

## **S. 1455 -- THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999**

**Cost to the Taxpayer:** CBO estimates that enacting S. 1455 would have no significant effect on the federal budget. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply, but the amounts involved would be less than \$500,000 a year.

**Does the Bill Create New Government Programs or Regulations:** Yes. The bill requires the U.S. Sentencing Commission to amend federal sentencing guidelines to increase prison sentences and fines for fraudulent activities related to higher education financial assistance. It would also amend the federal bankruptcy code to reduce protection for the property of debtors who engaged in such fraud. In addition, the bill requires the Attorney General, Secretary of Education, and the Federal Trade Commission to jointly submit to Congress an annual report on the extent of such activities. It further directs the Department of Education, in conjunction with the FTC, to maintain a website devoted to raising awareness about scholarship fraud.

**Constitutional Authority:** None cited in legislation, no report filed.

**Other Information:** The bill was introduced by Senator Abraham on July 28, 1999 and the Senate passed it by unanimous consent on November 4, 1999. In 1996, the Federal Trade Commission launched "Project Scholarscam," a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called "scholarship services".

## **H. CON. RES. 399 - RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975**

**Cost to the Taxpayer:** None - Congressional resolution.

**Does the Bill Create New Government Programs or Regulations:** No.

**Constitutional Authority:** No Committee report was filed, and no authority is cited in the bill.

**Summary:** The resolution traces the legislative history and success of the Individuals with Disabilities Education Act (IDEA), which was originally called the Education for All Handicapped Children Act of 1975. It also details the funding history of the Act, specifically the Grants to States portion (Part B). While the federal government has never reached its promise of paying 40% of the cost of educating a special needs child through Part B, under Republican leadership, the appropriation for Part B has increased by 115 percent since 1995, which is an increase of over \$2,600,000,000. While this is an improvement over

Democrat efforts, this remains a significant unfunded mandate upon states and local school districts.

IDEA can be difficult for local schools to administer for a number of reasons. First, the cost of educating a child identified under IDEA is approximately double the average per pupil expenditure. Second, IDEA requires school districts to identify and evaluate all students who might be eligible for services under IDEA. Third, due to regulatory revision and statutory expansion, many students are identified under IDEA for transient behavior problems or basic educational deficiencies like illiteracy.

Consequently, the number of students served under IDEA, Part B, has increased to approximately 6.3 million children in FY 2000, without the funds promised by the federal government. Local school districts and states are therefore forced to make up the funding shortfall, leaving them unable to address other critical needs such as technology, textbooks, teacher training, more teachers, construction, etc. **This situation makes the following clause of the resolution questionable, at least for many local educators: "Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities."**

## **H.R. 5234 — HMONG VETERANS NATURALIZATION ACT AMENDMENTS**

**Cost to Taxpayers:** A CBO estimate is not available, but the bill should have little or no effect on the budget. INS will collect naturalization fees for each applicant, but will expend those fees.

**Does the Bill Create New Government Programs or Regulations:** No, the bill expands the Hmong Veterans Naturalization Act (passed by voice vote in May) to include in those aliens eligible for naturalization under relaxed English and civics standards to include surviving spouses of individuals killed while serving in the Laotian-based special guerilla units in support of U.S. forces.

**Constitutional Authority:** A Committee Report and therefore citation of Constitutional authority is not available.

**Areas of Concern:** None.

## **H.R. 5239 INCREASED PENALTIES FOR VIOLATIONS OF THE EXPORT ADMINISTRATION ACT OF 1979**

**Cost to Taxpayer:** The bill text has not been made available to Members of Congress who are expected to vote on it, but a copy obtained by CATs outlines a one-year FY01 authorization for \$72 million to the Department of Commerce.

**Does the Bill Create New Government Programs or Regulations:** Yes. The bill allows the President to use the emergency powers act to carry out the provisions of law the Export Administration Act, an Act which expired in 1994 and has not been reauthorized. It raises fines for anyone who "violates or conspires to or attempts to violate" the provision and also makes sections of the bill retroactive since 1994.

**Constitutional Authority:** No Committee report was filed and no authority is cited in the bill.

**Summary:**

“In a recent Florida lawsuit, the court ruled that the export law had expired and that the International Emergency Economic Powers Act (IEEPA) could not be used to reauthorize the expired export law.

“The decision came after individuals seeking a corporation's export information under the Freedom of Information Act challenged a Commerce Department decision that the material was protected under the Export Administration Act. The individuals argued that the department's claim was invalid because the law was no longer on the books.

“The bill would allow the president to use IEEPA to carry out the provisions of the export law, which already includes measures to protect confidential information and creates stiffer penalties for parties violating export laws.”

--National Journal 9/21/2000

## **H.J.RES. 100--25TH ANNIVERSARY OF THE HELSINKI FINAL ACT**

**Cost to Taxpayer:** None.

**Does the Bill Create New Government Programs or Regulations:** No, this is a non-binding resolution.

**Constitutional Authority:** No Committee report was filed and no authority is cited in the resolution.

**Summary:** The resolution calls upon the President to: (1) issue a proclamation recognizing the 25th anniversary of the signing of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, reasserting the U.S. commitment to full implementation of the Act, and urging all signatory states (currently 56 nations) to abide by their obligations under the Act; and (2) convey to all signatory states that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

Congressman Joseph Pitts (R-PA) serves on the Congressional Commission on Security and Cooperation in Europe, which monitors the consistency of signatories to live up to their commitments under this accord.

## **H.R. 4899 — ASIA PACIFIC CHARTER COMMISSION ACT**

**Cost to Taxpayers:** A CBO estimate is not available, but the bill authorizes \$2.5 million a year for operations of the commission which is allowed to employ up to 10 staffers.

**Does the Bill Create New Government Programs or Regulations:** YES, the bill creates a new commission to promote a consistent and coordinated foreign policy between the United States and the Pacific Region. The bill creates a 7-member commission and authorizes staff and support services.

**Constitutional Authority:** A Committee Report and therefore citation of Constitutional authority is not available.

**Areas of Concern:**

The Asia Commission is extremely duplicative. This year's Commerce/Justice/State bill includes \$8.3 million in payments to the Asia Foundation, which provides grants to institutions in Asia that support democratic, legal and economic reform and closer U.S.-Asia relations. In addition, it is likely that Congress will continue to provide approximately \$12 million a year to the East-West Center. The Center seeks to promote better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative programs of research, study and training. The Center has received over \$200 million since 1961.

Control of Foreign Policy Decisions: Decisions regarding U.S. foreign policy should be made by the administration and the Congress. This bill proposes the creation of a new entity with the duty of coordinating U.S. foreign policy with the Asia region.

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*The views expressed in this Legislative Bulletin do not necessarily reflect the views of all Members of the Conservative Action Team.*

The Conservative Action Team is a Congressional Member Organization of almost 60 House Members and is chaired by Representative John Shadegg (R-AZ).