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Legislative Bulletin.....March 31, 2009

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H.Res. 279 – Providing for the expenses of certain committees of the House of Representatives in the One Hundred Eleventh Congress (*Brady, D-PA*)

Order of Business: The resolution is scheduled to be considered on Tuesday, March 31, 2009 subject to a closed rule ([H.Res. 294](#)).

Summary: H.Res. 279 would set funding levels, including staff salaries and administrative expenses, for all 111th Congress Committees (21 total), and would set maximum amounts for each session. The total amount authorized is \$304.5 million, an increase in 8.67 percent over the 110th Congress. Each committee received a different level of funding increase, mostly due to the projected workload associated with the committee. The Minority party will receive one-third of the funding for each committee.

Committee	Total	Percent Increase
Agriculture	\$12,878,997	7.37
Armed Services	\$15,842,663	8.37
Budget	\$12,701,442	1.45
Education and Labor	\$17,571,062	8.37
Energy and Commerce	\$23,589,560	12.03
Energy Independence & Global Warming	\$4,167,500	11.87
Financial Services	\$18,315,034	13.13
Foreign Affairs	\$18,847,305	8.37
Homeland Security	\$17,776,261	8.07
House Administration	\$11,069,489	8.37
Intelligence	\$10,850,000	3.66
Judiciary	\$18,837,171	15.23
Natural Resources	\$16,567,929	8.37

Oversight and Government Reform	\$22,343,273	3.43
Rules	\$7,141,021	4.20
Science and Technology	\$14,048,941	8.37
Small Business	\$7,236,082	21.29
Standards of Official Conduct	\$5,577,169	11.67
Transportation and Infrastructure	\$20,874,154	8.37
Veterans' Affairs	\$7,668,691	8.37
Ways and Means	\$20,634,454	8.37
Total	\$304,538,199	8.67

* Information provided by the House Administration Committee, Minority Staff

Congress	106th	107th	108th	109th	110th	111th
Funding (in millions)	183.38	203.51	233.61	257.42	280.23	304.54
% increase	3.7%	11.0%	14.8%	10.2%	8.9%	8.7%

*Committee funding levels in the 108th Congress reflect the creation of the House Committee on Homeland Security and in the 110th Congress, the creation of the House Select Committee on Energy Independence & Global Warming.

Unlike in previous years, the resolution includes a requirement that the “chair or ranking minority member of the committee appears and presents testimony at a hearing of the Committee on House Administration” in order to justify expenditures for the second session of the 111th Congress, thus providing an extra layer of accountability for the money being authorized.

The resolution also makes a change requiring monthly committee reports on spending to be posted online, thus allowing for more transparency. The committee report states: “all covered standing and select committees are required to submit monthly financial reports covering their expenses and activities to the Committee on House Administration. In order to enhance transparency and public access, the Committee will be working to implement a new, web-based system to open these monthly financial reports to broad public scrutiny.”

Possible Conservative Concerns: Committee funding has risen steadily, particularly in the last several Congresses. In the 111th Congress, funding levels continue to go up. During a time of economic crisis, when many Americans are losing their jobs and many that have jobs are not receiving raises, one might question why committees continue to get a raise each Congress.

Some conservatives might be concerned that the House Government and Oversight Committee is getting a 3 percent increase - one of the smallest increases of any committee. According to the Majority website, the Oversight Committee is “the main investigative committee in the U.S. House of Representatives. It has authority to

investigate the subjects within the Committee’s legislative jurisdiction as well as ‘any matter’ within the jurisdiction of the other standing House Committees.” During a time when Congress has decided to spend money to bailout the auto industry and Wall Street, and has created new and massive spending programs to “stimulate” the economy, some may argue that the Oversight Committee has a role to play in ensuring this money is spent properly. However, the funding increase could be interpreted as sending a message that oversight of these massive government spending programs is not a priority for the Democrat Congress.

Some conservatives might also be concerned that committees are getting increases in funding, most of which will go to the Majority party, while committee ratios of Minority to Majority members in many committees are not proportionate to the ratio of Republicans to Democrats in the House as a whole.

Committee Action: H.Res. 279 was introduced on March 24, 2009 and referred to the Committee on the House Administration. It was reported, as amended, out of committee on March 27, 2009. The committee report can be found here: [111-59](#).

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

Cost to Taxpayers: While no CBO score is available, the resolution authorizes over \$304 million dollars to fund the committees.

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?: House resolutions need not contain language regarding earmarks.

Constitutional Authority: House Report 111-59 does not contain a statement of constitutional authority.

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

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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 expands AmeriCorps, which 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 Tuesday, March 31, 2009, subject to a closed rule with no motion to recommit ([H.Res. 296](#)).

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 is not included in the bill on the floor today, assistance could be provided to organizations, like Planned Parenthood, 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 an 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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