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Senate Amendments to H.R. 1388—Generations Invigorating Volunteerism and Education (GIVE) Act (McCarthy, D-NY)

Key Conservative Concerns

Take-Away Points

- H.R. 1388 stretches the definition of a volunteer by paying them for their service, frequently providing volunteers with health benefits, housing, and other items that undermine the definition of a volunteer.
- H.R. 1388 is part of a Democrat agenda to force taxpayers to fund liberal service organizations, while at the same time, increasing taxes on charitable donations for individuals who want to support organizations with which they agree.
- H.R. 1388 funds AmeriCorps at a level of “such sums may be necessary.” AmeriCorps has funded programs in the past such as **Planned Parenthood of Western Washington** and the Los Angeles Gay and Lesbian Center (LAGLC). In addition, they ran a program that **gave \$5 to children for each toy gun they brought in.**
- H.R. 1388 funds Learn and Serve, which has been described as “Not Performing: Results Not Demonstrated” by the Office of Management and Budget’s website, ExpectMore.gov. It also funds AmeriCorps National Civilian Community Corps which

OMB describes as “Not Performing: Ineffective.” During a time of economic crisis, we should not be funding programs that have shown little or no results.

For more details on these concerns, see below.

Order of Business: The bill is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the bill.

Background: The House passed H.R. 1388 on March 18, 2009 by a vote of [321-105](#). The bill included a Motion to Recommit (passed by a vote of [318-105](#)), offered by Congresswoman Foxx (R-NC), which prohibits organizations from receiving assistance under the bill if they attempt to influence legislation, organize strikes, assist in union organizing, and conduct partisan political activities among other things. The MTR also prohibits assistance to organizations that promote abortion services, including referral, and organizations that have been indicted for voter fraud. The Senate Amendments to H.R. 1388 includes a prohibition on activities related to providing abortion services or referrals included in the Republican Motion to Recommit. However, the co-location provision was removed. This means that any organization that co-locates with ineligible organizations - **including those who provide or promote abortions** - may still receive assistance in this bill. This means that **Planned Parenthood is still eligible** to receive grants and volunteers as long as they do not directly provide or promote abortion services. Additionally, the provision prohibiting organizations indicted for voter fraud was not included thus **allowing groups like ACORN to receive assistance under this bill**.

In March 23, 2009, the Senate invoked cloture on the motion to proceed to H.R. 1388 by a vote of 74-14. Senator Mikulski then offered S. 277, the Serve America Act, in the nature of a substitute to H.R. 1388. The amended version of H.R. 1388 then passed the Senate by a vote of [79-19](#) on March 26, 2009. Today, the House is considering the Senate-passed version of the bill which is very similar to H.R. 1388. For highlights to the House-passed version of H.R. 1388, see this [RSC Report](#).

Summary: H.R. 1388 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 FY2014. The NCSA authorizes Learn and Serve, AmeriCorps, the National Civilian Community Corps, and the Points of Light Foundation (which is not reauthorized in this bill). The DVSA authorizes the Volunteers in Service to America (VISTA) and the National Senior Volunteer Corps. The authorizations for these programs expired at the end of FY1996. They are, however, funded in appropriations bills each year.

All of the programs authorized under these statutes are administered by an independent federal agency, the Corporation for National and Community Service (referred to in this document at “the Corporation”).

Conservative Concerns: 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. This bill is part of a Democrat agenda to force taxpayers to fund liberal service organizations, while at the same time, increasing taxes on charitable donations for individuals who want to support organizations with which they agree.

Additionally, because some of the House MTR language was not included in the bill on the floor today, funds will be provided to organizations that promote abortion services. 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 a [Heritage Foundation](#) report from 2002,

... 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 “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. Sect. 2996](#)). Some conservatives may be concerned that this is an egregious example of wasteful government spending.

Many conservatives are concerned that H.R. 1388 would expand and authorize programs that have been audited and considered ineffective by the U.S. Office of Management and Budget.

Some conservatives may also be concerned that a notable provision included in Congressman Hoekstra's bill, the *Citizen Service Act of 2002* (H.R. 4854) was left out of H.R. 1388. 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.

Groups Opposing H.R. 1388 as first passed by the House: Citizens Against Government Waste, Concerned Women for America, Eagle Forum, Family Research Council, National Taxpayers Union, Focus on the Family

Committee Action: H.R. 1388 was introduced on March 9, 2009, and referred to the Committee on Education and Labor. On March 16, 2009, the Committee held a mark-up and ordered the bill reported, as amended, by a vote of 34-3. The Senate Health Education, Labor, and Pensions Committee marked up S. 277 on March 18th and passed a substitute amendment by voice vote.

Administration Position: The Obama Administration released the following Statement of Administration Policy (SAP) in support of the Senate version of H.R. 1388. The SAP can be found [here](#).

Cost to Taxpayers: According to CBO, the House-passed version of H.R. 1388 would authorize appropriations of about \$9.3 billion for fiscal years 2010-2014. S. 277, which we are considering today, would authorize appropriations of \$8.7 billion for fiscal years 2010-2014.

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?: The Committee on Education and Labor, in [House Report 111-37](#), asserts that, “H.R. 1388 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e) or 9(f) of rule XXI of the House of Representatives.”

Constitutional Authority: The Committee on Education and Labor, in [House Report 111-37](#), cites constitutional authority in Article I, section 8, clause I of the U.S. Constitution.

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H.R. 1171 — Homeless Veterans Reintegration Program Reauthorization Act of 2009 (Boozman, R-AR)

Order of Business: The bill is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1171 would extend authorization of the Homeless Veterans Reintegration Program from FY2010 through FY2014. It would also create a new grant for providers that offer family-style housing for homeless veterans with dependent children. This grant would require recipients to provide employment counseling, placement assistance, literacy, job skill training and child care services, and services for homeless veteran families and women veterans. The grant program would be administered by the Department of Labor’s Veteran Employment and Training Service and would authorize \$10 million each year through FY2014. The Secretary of Labor must also biennially provide an evaluation of this grant program in a report to Congress.

Background: The Homeless Veteran Reintegration Program is a program, enacted in 1987, administered by the Department of Labor’s Veterans Employment and Training Service (VETS). Eligible grantees range from states and local government to non-profits, including faith-based non-profits. The grants are on three-year rotating cycles.

The program received \$26.3 million in funding for FY2009 and \$23.6 million in FY2008.

Committee Action: H.R. 1171 was introduced on February 25, 2009 and referred to the House Veterans Affairs Subcommittee on Economic Opportunity. On March 19, 2009, the bill was marked up and reported to the full committee by voice vote. On March 25, 2009, the full Veterans Affairs Committee marked up the bill and reported it out of committee, amended, by voice vote.

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

Cost to Taxpayers: The bill would authorize \$300 million in additional expenditures for FY2010-2014.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill creates a new grant program within the Department of Labor's Veteran Employment and Training Service agency.

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?: H.R. 1171 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 of the Rules of the House of Representatives.

Constitutional Authority: The Committee finds that the Constitutional authority for H.R. 1171 is provided by Article I, section 8 of the Constitution of the United States.

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**H.R. 1377 – To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility
(*Filner, D-CA*)**

Order of Business: The bill is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1377 would:

- expand VA's authority to reimburse a non-service connected veteran for emergency treatment received in a non-Department facility when the veteran has recourse against a third party that is responsible for only partial payment of the veteran's financial liability;
- require that VA be a secondary payer in cases where a veteran receives partial payment from a third party;
- limit VA's liability to the difference between the amount paid by the third party and the VA authorized rate;
- establish that VA payment extinguishes the veteran's liability to the provider of the emergency treatment;
- provide that the veteran is responsible for any copayment owed to a third party; and

- allow VA the discretion to reimburse a veteran who may have incurred financial liability for emergency treatment prior to the date of enactment (the VA is not required to do so under the bill).

CBO estimates that this bill would create about 700 new claims a year over the 2010-2014 period.

Background: Under current law, the VA is required to reimburse veterans for emergency treatment in non-VA facilities. However, the VA does not pay for this emergency treatment if the veteran has third-party insurance that pays for a portion of the costs of the treatment. This can happen, for example, when the veteran has insurance through their car insurance policy.

Committee Action: H.R. 1377 was introduced on March 6, 2009 and referred to the House Veterans Affairs Subcommittee on Health. On March 19, 2009, the bill was marked up, amended, and reported to the full committee by voice vote. On March 25, 2009, the full Veterans Affairs Committee marked up the bill and reported it out of committee, amended, by voice vote. The committee report can be found [here](#).

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

Cost to Taxpayers: CBO estimates that this bill would cost approximately \$5 million to implement the bill over the FY2010-2014 period. The VA would end up paying approximately \$1 million more a year in claims.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill requires that the VA pay for emergency treatment if the veteran has third-party insurance that does not cover the total cost of the treatment.

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?: H.R. 1377 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 of the Rules of the House of Representatives.

Constitutional Authority: The Committee finds that the Constitutional authority for H.R. 1377 is provided by Article I, section 8 of the Constitution of the United States.

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H.R. 1513 — Veterans' Compensation Cost-of-Living Adjustment Act of 2009 (Kirkpatrick, D-AZ)

Order of Business: The bill is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1513 provides a cost-of-living adjustment (COLA), effective December 1, 2009, for disability compensation for veterans with service-connected disabilities and for dependency and indemnity compensation for survivors of certain service-connected disabled veterans. This COLA is increased by the same percentage as the COLA provided to Social Security recipients and VA pension beneficiaries that take effect on the same date.

Background: Congress has provided annual increases in COLA rates every year since 1976. For 2009, the COLA increase for VA disability compensation was 5.8 percent. This same bill passed the House of Representative in the 110th Congress 417-0.

Committee Action: H.R. 1513 was introduced on March 16, 2009 and referred to the House Committee on Veterans Affairs. On March 26, 2009, the bill was marked up and reported out of Committee by unanimous consent.

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

Cost to Taxpayers: According to CBO, the COLA that would be authorized by this bill is assumed in CBO's baseline and saving from rounding it down were extended to 2013 by the Veterans Benefits Act of 2003. Based on its current economic forecast, CBO does not anticipate a cost-of-living increase in 2010 for Social Security; thus, CBO estimates that enacting this bill would have no impact on spending for those programs.

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

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

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds that the Constitutional authority for H.R. 1513 is provided by Article I, section 8 of the Constitution of the United States.

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**H.Res. 223 — Honoring the life, achievements, and contributions of
Paul Harvey (Sullivan, R-OK)**

Order of Business: The resolution is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 223 would resolve that the House of Representatives:

- “Honors the life and accomplishments of Paul Harvey.”

The resolution lists a number of findings including:

- “Paul Harvey, a son, brother, husband, father, friend, pioneering American, and a cherished voice, passed away on February 28, 2009;
- “Paul Harvey Aurandt was born on September 14, 1918, in Tulsa, Oklahoma;
- “Prefacing a storied career in radio by making radio receivers as a young boy and a fill-in announcer while a student at the University of Tulsa, he epitomized American values and American ideals proving that one can lead a decent life with hard work and solid values;
- “Paul Harvey, through open expression, pioneered the format of radio broadcasts that so many now find commonplace;
- “Paul Harvey was a blogger before it was a known medium, he just did his blogging on the radio;
- “Paul Harvey was elected to the National Association of Broadcasters Radio Hall of Fame and Oklahoma Hall of Fame and appeared on the Gallup poll list of America's most admired men;
- “Paul Harvey received 11 Freedom Foundation Awards as well as the Horatio Alder Award;
- “Paul Harvey was named to the Dimboola Hall of Fame, a Masonic institution, on June 25, 1993;
- “In 2005, Paul Harvey was awarded the Presidential Medal of Freedom, the United States most prestigious civilian award, by President George W. Bush;
- “Paul Harvey's career in radio spanned over 70 years and he is considered one of the United States most accomplished radio personalities and a trail blazer;
- “Paul Harvey was beloved by his family, friends, neighbors, and vast listening audience for his great generosity, good humor, and spirited charm;
- “Paul Harvey, the ‘largest one-man network in the world’, was heard on 1,200 radio stations, 400 Armed Forces Network stations around the world, and in 300 newspapers; and
- “Paul Harvey's broadcasts and newspaper columns have been reprinted in the Congressional Record more than those of any other commentator

Committee Action: H.Res. 223 was introduced on March 9, 2009 and referred to the House Committee on Oversight and Government Reform. On March 18, 2009, the resolution was marked up, amended, and reported out of Committee by unanimous consent.

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

Cost to Taxpayers: The resolution would not authorize any additional 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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H.Res. 152 — Expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty Organization (NATO) (*Tanner, D-TN*)

Order of Business: The resolution is scheduled to be considered on Monday, March 30, 2009, under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 152 would recognize that the House of Representatives:

- “The North Atlantic Treaty Organization (NATO) is to be commended for its pivotal role in preserving trans-Atlantic peace and stability;
- “NATO continues to be the premier institution that promotes a uniquely trans-Atlantic perspective and approach to issues concerning the interests and security of North America and Europe;
- “The NATO allies, at the Summit meeting to be held in Strasbourg, France, and Kehl, Germany, in April 2009, should articulate a concrete vision for the Alliance in the 21st century, clearly setting out the continued importance of NATO for the citizens of the Allied nations;
- “The Alliance should begin considering a new strategic concept that takes into account the changing international security environment, reaffirms the Alliance's functional and symbolic purposes, and outlines how to develop its military capabilities accordingly;
- “The Alliance, while maintaining collective defense as its core function, should, as a fundamental Alliance task, continue to identify and address new areas where it can provide added value in tackling future threats outside the NATO treaty area, based on case-by-case consensual Alliance decision;
- “The Alliance should make clear commitments to remedy shortfalls in areas such as logistics, command, control, communications, intelligence, ground surveillance, readiness, deployability, mobility, sustainability, survivability, armaments cooperation, and effective engagement;

- “The Alliance must ensure equitable sharing of contributions to the NATO operations, common budgets, and overall defense expenditure and capability building;
- “The Alliance must recognize and act upon the threat posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and consider alternative capabilities to counter these threats to the international community;
- “The Alliance should pace the process of NATO enlargement and remain prepared to extend invitations for accession negotiations to any appropriate European democracy meeting the criteria for NATO membership as established in the Alliance's 1995 Study on NATO Enlargement;
- “While maintaining its unequivocal right to make its own decisions, NATO should seek to strengthen its relations with Russia as an essential partner in building long-term peace in the Euro-Atlantic area; and
- “The Alliance should fully support the NPA's activities in continuing to deepen cooperation within the Alliance to forge strong links with associate and observer nations.”

The resolution lists a number of findings including:

- “For 60 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the territories of its member states against all external threats;
- “NATO, founded on the principles of democracy, individual liberty, and the rule of law, has proved an indispensable instrument for forging a trans-Atlantic community of nations working together to safeguard the freedom and common heritage of its peoples, and promoting stability in the North Atlantic area;
- “NATO has acted to address new risks emerging from outside the treaty area in the interests of preserving peace and security in the Euro-Atlantic area, and maintains a unique collective capability to address these new challenges which may affect Allied interests and values;
- “Such challenges to NATO Allied interests and values include the potential for the re-emergence of unresolved historical disputes confronting Europe, rogue states and non-state actors possessing nuclear, biological, or chemical weapons and their means of delivery, transnational terrorism and disruption of the flow of energy resources, and conflicts outside the treaty area that affect vital security interests;
- “The security of NATO member states is inseparably linked to that of the whole of Europe, and the consolidation and strengthening of democratic and free societies on the entire continent, in accordance with the principles and commitments of the Organization for Security and Cooperation in Europe, is of direct and material concern to the NATO Alliance and its partners;
- “NATO enhances the security of the United States by providing an integrated military structure and a framework for consultations on political and security concerns of any member state;

- “NATO remains the embodiment of United States engagement in Europe and therefore membership in NATO remains a vital national security interest of the United States;
- “The impending membership of Albania and Croatia will add to NATO's ability to perform the full range of NATO missions and bolster its capability to integrate former communist countries into a community of democracies;
- “The organization of NATO national parliamentarians, the NATO Parliamentary Assembly (NPA), serves as a unique trans-Atlantic forum for generating and maintaining legislative and public support for the Alliance, and has played a key role in initiating constructive dialogue between NATO parliamentarians and parliamentarians in associate and observer states;
- “NPA activities, such as the Rose-Roth program, have played a pioneering role in promoting democratic institutions and encouraging adherence with the principles of the rule of law; and
- “The 60th anniversary NATO summit meeting, to be held on April 4, 2009, in Strasbourg, France, and Kehl, Germany, offers the historic opportunity to chart a course for NATO for the next decade.”

Committee Action: H.Res. 282 was introduced on February 10, 2009 and referred to the House Committee on Foreign Affairs. On March 25, 2009, the resolution was marked up, amended, and reported out of Committee by unanimous consent.

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

Cost to Taxpayers: The resolution would not authorize any additional 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.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there's no accompanying committee report, the earmarks rule (House Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

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