



Legislative Bulletin.....March 11, 2008

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Several

Total Cost of Discretionary Authorizations: Unknown, but at least \$277 million in FY 2008 and \$6.2 billion over the FY 2008-2012 period

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: \$0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 4

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

H.R. 5492—To authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes (*Matsui, D-CA*)

Order of Business: The bill is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5492 would authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland. The purpose of the greenhouse would be to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution. The bill would authorize \$12 million for the cost of the greenhouse.

Additional Background: The Smithsonian Institute support center library in Suitland, Maryland, is one of 20 branch libraries that are operated by the Smithsonian. According to the support center's Website, "the Museum Support Center (MSC) is a museum collections management facility designed for the purposes of collections storage, research, and conservation. One of the first such facilities in the world of its kind, the MSC was dedicated in May 1983. The facility covers 4 ½ acres of land and contains over half a million square feet of space." According to the Smithsonian's FY 2009 budget proposal, the Museum Support Center will operate on an estimated budget of \$1.8 million.

The facility is funded by the Smithsonian Museum. In FY 2008 the Smithsonian was appropriated \$562 million for operations by Congress and received \$119 million from private donations and investments. The U.S. Botanical Garden, which is located on the National Mall just east of the Smithsonian Air and Space Museum, is operated by the U.S. Congress through the Architect of the Capitol. Therefore, funding for the 4,000 plants on display in the Botanical Garden is paid for by Congress and not the Smithsonian.

Committee Action: H.R. 5492 was introduced on February 26, 2008, and referred to the Committee on Transportation and Infrastructure, which took no official action.

Possible Conservative Concerns: Some conservatives may be concerned that H.R. 5492 would authorize \$12 million for the creation of a greenhouse at the Smithsonian Museum support center library in Suitland, Maryland. Some conservatives may be concerned that added expenses for new construction and development projects at the Smithsonian should be taken from the museum's current budget, which rose from \$635 million to \$683 million (\$48 million or 7.6 percent) between FY 2007 and FY 2008.

Cost to Taxpayers: According to CBO, H.R. 5492 would cost \$12 million over the FY 2009 through FY 2013 period.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, it would create a new greenhouse facility at the Smithsonian Museum support facility in Suitland, Maryland.

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: A Committee Report citing constitutional authority was not available.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 936—Honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States (*Blumenauer, D-OR*)

Order of Business: H.Res. 936 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 936 would express the sense that the House:

- “Reaffirms the goals and ideals that formed the impetus for Gallatin’s national plan two hundred years ago;
- “Calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to mark this important anniversary by recalling the important legacy of public investment in infrastructure that connects and enhances the economies, communications, and communities of our several States; and
- “Supports the creation of a new national plan to align the demands for economic development with the resources of the Nation.”

The resolution lists a number of findings, including:

- “President Thomas Jefferson commissioned his Secretary of the Treasury Albert Gallatin to provide a new vision for transportation that would unite the young Republic;
- “2008 marks the bicentennial of the report that Secretary Gallatin presented to President Jefferson, which proposed transportation improvements not as ends in themselves but as means to further national unity, which was part of the promise of the American Revolution, as James Madison, writing in *The Federalist No. 14*, emphasized, ‘Let it be remarked . . . that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the

13 States', and whose words have served as a worthy reminder of the needs for transportation infrastructure since that time;

- "Gallatin incorporated the legacy Benjamin Franklin bequeathed to the country through his improvements to the Postal Service, including Franklin's route surveys, his placement of milestones on principal roads, and his development of shorter transportation routes;
- "The United States, as a result of Gallatin's legacy, has a record of successful infrastructure partnerships any national planning endeavor, to be regarded as a success, must address and reconcile the needs of different regions of the country;
- "The genius of the Gallatin plan was its alignment of the hopes of the Nation with the opportunities presented by access to new markets, populations, and territories;
- "The United States currently faces new challenges financing the infrastructure necessary for the future economic needs of the country; and
- "America must have a plan for its future if it is to succeed in a world of increasing international competition."

Committee Action: H.Res. 936 was introduced on January 23, 2008, and referred to the Committee on Transportation and Infrastructure, which referred the bill to three subcommittees the following day but took no further 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 854—Expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany (*Hastings, D-FL*)

Order of Business: H.Res. 854 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 854 would express the sense that the House:

- "Commends in the strongest terms all States that worked to expeditiously ratify the amendments to the Bonn Accords to allow for open access to the Holocaust Archives located in Bad Arolsen, Germany;

- “Congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;
- “Encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure survivors, their families, and researchers have direct access to the archives, and are offered effective assistance in navigating and interpreting these archives;
- “Remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust committed by Nazi perpetrators and their collaborators; and
- “Must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.”

The resolution lists a number of findings, including:

- “For the past 62 years, until their ultimate release on November 28, 2007, the International Tracing Service (‘ITS’) archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;
- “While Holocaust survivors and their descendants have had limited access to individual records at Bad Arolsen, reports suggest that they faced long delays, incomplete information, and even unresponsiveness;
- “Beginning in the late 1990s, the U.S. Holocaust Memorial Museum (‘Holocaust Museum’), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;
- “On May 15, 2007, the International Commission voted in favor of a United States proposal to allow a transfer of a digital copy of archived materials to any of the 11 member States that have adopted the May 2006 amendments to the Bonn Accords; thereafter, transfer of materials to both the United States Holocaust Memorial Museum and Yad Vashem, the Holocaust Martyrs’ and Heroes’ Remembrance Authority in Israel was initiated;
- “Despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on World Jewry, there has been a sharp increase in global anti-Semitism and Holocaust denial in recent years; and
- “It is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism.”

Committee Action: H.Res. 854 was introduced on December 10, 2007, and referred to the Committee on Foreign Affairs, which held a mark up and reported the bill by voice vote on February 27, 2008.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Con.Res. 290—Commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand (Manzullo, R-IL)

Order of Business: H.Con.Res. 290 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 290 would express the sense that the House:

- “Commemorates the 175th anniversary of United States and Thailand relations;
- “Offers its sincere congratulations to the Kingdom of Thailand and the Thai people for their democratic, free, and fair election;
- “Commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers its sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and
- “Looks forward to continued, enduring ties of friendship between the Thai and American people.”

The resolution lists a number of findings, including:

- “The United States will celebrate the 175th anniversary of its relationship with the Kingdom of Thailand since the signing of the original Treaty of Amity and Commerce in 1833 during President Andrew Jackson’s administration and the reign of King Rama III;
- “The Kingdom of Thailand was the United States’ first treaty ally in the Asia-Pacific region and remains a steadfast friend with shared values of freedom, democracy, and liberty;
- “Thailand was designated as a major non-NATO ally in December 2003, which improved the security of both nations, particularly through joint counterterrorism efforts;
- “On December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world’s longest serving monarch, who is loved and respected by Thai for his lifelong dedication to the social and economic development of the Thai people;
- “On December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that are paving the way for a successful return of democracy to Thailand;
- “Approximately 500,000 Americans of Thai descent are living in the United States and share in the mutual pursuit of the American Dream;
- “Thailand is America’s 20th largest trading partner with bilateral trade totaling \$30,600,000,000 per year; and
- “The bonds of friendship and mutual respect between the United States and Thailand are strong.”

Committee Action: H.Con.Res. 290 was introduced on February 7, 2008, and referred to the Committee on Foreign Affairs, which held a mark up and reported the bill by voice vote on February 27, 2008.

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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.Res. 1024—Recognizing the 187th anniversary of the independence of
Greece and celebrating Greek and American democracy
(Ros-Lehtinen, R-FL)**

Order of Business: H.Res. 1024 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 1024 would express the sense that the House:

- “Extends warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of the independence of Greece;
- “Expresses support for the principles of democratic governance to which the people of Greece are committed; and
- “Notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 187 years ago.

The resolution lists a number of findings, including:

- “The ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;
- “The Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;
- “Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ‘it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you’;
- “Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

- “In August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;
- “March 25, 2008, the National Day of Celebration of Greek and American Democracy, marks the 187th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and celebrates the aspirations for democracy that the peoples of Greece and the United States share; and
- “It is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born.”

Committee Action: H.Res. 1024 was introduced on March 6, 2008, and referred to the 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 945—Raising awareness and promoting education on the criminal justice system by establishing March 2008 as “National Criminal Justice Month” (Poe, R-TX)

Order of Business: H.Res. 945 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 945 would express the sense of the House that:

- “National Criminal Justice Month provides an opportunity to educate Americans on the criminal justice system; and
- “Americans should be aware of the causes and consequences of crime, how to prevent crime, and how to respond to crime; and
- “The House of Representatives urges policymakers, criminal justice officials, educators, victim service providers, nonprofits, community leaders, and others to promote awareness of how to prevent and respond to crime through National Criminal Justice Month.”

The resolution lists a number of findings, including:

- “There are approximately three million Americans employed within the justice system;
- “Approximately seven million adults are on probation, parole, or are incarcerated;

- “Millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally;
- “The cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system;
- “Approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable;
- “Crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing;
- “Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or \$204 billion; and
- “There is a need to educate Americans and to promote awareness within American society as to the causes and consequences of crime, as well as the strategies and developments for preventing and responding to crime.”

Committee Action: H.Res. 945 was introduced on January 28, 2008, and referred to the Committee on the Judiciary. On February 4, 2008, the resolution was referred to the Subcommittee on Crime, Terrorism, and Homeland Security, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 4056—Federal Law Enforcement Officers Congressional Badge of Bravery Act of 2007 (*Ellsworth, D-IN*)

Order of Business: The bill is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4056 would create the Congressional Badge of Bravery which would be presented to a federal law officer for sustaining a physical injury while in the line of duty. The badge would be presented by a Member of Congress or the Attorney General.

The bill would establish a nomination process by which federal officers may be nominated for the badge by their respective federal agency. The bill would require that each nominee:

- Receive physical injury while carrying out their duty;
- Put themselves at risk while performing their duty; and

- Injure themselves during “some form of conduct characterized as bravery by the agency head making the nomination.”

H.R. 4056 would also create a Congressional Badge of Bravery Board (CBBB) to design and produce the badge and make recommendations regarding nominees. The CBBB would be responsible for presenting badges annually. Four of the seven members of the board would be members of the [Federal Law Enforcement Officers Association](#) appointed by their Executive Board. The final three would be individually selected by the House, the Senate, and the Attorney General respectively. The CBBB would be granted the power to hold hearings, call witnesses, keep information, and travel to carry out the purposes of the bill. H.R. 4056 would also establish the Congressional Badge of Bravery Office within the Department of Justice (DOJ) to provide staff support for the CBBB.

Finally, the bill would authorize “such sums as are necessary” for the Attorney General to establish the Congressional Badge of Bravery Board.

Additional Background: According to the DOJ, there are an average of 150 federal law officers injured by suspects annually. There is currently no congressionally recognized award given specifically to federal officers who are injured in the live of duty. H.R. 4056 is supported by the Federal Law Enforcement Officers Association, a non-profit special interest group which represents more than 25,000 federal officers.

Committee Action: H.R. 4056 was introduced on November 1, 2007, and referred to the Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 4056 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 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 1312— Arts Require Timely Service (ARTS) Act *(Berman, D-CA)*

Order of Business: The bill is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1312 would extend the time period that the Department of Homeland Security (DHS) is given to adjudicate special visa requests for certain artists and performers from 14 to 30 days. If DHS failed to process the visa request within 30 days, H.R. 1312 would require that the department provide specified artists and entertainers with “premium processing services” without charging a \$1,000 fee that is currently required by law.

Additional Background: Under current law, certain artists and entertainers wishing to enter the U.S. for performance purposes are granted a speedy process for non-immigrant visa adjudication. The DHS is required to process such requests within two weeks of receiving an application. However, CBO reports that it actually takes DHS about eight weeks to process the applications. Such delays have caused problems for American groups attempting to bring entertainers and artists to the U.S. to perform temporarily. DHS allows for groups who wish to pay \$1,000 for “premium processing services” to have applications adjudicated faster. H.R. 1312 would extend the initial time the DHS is given to process a request to 30 days and waive the fee for premium processing services if the application is not adjudicated by that time.

Non-immigrant visas under this legislation may be given to an alien who:

- “Has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim or, with regard to motion picture and television productions a demonstrated record of extraordinary achievement, and whose achievements have been recognized in the field through extensive documentation, and seeks to enter the United States to continue work in the area of extraordinary ability; or
- “Seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performance by an alien who is admitted under clause (i) for a specific event or events.” ([8 U.S.C. 1101\(a\)\(15\)\(O\)](#)).

Committee Action: H.R. 1312 was introduced on March 5, 2007, and referred to the Committee on the Judiciary Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law. On September 25, 2007, a subcommittee mark-up was held and the bill was forwarded to the full committee by a vote of 7-5. On November 7, 2007, the full committee held a mark-up and amended the bill. The amended version was reported by voice vote on the same day.

Cost to Taxpayers: According to CBO, H.R. 1312 would not have a significant cost to the government. CBO estimates that the bill could reduce the number of premium processing service fees that DHS collects, but that the reduction “would not be significant in any year.”

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? [Committee Report 110-540](#) states that, “H.R. 1312 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: The Committee on the Judiciary, in [House Report 110-540](#), cites constitutional authority in Article I, Section 8, Clause 4, which grants Congress the power to “establish a uniform rule of naturalization.”

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.R. 3361—Pension Protection Technical Corrections Act of 2007 *(Rangel, D-NY)*

Order of Business: The bill is scheduled to be considered on Monday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3361 would make a number of technical corrections and conforming changes to titles I through XII of the [Pension Protection Act of 2006](#), which amends the Employee Retirement Security Act of 1974 (ERISA). For a comprehensive summary of all the technical changes made by H.R. 3361, please see a Joint Committee on Taxation description here: <http://www.house.gov/jct/x-60-07.pdf>.

It is possible that the text of this bill will change prior to floor consideration. If the revised text contains any non-technical provisions, the RSC will alert its offices accordingly.

Additional Background: The Pension Protection Act of 2006 amended ERISA and the Internal Revenue Code of 1986 to reform the funding rules for pensions. The bill was passed in the House on July 28, 2006, by a vote of [279-131](#). On August 17, 2006, the bill was signed by the President and became Public Law No. 109-280. According to the Minority staff on the House Ways and Means Committee, H.R. 3361 would make only clerical changes to the Pension Protection Act of 2006 and would not alter any of the bill’s significant provisions. The changes made by H.R. 3361 will be applied as if they were enacted in the original version of the legislation.

Committee Action: H.R. 3361 was introduced on August 3, 2007, and referred to the Committee on Education and Labor and the Committee on Ways and Means. On September 19, 2007, the bill was referred to the Education and Labor Subcommittee on Health, Employment, Labor, and Pensions, which took no official action.

Cost to Taxpayers: A CBO score for H.R. 3361 was not available at press time. A Joint Committee on Taxation description of the bill does not indicate whether it will effect spending or revenues.

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: The Committee Report citing constitutional authority was not available.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

**H.R. 5563—To reauthorize and reform the national service laws
(McCarthy, D-NY)**

NOTE: Some funds authorized for the programs in this bill have previously been diverted to Planned Parenthood, ACORN, and state-level Legal Services associations. See details below.

Order of Business: The bill is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5563 would amend the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA) to revise their programs and reauthorize their appropriations through FY2012.

Committee Action: H.R. 5563 was introduced on March 10, 2008 and referred to the committee on House Committee on Education and Labor, where no official action was taken.

Additional Information: On Thursday, March 6, 2008, the House took up H.R. 2857, the Generations Invigorating Volunteerism and Education Act. After debate, the House passed ten amendments but did not conclude debate on final passage. A Republican motion to recommit (MTR) was offered, and the bill was then pulled off of the floor by the majority because of the Republican MTR. H.R. 5563 was introduced last night and includes the ten amendments that

passed the House, and the Republican MTR (the Flake amendment was not agreed to). For information on the underlying bill and the amendment summaries, please see the following:

[RSC Legislative Bulletin, H.R. 2857—GIVE Act](#)
[RSC Legislative Bulletin, H.R. 2857—GIVE Act Amendments](#)

Republican MTR: The Republican MTR, offered by Mr. Kuhl on Thursday, March 6, 2008, has been added to the underlying bill. The following is the summary of the MTR sent out by the RSC:

Summary of Motion: The motion would recommit H.R. 2857, the Generations Invigorating Volunteerism and Education Act, back to the House Education and Labor Committee with instructions that the committee report the bill back to the House floor promptly with the following amendment:

The Republican Motion to Recommit (MTR) will ensure that all applicants seeking federally-funded national service positions undergo criminal background checks. The MTR also helps protect individuals who are serviced by these programs, as well as other program participants, by prohibiting sex offenders and murderers from holding any federally-funded national service position. This MTR will prevent dangerous felons from receiving federal benefits—such as education awards, health care and child care—for volunteering, and ensure that our children, elderly, disabled and other vulnerable populations are safe.

Process: This MTR moves to recommit the bill (with instructions) “promptly.” If passed, the promptly directive would actually send the bill back to committee along with the MTR instructions. It would NOT instantaneously amend the bill, as would a “forthwith” directive, nor would this motion kill the bill (as the majority will assert). In this instance, the committee is not *required* to act upon the bill. However, the committee could convene a special meeting to consider the bill and potentially send it back to the House, but the Rules Committee would have to meet and report another rule for consideration of the bill.

Bonus Fact: According to the [Office of Inspector General](#), “Recent program audits conducted by the Office of Inspector General (OIG) have detected a disturbing pattern of non-compliance with [current] criminal background check grant provision requirements. In some cases, programs have failed to conduct the checks. Just as disturbing, other programs have failed to retain documentation proving that background checks were conducted for members working with youth and other vulnerable persons.”

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, which receives the bulk of the funding under the Act, 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

| Member service term | Number of hours | Educational award |
|----------------------------|------------------------|--------------------------|
| 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.

Note: Educational awards are being increased in this bill to at least \$5,000 for full time students.

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

| State | City | Program Name | Funded Through |
|--------------|-------------|--|-----------------------|
| 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 |
| Illinois | Chicago | Legal Assistance Foundation of 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>

Many of the programs reauthorized and expanded in H.R. 5563 are ineffective and inefficient. ExpectMore.gov, a website developed by the U.S. Office of Management and Budget, whose goal is to assess the performance of every Federal program in order to hold programs accountable for improvement, has audited these programs. According to ExpectMore.gov, the programs included in H.R. 5563 have been audited as follows:

Learn and Serve: Not Performing; Results Not Demonstrated
AmeriCorps National Civilian Community Corps: Not performing; Ineffective
AmeriCorps State and National Grants: Performing; Adequate
AmeriCorps Volunteers in Service to America: Performing; Adequate

Conservative Concerns: Many conservatives are concerned that H.R. 5563 would expand and authorize programs that have been audited and considered ineffective by the U.S. Office of Management and Budget (see above). In addition, many conservatives may be concerned with AmeriCorps history of funding projects that some conservatives find objectionable (ex. Planned Parenthood of Western Washington). Along with Planned Parenthood of Washington, the Los Angeles Gay and Lesbian Center (LAGLC) has received funding from AmeriCorps as well. 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.

AmeriCorps grant money has also been given to ACORN and used to increase their membership, which is a violation of federal guidelines. The funding given by AmeriCorps has no restrictions on its political use.

Not only are many potentially contentious organizations receiving funds through AmeriCorps, many of these organizations are double, and triple dipping at the federal “trough”. 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. 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 benefits should be classified as volunteers—AmeriCorps identifies their participants as volunteers.

Some conservatives may also be concerned that a notable provision championed by Republicans was left out of H.R. 5563. This provision would have ensured that AmeriCorps funding is not used to operate programs directed at youth that are designed to promote or encourage sexual activity; to distribute obscene materials to minors on school grounds; to provide sex education that is not age appropriate and excludes discussion of abstinence; to provide HIV-prevention instruction that is not age appropriate and excludes discussion of abstinence or the risks of HPV; or to operate a program of contraceptive distribution in schools. As was previously noted, AmeriCorps funding has been used for sex education programs, including programs put on by Planned Parenthood. Some conservatives may be concerned that this provision, that would have provided a safeguard against activities that many parents deem inappropriate for their children, was disregarded by the Majority.

Many conservatives may be concerned that the programs authorized and expanded in this bill reflect a big government response to local and community needs—instead of a more effective encouragement of community and individual response to such need.

Furthermore, this bill was introduced last night with no committee hearings or mark-ups. Some conservatives may be concerned with the lack of process that this bill underwent before coming before the House for a final passage vote.

Cost to Taxpayers: A CBO score for H.R. 5563 is not available at press time. According to CBO, H.R. 2857 would authorize appropriations of about \$1 billion for fiscal year 2008. CBO estimates that authorizations under H.R. 2857 would total \$6.2 billion over the 2008-2012 period for grants and other activities, including education awards for participants in national service activities.

Assuming appropriation of the authorized and estimated amounts, CBO estimates that enactment of the bill would result in additional outlays of \$277 million in 2008 and

\$4.1 billion over the 2008-2012 period. Enacting the bill would not affect direct spending or revenues.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates new programs under the National Community Service Act of 1990, increases authorizations, and expands the authority of such programs.

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? Currently, no House Report exists.

Constitutional Authority: Currently, no House Report exists.

RSC Staff Contact: Sarah Makin; 202-226-0718; sarah.makin@mail.house.gov

S. 2733—To temporarily extend the programs under the Higher Education Act of 1965 (*Sen. Kennedy, D-MA*)

Order of Business: S. 2733 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the bill.

Summary: S. 2733 would extend the authorization (at current, FY04 levels) for the Higher Education Act of 1965 (HEA) through April 30, 2008 (currently set to expire on March 31, 2008).

Additional Background: The Higher Education Act of 1965 (HEA) provides the majority of the federal government's higher education financial aid programs. According to CRS, HEA programs comprise the government's "major student aid programs to support postsecondary education attendance, as well as other significant programs such as those providing aid to special groups of institutions of higher education and support services to enable disadvantaged students to complete secondary school and enter and complete college." The HEA has been operating under temporary extensions while a long-term extension of the program is negotiated. On February 7, 2008, the House passed H.R. 4137, the College Opportunity and Affordability Act of 2007, which would extend the HEA through FY 2014. The bill has yet to be taken up by the Senate. The last temporary extension of the HEA was passed in October and extended programs through March 31, 2008.

Committee Action: S. 2733 was introduced and passed in the Senate by unanimous consent on March 7, 2008. The same day the bill was sent to the House, which took no official action.

Cost to Taxpayers: A CBO score for S. 2733 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.

H.Res. 953—Expressing the sense of the House of Representatives that all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad (Knollenberg, R-MI)

Order of Business: H.Res. 953 is scheduled to be considered on Tuesday, March 11, 2008, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 953 would express the sense of the House that “all Americans should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad.”

The resolution lists a number of findings, including:

- “It was through the brave and noble efforts of the Nation’s forefathers that the United States first gained freedom and became a sovereign nation;
- “There are more than 1,500,000 active and reserve component members of the Armed Forces serving the Nation in support and defense of the values and freedom that all Americans cherish;
- “The members of the Armed Forces deserve the utmost respect and admiration of their fellow Americans for putting their lives in danger for the sake of the freedoms enjoyed by all Americans;
- “Members of the Armed Forces are defending freedom and democracy around the globe and are playing a vital role in protecting the safety and security of all Americans;
- “The Nation officially celebrates and honors the accomplishments and sacrifices of veterans, patriots, and leaders who fought for freedom, but does not yet officially pay tribute to those who currently serve in the Armed Forces;
- “All Americans should participate in a moment of silence to support our troops; and
- “March 26th, 2008, is designated as ‘National Support Our Troops Day.’”

Committee Action: H.Res. 953 was introduced on January 29, 2008, and referred to the Committee on Armed Services. On February 11, 2008, the bill was referred to the Subcommittee on Military Personnel, 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.

RSC Staff Contact: Andy Koenig; andy.koenig@mail.house.gov; 202-226-9717.
