a Department of Defense (DoD) revolving fund to spend balances without appropriations action. Implementing the bill would not affect revenues.

**Does the Bill Expand the Size and Scope of the Federal Government?** Yes, the bill would authorize security assistance for Israel and other countries, and assistance to North Korea in dismantling its nuclear facilities.

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

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to the Foreign Affairs [House Committee Report 110-626](#), “H.R. 5916 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.”

**Constitutional Authority:** According to the Foreign Affairs [House Committee Report 110-626](#), “the Committee finds the authority for this legislation in article I, section 8 of the Constitution.”

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## **H.R. 5834— North Korean Human Rights Reauthorization Act of 2008 (Ros-Lehtinen, R-FL)**

**Order of Business:** H.R. 5834 is scheduled to be considered on Tuesday, May 13, 2008, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 5834 would amend the North Korean Human Rights Act of 2004 to authorize appropriations through FY2012 for the following:

- “activities to support human rights and democracy and freedom of information in North Korea; and
- “assistance to North Koreans who are outside North Korea.”

The bill also directs the Broadcasting Board of Governors to complete report regarding U.S. broadcasting to North Korea and the extent to which the Board has achieved the goal of 12-hour-per-day broadcasting to North Korea.

Furthermore, H.R. 5834 states that the Special Envoy on human rights in North Korea shall have the rank of ambassador. The bill also sets forth specified reporting provisions.

The bill lists the following findings:

- “The Government of China is conducting an increasingly aggressive campaign to locate and forcibly return border-crossers to North Korea, where they routinely face torture and imprisonment, and sometimes execution. According to recent reports, the Chinese Government is shutting down Christian churches and imprisoning people who help North Korean defectors, and has increased the bounty paid for turning in a North Korean refugee by a factor of sixteen, to an amount roughly equivalent to the average annual income in China;
- “In an attempt to deter escape attempts, the Government of North Korea has reportedly stepped up its public execution of border-crossers and those who help others cross into China, including the February 20, 2008, shooting of 13 women and 2 men in Onsung County, and the March 30, 2008, execution of three residents in Hyesan. As is commonly the case, employees and residents of nearby

institutions, enterprises, and neighborhoods were required to attend and observe those killings;

- “Although the United States refugee resettlement program remains the largest in the world by far, the United States has resettled only 37 North Koreans in the period from 2004 through 2007;
- “From the end of 2004 through 2007, the Republic of Korea resettled 5,961 North Koreans;
- “Extensive delays in assessment and processing at overseas posts have led numerous North Korean refugees to abandon their quest for United States resettlement, and long waits (of more than a year in some cases) have been the source of considerable discouragement and frustration among refugees, many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure; and
- “From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.”

**Committee Action:** H.R. 5834 was introduced on March 17, 2008, and was referred to the Committee on Foreign Affairs. A markup on H.R. 5834 was held on April 30, 2008 and the Committee ordered the bill reported, as amended, by unanimous consent.

**Cost to Taxpayers:** A CBO score for H.R. 5834 was not available at press time, but the bill authorizes \$4,000,000 for each year between FY2009—FY2012.

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

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

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

**Constitutional Authority:** A Committee Report citing constitutional authority was not available.

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