



# EAGLE FORUM NEWS

316 Pennsylvania Ave. SE, Suite 203, Washington D.C. 20003  
(202) 544-0353; fax (202) 547-6996

## *What Happened in the 110<sup>th</sup> Congress, 2<sup>nd</sup> Session?*

With a liberal-controlled House and Senate during the 110<sup>th</sup> Congress, the 2<sup>nd</sup> session's lack of controversial votes and completed legislation was a welcome by-product of a close and heated election year. Eagle Forum continued to champion pro-family principles and achieved success despite the opposition.

Aside from the tumultuous economic situation that closed 2008, a number of victories were realized: pro-life gains were made in the form of departmental regulations, problematic anti-life language was stripped from every bill where it was inserted, the grassroots' effort which pressured President Bush to free the imprisoned border guards proved successful, and Second Amendment rights were upheld by the Supreme Court. Although the 2008 election was unfavorable to Republicans, conservatism stood strong on the ballot. Every moderate Republican in the Northeast region was defeated, Democrats who ran on conservative platforms proved victorious, and every pro-traditional marriage initiative on the state ballots passed with flying colors.

Eagle Forum always needs your help in letting our nation's leaders know about the issues that concern Eagle Forum members: so get involved and stay involved!

## **Building a Culture of Life**

### *Defunding Planned Parenthood & Title X*

Planned Parenthood, the organization founded in 1916 by Margret Sanger, currently has over 850 clinics and is believed to be the largest abortion provider in the United States. The organization routinely came under fire over the past year with allegations of racism, financial fraud, failure to report sexual abuse, and falsifying documents in order to perform illegal late-term abortions. In its most recent annual report, Planned Parenthood cited that an additional 25,000 abortions were performed in 2006 than in 2005, certainly not a promising figure for an organization that claims to exist in order to reduce the number of abortions in the U.S. The "non-profit" currently receives over \$300 million — which amounts to one-third of its total budget — from "government grants or contracts" (also known as taxpayer dollars) per year, and in its 2006-07 annual financial disclosure, Planned Parenthood reported a record \$1 billion in income, with \$114.8 million in profit and \$1.2 *billion* in total assets.

Current law prohibits the use of Title X family planning funds in programs where abortion is advocated as a method of family planning. Current regulations also require some form of separation between federally-funded family planning services and abortions. Rep. Mike Pence (R-IN) introduced the Title X Abortion Provider Prohibition Act (H.R. 4133) during the 1<sup>st</sup> session of the 110<sup>th</sup> Congress. The bill aims to prohibit the distribution of Title X family planning money from going to entities that promote abortion as a method of "family planning." During the 2<sup>nd</sup> session, as more Planned Parenthood scandals unraveled in the media, the bill gained more support with an additional 24 Members of Congress signing on, giving it a total of 71 cosponsors. Unfortunately, the bill never made it out of committee, and although the pro-life initiatives such as this face additional hurdles in the 111<sup>th</sup> Congress, Eagle Forum remains committed to rallying behind this effort.

### *HHS Conscience Protection Regulations*

Over the past three decades, Congress has regularly enacted several statutes to safeguard the freedom of health care providers to practice according to their conscience. Federal protection of provider conscience rights

dates back to the 1970s, when Congress enacted the Church Amendments. The Amendments protect health care providers and other individuals from discrimination by recipients of HHS funds on the basis, among other things, of their refusal, due to religious belief or moral conviction, to perform or participate in any lawful health service or research activity. In 1996, Congress prohibited federal, state or local governments from discriminating against individual and institutional health care providers (including participants in medical training programs) who refused to, among other things, receive training in abortions; require or provide such training; perform abortions; or provide referrals for, or make arrangements for, such training or abortions. Provider conscience protections were expanded again as part of the Department's fiscal year 2005 appropriations act. In that law, and in subsequent years' appropriations acts, Congress prohibited the provision of HHS funds to any state or local government or federal agency or program that discriminates against institutional or individual health care entities on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortion.

On December 18, 2008, the U.S. Department of Health and Human Services (HHS) affirmed by a final regulation the right of federally funded health care providers to decline to participate in services to which they object, such as abortion. The final rules clarify three things: 1) non-discrimination protections apply to institutional health care providers as well as to individual employees working for recipients of certain funds from HHS, 2) recipients of certain HHS funds are required to certify their compliance with laws protecting provider conscience rights, and 3) the HHS Office for Civil Rights is officially designated as the entity to receive complaints of discrimination addressed by the existing statutes and the regulation. The regulation will take effect 30 days after its publication on December 19, 2008, in the *Federal Register*. However, HHS components have been given discretion to phase in the written certification requirement by October 1, 2009, the beginning of the 2010 federal fiscal year.

### ***Nominal Drug Pricing***

On May 22, 2008, Senate Majority Leader Harry Reid (D-NV) offered an amendment (S. Amdt. 4803) to the Supplemental Appropriations Act of 2008 (the War Supplemental bill, H.R. 2642) that would repeal a provision in the Deficit Reduction Act of 2005 (DRA) that removed university and private birth control clinics — including many Planned Parenthood facilities — from the list of entities entitled to receive “nominal,” or dramatically discounted, drug pricing under the Public Health Service Act of 1944. This provision was intended to ensure that low-income populations maintained access to necessary drugs, but this carve-out will benefit Planned Parenthood and others in the abortion business in the purchase and ease of distribution of harmful drugs like Plan B, also known as the Morning-After Pill, to college students. The amendment was adopted by a vote of 75 to 22 (*Senate Roll Call 137*).

### ***Genetic Information Non-Discrimination***

The Genetic Information Nondiscrimination Act (H.R. 493) was introduced at the beginning of the 1<sup>st</sup> session on January 16, 2007 by Rep. Louise McIntosh Slaughter (D-NY). The bill prohibits health insurers and employers from discriminating on the basis of genetic information. In other words, it protects American workers from having their genetic information used against them by employers or health insurance providers as a method of denying medical coverage.

The legislation had actually been under consideration in Congress for more than a decade. Until this Congress however, it contained certain defects that made it impossible for pro-life groups to support. The original language left unborn children, their mothers, and their entire families at risk of discrimination if the mother refused to undergo an abortion at the request of her employer or health insurance provider. Congressman Bart Stupak (D-MI), co-chairman of the House Pro-Life Caucus, offered an amendment to the bill this year that corrected this flaw. The new language ensured that the term “genetic information from a family member” included genetic information from “any fetus carried by such pregnant woman,” “any embryo held by the individual or family member,” and it also included children placed for adoption. The pro-life protection enjoyed wide bi-partisan support. The

amended bill was passed by the Senate on April 24, 2008 by a vote of 95-0 (*Senate Roll Call 113*) and it was passed by the House on May 1, 2008 by a vote of 414 to 1 (*House Roll Call 234*). The bill was signed into law by President Bush on May 21, 2008.

### ***Prenatally and Postnatally Diagnosed Conditions***

Today, there exists a real pressure to abort children based on genetic information gathered while in the womb. A review of studies recently showed that 92% of unborn children who test positive for Down Syndrome are aborted, so Senator Sam Brownback (R-KS) called more attention to this issue when he introduced the Prenatally and Postnatally Diagnosed Conditions Awareness Act (S. 1810) on July 18, 2007. This piece of legislation amends the public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down Syndrome or other prenatally and postnatally diagnosed conditions.

Although the bill had bi-partisan support, as two of the cosponsors were Senators Ted Kennedy (D-MA) and Joe Lieberman (I-CT), the bill did not gain momentum until the 2<sup>nd</sup> session of the 110<sup>th</sup> Congress. On September 23, 2008, just a few weeks after Alaska's Governor Sarah Palin (R-AK)—who had just recently given birth to a son who was diagnosed with Down Syndrome in-utero — was announced as then presidential candidate John McCain's running mate, the Senate passed S. 1810 by unanimous consent. The following day, September 5, 2008, the House passed the bill by voice vote. President Bush then signed the bill into law on October 8, 2008. Although Governor Sarah Palin unfortunately did not win the Vice Presidency, she certainly did her part by calling attention to this very important, and often forgotten, pro-life issue.

### ***The Hyde Amendment***

Henry Hyde's most prominent accomplishment over the course of his 30-year career in the U.S. Congress was the Hyde Amendment. This amendment, which forbids federal funding for abortion, is contained in the Health & Human Services Appropriations Bill, and it must be reenacted as part of the annual appropriations process every year.

On February 27, 2008, Senator David Vitter (R-LA) offered an amendment (No. 3896) to the Indian Healthcare Improvement Act (S. 1200) to codify the Hyde amendment to ban abortion funding at Indian health care facilities. Codifying this longstanding policy into the IHS language is crucial because the IHS is funded through a separate Interior Appropriations bill, which has never contained a Hyde Amendment. So, it would be far better for this pro-life language to be written into permanent authorization language. Sen. Vitter's amendment passed by a vote of 52-42 (*Senate Roll Call 30*). Unfortunately, this bill never made it out of House committee.

### ***Pro-Life Appropriations Riders***

No appropriations bills that contain pro-life riders were brought to the floor during the 2<sup>nd</sup> session of the 110<sup>th</sup> Congress. All pro-life provisions traditionally included in the annual appropriations bills are currently maintained in the Fall 2008 Continuing Resolution (H.R. 2638). The CR facilitates the continued funding for these programs through March 6, 2009. Anti-life provisions, including embryo-destructive stem cell language and language to subvert the Mexico City Policy, are not included in the CR. Upon the inauguration of President-Elect Barack Obama, Eagle Forum anticipates a reversal of federal policy on both stem cells and Mexico City via Executive Order.

*The following is a list of the pro-life riders that Eagle Forum will be prepared to defend upon the expiration of the Continuing Resolution in March 2009:*

- **Mexico City Policy** (no federal funds can go to organizations that consider and advocate abortion as a method of "family planning").

- **Kemp-Kasten Law** (no federal funds can go to organizations that support coercive abortions and involuntary sterilizations, *e.g.* UNFPA).
- **Helms Amendment** (no federal funds to be used for abortions abroad).
- **Hyde Amendment** (bans federal funding of abortion in U.S.).
- **Hyde/Weldon Conscience Provision** (abortion non-discrimination clause).
- **Dickey/Wicker** (ban on funding of embryo-destructive research).
- **D.C. Needle exchange program** federal funding ban.

## ***PEPFAR***

The bill formerly known as PEPFAR, the President’s Emergency Plan for AIDS Relief, was officially renamed the “Tom Lantos and Henry J. Hyde HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008” this year. PEPFAR began under the current President, George W. Bush, and it is the largest international health initiative in history. Rep. Howard Berman (D-CA) introduced the House version of the reauthorization bill (H.R. 5501), but the new language stripped various highly effective pro-family provisions from the bill. Even worse, the new funding request was raised by \$20 *billion* over and above the Bush Administration’s recommendation. After an outcry from various pro-family groups — including the very famous Bono, musician and founder of the ONE campaign — a bipartisan conceptual agreement was reached between the White House and Members of the House Majority and Minority the evening before the scheduled committee markup. In addition to renaming the program, a number of important pro-life provisions regarding abstinence, be-faithful programs, and a ban on prostitution were restored. Despite the fact that the funding authorization level was increased to \$50 billion, the new language improved and expanded the “conscience clause” and added accountability requirements for the Global Fund. H.R. 5501 passed the House by a vote of 308 to 116 on April 2, 2008 (*House Roll Call 158*).

Upon the Senate’s consideration of the bill, the entire text of H.R. 5501 was stricken and the language of S. 2731, the AIDS bill introduced by Sen. Joe Biden (D-DE), Chairman of the Senate Foreign Relations Committee, was inserted. The Senate version included a large “Manager’s Amendment,” which maintained many of the pro-life, pro-family provisions but with even stronger language on abstinence and fidelity programs, a “conscience clause” which protects faith-based groups that don’t perform abortions or provide contraception, a requirement for increased accountability and transparency regarding the resources funneled into the U.N.’s Global Fund, as well as the removal of the provision promoting needle distribution to injection drug dealers. Unfortunately, the price tag of \$50 billion over the next five years was retained, and the twenty-year-long U.S. ban on individuals infected with the HIV/AIDS virus from visiting or immigrating to the United States was repealed, just two weeks after former Senator Jesse Helms (the author of the travel ban amendment) passed away. Despite these serious concerns, the Senate passed this version of H.R. 5501 on July 16, 2008 by a vote of 80-16 (*Senate Roll Call 182*). The House considered the Senate bill a week later and passed it on July 24, 2008 by a vote of 303-115 (*House Roll Call 531*). President Bush signed the reauthorization into law on July 30, 2008.

## **Protecting Traditional Marriage**

Protecting traditional marriage from supremacist judges remains one of the top political issues facing our country. Eagle Forum advocates a multi-faceted strategy to protect marriage. While a constitutional amendment is ultimately necessary to protect marriage from activist judges, it remains a long process requiring a super-majority in Congress and then ratification by 38 states. Removing jurisdiction from federal courts over the Defense of Marriage Act (DOMA) provides immediate protection for marriage, as it only requires a majority of Congress, while we work for a significant constitutional amendment. A number of congressmen introduced marriage amendment bills during the 110<sup>th</sup> Congress, but the real action took place in at the state level — in the courts, in the legislatures, and on the state ballots in the 2008 election.

## ***Court Decisions***

On May 15, 2008, the California Supreme Court partook in judicial activism by ruling 4-3 that state laws prohibiting same-sex marriage are discriminatory and unconstitutional. The case, *Lockyer v. City and County of San Francisco (2004)*, was brought by about two dozen same-sex couples and the city of San Francisco. In 2000, 61% of voters approved Proposition 22, which legally defined marriage in California as between one man and one woman. Despite the fact that California has one of the strongest domestic partnership laws in the country, Chief Justice Ron George, who wrote the opinion, stated that domestic partnerships are not a good enough substitute for marriage. Groups supportive of the state laws barring same-sex couples from marrying had been anticipating this overreach by the courts for some time. Following this decision, groups supportive of the state laws barring same-sex couples from marrying led a successful effort to get an initiative on the November 2008 ballot which would amend the state Constitution to uphold the one man-one woman law.

## ***2008 Ballot Measures***

Florida, Arizona, and of course, California were the three states with 2008 ballot initiatives to ban same-sex marriage in the form of an amendment to the state constitution. All three states passed their bans on homosexual marriage. The California initiative, *Proposition 8* — the most talked about and highly publicized of all the marriage bans — passed with 52% of the vote. The Florida measure, *Amendment 2*, passed with 62% of the vote, while the Arizona measure, *Proposition 102*, passed with 56% of the vote. In addition, Arkansas passed a related initiative which effectively prohibits homosexual couples from adopting children.

Although there still remains an unresolved effort in California to challenge the success of Proposition 8, thirty states, to date, have now passed bans on same-sex marriage in their state constitutions. Connecticut and Massachusetts remain the only states where same-sex marriage is legal, with Rhode Island and New York recognizing those unions performed elsewhere.

## **Immigration & Border Security**

### ***E-Verify***

E-Verify, formerly called the Basic Pilot Program, is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers, is available in all 50 states, and it provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The program even has a 99.5 percent accuracy rating in verifying the legal and work eligibility status of job applicants. On July 30, 2008, Rep. Gabrielle Giffords (D-AZ) introduced the Employment Verification Amendment Act of 2008 (H.R. 6633) to evaluate and extend for the next five years the E-Verify program for employment and work eligibility confirmation and to ensure the protection of Social Security beneficiaries. The bill received 40 minutes of debate, and on July 31, 2008, the House suspended the rules and overwhelmingly passed the bill by a vote of 407 to 2 (*House Roll Call 557*).

After the House vote, Sen. Sessions (R-AL) tried to “hot-wire” a similar Senate bill re-authorizing E-Verify. “Hot-wiring” is a procedure reserved for non-controversial bills, where if no one is on the floor to object, the bill passes. Clearly, it shouldn’t be controversial to simply continue this proven E-Verify program, but Sen. Menendez (D-NJ) stood up to object, saying that H.R. 6633 was better than the Senate one Sessions was offering. Sessions then said that was fine and that he was changing and offering H.R. 6633. At that, Menendez suddenly turned on the bill he had been extolling and said he wouldn't allow a vote on E-Verify unless the Senate would agree to a provision adding an additional 550,000 permanent green cards to the 1.1 million already slated for next year! Menendez offered his bill with that surge, and Sessions stood firm by saying, “No way!”

Despite Sen. Sessions' efforts to bring a reauthorization to the floor, a temporary extension of the E-Verify program was included in the Fall 2008 Continuing Resolution (H.R. 2638). The CR will facilitate continued funding for the program through March 6, 2009. Fully reauthorizing E-Verify for the next five years will be a top priority for Eagle Forum during the 111th Congress.

### ***Mexican Trucks***

On September 9, 2008, the House of Representatives voted on a motion to suspend the rules and pass a bill to prohibit the Secretary of Transportation from granting authority to a motor carrier domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless expressly authorized by Congress (H.R. 6630). The bill passed overwhelmingly by a vote of 395 to 18 (*House Roll Call 575*).

### ***Sanctuary Cities***

During the Senate debate of the 2009 budget (S. Con. Res. 70), Sen. David Vitter (R-LA) offered an amendment to prevent federal funds from going to sanctuary cities for illegal aliens. Unfortunately, his amendment was tabled (killed) by a vote of 58 to 40 (*Senate Roll Call 69*).

### ***Border Guards***

On July 28, 2008, the Fifth Circuit U.S. Court of Appeals upheld the prison sentences and 7 of the 12 charges brought against convicted U.S. Border Patrol agents, Ignacio Ramos and Jose Compean. The two men are currently serving 11- and 12-year prison sentences for allegedly shooting one bullet into the buttocks of an illegal drug smuggler and for failing to report the discharge of their firearms, and they have been imprisoned since January 17, 2007 as their petitions to remain free on bond while they appealed their sentences were denied. Despite floods of requests by immigration groups, pro-family groups, Members of Congress, and concerned American citizens, President Bush has yet to grant them a pardon or commute their prison sentences. After both agents had resentencing hearings during 2008 and both were resentenced to the same prison terms. Although the families of Ramos and Compean plan to appeal their cases to the U.S. Supreme Court, there is no guarantee that the High Court will agree to hear it. There is, however, the possibility that the Fifth Circuit may rehear the case in front of all 17 judges at a later date.

On July 31, 2008, just a few days after the Fifth Circuit upheld the guards' prison terms, 75 Members of Congress sent a letter to President Bush asking him for a pardon or commutation to time served. After months of inaction by President Bush, on November 20, 2008, thirteen Members of Congress sent a very detailed, aggressive letter to the U.S. Pardon Attorney, Ronald L. Rodgers, urging him to immediately recommend a commutation of the guards' prison sentences to President Bush before he leaves office. At the conclusion of 2008, the White House had remained silent on this issue. Then, on January 19, 2009, as his last act of clemency on his very last day in office, President Bush commuted the prison sentences of Ramos and Compean to time served. According to his spokesman, President Bush made this decision on the basis that their prison sentences were excessively harsh. The guards' prison terms are now set to expire on March 20, 2009, but they will still be required to pay their fines. Their three-year supervised release term will also remain in effect. Since they were not granted a full pardon, their status as convicted felons remains in place, and they will no longer be eligible to work in law enforcement.

## **Health Care**

### ***Mental Health Coverage***

Introduced by Rep. Patrick Kennedy (D-RI), the Paul Wellstone Mental Health and Addiction Equity Act of 2007 (H.R. 1424) imposes federal mandates on both private insurance companies and on employers who choose

to offer mental health coverage as part of the group health insurance plans. The bill incorporates into federal statute the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as the basis for which group health plans offer coverage for mental health conditions. The DSM-IV classifies a variety of mental disorders; of course, many of them are quite controversial. The following is a sampling of those diagnoses for which employers would be mandated to provide benefits: nightmare disorder, caffeine-induced sleep disorder, caffeine intoxication, sibling relational problems, academic problems, substance-induced sexual dysfunction, and pedophilia. Eagle Forum opposed this bill on three main levels: 1) it increases the cost of health insurance by imposing coverage mandates on private companies, 2) it codifies a treatment mandate into federal law, and 3) it does not include a conscience clause for health insurance groups or businesses to exclude coverage of disorders for which they have a religious or moral objection, *e.g.* pedophilia.

On March 5, 2008, the House passed H.R. 1424 by a vote of 268 to 148 (*House Roll Call 101*). Months later, the Senate used H.R. 1424 as the vehicle for passing the economic rescue bill, known as the Emergency Economic Stabilization Act of 2008. The title of the bill was slightly changed to the “Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.” On October 1, 2008, the Senate passed H.R. 1424 by a vote of 74 to 22 (*Senate Roll Call 137*). President Bush signed this mental health mandate-economic rescue package into law on October 3, 2008.

### ***SCHIP***

In 2007, President Bush vetoed the State Children’s Health Insurance Program Extension and Improvement Act (SCHIP, H.R. 3963) which would have amended title XXI of the Social Security Act to expand the program to higher income families. On January 23, 2008, the originating body of the legislation, the House of Representatives, attempted for a second time to override the President’s veto of this bill. A two-thirds majority was required to override the veto, but the attempt fell short and it failed by a vote of 260 to 152 (*House Roll Call 22*).

On March 13, 2008, Senator Wayne Allard (R-CO) offered an amendment (S. Amdt. 4233) to the Budget Resolution for Fiscal Year 2009 (S. Con. Res. 70) which would require the SCHIP reauthorization legislation to include provisions codifying the “unborn child rule.” The amendment called for the “targeted-low income child” to include the period from conception to birth. This provision would ensure that those states that have already opted to provide coverage to unborn children are protected, as well as providing an option for unborn babies to receive prenatal care to prevent preterm birth or other health problems after they are born. Without this language, the reauthorization allows for the treatment of “pregnant women” as children for the purposes of coverage under SCHIP. Unfortunately, the amendment failed by a vote of 46 to 52 (*Senate Roll Call 81*).

## **Energy & the Environment**

### ***Cap-and-Trade***

Cap-and-trade is the name used to describe one approach to combat the issue of so-called “global warming.” A cap-and-trade system establishes a “cap” for emissions and then a government-created bureaucracy monitors the carbon emissions of every company, and those companies who come in below the cap are allowed to sell their extra cap space to companies that come in over the cap. The basic criticism is that cap-and-trade has no real effect on pollution as it allows non-polluters to simply sell other companies the right to pollute, increasing costs without creating any benefit. Also, existing polluters are either grandfathered in (and allowed to keep polluting at whatever level) or they are blackmailed into buying the right to pollute from a third party, all under the premise that the activity in which they are engaged has been conclusively deemed to be bad.

Sponsored by Senators Joseph Lieberman (D-CT) and John Warner (R-VA), America’s Climate Security Act (S. 2191) aimed to establish this type of cap-and-trade system. Introduced in 2007, S. 2191 passed out of the

Senate Committee on Environment and Public Works on May 20, 2008. This bill received lots of hype, but very little serious analysis of its implications during the 110<sup>th</sup> Congress. On June 1, 2008, Senate Majority Leader Harry Reid announced that he was bringing this bill to the Senate floor and that he wanted a long and open debate. The next day, June 2<sup>nd</sup>, the Senate voted on the cloture motion to proceed to debate and the motion passed by a vote of 74 to 14 (*Senate Roll Call 141*). Some Senators who were opposed to the bill voted YES on cloture in order to force a loud, public debate on this disastrous bill so as to reveal what it really was — an attack on the American capitalist system by the environmental socialists. After cloture had its three days to “ripen,” Sen. Reid announced that he had changed his mind and was now only going to allow one day of debate. After a lengthy amendment (S. 3036) offered by Senator Barbara Boxer (D-CA) was adopted — which added an additional 300 pages of regulations and federal mandates to the bill — Sen. Reid filed cloture on the motion to proceed to final passage of the bill. Luckily, Senators’ offices had been so inundated with calls from outraged grassroots Americans, that the motion didn’t even come close to passing and it failed by a vote of 48 to 36 (*Senate Roll Call 145*).

### ***Environmental “Education”***

At a time when American students are falling behind other developed nations in math and science, the last thing Congress should do is mandate increased teaching of politically charged, unscientific opinion over traditional academic subjects in the classroom. On September 18, 2008, the House of Representatives did this very thing by passing the No Child Left Inside Act (H.R. 3036) by a vote of 293 to 109 (*House Roll Call 614*). The bill reauthorized the National Environmental Education Act of 1990 (NEEA), as well as created a new grant program at the Department of Education for the purpose of expanding K-12 environmental education. Not only does the bill increase federal spending for the NEEA by \$5 million, but it squanders more American taxpayer dollars in order to promote “environmental justice” in schools, as well as promote composting and recycling programs and even “improved self-esteem” classes. Since 1992, the EPA has already awarded \$40.6 million in grants for nearly 3,200 environmental projects in every U.S. state and territory. The passage of the No Child Left Inside Act is yet another move by this liberal Congress to promote leftist environmental dogma as scientific, uncontested fact.

### ***House Committee on Energy Independence and Global Warming***

Despite the massive amount of attention the topic of global warming receives in the media, the newly created House Committee on Energy Independence and Global Warming held 47 hearings during the 110<sup>th</sup> Congress. However, no bills were referred to the committee, no bills were passed out of committee, and several of the 47 hearings were either postponed or cancelled altogether due to snow and icy weather.

## **Fiscal Responsibility**

The 2<sup>nd</sup> session of the 110<sup>th</sup> Congress was certainly not the year for fiscal responsibility. The year got off to a bad start when just weeks into 2008, the House passed the Recovery Rebates and Economic Stimulus for the American People Act of 2008 (H.R. 5140) to provide economic “stimulus” through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits. On January 29, 2008, the House passed the bill by a vote of 385 to 35 (*House Roll Call 25*). The Senate followed suit by passing the same bill on February 7, 2008 by a vote of 81 to 16 (*Senate Roll Call 10*). President Bush signed this “stimulus,” which ultimately failed to achieve its desired effect of jumpstarting the economy, on February 13, 2008.

The other massive spending bill worth noting was the “Wall Street bailout,” which gave the Secretary of the Treasury the authority to purchase and insure certain types of troubled assets, particularly mortgage-backed securities, with \$700 billion worth of taxpayer dollars. The initial bailout legislation (H.R. 3997), introduced by Rep. Charlie Rangel (D-NY), ignited the firestorm which ultimately resulted in Sen. John McCain (R-AZ) announcing the suspension of his presidential campaign so he could return to Washington, D.C. to resolve the situation, a move that would later prove fatal for his bid for the White House. After the initial talks with the Bush

Administration began, the House Democrat leadership began earmarking the bill, providing funds for organizations like ACORN — the group that was complicit in the subprime crisis, actively registered Democrat voters, and came under investigation for voter registration fraud in a large number of states. Due to earmarks such as this and a lack of support for the overall bill among both House Republicans and Democrats, the first attempt to pass the bailout failed by a vote of 205 to 228 on September 29, 2008 (*House Roll Call 674*).

The Senate then took the lead and used H.R. 1424 (the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008) as the vehicle for their version of the bailout, which became the Emergency Economic Stabilization Act of 2008. This bill still drew loud public uproar because it still effectively nationalized a large segment of the private sector — the mortgage and financial industries — but at least this proposal was free of earmarks for groups like ACORN. On October 1, 2008, the Senate passed H.R. 1424 by a vote of 74 to 25 (*Senate Roll Call 213*). Two days later, the House took up the Senate version and on October 3, 2008, H.R. 1424 passed by the House by a vote of 263 to 171 (*House Roll Call 681*). President Bush signed the bill into law that same day.

## Miscellaneous

### ***Feminism & Comparable Worth***

Decades ago, in order to address the so-called gender pay gap in America, the feminists invented the code words “comparable worth,” “pay equity,” and the elusive “glass ceiling.” Contrary to feminist dogma, the gap is not created by a conspiracy of male chauvinists, but by the voluntary division of domestic labor. Long before Senator Hillary Clinton’s (D-NY) chance for the White House fizzled, the feminists started touting the importance of passing “equal pay” legislation before the end of the 110<sup>th</sup> congress.

The Paycheck Fairness Act (H.R. 1338) introduced by Rep. Rosa DeLauro (D-CT) in the House and by Sen. Hillary Clinton in the Senate, amends the Equal Pay Act (EPA) to allow for unlimited compensatory and punitive damages, even if a disparity in pay is determined to be unintentional. It would also require the Department of Labor to replace its successful approach to detecting pay discrimination with a failed methodology that was abandoned years ago because it had a 93 percent false positive rate.

On July 31<sup>st</sup>, the House passed the Paycheck Fairness Act by a vote of 247 to 178 (*House Roll Call 556*). Rep. Buck McKeon (R-CA), Ranking Member of the Education and Labor Committee, essentially single-handedly debated those in favor of this bill and he expressed many of Eagle Forum’s arguments in opposition to it. Luckily, Hillary’s bill (S. 766) never made it out of the Senate Committee on Health, Education, Labor, and Pensions. A similar bill, the Lilly Ledbetter Fair Pay Act (H.R. 2831), was brought up for a vote in the Senate — on the motion to proceed to consideration of the bill—but that attempt failed on April 23, 2008 by a vote of 56-42 (*Senate Roll Call 110*).

### ***Homosexuals in the Military***

On July 23, 2008, the House Armed Services Subcommittee on Personnel conducted a hearing on the 1993 law which makes homosexuals ineligible for military service. The 1993 law, known only as *Section 654, Title 10*, was passed by bipartisan majorities in Congress and it remains the law of the land today. This exclusion law is often confused with the Clinton “Don’t Ask, Don’t Tell” policy, enacted only by executive order, never by Congress. Among those testifying in favor of the 1993 law was Center for Military Readiness President Elaine Donnelly and former Army Sergeant Major, Ranger, and Delta Force soldier Brian Jones. The hearing was intended to lay the groundwork for the repeal of the 1993 law early in 2009, perhaps even within the “First 100 Days” of the incoming Obama administration. Many Republican Members of Congress were absent from the hearing. One of Eagle Forum’s priorities in the 111<sup>th</sup> Congress will be educating both Members and their staffers on this controversial, and often misunderstood, national defense issue.

## ***SPP***

President Bush's Security and Prosperity Partnership (SPP), which he endorsed back in 2001 as a plan for "economic integration" with Mexico and Canada, is a possible prelude to a North American Union (NAU), similar to the European Union (EU), connected by a three-country superhighway while harmonizing laws and regulations into a single market.

On April 20, 2008, fourteen Members of the House of Representatives sent a letter to President Bush advising him to stop all plans to advance the Security and Prosperity Partnership of North America until there has been full congressional oversight. The letter, which was authored by Reps. Raul M. Grijalva (D-AZ) and Marcy Kaptur (D-OH), is brief and simply states that the U.S. Congress "objects to a process that permits the executives of the respective countries to bypass constitutionally mandated review" and that all SPP negotiations should be halted until the details of this closed-door diplomacy are "made transparent and proper legislative oversight is established." The letter was intended to reach President Bush on the eve of the fourth North American summit, which was held in New Orleans, Louisiana on April 21<sup>st</sup> and 22<sup>nd</sup>. It should be noted that Rep. Virgil Goode (R-VA) was the only Republican to sign onto this letter. The Senate took no action on this issue during this Congress.

### ***The Supreme Court & the 2<sup>nd</sup> Amendment***

The case, *District of Columbia v. Heller*, was argued before the U.S. Supreme Court on March 18, 2008 after the District of Columbia appealed the ruling of the U.S. Court of Appeals for the D.C. Circuit, which affirmed that the Second Amendment to the U.S. Constitution protects an individual right to keep and bear arms. The District's 32-year-old ban on handguns and its requirement that guns kept in the home be unloaded or inoperable at all times, even in the cases of self-defense, violates that constitutional right.

On June 26, 2008, the Supreme Court ruled 5 to 4 to overturn the D.C. gun ban. This case marked the first time since 1939 that a Second Amendment case reached the Supreme Court. The *Heller* decision, coupled with the rejection of every argument posed by the District of Columbia in favor of the ban, as well as New York's Second Circuit dismissal of a lawsuit against gun manufacturers in *City of New York v. Beretta U.S.A. Corp.*, should be a signal to the next Congress to pass legislation that withdraws jurisdiction from the courts to hear Second Amendment cases.

### ***English in the Workplace***

The United States of America is certainly not immune to the divisions inherent in a linguistically divided society. Granting quasi-official recognition to any language other than English by denying employers the right to promote our national language in the workplace only encourages division. In fact, 77 percent of all voters agree that employers should have the right to require their employees to speak English at work.

In response to a recent Equal Employment Opportunity Commission (EEOC) lawsuit against the Salvation Army which accused the charity of discrimination based on "national origins" for requiring its employees to speak English while at work, Senator Lamar Alexander (R-TN) offered an amendment (S. Amdt. 4222) to the Budget Resolution for Fiscal Year 2009 (S. Con. Res. 70) on March 13, 2008. The amendment calls for taking the \$670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead using the money to teach English to adults through the Department of Education's English Literacy/Civics Education State Grant program. The amendment was adopted by a vote of 54 to 44 (*Senate Roll Call 58*).