



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF MARCH 10, 2008

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Bill Text and Background for the Week of March 10, 2008

- H.Con.Res. 312 – Revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013
- H.Res. 895 – A resolution establishing within the House of Representatives an Office of Congressional Ethics
- Possible Vote on Overriding the President's Veto of H.R. 2082 - The Intelligence Authorization Act of 2008
- Possible consideration of Legislation Regarding the Foreign Intelligence Surveillance Act
- FISA Amendments Act

H.CON.RES. 312 – CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009 *(Rep. Spratt – Budget) (Subject to a Rule)*

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: [Summary and Text of Amendments Submitted](#), [Special Announcement](#), [Amendment Process Announcement](#), [Text of the FY09 Budget Resolution as Ordered Reported](#)

Committee: [Committee on the Budget](#)
Committee Staff Contact: 6-7200

LEGISLATION AT A GLANCE:

A FISCALLY RESPONSIBLE BUDGET THAT FUNDS CRITICAL PRIORITIES

Fiscal Responsibility

The budget is fiscally responsible, returning to balance in 2012. The budget resolution complies with the House pay-as-you-go rule that requires all mandatory spending and revenue provisions to be deficit-neutral. The budget resolution also provides reconciliation protection for a repair of the Alternative Minimum Tax that is fully paid for. The budget contains initiatives to crack down on wasteful spending, and its deficit-neutral reserve funds will ensure that new initiatives are offset by reductions in lower priority spending. The budget relies on realistic economic assumptions from the non-partisan Congressional Budget Office.

Rejecting the President's Harmful Cuts

The budget rejects the President's deep cuts affecting a wide range of services and constituencies, including the following:

- \$479 billion of Medicare cuts and \$94 billion in cuts to Medicaid over ten years;
- more than \$18 billion over five years in new fees for veterans and military retirees;
- a six percent cut to the Centers for Disease Control and Prevention, as well as a 16 percent cut to the Health Resources and Services Administration (HRSA), which provides health care access to under-served populations;
- the elimination of several state and local law enforcement programs, including the State Criminal Alien Assistance Program, Byrne Grants, and COPS; and
- cutting the Environmental Protection Agency, in large part through cuts to grants that help protect public health and maintain environmental quality;
- a cut to the Low-Income Home Energy Assistance Program (LIHEAP), despite record-high energy costs;
- a \$500 million cut to the Social Services Block Grant (SSBG) and a significant cut to the Community Development Block Grant (CDBG);
- cuts to surface transportation levels below the authorized levels and a cut to Amtrak;
- cuts to numerous other important services, including rural development programs.

Rebuilding America's Future

This budget is another down payment to fulfill commitments we have made to the American people. The budget rejects the President's misguided budget, instead investing in proven programs that boost economic growth, create jobs, make America safer, promote fiscally responsible tax relief to millions of households, and help families struggling to make ends meet in an economic downturn.

Strengthens the Economy

- **Innovation** — Provides crucial funding for the Democratic innovation agenda and the America COMPETES act to enhance our competitive edge, increasing funding for math and science education and research.
- **Energy** — Increases funding for efficient and renewable energy programs, rejecting the President's cuts to research as well as weatherization assistance for lower-income families, and accommodates legislation to encourage the production of renewable energy alternatives, increased energy efficiency, investments in new energy and vehicle technologies, and training workers for "green collar" jobs.
- **Education** — Provides substantially more than the President for the education budget function, which also includes job training programs.
- **Infrastructure** — Invests in highways, water, and other infrastructure by providing sufficient funding as well as a reserve fund that can facilitate priority new initiatives in a deficit neutral manner.

Provides Tax Relief and Help for Struggling Families

The budget rejects the President's policy of paying for tax cuts by adding to the debt burden of our children and grandchildren, and by imposing unacceptable cuts to programs, such as \$150 billion of Medicare cuts and more than \$18 billion over five years in new fees for veterans and military retirees.

- **Tax Relief** — Accommodates tax relief from the Alternative Minimum Tax for more than 20 million households, as well as middle-income tax cuts and other tax relief, so long as they comply with the pay-as-you-go rule. Tax cuts that could be accommodated include: extension of the child tax credit, marriage penalty relief, extension of the 10 percent individual income bracket, elimination of most estate taxes, extension of the research and experimentation tax credit, extension of the deduction for state and local taxes, and a tax credit for school construction bonds.
- **Children's Health** — Accommodates a \$50 billion increase to expand children's health insurance to cover millions of uninsured children, in accordance with the pay-as-you-go rule.
- **Safety Net** — Strengthens safety net programs by providing needed funding for home heating assistance, the Social Services Block Grant, and housing aid – in contrast to the President's budget, which cuts funding for these programs.

Makes America Safer

- **Defense** — provides funding for national defense while shifting funding to target high priorities including cooperative threat reduction, nuclear nonproliferation efforts, and quality of life issues for the troops and their families.
- **Veterans** — Addresses veterans' needs by rejecting the President's proposed new fees and increasing health care funding well above the amount needed to maintain current services —enough to allow VA to treat 5.8 million patients in 2009, including 333,275 Iraq and Afghanistan war veterans.
- **Homeland Security** — Protects our homeland, rejecting the President's cuts to first responder programs — including Community Oriented Policing Services (COPS) and firefighter assistance grants — and providing more funding than the President's budget for the four budget functions that contain the bulk of non-DOD homeland security funding.

ANTICIPATED AMENDMENTS TO H.CON. RES. 312

Kilpatrick (MI)/Scott, Robert (VA): Amendment in the Nature of a Substitute. The substitute amendment, submitted on behalf of the Congressional Black Caucus, seeks an alternative budget that balances the budget in FY 2012. The CBC budget funds programs and services in the areas of health care, education, veterans benefits and services for low-income families. It also provides for additional services for the administration of justice and funds the recommendations of the House Committee on Homeland Security. **(1 hour)**

Lee (CA): Amendment in the Nature of a Substitute. The substitute amendment from the Congressional Progressive Caucus provides at least \$551.7 billion for domestic, non-military discretionary spending in FY09; provides a \$118.9 billion economic stimulus package; extends unemployment insurance, food stamp benefits, and Medicaid payments to states; and, spends \$468.3 billion on defense. The Progressive Caucus budget balances by FY12 and rebalances again in FY18, upon completion of our Reinvest and Rebuild America Initiative. **(1 hour)**

Ryan, Paul (WI): Amendment in the Nature of a Substitute. (1 hour)

Vote No on Republican Substitute 2009 Budget

Not a Budget Plan; Not Fiscally Responsible — The Minority substitute budget has larger deficits than the Democratic budget over 5 years and reaches balance in 2012 only by making unrealistically deep cuts in domestic programs. In fact, the cuts required are so devastating that the substitute has hidden them, including all required reductions as a single “plug” in the Allowances function. Thus, the substitute budget provides no real blueprint to reflect priorities.

Violates Pay-As-You-Go Rule and Uses Reconciliation to Increase Deficits — The Minority substitute violates basic tenets of the House's fiscal responsibility rules passed in the first 100 hours: it includes calls for revenue and mandatory spending proposals that together increase the deficit by \$739 billion and then reconciles them. House rules do not allow reconciliation bills to worsen the deficit.

Requires Drastic Cuts in Many Vital Programs — The Minority budget requires savings of \$412 billion over 5 years in mandatory programs across 11 committees. This is almost three times deeper than the cuts proposed by the President, who called for \$143 billion in mandatory reductions over the same period.

- ***Ways and Means Cut Would Harm Medicare and Safety-Net Programs*** — The Minority substitute goes even further than the President's deep cuts, requiring reconciled cuts of \$253 billion over five years from the Ways and Means Committee. The largest spending program under Ways and Means jurisdiction – other than Social Security, which is exempt from reconciliation – is Medicare. The Medicare cuts in the President's budget amounted to \$150 billion over five years. The reconciled cuts in the Minority substitute would require drastic cuts in Medicare and the safety-net programs, such as child care or Supplemental Security Income for low-income aged and disabled individuals. To put the minority budget's \$253 billion of Ways and Means cuts in perspective, the reconciled amount is about 3.5 times the amount of savings that could be achieved by completely eliminating critical programs like trade adjustment assistance, child support enforcement, foster care for abused children, and child care assistance.
- ***Energy and Commerce Savings Would Lead to Harmful Cuts to Medicaid*** — The Republican budget requires the Energy and Commerce Committee to report legislation cutting \$116 billion over five years. This could fall mostly or entirely on Medicaid and would be far more than even the President's harmful cuts to that program of \$19 billion. Cutting Medicaid will jeopardize health care for over 50 million children, parents, seniors, and disabled individuals who rely on the program for their health care.
- ***Education And Labor Cut Could Eliminate Pell Grant Increases*** — The Minority substitute requires the Education and Labor Committee to reduce its spending by almost \$16 billion over five years – almost exactly the amount Congress approved in last year's College Cost Reduction and Access Act to raise the maximum Pell Grant to \$5,400, to make new investments in Historically Black Colleges and Universities and Hispanic-serving Institutions, and to provide TEACH grants to students who agree to teach in high-poverty schools. Nearly the only other options available to the Committee would be to cut spending on school breakfasts and lunches, or to raise the interest rate college students pay on student loans.
- ***Armed Services Reduction Could Reduce Funding for Military Retirement or Health Care*** — Nearly all the mandatory spending controlled by Armed Services is for military retirement or health care, and so a cut of \$1.3 billion would be expected to fall on these programs.
- ***Important Components of the Farm Bill Would Face Critical Reductions*** — The Minority budget calls for \$9.3 billion in cuts that would need to come from food stamps, commodity support programs, or crop insurance programs. Either farmers would face loss in income or pay higher fees to participate, or more low-income families would go hungry.
- ***Cuts in Other Committees Would Likely Come From Increased Fees as Well as Program Reductions*** — Many of the other committees instructed to produce savings have limited programs within their jurisdictions. To achieve savings it is likely that there would be increases in a variety of fees, with no benefits in improved program operations.

False Promises on Veterans Programs — Although the Minority budget claims to include \$1 billion more than the Democratic budget for veterans, the large unallocated spending cuts in the Allowances function mean that it would be nearly impossible for the Appropriations Committee to provide this level of funding. The veterans funding level in the Democratic budget has received the public support of numerous veterans groups.

Unrealistic Reductions in Discretionary Spending – Although the Minority budget does not provide a split between mandatory and discretionary proposals, the total amount of reductions in the Allowances function implies very deep cuts in discretionary programs. In fact, the budget appears to provide less than the already grossly underfunded request in the President’s budget. Reductions of this magnitude would devastate vital public health, education, safety net, and infrastructure programs.

House Report 110-543:

[HTML Version](#), [PDF Version](#)

Full Committee Mark-up:

[Markup on H.Con.Res.312](#), March 5, 2008

[National Journal Report](#)

Opening Statement: [Chairman Spratt](#)

Opening Remarks and Majority Presentation: [Video](#)

Minority Presentation and Staff Walk Through: [Video](#)

Summary of Committee Votes:

- [Rep. Campbell, R-Calif. Earmark Moratorium Amendment](#) — Would have put in place a moratorium on earmarks for the remainder of the 110th Congress. The amendment would have established a 16-member bipartisan group comprised of House and Senate members to examine current earmark practices and to report its findings and recommendations. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- [Rep. P. Ryan, R-Wis. Prevent Assumed Tax Increase Amendment](#) — Would have required the Ways and Means Committee to report a reconciliation report to reduce revenues by not more than \$683 billion for fiscal 2009-2013. According to the amendment, that amount would be equal to the increased tax revenues that would result from the expiration of the 2001 and 2003 tax cuts in 2010. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- [Rep. Garrett, R-N.J. AMT Patch and Offset Prevention Amendment](#) — Would have instructed the Ways and Means Committee to extend the Alternative Minimum Tax (AMT) patch by one year. The amendment would also have prevented offsetting revenue increases by instructing the Ways and Means Committee to reduce revenue by not more than \$61 billion during 2008 to 2010. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- [Rep. Bonner, R-Ala. Cut Funding for Entitlement Programs Amendment](#) — Would have directed Congress to cut entitlement programs to achieve a savings of \$77 billion from fiscal 2009-2013. The amendment would have exempted veterans’ programs and Social Security from the cuts. **Rejected 15-22: R 15-0; D 0-22; I 0-0.**
- [Rep. Hensarling, R-Texas Cut Revenue from Medicare Amendment](#) — Would have aim to cut \$1 billion from Medicare spending. The amendment would have instructed the Ways and Means and Energy and Commerce committees to develop legislation to reduce outlays by at least \$1 billion for fiscal 2013. **Rejected 15-21: R 15-0; D 0-21; I 0-0.**

- Rep. M. Diaz-Balart, R-Fla. Prevent Expiration of Tax Cuts Amendment — Would have called for the continuation of the 2001 and 2003 tax cuts beyond their current 2010 expiration, reducing revenues by not more than \$337 billion for fiscal 2008 through 2010. **Rejected 13-21: R 13-0; D 0-21; I 0-0.**
- Rep. Tiberi, R-Ohio Marriage Tax Amendment — Would have required the Ways and Means Committee to report a reconciliation bill reducing revenues by not more than \$28.8 billion for fiscal 2009 through 2013. The reported legislation would make changes to the Internal Revenue Code to ensure that marginal income tax rates for married couples do not increase when the 2001 and 2003 tax cuts expire in 2010. **Rejected 14-20: R 14-0; D 0-20; I 0-0.**
- Rep. Porter, R-Nev. Child Tax Credit Amendment — Would have required the Ways and Means Committee to report a reconciliation bill that would change laws to reduce revenues by not more than \$78 billion for fiscal 2009 through 2013. The reported legislation would make changes to the Internal Revenue Code to ensure that the child tax credit will not be cut to \$500 from \$1,000. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. Campbell, R-Calif. Eliminate Deficit-Creating Bills Amendment — Would have directed the Budget Committee to disregard provisions deemed "impermissible in decreasing the deficits," as pursuant to pay-as-you-go rules. Impermissible offsets would have included provisions that were found to: Be the same or very similar to a change in law included in other legislation passed by the House but not enacted; Cause a decrease in outlays, or an increase in revenue in the first time period set forth in pay-as-you-go rules, but cause no change in the revenue over the second time period outlined in the pay-go clause. The amendment would also have directed the Chairman of the Budget Committee to deem if a spending increase included in legislation "artificially disguises an increase in entitlement spending" and announce when a provision that increases mandatory budget did not adhere to the proper structure. **Rejected 16-18: R 16-0; D 0-18; I 0-0.**
- Rep. P. Ryan, R-Wis. Budget Process Amendment — Would have added provisions from H Res 484, a resolution that would require roll call votes for new spending over \$50 million. It would also have required that a searchable list of earmarks for each piece of legislation be available on the Internet. The amendment would have forbidden same-day consideration of a bill except when two-thirds of the members vote to approve it, assuming a quorum is present (could be waived during the last three days of Congress). The amendment also would have required that any general appropriations bill containing earmarks have a separate written justification for each earmark. **Rejected 15-20: R 15-0; D 0-20; I 0-0.**
- Rep. R. Alexander, R-La. Clinton Health Care Plan Amendment — Would have increased outlays, and other aggregates as appropriate, by \$330 billion for 2009 through 2013. According to the amendment, that is "an amount sufficient" to prepare for the tax increases that would be required under a health care plan proposed by Sen. Hillary Rodham Clinton, D-N.Y. **Rejected 1-36: R 1-15; D 0-21; I 0-0.**
- Rep. R. Alexander, R-La. Obama Health Care Plan Amendment — Would have increased outlays, and other aggregates as appropriate, by \$190 billion for 2009 through 2013. According to the amendment, that is "an amount sufficient" to prepare for the tax increases that would be required under a health care plan proposed by Sen. Barack Obama, D-Ill. **Rejected by Voice Vote.**

- Rep. Campbell, R-Calif. Repeal AMT Amendment — Would have repealed the Alternative Minimum Tax. The amendment would have directed the Ways and Means Committee to report a reconciliation bill to change laws to reduce revenues by \$435 billion for fiscal 2008 through 2013. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- Rep. M. Diaz-Balart, R-Fla. Prevent Sales Tax Increase Amendment — Would have directed the Ways and Means Committee to report a reconciliation bill to change laws to reduce revenues by not more than \$13.5 billion for fiscal 2009-2013. According to the amendment, that amount would allow an extension of the tax policy on state and local taxes created the 2001 and 2003 tax cuts, which are set to expire in 2010. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. Conaway, R-Texas Prevent Increase in Estate Taxes Amendment — Would have required the Ways and Means Committee to report a reconciliation bill that would change laws to reduce revenues by not more than \$180 billion for fiscal 2009-2013. According to the amendment, that amount would allow an extension of the estate tax policy created in the 2001 and 2003 tax cuts, which are set to expire in 2010. **Rejected by Voice Vote.**
- Rep. Porter, R-Nev. Veterans' Funding Amendment — Would have prevented funds dedicated to veterans and defense from being used for other purposes. The amendment would have created a separate 302(a) allocation function to the Appropriations Committee in the following amounts: \$537.8 billion in budget authority for programs, projects and activities in the defense function (050); \$48.1 billion in budget authority for programs, projects and activities in the veterans function (700); \$503.9 billion in budget authority for fiscal 2009 for appropriations other than those dealing with the programs, projects and activities in the veterans and defense functions. **Rejected 15-23: R 15-1; D 0-22; I 0-0.**
- Rep. Hensarling, R-Texas Increase Veterans' Funding Amendment — Would have increased funding for veterans' programs by \$809 million and reduce levels of discretionary spending in the form of "airdropped earmarks," which were "slipped in the conference report," according to the amendment. Specifically, the amendment would have increased the budget authority in the veterans' function (700) by \$809 million in fiscal 2009 and increase outlays by \$431 million in fiscal 2009. The amendment would also have reduced the budget authority in the allowance function (920) by \$809 million in fiscal 2009 and decreased outlays by \$431 million in 2009. **Rejected 15-20: R 15-0; D 0-20; I 0-0.**
- Rep. Garrett, R-N.J. Non-war Emergency Funding Amendment — Would have added a point of order for non-defense, non-terrorism related spending, with the intent to rein in wasteful spending designated as emergency funding. The amendment would not have allowed any supplemental appropriation measure meant to provide funding for war-related defense needs to provide funding for domestic discretionary programs, projects or activities designated as emergencies. The amendment suggested that any non-terrorism, non-defense legislation designated as an emergency be published in the Congressional Record. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**

- Rep. Jordan, R-Ohio Freeze Discretionary Spending Amendment — Would have frozen all non-defense, non-veterans' discretionary spending at fiscal 2008 levels. The amendment would have decreased the levels of outlays in the allowances function (920) by the following amounts: Fiscal 2009: \$13.3 billion; Fiscal 2010: \$5.9 billion; Fiscal 2011: \$2 billion; Fiscal 2012: \$7.2 billion; and Fiscal 2013: \$2.9 billion. **Rejected 15-22: R 15-0; D 0-22; I 0-0.**
- Rep. Adrian Smith, R-Neb. Presidential Veto Request Amendment — Would have given the president an opportunity to propose the cancellation of specific items in any enacted legislation that provides discretionary authority, contains an item of direct spending, limited tariff benefit or targeted tax benefit. **Rejected 15-23: R 15-1; D 0-22; I 0-0.**
- Rep. Conaway, R-Texas Deficit Reduction Amendment — Would have required that when a member offers an amendment to any general appropriations bill to reduce spending, the member may designate the amount of the reduction to be used to reduce the federal budget deficit. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- Rep. Conaway, R-Texas Limit Direct Spending in Reconciliation Amendment — Would have added a budget point of order to create a 20 percent limit on new direct spending in reconciliation legislation. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. P. Ryan, R-Wis. Social Security Amendment — Would have limited spending with the purpose of protecting Social Security and made it not in order for the House to consider legislation that contains earmarks or limited tax or tariff benefits, or provisions that increase direct spending or non-defense, non-veterans' budget authority beyond the previous year's levels. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. Porter, R-Nev. Earmarks to Fund Education Amendment — Would have increased the levels of budget authority for the education function (500) by the following amounts: Fiscal 2009: \$10.5 billion; Fiscal 2010: \$12.6 billion; Fiscal 2011: \$14.7 billion; Fiscal 2012: \$17.4 billion; and Fiscal 2013: \$18 billion. The amendment would have increased the outlays in the education function by the following amounts: Fiscal 2009: \$4 billion; Fiscal 2010: \$4.8 billion; Fiscal 2011: \$5.6 billion; Fiscal 2012: \$6.6 billion; and Fiscal 2013: \$6.8 billion. The amendment would have decreased the levels of budget authority in the allowance function (920) by the following amounts: Fiscal 2009: \$10.5 billion; Fiscal 2010: \$12.6 billion; Fiscal 2011: \$14.7 billion; Fiscal 2012: \$17.4 billion; and Fiscal 2013: \$18 billion. The amendment would have decreased the levels of outlays in the allowance function by the following amounts: Fiscal 2009: \$4 billion; Fiscal 2010: \$4.8 billion; Fiscal 2011: \$5.6 billion; Fiscal 2012: \$6.6 billion; and Fiscal 2013: \$6.8 billion. **Rejected 16-21: R 16-0; D 0-21; I 0-0.**
- Rep. McHenry, R-N.C. Undocumented Workers Amendment — Would have directed the Ways and Means Committee to report a reconciliation bill to change laws to decrease the total level of outlays by not less than \$1.8 billion from fiscal 2009 to 2013. The amendment would have authorized the Ways and Means Committee to report a revision to the Social Security Act to limit taxpayer identification numbers to valid-for-work Social Security numbers of those legally present in the United States. **Rejected 14-22: R 14-1; D 0-21; I 0-0.**
- Rep. Conaway, R-Texas War Funding Amendment — Would have expressed the sense of Congress that funding for troops in the war in Iraq and Afghanistan should be provided in a timely manner. **Rejected by Voice Vote.**

- Rep. Garrett, R-N.J. Waste and Fraud Amendment — Would have reduced all spending, with the exception of that for veterans and Social Security, by 1 percent from fiscal 2009 to 2013. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. P. Ryan, R-Wis. Child Support Amendment — Expresses the sense of the House that additional legislative action is needed to ensure that states have the resources to collect and distribute 100 percent of child support owed to families without financial penalties. **Adopted by Voice Vote.**
- Rep. Jordan, R-Ohio Sunset Commission Amendment — Would have established an eight-member U.S. Authorization and Sunset Commission that would submit to Congress a proposal at least once every 10 years that includes the schedule of review and abolishment of agencies and programs. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. McHenry, R-N.C. Prevent Raising Taxes on Pensions Amendment — Would have expressed the sense of Congress that the taxes on pensions for individual beneficiaries should not be increased, and that pension-related income should continue to be taxed at rates no more than those existing as of Jan. 1, 2008. The amendment also would have expressed the sense of Congress that annual tax-deferred pension contribution limits by individuals and saver credits for lower income people should not be reduced below the Jan. 1, 2008 levels. **Rejected 16-22: R 16-0; D 0-22; I 0-0.**
- Rep. Barrett, R-S.C. Increase Defense Spending Amendment — Would have expressed the sense of Congress that defense spending should be increased annually, to reach at least 4 percent of the Gross Domestic Product. **Withdrawn.**
- Rep. Barrett, R-S.C. English Only Amendment — Would have banned the use of federal funds to implement Executive Order 13166, which directs each federal agency to prepare a plan to improve access to its federally conducted programs and activities by people who are limited in their English proficiency. **Withdrawn.**
- Aggregates and Categories: Expresses the committee's agreement on the budget aggregates and functional categories of the budget resolution. **Agreed to by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by a Roll Call Vote of **22-16: R 0-16; D 22-0; I 0-0.**

CRS Reports:

[RS22816](#): FY2009 Budget Documents: Internet Access and GPO Availability

[98-721](#): Introduction to the Federal Budget Process

[RL34382](#): The Alternative Minimum Tax For Individuals: Legislative Activity in the 110th Congress

[RL30297](#): Congressional Budget Resolutions: Selected Statistics and Information Guide

[RL34357](#): Medicaid and the State Children's Health Insurance Program (SCHIP): FY2009 Budget Issues

[RS21939](#): The Magnitude of Changes That Would Be Required to Balance the FY2009 Budget

GAO Reports:

[Full Report](#): Fiscal Year 2007 Financial Report of the United States Government

[Citizen's Guide](#): The Federal Government's Financial Health: A Citizen's Guide to the 2007 Financial Report of the U.S. Government

[GAO-08-411T](#): Long-Term Fiscal Outlook: Action Is Needed to Avoid the Possibility of a Serious Economic Disruption in the Future

CBO Reports:

[Report](#): Preliminary Analysis of the President's Budget Request for 2009, March 3, 2008

[Report](#): Monthly Budget Review, March 2008

[Report](#): The Budget and Economic Outlook: Fiscal Years 2008 to 2018, January 2008

Committee Hearings, Views and Estimates on FY'09 Budget:

[Link to Hearings and Testimony on the Fiscal Year 2009 Budget>>](#)

Budget Hearings — Committee on the Budget

Committee on Agriculture:

[FY2009 Budget Views and Estimates;](#)

[Chairman Skelton Statement on the Fiscal Year 2009 Defense Budget Request](#)

Committee on Appropriations:

[Appropriations Committee: President's Budget 2009: Missed Opportunities, Misplaced Priorities, and Fiscal Fairytales](#)

Committee on Armed Services:

[Hearings on Fiscal Year 2009 National Defense, Authorization Budget Request](#)

Committee on Education and Labor:

[Bush Budget Fails Workers, Children, College Students, Families, and the Economy, Says Chairman Miller;](#)

[Another Year of Drastic Education Program Cuts, Funding Reductions and Broken Promises;](#)

[Education Leaving America's Workers Behind](#)

Committee on Energy and Commerce

[Dingell Response to Bush Commerce Budget;](#)

[Dingell Response to Telecommunications Elements of Bush Budget;](#)

[Dingell Reaction to Bush EPA Cuts](#)

Committee on Financial Services:

[FY2009 Budget Views and Estimates](#)

Committee on Foreign Affairs:

[Defense Secretary Gates Discusses U.S. Foreign Policy Budget Imbalance with Committee Members](#)

Committee on Homeland Security:

[Full Committee Hearing on "The President's FY 2009 Budget Request for the Department of Homeland Security", February 13, 2008](#)

[Homeland Security Committee: President's Homeland Security Budget Neglects America's Needs;](#)

Committee on the Judiciary:

[Chairman Conyers Criticizes Bush Budget as Short-Changing Law Enforcement](#)

Natural Resources:

[Full Committee Oversight Hearing: "President's Fiscal Year 2009 Budget Request for the Department of the Interior", February 14, 2008](#)

[Natural Resources Committee: An Administration Groundhog Day Budget for Natural Resources](#)

Committee on Oversight and Government Reform:

[FY2009 Budget Views and Estimates](#)

Committee on Science and Technology:

[FY2009 Budget Views and Estimates](#)

[Chairman Gordon on President's FY09 Budget: Plan Shortchanges U.S. Competitiveness Efforts](#)

Committee on Small Business:

[FY2009 Budget Views and Estimates](#)

Committee on Transportation and Infrastructure:

[FY2009 Budget Views and Estimates](#)

Committee on Veterans' Affairs:

[FY2009 Budget Views and Estimates](#)

Committee on Ways and Means:

[FY2009 Budget Views and Estimates](#)

[Ways and Means Committee: Budget 'What We Expected, But Not What We Need'](#)

Organization Statements:

[Blue Dog Co-Chairs Applaud Chairman Spratt for Including Key Blue Dog Principles in Budget Resolution>>](#)

[Claim That Congressional Budget Plans Call For "Largest Tax Increase in History" Is Inaccurate>>](#)

March 7, 2008 Report — Center on Budget and Policy Priorities

Administration Position:

[President's Budget for Fiscal Year 2009](#)

Fact Sheets & Talking Points:

[House Budget Materials>>](#)

Fact Sheet — Committee on the Budget

[Summary of the Chairman's Mark>>](#)

Fact Sheet — Committee on the Budget

[Function Totals/Budget Numbers of Chairman's Mark>>](#)

Summary Tables — Committee on the Budget

[FY 2009 Budget Clearinghouse>>](#)

Issue Page — Office of the Majority Leader

Press Releases, News Articles & Related Information:

[Committee Passes Democratic Budget Resolution for FY09>>](#)

March 6, 2008 Press Release — Committee on the Budget

[Democratic Budget Resolution a Blueprint for Strengthening Economy, Making America Safer>>](#)

March 6, 2008 Press Release — Majority Leader Hoyer

[Pelosi Statement on Troubling February Jobs Report, Largest Monthly Decline in Five Years>>](#)

March 7, 2008 Press Release — Speaker Pelosi

[Spratt Statement on the President's Fiscal Year 2009 Budget>>](#)

February 4, 2008 Press Release — Committee on the Budget

[Pelosi Statement on President Bush's Fiscal Year 2009 Budget>>](#)

February 4, 2008 Press Release — Speaker Pelosi

[Majority Leader Hoyer's Statement on Bush's Release of Another Fiscally Irresponsible Budget>>](#)

February 4, 2008 Press Release — Majority Leader Hoyer
[Bush's Budget Priorities Wrong for America>>](#)
February 4, 2008 Press Release — Majority Whip Clyburn
[Emanuel Statement On President Bush's Budget>>](#)
February 4, 2008 Press Release — Rep. Emanuel

Resources and Analysis of the President's Fiscal Year 2009 Budget:

[Final Bush Budget Continues Same Failed Fiscal Policies>>](#)

Fact Sheet — Committee on the Budget

[State-by-State Analysis of the President's FY 2009 Budget>>](#)

Fact Sheet — Committee on the Budget

[Fact Sheet on CBO Budget Outlook](#)

Fact Sheet — Committee on the Budget

[State-by-State Analysis: Bush Budget Again Ignores America's Middle Class Families>>](#)

Fact Sheet — Joint Economic Committee

[Democratic staff charts on President's Budget>>](#)

Charts — Senate Budget Committee

[Brief Analysis of Bush FY 2009 Budget>>](#)

Fact Sheet — Senate Budget Committee

[Fact Sheet on CBO Budget Outlook>>](#)

Fact Sheet — Senate Budget Committee

[Top Ten Reasons to Oppose the Bush Budget>>](#)

Fact Sheet — Committee on the Budget

[FY 2009 Bush Budget: More of the Same Missed Opportunities and Misplaced Priorities for America>>](#)

Fact Sheet — Office of the Speaker

[Bush's Legacy: Fiscal Meltdown, Weak Economy>>](#)

Fact Sheet — Office of the Majority Leader

[Bush's Busted Budget: A Quick Look at How President Bush has Busted America's Budget in Just Seven Years>>](#)

Fact Sheet — Office of the Majority Leader

[Misplaced Priorities: The Bush Budget Top Ten List>>](#)

Fact Sheet — Democratic Caucus

H.RES. 895 – ESTABLISHING WITHIN THE HOUSE OF REPRESENTATIVES AN OFFICE OF CONGRESSIONAL ETHICS, AND FOR OTHER PURPOSES *(Rep. Capuano – Rules) (Subject to a Rule)*

Bill Text: [HTML Version](#), [PDF Version](#)

[Bill Summary and Status](#)

Rules Committee Meeting: [H.Res. 1031: Rule, Committee Report, and roll call votes](#), [Special Announcement](#), [Text of Bill as Introduced](#)

Committee: [Committee on Rules](#)

Committee Staff Contact: 5-9091

LEGISLATION AT A GLANCE:

Establishing an independent Office of Congressional Ethics

H.Res. 895 provides for the creation of an Office of Congressional Ethics (OCE), as an independent office within the House. Through the creation of the OCE, the House will significantly increase the transparency and accountability of its ethics enforcement process through greater timely reporting by a body of individuals who are independent from the House.

- Independent office within the House.
- Composed of 6 Board members, jointly appointed by the Speaker and Minority Leader. (Speaker nominates three subject to concurrence of Minority Leader; Minority Leader nominates three subject to concurrence of Speaker.) Current Members of the House, federal employees, and lobbyists are not eligible.
- Term of 4 years, one reappointment possible. Removal only with approval of both the Speaker and Minority Leader acting jointly.

Review Process

Self-initiated review. Member-filed complaints still go directly to the Ethics Committee. Two-step review process – (1) preliminary review, (2) second-phase review.

- Preliminary reviews are initiated by 2 Board members (one nominated by the Speaker, one nominated by the Minority Leader) submitting written notice to all other board members. Board must notify both the person who is the subject of the review and the Ethics Committee at each step in process. Preliminary review phase is 30 calendar or 5 legislative days, whichever is longer. 3 Board members must vote affirmatively to move forward to second-phase review. Otherwise, the preliminary review is terminated and no publication is required.
- A second-phase review is 45 calendar or 5 legislative days, whichever is longer, with one extension of 14 calendar days possible. All matters subject to a second-phase review must be referred to Ethics Committee for its review.
- Referrals to Ethics Committee will be accompanied by two documents: (1) a Report, which recommends dismissal, further inquiry, or states that the Board vote was a tie, and (2) Findings of fact. Neither document shall contain conclusions regarding the validity of the allegations or the guilt or innocence of the person subject to the review – such matters are the sole purview of the Ethics Committee.

Ethics Committee

Committee has 45 calendar or 5 legislative days from date of referral to review the matter, whichever is longer. One extension of 45 calendar or 5 legislative days is available. On most matters, at the end of the time, the Ethics Committee must issue commentary on status, along with the Report and Findings of the Board.

- On matters both the Board and Ethics Committee agree should be dismissed, no publication is required. If the Ethics Committee defers its review of a matter at the request of an appropriate law enforcement or regulatory authority (e.g., Justice Dept.), an announcement of such deferral is required.
- If the Ethics Committee establishes an investigative subcommittee, only that fact is publicized. If no conclusion after one year, the Board's Report is published. Board Findings are published at close of that Congress.
- If the Ethics Committee requests that the Board refer a matter prior to completion of its review, it is still subject to the time limits and reporting requirements set forth above.

AMENDMENTS TO THE PROPOSED REFORMS TO THE ETHICS PROCESS

Initial Proposal – OCE board appointments must be jointly made, but after 90 days appointments are made separately by the Speaker and Minority Leader without need for approval.

The amendment will take a further step to ensure bi-partisanship on the OCE.

- All appointments must be joint appointments. No time limit.
- Speaker nominates three OCE members subject to concurrence of Minority Leader.
- Minority Leader nominates three OCE members subject to concurrence of Speaker.

Initial Proposal – A review is initiated at the request of two OCE board members. The two can be appointees of the same party leader.

This was the most frequently cited concern. Many Members felt that allowing the initiators to be people appointed by the same party leader did not sufficiently deter partisan-motivated witch hunts.

- The proposal will be amended so that reviews can be initiated only pursuant to a bi-partisan request -- one initiating member must have been nominated by the Speaker and the other by the Minority Leader.

Initial Proposal – The only way to terminate a review before it advances to the second phase is the affirmative vote of four OCE board members.

This amendment will prevent partisan inquiries by two "rogue" members of the OCE.

- The amendment would terminate a review unless at least three members of the OCE affirmatively vote to advance it. This effectively requires the original two, jointly appointed, bi-partisan members to convince at least one more jointly appointed member that more information is needed to make a thoughtful decision on an allegation.

Taken together, these three amendments make it impossible to initiate a partisan witch hunt ... and impossible to use partisan stonewalling to thwart a reasonable review once it has begun. Members are protected, but so is the integrity of the process.

Miscellaneous Amendments

- Language will be clarified stating that House Members and staff are prohibited from inappropriately communicating with OCE board members or staff about a case that may be before the OCE.
- The language banning ex parte communication will be clarified to ensure that it applies to OCE staff as well as board members.
- OCE staff, as well as OCE members, will be subject to the three-year pledge to not seek federal elective office.
- Language will be clarified that OCE staff are subject to the same restrictions as Ethics Committee staff relative to non-partisanship, prohibition on political activity, etc.
- Members and staff of the OCE will be required to sign the same pledge of confidentiality as currently required for Ethics Committee staff.
- Members and staff of the OCE will be clearly prohibited from leaking information pursuant to the same limitations that apply to Ethics Committee Members and staff.

Common Cause, U.S. PIRG, Norm Ornstein of the American Enterprise Institute and Tom Mann of the Brookings Institution support this revised proposal. The endorsements by these nationally respected, independent, non-partisan validators will increase public trust in the Congress' commitment to reform and our ability to police ourselves.

CRS Reports:

[RL30764](#): Enforcement of Congressional Rules of Conduct: An Historical Overview
[RL33790](#): 'Independent' Legislative Commission or Office for Ethics and/or Lobbying

Organization Statements:

[Support for Independent Office of Congressional Ethics>>](#)
Support Packet — Office of the Speaker

Administration Position:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

[Time to Pass an Ethics Reform Bill With an Independent Board>>](#)
March 5, 2008 Opinion-Editorial, *Roll Call* — Rep. Mike Capuano

Other Resources:

[Cosponsors of H.Res.895](#)

FISA AMENDMENTS ACT

The revised House legislation to amend FISA grants new authorities for conducting electronic surveillance against foreign targets while preserving the requirement that the government obtain an individualized FISA court order, based on probable cause, when targeting Americans at home or abroad. The House bill also strongly enhances oversight of the Administration's surveillance activities. Finally, the House bill does not provide retroactive immunity for telecom companies but allows the courts to determine whether lawsuits should proceed.

Title 1: Surveillance Authorities

- Provides for surveillance of terrorist and other targets overseas who may be communicating with Americans.
- Requires the FISA court to approve *targeting and minimization procedures* – to ensure that Americans are not targeted and that their inadvertently intercepted communications are not disseminated. These procedures must be approved prior to surveillance beginning – except in an emergency, in which case the government may begin surveillance **immediately**, and the procedures must be approved by the court within 30 days. (This may be extended if the court determines it needs more time to decide the matter).
- Provides prospective liability protection for telecommunications companies that provide lawful assistance to the government.
- Requires a court order based on probable cause to conduct surveillance targeted at Americans, whether inside the United States or abroad.
- Requires an Inspector General report on the President's warrantless surveillance program.
- Prohibits "reverse targeting" of Americans.
- Explicitly establishes FISA Exclusivity – that FISA is the exclusive way to conduct foreign intelligence surveillance inside the U.S. Any other means requires an express statutory authorization.
- Sunsets these authorities on December 31, 2009 (same as the PATRIOT Act sunset).

Title 2: Litigation Procedures for Telecommunication Company Liability

- Does not confer retroactive immunity on telecom companies alleged to have assisted in the President's warrantless surveillance program.
- Provides telecom companies a way to present their defenses in secure proceedings in district court without the Administration using "state secrets" to block those defenses.

Title 3: National Commission on Warrantless Surveillance

- Establishes a bipartisan, National Commission – with subpoena power – to investigate and report to the American people on the Administration's warrantless surveillance activities, and to recommend procedures and protections for the future.

[Summary of the FISA Amendments Act](#)

[Side-by-Side Comparison](#)