

Legislative Bulletin.....March 11, 2009

Contents:

- S. 22** - Omnibus Public Land Management Act of 2009
- H.Res. 224** - Supporting the designation of Pi Day
- H.Res. 67** - Recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University
- H.Con.Res. 64** - Urging the President to designate 2009 as the “Year of the Military Family”
- H.Res. 226** - Recognizing the plight of the Tibetan people on the 50th Anniversary of His Holiness the Dalai Lama being forced into exile.
- H.Res. 125** - Calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States.
- H.Res. 194** - Supporting the goals of International Women's Day.

S. 22— Omnibus Public Land Management Act of 2009
(Sen. Bingaman D-NM)

Key Conservative Concerns

Take-Away Points

- Blocks millions of acres from new oil and gas leasing, logging, mining, and all other business activity in these areas.
- Eliminates 1.2 million acres from mineral leasing and energy exploration in Wyoming alone - withdrawing **331 million barrels of recoverable oil and 8.8 trillion cubic feet of natural gas** from domestic energy supply.
- Designates more than **2 million acres of land as wilderness areas**; permanently eliminating human access for energy exploration or recreational opportunities.
- Eliminates a proposed terminal site for importing liquefied natural gas (LNG) in Massachusetts by designating a river that runs through a city as “wild and scenic”.
- Authorizes **\$5.5 billion** of new discretionary spending over five years and **\$900 million** of direct spending.

-- Makes collecting fossils an illegal activity, subjecting thousands of hobbyists to 5 years in federal jail.

-- **Pork Projects:** \$3.5 million to the city of St. Augustine, FL for a birthday party, \$200,000 for a tropical botanical garden in Hawaii, \$250,000 to study the birthplace of Alexander Hamilton in the U.S. Virgin Islands, and \$37 million for a park in New Jersey that is not even supported by the National Park Service.

For more details on these concerns, see below.

Order of Business: The bill is scheduled to be considered on March 11, 2009, under a motion to suspend the rules and pass the bill.

S. 22 passed the Senate on January 15, 2009 by a vote of 73-21. This legislation is comprised of over 165 separate bills introduced in the 110th Congress. Senate leaders created an omnibus bill to circumvent “holds” Senator Tom Coburn (R-OK) placed on a number of these individual bills because he believed they would authorize wasteful spending, block energy development, and infringe on property rights.

Originally thought to be considered for House action the week of February 9, Democrats had to remove the bill from the schedule over their inability to reach a consensus in their caucus over Second Amendment concerns raised by Blue Dog Democrats. Representative Altmire (D-PA) has drafted an amendment to the legislation aimed to ensure S. 22 will not affect hunting, gaming, or other forms of traditional recreation. The amendment also clarifies that that states have the authority to manage fish and wildlife. While the National Rifle Association does not take a position on S. 22 as whole, they are in support of the Altmire provision.

However, the Gun Owners of America (GOA) do not believe the Altmire is “insufficient and misses the point. The founding fathers did not, in their struggle to secure essential liberties, craft the Second Amendment with the idea that it would protect hunting and recreational shooting.” The GOA will be rating S. 22 as an anti-gun vote.

Summary: S. 22 is an omnibus federal lands bill that would authorize the Secretary of Interior to study, establish, and redesignate numerous National Parks, National Wildernesses, National Heritage Areas, National Trails, National Scenic River designations, and codify the National Landscape Conservation System (NLCS). S. 22 would also authorize land conveyances and exchanges, federal boundary adjustments, memorials, museums, reclamation projects, and commissions. Additionally, the bill authorizes programs for ocean exploration, local water infrastructure, underwater research, and paralysis research. For a more detailed summary of the legislation, please review the [February 11th Legislative Bulletin](#).

Additional Information: Some conservatives may be extremely concerned that this 1,246 page bill is being considered under “suspension of the rules”. This procedural

motion is intended to be reserved for non-controversial matters. The CRS report describing the provisions in this bill used the word “controversial” 37 times.

S. 22 creates eighty new federal wilderness designations or additions to public land that withdraw more than 3 million acres of land from energy leasing. In Wyoming alone, these restrictions eliminate access to an estimated 331 million barrels of oil and 8.8 trillion cubic feet of natural gas. Last summer, Americans were calling on Congress to reduce the price of oil after facing gasoline prices costing over \$4 a gallon this summer. Many conservatives believe that it is the wrong strategy to further limit the ability to increase domestic production, and to continue to increase our reliance on foreign imports.

Some conservatives may also be concerned that many of the land designations included in S. 22 severely limit private property rights. Heritage and Wilderness area designations can lead to restrictive federal zoning and land-use planning to block energy development. In Heritage areas, management plans can restrict how residential and commercial property owners utilize their private property without any notice or warning.

Some conservatives may also be concerned that S. 22 couples non-controversial land bills with contentious federal designations that limit land use and are opposed by some residents and Members within the designations. Some conservatives may be concerned that non-controversial land bills are attached to S. 22 in order to garner votes for disputed designations that had difficulty passing under suspension of the rules in the 110th Congress. By contrast, properly managed public lands can simultaneously contribute to energy independence, wildlife conservation, outdoor recreation and the advancement of science and technology.

Committee Action: None.

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

RSC Bonus Fact: The federal government already owns nearly 650 million acres of land, which amounts to 30 percent of the total land area of the United States. The District of Columbia, established by the Constitution as the federal city, has only 24.7% of its total acreage owned by the federal government. Twelve states rank above DC in federal land ownership. 85% of Nevada is federally owned and the federal government occupies more than 45% of the land in California.

Cost to Taxpayers: While CBO has not prepared a complete cost estimate for all of the provisions of S. 22 that would authorize discretionary spending subject to appropriation, they have estimated that the total discretionary spending that would be necessary to carry out the legislation are more than \$5.5 billion over five years, subject to appropriation. In addition, they estimate direct spending would increase by more than \$900 million after 2019.

Does the Bill Expand the Size and Scope of the Federal Government? Yes, the bill creates new federal land designations, limits multiple use of public lands, restricts energy development, and expands the jurisdiction of the Department of Interior.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? Yes, it expands federal land ownership by more than 3 million acres. Many conservatives would argue that federal land acquisition erodes private property ownership rights.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits? A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

Constitutional Authority: A committee report citing constitutional authority is not available.

Outside Organizations opposed to the legislation:

- U.S. Chamber of Commerce
- American Motorcycle Association (will score vote)
- Recreational Off Highway Vehicles Association
- Western Business Roundtable
- Gun Owners of America (will score vote)
- Property Rights Alliance
- Americans for Tax Reform
- Citizens Against Government Waste
- American Conservative Union
- Competitive Enterprise Institute
- National Taxpayers Union

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.Res. 224—Supporting the designation of Pi Day (*Gordon, D-TN*)

Order of Business: The bill is scheduled to be considered on Wednesday March 11, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.Res.224 would express the sense that the House of Representatives:

- “Supports the designation of a ‘Pi Day’ and its celebration around the world;
- “Recognizes the continuing importance of National Science Foundation’s math and science education programs; and
- “Encourages schools and educators to observe the day with appropriate activities that teach students about Pi and engage them about the study of mathematics.”

The resolution lists a number of finding including:

- “The Greek letter (Pi) is the symbol for the ratio of the circumference of a circle to its diameter;
- “The ratio Pi is an irrational number, which will continue infinitely without repeating, and has been calculated to over one trillion digits;
- “Mathematics and science are a critical part of our children's education, and children who perform better in math and science have higher graduation and college attendance rates;
- “Since 1995 the United States has shown only minimal improvement in math and science test scores;
- “Mathematics and science can be a fun and interesting part of a child's education, and learning about Pi can be an engaging way to teach children about geometry and attract them to study science and mathematics; and
- “Pi can be approximated as 3.14, and thus March 14, 2009, is an appropriate day for `National Pi Day':”

Committee Action: On March 9, 2009, the bill was introduced and referred to the Committee on Science and Technology, which took no subsequent public action.

Administration Position: No Statement of Administration Policy was provided.

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

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

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

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

Constitutional Authority: A committee report citing constitutional authority is unavailable for H.Res. 224.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.Res. 67—Recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University (Dreier, R-CA)

Order of Business: The bill is scheduled to be considered on Wednesday March 11, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.Res.67 would express the sense that the House of Representatives:

- “Commends the engineers, scientists, and technicians of the Jet Propulsion Laboratory and Cornell University for their successful execution and continued operation of the Mars Exploration Rovers, Spirit and Opportunity; and
- “Recognizes the success and significant scientific contributions of NASA's Mars Exploration Rovers.”

The resolution lists a number of finding including:

- “The Mars Exploration Rovers Spirit and Opportunity successfully landed on Mars on January 3, 2004, and January 24, 2004, respectively, on missions to search for evidence indicating that Mars once held conditions hospitable to life;
- “NASA's Jet Propulsion Laboratory (JPL), managed by the California Institute of Technology (Caltech), designed and built the Rovers, Spirit and Opportunity;
- “Cornell University led the development of advanced scientific instruments carried by the 2 Rovers, and continues to play a leading role in the operation of the 2 Rovers and the processing and analysis of the images and other data sent back to Earth;
- “Each Rover has discovered geological evidence of ancient Martian environments where habitable conditions may have existed;
- “Spirit and Opportunity will have passed 5 years of successful operation on the surface of Mars on January 3, 2009, and January 24, 2009, respectively, far exceeding the original 90-Martian day mission requirement by a factor of 20, and are continuing their missions of surface exploration and scientific discovery:”

Committee Action: On January 15, 2009, the bill was introduced and referred to the Science and Technology subcommittee on Space and Aeronautics, which took no subsequent public action.

Administration Position: No Statement of Administration Policy was provided.

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

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

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

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

Constitutional Authority: A committee report citing constitutional authority is unavailable for H.Res. 67.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.Con.Res. 64—Urging the President to designate 2009 as the “Year of the Military Family” (Skelton, D-MO)

Order of Business: The bill is scheduled to be considered on Wednesday March 11, 2009, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 64 would express the sense that the House of Representatives:

- “Expresses its deepest appreciation to the families of members of the Armed Forces who serve, or have served, in defense of the United States;
- “Recognizes the contributions that military families make, and encourages the people of the United States to share their appreciation for the sacrifices military families give on behalf of the United States; and
- “Urges the President:
 - To designate a ‘Year of the Military Family’; and
 - Encourage the people of the United States and the Department of Defense to observe the ‘Year of Military Family’ with appropriate ceremonies and activities.”

The resolution lists a number of finding including:

- “There are more than 1.8 million family members of regular component members of the Armed Forces and an additional 1.1 million family members of reserve component members;
- “Slightly more than half of all members of the regular and reserve components are married, and just over 40 percent of military spouses are 30 years or younger and 60 percent of military spouses are under 36 years of age;
- “The largest group of minor children of regular component members consist of children between the ages of birth and 5 years, while the largest group of minor children of reserve component members consist of children between the ages of 6 and 14 years;
- “The United States recognizes that military families are also serving their country, and the United States must ensure that all the needs of military dependent children are being met, for children of members of both the regular and reserve components;
- “Thousands of military family members have taken on volunteer responsibilities to assist units and members of the Armed Forces who have been deployed by supporting family readiness groups, helping military spouses meet the demands of

- a single parent during a deployment, or providing a shoulder to cry on or the comfort of understanding;
- “Military families provide members of the Armed Forces with the strength and emotional support that is needed from the home front for members preparing to deploy, who are deployed, or who are returning from deployment;
 - “Some military families have given the ultimate sacrifice in the loss of a principal family member in defense of the United States;
 - “2009 would be an appropriate year to designate as the `Year of the Military Family”

Committee Action: On February 26, 2009, the bill was introduced and referred to the House Armed Services Committee, which took no subsequent public action.

Administration Position: No Statement of Administration Policy was provided.

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

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

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

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

Constitutional Authority: A committee report citing constitutional authority is unavailable for H.Con.Res. 64.

RSC Staff Contact: Bruce F. Miller, bruce.miller@mail.house.gov, (202)-226-9720.

H.Res. 226 – Recognizing the plight of the Tibetan people on the 50th Anniversary of His Holiness the Dalai Lama being forced into exile, and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue (*Holt, D-NJ*)

Order of Business: The resolution is scheduled to be considered on March 11, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 226 would express the sense that the House of Representatives:

- “Recognizes the Tibetan people for their perseverance in face of hardship and adversity in Tibet and for creating a vibrant and democratic community in exile that sustains the Tibetan identity;
- “Recognizes the Government and people of India for their generosity toward the Tibetan refugee population for the last 50 years;
- “Calls upon the Government of the People's Republic of China to respond to the Dalai Lama's initiatives to find a lasting solution to the Tibetan issue, cease its repression of the Tibetan people, and to lift immediately the harsh policies imposed on Tibetans, including patriotic education campaigns, detention and abuses of those freely expressing political views or relaying news about local conditions, and limitations on travel and communications; and
- “Calls upon the Administration to recommit to a sustained effort consistent with the Tibetan Policy Act of 2002, that employs diplomatic, programmatic, and multilateral resources to press the People's Republic of China to respect the Tibetans' identity and the human rights of the Tibetan people.”

The resolution lists a number of finding including:

- “For more than 2,000 years the people of Tibet have maintained a distinct cultural identity, language, and religion;
- “In 1949, the armed forces of the People's Republic of China took over the eastern areas of the traditional Tibetan homeland, and by March 1951 occupied the Tibetan capital of Lhasa and laid siege to Tibetan government buildings;
- “In April 1951, under duress of military occupation, Tibetan government officials signed the Seventeen Point agreement which provided for the preservation of the institution of the Dalai Lama, local self government and continuation of the Tibetan political system, and the autonomy for Tibetans within the People's Republic of China;
- “On March 10, 1959, the Tibetan people rose up in Lhasa against Chinese rule in response to Chinese actions to undermine self-government and to rumors that Chinese authorities planned to detain Tenzin Gyatso, His Holiness the 14th Dalai Lama, the spiritual and temporal leader of the Tibetan people;
- “On March 17, 1959, with the People's Liberation Army commencing an assault on his residence, the Dalai Lama, in fear of his safety and his ability to lead the Tibetan people, fled Lhasa;
- “Upon his arrival in India, the Dalai Lama declared that he could do more in exile to champion the rights and self-determination of Tibetans than he could inside territory controlled by the armed forces of the People's Republic of China;
- “The Dalai Lama was welcomed by the Government and people of India, a testament to the close cultural and religious links between India and Tibet and a mutual admiration for the philosophies of non-violence espoused by Mahatma Gandhi and the 14th Dalai Lama;
- “Under the leadership of the Dalai Lama, Tibetans overcame adversity and hardship to establish vibrant exile communities in India, the United States, Europe, and elsewhere in order to preserve Tibetan cultural identity, language, and religion;

- “The Dalai Lama set out to instill democracy in the exile community, which has led to the Central Tibetan Administration with its democratically elected Executive and Legislative Branches, as well as a Judicial Branch;
- “On March 10 every year Tibetans commemorate the circumstances that led to the separation of the Dalai Lama from Tibet and the struggle of Tibetans to preserve their identity in the face of the assimilationist policies of the People's Republic of China;
- “Over the years the United States Congress has sent strong and clear messages condemning the Chinese Government's repression of the human rights of Tibetans, including restrictions on the free practice of religion, detention of political prisoners, and the disappearance of Gedhun Choekyi Nyima, the 11th Panchen Lama;
- “In October 2007, Tenzin Gyatso, the 14th Dalai Lama received the Congressional Gold Medal in recognition of his lifetime efforts to promote peace worldwide and a non-violent resolution to the Tibet issue;
- “It is the objective of the United States Government, consistent across administrations of different political parties, to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people;
- “Eight rounds of dialogue between the envoys of the Dalai Lama and representatives of the Government of the People's Republic of China have failed to achieve any concrete and substantive results;
- “The 2008 United States Department of State's Country Report on Human Rights states that ‘The [Chinese] government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention, and house arrest. Official repression of freedoms of speech, religion, association, and movement increased significantly following the outbreak of protests across the Tibetan plateau in the spring. The preservation and development of Tibet's unique religious, cultural, and linguistic heritage continued to be of concern.’; and
- “The envoys of the Dalai Lama presented in November 2008, at the request of Chinese officials, a Memorandum on Genuine Autonomy for the Tibetan People outlining a plan for autonomy intended to be consistent with the constitution of the People's Republic of China.”

Committee Action: None.

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

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

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

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

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718

H.Res. 125 – Calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States (Smith, R-NJ)

Order of Business: The resolution is scheduled to be considered on March 11, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 125 resolves that the House of Representatives:

- “Calls on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States; and
- “Calls upon the Brazilian government to fulfill its obligation under international law to take all other appropriate measures to secure within its territory the implementation of the objects of the Hague Convention, and to use the most expeditious procedures available, pursuant to article 2 of the Convention, in the case of Sean Goldman as well as all other children from the United States whose rights are not being respected under the Convention; and

H.Res. 125 expresses the sense that the House of Representatives:

- “Make the determination, through the United States Department of State in its 2009 Hague Convention Compliance Report, that Brazil is a ‘Country Not Compliant with the Convention’, given that Brazil failed in all three performance areas of central authority performance, judicial performance, and law enforcement performance for fiscal year 2008;
- “Review its diplomatic procedures and the operations available to United States citizens through its central authority under the Hague Convention to ensure that effective assistance is provided to Mr. Goldman and other United States citizens in obtaining the expeditious return of their children from Brazil and other countries that have entered into the reciprocal obligations with the United States under the Hague Convention; and

- “Take any and all other appropriate measures to ensure that Hague Convention partners return abducted children to the United States in compliance with the Hague Convention's provisions.”

The resolution lists a number of finding including:

- “On May 25, 2000, Sean Goldman was born in Red Bank, New Jersey, the son of David Goldman and Bruna Bianchi Ribeiro Goldman who were married in New Jersey in 1999;
- “Sean Goldman lived with his parents the first four years of his life in Tinton Falls, New Jersey;
- “On June 16, 2004, Sean and his mother Mrs. Goldman left together with Mrs. Goldman's parents for a planned vacation to Mrs. Goldman's parents' home in Brazil;
- “Upon her arrival in Brazil, Mrs. Goldman called Mr. Goldman to advise him that their marriage was over and that she would not be returning Sean to his home in New Jersey;
- “Mr. Goldman has been trying unsuccessfully since June 17, 2004, to secure the return of his son from Brazil;
- “On August 26, 2004, the Superior Court of New Jersey awarded custody to Mr. Goldman, ordered Mrs. Goldman and her parents to immediately return Sean to the United States, and indicated to Mrs. Goldman and her parents that their continued behavior under United States law constituted parental kidnapping;
- “On September 3, 2004, Mr. Goldman filed an application for the immediate return of Sean to the United States under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (the `Hague Convention`);
- “The Federal Republic of Brazil acceded to the Hague Convention on October 19, 1999, and the Hague Convention entered into force between Brazil and the United States on December 1, 2003;
- “Pursuant to article 12 of the Hague Convention, the judicial authority of Brazil was required to order Sean's return to the United States `forthwith,' customarily defined under international law as within six weeks after an application for return has been filed;
- “On October 13, 2005, the Brazilian court refused to return Sean in contravention of Brazil's obligations under the Hague Convention even though it found that Sean was a habitual resident of the United States and, pursuant to international law, had been wrongfully removed and retained in Brazil;
- “On August 19, 2005, the Superior Court of New Jersey found both Mrs. Goldman and her parents to be in willful contempt of the court's orders and further found Mrs. Goldman's continued retention of Sean actionable under the International Parental Kidnapping and Crime Act of 1993 as well as New Jersey's criminal statutes;
- “The contempt of Ms. Goldman and her family continued after the court's August 19, 2005, order and Mr. Goldman was afforded no contact with his son;
- “Mrs. Goldman obtained a divorce from Mr. Goldman without notice through the Brazilian courts and soon thereafter married Joa. AE60 Paulo Lins e Silva;

- “On August 22, 2008, Mrs. Goldman tragically passed away during childbirth leaving Sean without a mother and separated from his biological father in the United States;
- “In September 2008, Mr. Goldman traveled to Brazil to visit and rightfully reclaim full custody of his son, Sean;
- “Upon his arrival, Mr. Goldman learned that Mr. Lins e Silva had petitioned the Brazilian courts for custody rights over Sean and also had secretly petitioned the Brazilian courts to replace Mr. Goldman's name with his own name on a new birth certificate to be issued to Sean Goldman, despite the fact that Mr. Goldman, not Mr. Lins e Silva, is Sean's biological father;
- “On October 2008, Mr. Lins e Silva failed to make Sean available for a visitation ordered by the Brazilian Federal Court with his father, and absconded with Sean for the duration of the scheduled visitation;
- “Brazilian law enforcement did not provide Mr. Goldman with Sean's location during the visitation ordered by the Brazilian court and did not enforce the visitation order, even though they were informed about Mr. Lins e Silva's failure to make Sean available for the visitation;
- “The Government of Brazil, through the Hague Convention, is obligated to `take all appropriate measures to secure within [its territory] the implementation of the objects of the Convention,' and `to use the most expeditious procedures available';
- “The judicial authority of Brazil has failed to comply with its obligations under article 11 of the Hague Convention to expeditiously order the return of Sean to the United States;
- “The United States and Brazil, through the Hague Convention, have expressed the firm conviction that `the interests of children are of paramount importance in matters relating to their custody';
- “Furthermore, the United States and Brazil have expressed their desire, through the Hague Convention, `to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence';
- “The U.S. State Department determined in its 2008 Compliance Report to Congress for the 1980 Hague Convention on the Civil Aspects of International Child Abduction, as required under Public Law 105-277, section 2803 (the `Hague Convention Compliance Report'), that Brazil `continued to demonstrate patterns of noncompliance with the Convention in its judicial performance';
- “It is reported that there are nearly 50 cases in which children who were habitual residents of the United States have been wrongfully abducted to Brazil and have not been returned to the United States as required under the Hague Convention; and
- “Sean is being deprived of his rightful opportunity to live and be raised by his biological father, Sean could suffer developmental and psychological consequences because of this unjust separation, and it is consistent with international law to be reunited with his father in New Jersey following the death of his mother.”

Background: When Sean Goldman was four, his mother took him to her parent’s home in Brazil. After she arrived in Brazil, she called her husband to say that she would not be returning with Sean. In August 2004, while Mrs. Goldman was still in Brazil, the Superior Court of New Jersey awarded Mr. Goldman custody and ordered that Mrs. Goldman return to the United States because what she had done constituted kidnapping. In September of 2004, Mr. Goldman filed for immediate return of Sean under the 1980 Hague Convention. In October 2005, the Brazilian Court refused to return Sean.

Mrs. Goldman remarried a Mr. Lins e Silva. She later passed away during child birth in August 2008. Since her death, Mr. Lins e Silva has refused to cooperate and even absconded with Sean during a time when Mr. Goldman was scheduled to visit. This resolution is being offered because the judicial authority of Brazil has failed to comply with its obligations under article 11 of the Hague Convention to expeditiously order the return of Sean to the United States.

Committee Action: None.

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

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

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

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

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718

H.Res. 194, Supporting the Goals of International Women’s Day (Schakowsky, D-IL)

Order of Business: The resolution is scheduled to be considered on March 11, 2009 under a motion to suspend the rules and pass the resolution.

Summary: H.Res. 194 would express the sense that the House of Representatives:

- “Recognizes the Tibetan people for their perseverance in face of hardship and adversity in Tibet and for creating a vibrant and democratic community in exile that sustains the Tibetan identity;

- “Supports the goals of International Women's Day;
- “Recognizes and honors the women in the United States and in other countries who have fought and continue to struggle for gender equality and women's rights;
- “Reaffirms its commitment to ending discrimination and violence against women and girls, to ensuring the safety and welfare of women and girls, and to pursuing policies that guarantee the basic rights of women and girls both in the United States and in other countries; and

The resolution also encourages the President to—

- “Reaffirm his commitment to pursue policies to protect the health and rights of women and girls; and
- “Issue a proclamation calling upon the people of the United States to observe International Women's Day with appropriate programs and activities.”

The resolution lists a number of findings including:

- “Women continue to play the prominent role in caring for families within the home as well as serving as economic earners;
- “Women worldwide are participating in the world of diplomacy and politics, contributing to the growth of economies, and improving the quality of the lives of their families, communities, and nations;
- “Women leaders have recently made significant strides including the 2009 appointment of Johanna Sigurdardottir as the first female Prime Minister of Iceland, the 2007 election of Congresswoman Nancy Pelosi as the first female Speaker of the United States House of Representatives, the 2006 election of Michelle Bachelet as the first female President of Chile, the 2006 election of Ellen Johnson-Sirleaf as the President of Liberia, the first female President in Africa's history, and the 2005 election of Angela Merkel as the first female Chancellor of Germany, who also served as the second woman to chair a G8 summit in 2007;
- “Women account for 80 percent of the world's 70 million micro-borrowers, 75 percent of the 28,000 United States loans supporting small business in Afghanistan are given to women, and 12 women are chief executive officers of Fortune 500 companies;
- “In the United States women are graduating from high school at higher rates and earning bachelor's degrees or higher degrees at greater rates than men with 88 percent of women between the ages of 25 and 29 having obtained a high school diploma and 31 percent of women between the ages of 25 and 29 earning a bachelor's degree or higher degree;
- “Despite tremendous gains over the past 20 years, women still face political and economic obstacles, struggle for basic rights, face the threat of discrimination, and are targets of violence all over the world;
- “Worldwide women remain vastly underrepresented in national and local assemblies, accounting on average for less than 10 percent of the seats in parliament, except for in East Asia where the figure is approximately 18 to 19

- percent, and women do not hold more than 8 percent of the ministerial positions in developing regions;
- “Women work 2/3 of the world's working hours, produce half of the world's food, yet earn only 1 percent of the world's income and own less than 1 percent of the world's property;
 - “Female managers earned less than their male counterparts in the 10 industries that employed the vast majority of all female employees in the United States between 1995 and 2000;
 - “70 percent of the 1,300,000,000 people living in poverty around the world are women and children;
 - “2/3 of the 876,000,000 illiterate individuals worldwide are women, 2/3 of the 125,000,000 school-aged children who are not attending school worldwide are girls, and girls are less likely to complete school than boys, according to the United States Agency for International Development;
 - “Worldwide women account for half of all cases of HIV/AIDS, approximately 42,000,000, and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;
 - “Globally, each year over 500,000 women die during childbirth and pregnancy;
 - “Domestic violence causes more deaths and disability among women between the ages of 15 and 44 than cancer, malaria, traffic accidents, and war;
 - “Worldwide, at least 1 out of every 3 women and girls have been beaten in her lifetime;
 - “At least 1 out of every 6 women and girls in the United States has been sexually abused in her lifetime, according to the Centers for Disease Control and Prevention;
 - “Worldwide 130,000,000 girls and young women have been subjected to female genital mutilation, and it is estimated that 10,000 girls are at risk of being subjected to this practice in the United States;
 - “Illegal trafficking in women and children for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 50,000 are transported into the United States, according to the Congressional Research Service and the Department of State;
 - “Between 75 and 80 percent of the world's 27,000,000 refugees are women and children;
 - “In times and places of conflict and war, women and girls continue to be the focus of extreme violence and intimidation and face tremendous obstacles to legal recourse and justice;
 - “March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace; and
 - “The people of the United States should be encouraged to participate in International Women's Day.”

Committee Action: None.

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

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

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

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

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

RSC Staff Contact: Natalie Farr, natalie.farr@mail.house.gov, (202) 226-0718