RSC Republican Study Committee
Rep. John Shadegg (R-AZ), Chairman
Neil Bradley, Executive Director
432 Cannon House Office Building
Washington, D.C. 20515
http://www.house.gov/burton/RSC/
(202) 226-9717

Legislative Bulletin……..……October 1, 2002

Contents:

H.Con. Res. 476- Expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes
H.R. 2357 - Houses of Worship Political Speech Protection Act

The Expansion of Federal Land Ownership

As of September 20, 2000, the federal government owned more than **635 million acres** of land — or **28%** of all the land in the United States.

Some states have more federal lands than private lands:

Oregon: **52.5%** owned by the federal government
Alaska: **60.4%** owned by the federal government
Idaho: **62.5%** owned by the federal government
Utah: **64.5%** owned by the federal government
Nevada: **83.0%** owned by the federal government

Maintenance Backlog & Studies

The Congressional Research Service estimates that the National Park Service's maintenance backlog on lands already owned by the federal government amounts to about **$5 billion**.

The National Park Service testified on June 6, 2002, before Parks Subcommittee of Resources:

"Presently, there are 37 studies pending, of which we hope to transmit at least 7 to Congress by the end of 2002. To meet the President's Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System. Thus, we have concerns about new funding requirements for a new park unit that could be required if the study recommends designation while the Department is trying to eliminate the deferred maintenance backlog. As such, the Department will identify in each study all acquisition, one-time, and operational costs of the proposed site. At this time, these costs are unknown."

Year-to-Date Spending Totals

As of the end of last week, the House has passed legislation this year that if enacted into law would authorize the expenditure of approximately **$472 billion** of taxpayer funds over the next five years.

In addition, the House has approved mandatory spending increases that if enacted would cost taxpayers approximately **$235 billion** over the next five years.

H.R. 4793 — Mosquito Abatement for Safety and Health Act (*John*/Tauzin)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4793 creates a grant program at the Centers for Disease Control (CDC) for "the operation of mosquito control programs to prevent and control mosquito-borne diseases" in states and localities. Preference in awarding grants should be given to areas with higher rates of mosquito-borne diseases or infected mosquitoes.

Grants may only be awarded if the state or local government has conducted an assessment of the immediate needs for a mosquito control program, has developed a plan for carrying out that program, and agrees to submit a report to CDC the year after the grant award describing the program and its effectiveness. Grants may not exceed $100,000. The state or local government must also provide matching funds of no less than one-third of the total program cost.

H.R. 4793 authorizes a grant program to fulfill the assessment requirements of the bill (as described above). The amount of the grants may not exceed $10,000.

The bill also authorizes coordination grants to states for the purpose of coordinating mosquito control programs within the state. Grants may only be awarded if the state develops a plan for coordinating control programs within the state, consults with localities operating controls programs, and agrees to submit a report to CDC the year after the grant award describing the program and its effectiveness. Grants may not exceed $10,000.

For the three grant programs described above, H.R. 4793 authorizes $100 million for fiscal year 2003 and such sums for fiscal years 2004 through 2007.

Finally, the bill adds a section to the Public Health Service Act requiring the Director of the National Institute of Environmental Health Sciences at the National Institutes of Health to conduct or support research "to identify or develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences."

Cost to Taxpayers: The Congressional Budget Office estimates that the grant programs in H.R. 4793 will cost $524 million over the 2003-2007 period. CBO further estimates that NIH would require $157 million over the same time period to support the bill's research activities. Some have disputed the CBO cost estimate arguing that it fails to recognize that under some of the programs a recipient can only receive funds once.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates three new federal grant programs.

Constitutional Authority: The Energy and Commerce Committee, in House Report 107-657, cites Article I, Section 8, Clause 3 (commerce clause).

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 3450 — Health Care Safety Net Improvement Act (Bilirakis)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3450 increases the authorization for community health centers from $802 million in fiscal year 1997 to $1.3 billion for fiscal year 2002 and such sums for fiscal years 2003 through 2006.

The bill changes the required primary health services offered at community health centers in current law from breast and cervical cancer to "appropriate cancer screening" and adds specialty referral when medically indicated and housing services (as part of general case management services). Behavioral health, mental health, and substance abuse services are added to the category of "additional health services."

The bill authorizes grants to health centers to plan and develop management networks to reduce costs, improve access to services, enhance coordination of services, and improve the health status of communities. Grants can be used for such items as equipment and training.

H.R. 3450 also:

- Authorizes $10 million in grants for fiscal year 2002 to improve telemedicine coordination among the states;
- Makes permanent a demonstration program for grants to expand delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities. Authorizes $40 million for the program.
- Establishes the Office for the Advancement of Telehealth at the Health and Resources and Services Administration (HRSA) and establishes telehealth network and telehealth resource centers grant programs. For telehealth network grants, authorizes $40 million for fiscal year 2002 and such sums through 2007. For telehealth resource centers grants, authorizes $20 million for fiscal year 2002 and such sums through 2007.
- Creates a grant program to improve medical services in rural areas through recruitment or training of personnel, equipment purchases, or community education. Authorizes such sums for fiscal years 2002 through 2007.
- Authorizes a grant program for the establishment of demonstration projects that use telehealth to deliver mental health services. Authorizes $20 million for fiscal year 2002 and such sums through 2007.
- Reauthorizes sections of the Public Health Service Act pertaining to the National Health Service Corps through 2006. Entities to which a Corps member is assigned

may not deny services or discriminate in providing services if an individual is unable to pay or would pay through Medicare, Medicaid, or S-CHIP. Increases the authorization for the Scholarship Program and Loan Repayment Program from $63.9 million in FY 1991 (and such sums) to $146.25 million for FY 2002 and such sums for fiscal years 2003-2006.

- Requires a GAO study, completed in 2005, on the designation of health professional shortage areas.
- Authorizes a new Community Access Demonstration Program to improve the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals through activities such as outreach, acquisition of technology, recruitment and training of personnel, and development of provider networks. Authorizes $40 million for FY 2002 and such sums for fiscal years 2003-2006.
- Provides for the designation of "Dental Health Professional Shortage Areas." Creates a grant program to help states develop and implement programs to address the needs of such areas. Authorizes $50 million for fiscal years 2002-2006.

Cost to Taxpayers: A cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill creates several new grant programs, as described above.

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

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Res. 398 — Recognizing the devastating impact of fragile X (Watkins)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 398 resolves that the House of Representatives:

- "recognizes the devastating impact of fragile X on thousands of people in the United States and their families;
- "calls on the National Institutes of Health, the Centers for Disease Control and Prevention, and other sources of Federal and private research funds to enhance and increase their efforts and commitments to fragile X research;
- "calls on medical schools and other health educators, medical societies and associations, and Federal, State, and local health care facilities to promote research that will lead to a treatment and cure for fragile X; and
- "commends the goals and ideals of a National Fragile X Research Day and supports interested groups in conducting appropriate ceremonies, activities, and programs to demonstrate support for such a day."

Additional Background: According to the resolution, fragile X is the most common inherited cause of mental retardation and is carried by 1 in 267 women. The gene causing fragile X has been discovered, is easily identified by testing, and "with concerted research efforts, a cure for fragile X may be developed." October 5 has been designated National Fragile X Research Day.

Cost to Taxpayers: The resolution authorizes no expenditure.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Con.Res. 291 — Expressing the sense of the Congress with respect to the disease endometriosis (McKeon)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 291 resolves that Congress:

- "strongly supports efforts to raise public awareness of endometriosis throughout the medical and lay communities; and
- "recognizes the need for better support of patients with endometriosis, the need for physicians to better understand the disease, the need for more effective treatments, and ultimately, the need for a cure."

Additional Background: According to the resolution, endometriosis is a painful, chronic gynecologic disease that affects an estimated 10 to 20 percent of women of childbearing age. The cause of endometriosis is unknown and there is no definitive cure.

Cost to Taxpayers: The resolution authorizes no expenditure.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4013 — Rare Disease Act of 2002 (Shimkus)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4013 establishes the Office of Rare Diseases at the National Institutes of Health. The duties of the office would be as follows:

- "recommend an agenda for conducting and supporting research on rare diseases through national research institutes and centers;

- "promote coordination and cooperation among the national research institutes and centers;
- "enter into cooperative agreements with and make grants fro regional center of excellence on rare disease;
- "promote sufficient allocation of resources of the National Institutes of Health to conducting and supporting research on rare diseases;
- "biennially prepare a report that describes the research and education activities on rare diseases being conducted or supported through the national research institutes and centers; and
- "prepare the NIH Director's annual report to Congress on rare disease research."

For the Office of Rare Diseases the bill authorizes $4 million each year for fiscal years 2003 through 2006.

H.R. 4013 also establishes Rare Disease Regional Centers of Excellence. Under this program, the Director of the Office of Rare Diseases is authorized to enter into cooperative agreements with and make grants to public or private nonprofits to provide support for regional centers of excellence for research into rare diseases. The bill authorizes $20 million each year for fiscal years 2003 through 2006.

Additional Background: NIH established an Office of Rare Diseases within the Director's office in 1993. According to the committee report (107-543), the establishment in statute of the Office "sends a strong signal of Congress' commitment for both this Office as well as for rare disease research generally."

Rare diseases are defined as diseases that affect less than 200,000 people in the United States.

Cost to Taxpayers: The committee report for H.R. 4013 refers to the Congressional Budget Office cost estimate for H.R. 4984, which states "The bill also would establish an Office of Rare Diseases at the National Institutes of Health, require several studies, and authorize several grant programs. CBO has not completed an estimate of the costs of activities subject to appropriations of the necessary amounts."

Does the Bill Create New Federal Programs or Rules?: The bill creates in statute the existing Office of Rare Disease at NIH and establishes a program for regional centers of excellence.

Constitutional Authority: The Energy and Commerce Committee, in House Report 107-543, cites authority in Article I, Section 8, Clause 3 (commerce clause).

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4014 — Rare Diseases Orphan Product Development Act of 2002 (Foley)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4014 increases the funding authorization for grants and contracts for the development of orphan drugs from $14 million (for fiscal year 1990) to $25 million a year for fiscal years 2003 through 2006.

Additional Background: According to the legislation, for many years the 25 million Americans suffering from the 6,000 rare diseases and disorders "were denied access to effective medicines because prescription drug manufacturers could rarely make a profit from marketing drugs for such small groups of patients."

The Orphan Drug Act was enacted in 1983 to create financial incentives for the research and production of drugs for these patients. Since then, more than 220 new orphan drugs have been approved and marketed in the U.S. and 800 additional drugs are being researched.

Cost to Taxpayers: A cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: No, the bill increases the authorization for a current program.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Res. 399 — Recognizing Cael Sanderson for his perfect collegiate wrestling record (Latham)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 399 resolves that the House:

- "congratulates Cael Sanderson for finishing his career as the first ever undefeated collegiate wrestler;
- "recognizes the contributions of Cael Sanderson's parents, Steven and Debbie Sanderson, his coach, Robert "Bobby" Douglas, the support staff of Iowa University, and Cyclone fans;" and
- directs the Clerk of the House to send an enrolled copy of the resolution to Cael Sanderson, his parents, and his coach.

Additional Background: According to the resolution, Cael Sanderson is a four-time national wrestling champion, who achieved a perfect collegiate wrestling record of 159 wins and no losses at the University of Iowa, the first person to ever finish undefeated in collegiate wrestling.

Cost to Taxpayers: The resolution authorizes no expenditure, other than the minimal cost of sending copies of the resolution to those named in H.Res. 399.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 5091—Canceling Loans to Allow School Systems to Attract Classroom Teachers Act (Graham)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5091 increases, from $5,000 to $17,500, the total amount of Federal Family Education Loan Program (FFELP) and Federal Direct Loan Program loans that may be forgiven for elementary and secondary school teachers. Loans are to be forgiven on a first-come, first-served basis with priority given to special education teachers, math and science teachers, and teachers serving in areas who that are failing to meet the "highly qualified" teacher requirements of the No Child Left Behind Act. The loan program is authorized at such sums for five years.

The bill also establishes a new forgiveness program for relatives of police officers, firefighters, rescue personnel, or members of the armed forces who died or became permanently disabled on September 11, 2001. Under the program, the student loans of a spouse of a victim or a portion of loans owed by a parent incurred on behalf of a victim would be forgiven (current loan forgiveness for death or disability applies only to the victim, not those related to the victim). Funding for the program is mandatory.

Additional Background: Under the current teacher loan forgiveness program being expanded in this bill, teachers must have loans from borrowing after October 7, 1998, teach in a school with more than 30 percent of its students from low-income families, and have taught full-time for five consecutive years.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 5091 would result in $205 million in discretionary spending over five years, subject to appropriations. However, because the program applies only to those teachers who borrowed after October 7, 1998, and teachers must teach for five years, the cost of the program will increase over time as more teachers are eligible (CBO estimates that qualifying teachers will increase from less than 1,000 in 2003 to 15,000 in 2007).

H.R. 5091 will also increase direct spending (for the 9-11 loan forgiveness program) by less than $500,000.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a new student loan forgiveness program for the relatives of 9-11 victims.

Constitutional Authority: The Education and the Workforce Committee, in House Report 107-655, cites Article I, Section 8, Clause 1 (general welfare of the United States).

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Res. 561 — Recognizing the contributions of Hispanic-serving institutions (McKeon)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 561 resolves that the House of Representatives:

- "recognizes the significance of Hispanic-serving institutions;
- "recognizes that Hispanic-serving institutions are indispensable in meeting the education needs of one of the Nations' youngest and fastest-growing populations;
- "commends the Nation's Hispanic-serving institutions for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students;
- "urges the presidents, faculty, and staff of the Nation's Hispanic-serving institutions to continue their efforts to recruit, retain, and graduate students who might otherwise not pursue a postsecondary education;
- "recognizes the importance of title V of the Higher Education Act of 1965, which aids in strengthening the academic quality, institutional management, and financial stability of Hispanic-serving institutions; and
- "requests that the President issue a proclamation calling on the people of the United States in interested groups to demonstrate support for Hispanic-serving institutions in the United States during that month with appropriate ceremonies, activities, and programs."

Additional Background: According to the resolution, there are more than 200 Hispanic-serving institutions in the United States (institutions with more than 25 percent Hispanic student enrollment). September 15 to October 15 is Hispanic Heritage Month.

Cost to Taxpayers: The resolution authorizes no expenditure.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Con.Res. 484 — Expressing the sense of the Congress regarding personal safety for children (Castle)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 484 expresses the sense of the Congress that:

- "Federal, State, and local law enforcement agencies and communities should work together to prevent the victimization of children;
- "communities, schools, and parents should learn more about the steps that may be taken to safeguard children and teach children the skills they need to be safe; and
- "Congress recognizes the booklet, 'Personal Safety for Children,' as one of the tools available to help parents and teachers talk with children about personal safety."

Additional Background: According to the resolution, 840,279 individuals were reported missing in 2001, 85 to 90 percent of which were children. Recently, the Departments of Justice, Health and Human Services, and Education developed a booklet entitled "Personal Safety for Children," which offers easy-to-read tips for parents to discuss safety and protection measures with their children.

Cost to Taxpayers: The resolution authorizes no expenditure.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Con.Res. 451 — Recognizing the importance of teaching United States history in elementary and secondary schools (*Kind*)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 451 resolves that Congress:

- "recognizes the importance of teaching United States history in elementary and secondary schools;
- "expresses concern regarding the lack of basic understanding of United States history among students of all levels in the United States; and
- "strongly supports efforts to promote the value of education in United States history and to ensure that students in the United States graduate from high school with a significant understanding of United States history."

The resolution also includes findings that when students study United States history they better understand the present relationship between the United States and other countries and better understand their roles as citizens of the U.S. and as a part of the "global community."

Additional Background: According to the resolution, the National Assessment of Educational Progress (NAEP) of 2001 found that 6 out of 10 high school seniors lack a basic knowledge of U.S. history. In addition, the U.S. placed 6th in the International Civic Education Study, a study of 27 countries sponsored by the National Center for Education Statistics. This study also found that 12 percent of students reported never or hardly ever studying history in school.

Cost to Taxpayers: The resolution authorizes no expenditure.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Res. 522—Expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964 (Ose)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 522 would resolve that the House:

- "expresses gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; and
- "recognizes the Braceros for their contributions to the war effort and for their hard work, which helped to keep the United States strong and prosperous during this challenging period."

Additional Background: According to the resolution, a labor shortage resulting from the entry of the United States into World War II led the federal government to issue contracts to Mexican, Canadian, Jamaican, and Puerto Rican citizens willing to cross into the United States to accept temporary employment. Hundreds of thousands of these men and women, known as Braceros, labored in the nation's agricultural, transportation, and other industries during the period from 1942 to 1964.

September 29, 2002, is the 60th anniversary of the first arrival of Bracero guest workers in the United States.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 556— Unlawful Internet Gambling Funding Prohibition Act (Leach)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 556 would prohibit gambling businesses from accepting credit cards, checks or other bank instruments from gamblers who illegally bet over the Internet. The bill also would authorize the agencies that regulate insured depository institutions to issue cease-and-desist orders against institutions that knowingly facilitate Internet gambling.

The bill lays out three definitions for the term "bets or wagers" and nine definitions of things that are not considered bets and wagers, including certain types of simulation sports games and "any transaction authorized under State law with a business licensed or authorized by a State." As detailed below, both civil and criminal remedies are included in H.R. 556, as well as circumstances for holding credit institutions liable. The bill also states that in international money laundering, corruption, and crime deliberations, the U.S. should promote cooperative efforts to identify and root out Internet gambling operations. Furthermore, the Secretary of the Treasury is required to submit an annual report to Congress on U.S. international deliberations relating to Internet gambling.

Civil Remedies:
H.R. 556 creates civil remedies in the U.S. district courts (remedies which may be expedited) for the U.S. Attorney General or a state attorney general to seek a preliminary injunction or an injunction against a person to prevent or restrain a violation of this act. If the violation is on Indian Lands, the U.S. A.G. has enforcement authority as well as the enforcement authorities negotiated in the Indian Gaming Regulatory Act.

Before any proceedings may begin dealing with a banking violation or potential violation, federal banking agencies must be notified and allow "reasonable time" to issue an order to the bank in question.

Criminal Penalties:
Violation of this act will result in fines under 18 U.S.C. or imprisonment for not more than five years or both.

Liability:
Financial institutions and credit card companies **may be liable under this act** if such creditor, issuer, institution, operator, business, network, or participant "**has actual knowledge and control of bets and wagers" and if it: 1) operates or overseas and illegal Internet gambling site, or 2) is owned by someone who owns and operates or overseas and illegal Internet gambling site.**

Additional Information: H.R. 556, the Unlawful Internet Gambling Funding Prohibition Act, builds on the recommendations of the National Gambling Impact Study Commission by prohibiting gambling businesses from accepting credit cards or other bank instruments in connection with unlawful Internet gambling

According to the Committee, many legal experts, including officials from the Department of Justice, State attorneys general, and others involved in law enforcement, hold the view that Internet gambling is generally prohibited under various Federal statutes. Among them, the Federal Wire Act (Title18, United States Code, section 1084) criminalizes the knowing use of a wire communication facility by a gambling establishment for the transmission of bets or wagers in interstate or foreign commerce. Conventional forms of gambling activities, such as casino wagering, State lotteries, slot machines, and horseracing, legal in many jurisdictions, are regulated by the individual States. Virtually all States prohibit the operation of gambling businesses not expressly permitted by their respective constitutions or special legislation. **Because Internet gambling is generally held to be illegal under Federal and State law, most of the estimated 1,500 Internet gambling sites today operate from offshore locations in the Caribbean and elsewhere**. As such, they currently operate effectively beyond the reach of U.S. regulators and law enforcement, as well as the statutory anti-money laundering regimes that apply to U.S.-based casinos.

Organizations supporting H.R. 556 include: Focus on the Family, Family Research Council, Concerned Women for America, Christian Coalition, Traditional Values Coalition, Southern Baptist Convention, American Family Association, National Collegiate Athletic Association, National Football League & Major League Baseball, Bank of America, Citigroup Inc., Morgan Stanley - Discover Financial Services, American Express Company, Federal Law Enforcement Officers Association, Fraternal Order of Police, and the United States Telecom Association.

Cost to Taxpayers: CBO estimates that the government would incur no significant costs under H.R. 556. CBO estimates that implementing H.R. 556 would increase Department of Justice administrative costs as well as the operating costs of the FDIC and the Federal Reserve System, but any such costs would be negligible. CBO also estimates that the bill would have a negligible effect on the collection and spending of criminal penalties and would not create a new intergovernmental or private-sector mandate, because under current federal and state law, gambling businesses are generally prohibited from accepting bets or wagers over the Internet.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill creates new enforcement mechanisms, establishes new civil remedies and criminal penalties, and a new annual reporting requirement on issues relating to Internet gambling.

Constitutional Authority: The Judiciary Committee (in Report # 107-339, Part1) finds authority in Article 1, section 8, clause 1 (relating to the general welfare of the United States) and clause 3 (relating to the power to regulate interstate commerce).

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

H.R. 5472— Protection of Family Farmers Act of 2002 (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5472 would renew for six months the family farmer bankruptcy protection, known as Chapter 12 (Public Law 105-277). Chapter 12 allows bankrupt family farmers to restructure their debts without losing their land. The bill would extend Chapter 12 through July 1, 2003, six months later than its current expiration date of December 31, 2002. A permanent Chapter 12 extension is contained in H.R. 333, the bankruptcy reform legislation that is stalled in the House due to extraneous abortion-related riders added by Senator Chuck Schumer (D-NY).

Additional Information: According to *Congressional Quarterly*, more than 12,000 farmers have filed for Chapter 12 protection since the law was enacted, as a then-temporary fix in 1986. Earlier this year as part of the farm bill (H.R. 2646), Congress extended Chapter 12 through December 31, 2002.

Cost to Taxpayers: A CBO cost estimate is unavailable, but the provision is unlikely to affect federal spending or receipts because it is an extension of current law.

Does the Bill Create New Federal Programs or Rules?: The bill temporarily extends through July 1, 2003, a bankruptcy provision currently set to expire on December 31 of this year.

Constitutional Authority: A Judiciary Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.R. 5469— To suspend for a period of 6 months the determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the digital performance of sound recordings and ephemeral recordings (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5469 will postpone for six months the .07-cent fee the Librarian of Congress has ordered Internet broadcasters to pay for each recording played over the Internet. The fee was established by the Librarian in rules published July 8, 2002, and effective September 1, 2002, which will require licensees to make full arrears payments on October 20, 2002. The Internet broadcasting industry has challenged the rule in court, and H.R. 5469 seeks to postpone the fee schedule for a period of time to allow the lawsuit to be heard.

Additional Information: In 1993, Congress created the Copyright Arbitration Royalty Panel (CARP). In 1995, Congress enacted the Digital Performance Right in Sound Recordings Act (Public Law 104-39), and in 1998 passed the Digital Millennium Copyright Act (Public Law 105-304), which allowed the Panel to set "reasonable rates and terms" for complying with digital copyright protections. The CARP began proceedings to set "reasonable rates and terms" in November 1998, but an industry-wide agreement on licensing digital transmissions of sound recordings was not reached. The Recording Industry Association of America, Inc. petitioned the Copyright Office on July 23, 1999, to begin a CARP proceeding to set the rates and terms for these licenses. Following a recent ruling by the U.S. Copyright Office that Internet broadcasters must pay record companies for the rights to broadcast songs, the Copyright Panel recommended the new fees.

The fee proposal and additional information was published in the Federal Register on July 8, 2002: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=02-16730-filed

Cost to Taxpayers: A CBO cost estimate is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill postpones for 6 months enactment of a new regulatory fee.

Constitutional Authority: A Judiciary Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.R. 4125 — Federal Courts Improvement Act of 2002 (Coble)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4125 makes changes to the judicial process including:

- allows bankruptcy administrators in Alabama and North Carolina to appoint trustees, committees of creditors, and equity security holders until certain provisions of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554) become effective;
- alters the composition of divisions in the Eastern District of Texas to reduce the number of divisions from seven to six and designates Plano, Texas, as a place of holding court (the changes would not affect any case pending before the court);
- allows a court to require, as a condition of supervised release, that a defendant remain in the custody of the Bureau of Prisons during nights, weekends, and other times (totaling less than 1 year) during the first year of probation only for a violation of a

condition of supervised release and only when facilities are available (current law allows complete discretion of the court);
- changes the timing of reporting on wiretap orders to the Administrative Office of the U.S. Courts from 30 days after the expiration of the order to January of each year for orders expiring during the previous year;
- removes from district court jurisdiction civil actions (where the matter in controversy exceeds the sum or value of $75,000) between a citizen of a state and a citizen or subject of a foreign state admitted to the U.S. for permanent residence and domiciled in the same state;
- removes the automatic jury exemption for members of the armed forces, members of fire and police departments, and public officials;
- eliminates the requirement that the drawing of names from a jury wheel occur publicly;
- changes the trial length for which petit jurors may receive a supplemental attendance fee from 30 days to 5 days;
- alters the composition of divisions in the Western District of Tennessee (the changes would not affect any case pending before the court); and
- adds locations for holding court in the Southern District of Ohio and the Northern District of New York.

H.R. 4125 also makes changes to judicial personnel administration, benefits, and protections. Specifically the bill:

- allows territorial judges who have served at least five years and retire or are removed due to mental or physical disability to receive an annuity of 40 percent of the salary the judge received upon leaving office or a proportion of the salary if the judge has served ten years or more;
- changes the annuity a retired judge may receive from 95 percent of the salary of a district judge in active service to an annuity that does not "exceed the salary of a judge in regular active service with the court on which the retire judge served before retiring;"
- allows four positions at the Federal Judicial Center to receive compensation at a level not to exceed that for level IV of the Executive Schedule (current law limits compensation to level V);
- applies annual leave limits in current law to judicial branch executives;
- allows the Director of the Administrative Office of the United States Courts to establish a supplemental benefits program for officers and employees of the judicial branch;
- includes judicial branch employees in the organ donor leave program;
- increases the maximum amount of compensation for attorneys appointed to represent defendants from $5,200 to $7,000 in a felony case and from $1,500 to $2,000 in a misdemeanor case;
- increases the maximum amount of compensation for services other than counsel (such as investigative services) from $1,000 to $1,600;
- imposes a fine or imprisonment (for not more than five years) for anyone who files a claim, lien, etc. against a federal judge that is knowingly false or slanderous.

Imprisonment of not more than ten years may be imposed in cases where the defendant had previously been convicted of a similar offense; and

- encourages the Judicial Conference to take steps to safeguard the privacy of employees of the judicial branch with respect to electronic communications.

Additional Background: H.R. 4125 is based on recommendations made by the Judicial Conference of the United States, the policy-making body of the federal judicial system.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 4125 would cost $85 million over the 2003-2007 period. The increases in the salaries and benefits of judges are considered mandatory, but CBO estimates the effects would be negligible. The cost of the intergovernmental mandate and private sector mandate in the bill (removing the automatic jury exemption for members of the armed forces, members of fire and police departments, and public officials) would also be negligible.

Does the Bill Create New Federal Programs or Rules?: The bill makes changes to current judicial process and personnel statutes.

Constitutional Authority: The Judiciary Committee, in House Report 107-700, cites Article III, Section 1 ("The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish").

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.Res. 417—Recognizing and honoring the career and work of Justice C. Clifton Young (Gibbons)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 417 would resolve that the House:

- "honors the dedication and commitment of Justice C. Clifton Young to the people of Nevada and the United States;
- "congratulates Justice Young on his long and successful career; and
- "expresses its best wishes to Justice Young upon his retirement from the Nevada Supreme Court."

Additional Background: Justice C. Clifton Young was elected from Nevada to the House of Representatives in 1952 where he served for two terms. He then served for 14 years in the Nevada State Senate where he focused principally on land-use issues. Since 1984, he has served on the Nevada Supreme Court and is about to retire.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Judiciary Committee, in House Report 107-582, cites constitutional authority in Article I, Section 8, Clause 18 (the congressional power to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States").

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Res. 530— Congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team (Ose)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: The resolution has 11 findings regarding the Oakland A's baseball team, a team that won 20 consecutive games and thus broke an American League record of 55 years, and resolves that House of Representatives

- "congratulates the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team."

Cost to Taxpayers: There is no cost to the resolution.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.Res. 538 — Honoring Johnny Unitas and extending condolences to his family on his passing (Ehrlich)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 538 resolves that the House of Representatives:

- "Celebrates the remarkable life of Johnny Unitas and his indelible impression on the City of Baltimore;

- "Honors him for his leadership, sportsmanship, and outstanding achievements on the football field;
- "Recognizes his remarkable spirit and tireless work to improve the lives of those in need; and
- "Extends its heartfelt condolences to the family of Johnny Unitas on his passing."

Additional Background: According to the resolution, former Baltimore Colts quarterback Johnny Unitas' leadership and passing skills helped "change the game of football." Unitas led the Colts to two NFL championships, including the 1958 championship over the New York Giants in what is called "The Greatest Game Ever Played." He was named Player of the Year in 1959, 1964, and 1967 and played in 10 Pro Bowls. Unitas retired from the NFL in 1974 holding 22 league records and was elected to the Pro Football Hall of Fame in 1979.

Unitas passed away on September 11, 2002, at the age of 69.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4944—Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Act (Wolf)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4944 would authorize "such sums as are necessary" for the designation of the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park in Virginia as a 3000-acre unit of the National Park System. The Secretary of the Interior could acquire land (or interests in land within the boundaries of the Park) from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

The Secretary would also be authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers only to protect the "scenic, natural, and historic resources on adjacent lands and preserving the natural or historic setting of the Park when viewed from within or outside the Park."

The National Park Service could also acquire from willing sellers up to 50 acres of land outside the Park boundary, but in close proximity to the Park, to develop facilities for visitors, administrative functions, museums, curatorial functions, and/or maintenance.

H.R. 4944 would establish the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Advisory Commission to advise the Secretary of the Interior in the preparation

and implementation of a general management plan for the Park and with respect to the identification of sites of significance outside the Park boundary referenced above.

An endowment would be established for receiving and expending funds for the interpretation, preservation, and maintenance of Park resources and public access areas.

Additional Background: According to the legislation, the Battle of Cedar Creek, also known as the battle of Belle Grove, was "a major event of the Civil War and the history of this country." It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the eventual outcome of the war.

2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their "ability to illustrate and interpret important eras and events in the history of the United States."

The Cedar Creek Battlefield Foundation has acquired 308 acres of land within the boundaries of the National Historic Landmark. Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark.

Cost to Taxpayers: A CBO cost estimate is not currently available.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill would add more than 3,000 acres to the National Park System.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article IV, Section 3, Clause 2 grants Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4874—Spirit Lake and Twin Lakes Land Adjustment Act (Otter)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4874 would authorize $400,000 for the Secretary of the Interior to re-survey lands around Spirit Lake and Twin Lakes in Boise, Idaho. Once the surveys have been completed, the Secretary would have to issue a "disclaimer of interest" to some of the surveyed lands that have long been claimed by private landowners based on an erroneous federal survey prepared in 1880. This disclaimer would give these landowners clear title to their lands.

Administration Position: The Bureau of Land Management expressed support for H.R. 4874 before a Parks Subcommittee hearing on July 9, 2002. For more information, please visit this website:
http://resourcescommittee.house.gov/107cong/parks/2002jul09/anderson.htm

Cost to Taxpayers: The legislation would authorize $400,000 for the survey.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Resources Committee's House Report 107-676 was unavailable at press time.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4141—Red Rock Canyon National Conservation Area Protection and Enhancement Act (Gibbons)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4141 would transfer certain high-ground lands in the Red Rock Canyon National Conservation Area (outside Las Vegas, Nevada) to the federal government in exchange for the transfer of other lands of approximately equal value to the Howard Hughes Corporation, which currently owns 1071 acres of these high-ground lands. The federal government would also convey additional lands to Clark County, Nevada, only for preservation of the lands as a public park or as part of a public regional trail system.

The newly acquired federal lands would be administered as part of the Red Rock Canyon National Conservation Area (mining and related activities would be prohibited).

No further value assessments or environmental assessments would be necessary.

Administration Position: The Bureau of Land Management expressed support for the land exchange in a hearing before the Parks Subcommittee on June 6, 2002. The Howard Hughes Corporation also expressed support for the exchange, as it would help the Corporation proceed with its nearby "master-planned community," which will eventually house 160,000 Nevadans.

For more information, please visit these websites:
http://resourcescommittee.house.gov/107cong/parks/2002jun06/finfer.htm
AND
http://resourcescommittee.house.gov/107cong/parks/2002jun06/vanepp.htm

Cost to Taxpayers: Though no CBO cost estimate is available, the legislation provides for an exchange of lands of equal value. Presumably, the federal costs of administering the new Red Rock lands would be insignificant.

Does the Bill Create New Federal Programs or Rules?: The bill would provide for a land exchange.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article IV, Section 3, Clause 2 grants Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4968—Federal-Utah State Trust Lands Consolidation Act (Cannon)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4968 would implement and expedite a land-exchange agreement between the federal government and the State of Utah regarding the San Rafael Swell, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve. Currently, these three sites are owned partially by Utah and partially by the federal government. In most cases, the land ownerships are scattered "in checkerboard fashion," so that consistent management of the lands is difficult. The federal government would convey other lands it owns in Utah and be given all the state land within the Swell, Forest, and Reserve. The lands exchanged would be "approximately equal in value," as previously determined by independent real estate consultants.

Additional Background: According to the legislation:

> The San Rafael Swell in Utah is a 900-square mile, wild and beautiful region west of the Green River. The San Rafael Swell is dominated by the jagged, uplifted San Rafael Reef, which has nearly two dozen major canyons and many side draws and box canyons. The San Rafael Swell towers above the desert like a wilderness castle, ringed by 1,000-foot ramparts of Navajo sandstone. Its highlands have been fractured by uplift and scooped hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams.

The Manti-La Sal National Forest is in Grand and Emery Counties, Utah, and the Red Cliffs Desert Reserve is a conservation reserve established in 1995 by the United States and Washington County, Utah, to implement a multiple-species habitat conservation plan. The Reserve contains the highest density of critical habitat for the Mojave desert tortoise, a threatened species (according to the legislation), in the United States.

Cost to Taxpayers: The bill would authorize "such sums as are necessary to carry out this Act, including such sums as may be desired to reduce the balance of the interest and principal amounts owed by the United States to the Trust Lands Administration" pursuant to the land-exchange agreement. The Utah School and Institutional Trust Lands Administration administers the State of Utah's lands to be exchanged. The federal government and the State of Utah would each bear its own respective costs incurred in the land exchange.

No CBO cost estimate is available.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article IV, Section 3, Clause 2 grants Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4129—Central Utah Project Completion Act Amendments Act (Cannon)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4129 would amend the Central Utah Project Completion Act (106 Stat. 4607) to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project.

Specifically, H.R. 4129 would clarify that the Secretary continues to retain full responsibility for the Central Utah Project (CUP) even after the construction phase is completed (see "Additional Background" section below). The bill would permit the construction of facilities for municipal and industrial water uses within the Bonneville Unit of CUP; authorize the use of unexpended budget authority for reverse osmosis membrane technologies, water recycling and conjunctive use; and provide the opportunity to prepay additional repayment obligations associated with new municipal and industrial features under construction.

H.R. 4129 would not increase the total amount authorized to be expended to complete CUP.

Additional Background: As detailed by the Resources Committee, the Central Utah Project (CUP) was authorized in 1956 as part of the Colorado River Storage Project Act. Construction began by the Bureau of Reclamation in 1964 and continues presently. CUP develops Utah's share of Colorado river water for use in 10 counties in central Utah.

In 1992 the Central Utah Project Completion Act (CUPCA) was enacted to reauthorize appropriations for CUP with over $900 million to complete the project over the next several decades. The 1992 legislation gave the planning and construction responsibilities for the project to the Central Utah Water Conservancy District rather than Reclamation. CUPCA also established a federal commission charged with the responsibility of providing environmental mitigation and enhancement for the project.

Administration Position: The Department of the Interior testified in support of the bill at a Water and Power Subcommittee hearing on April 24, 2002. Though the Department's representative expressed certain concerns, most of those concerns have been met by amendments to the original legislation, as reported by the Resources Committee (and summarized above). For more details, please visit this website: http://resourcescommittee.house.gov/107cong/water/2002apr24/raleyhr4129.htm

Cost to Taxpayers: CBO estimates that H.R. 4129 would yield a loss of offsetting receipts (a credit against direct spending) of nearly $1 million each year beginning in fiscal year 2005. That is, the legislation would be scored as increasing mandatory spending by $1 million a year beginning in FY2005 (for a total of $3 million over the FY2003-2007 period).

Does the Bill Create New Federal Programs or Rules?: The bill would clarify and modify existing law regarding the Central Utah Project.

Constitutional Authority: The Resources Committee, in House Report 107-554, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3802—Education Land Grant Conveyance Review Cost Act (Hayworth)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Background: The Education Land Grant Act authorizes the Secretary of Agriculture, after receiving written applications, to convey National Forest System lands to a public school district for use for public educational purposes.

Summary: H.R. 3802 would amend the Education Land Grant Act (16 U.S.C. 479a) to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances to school districts under that Act. School districts could not pay for the environmental reviews, as they now can under current law.

Administration Position: Before the Forests Subcommittee on June 20, 2002, a Forest Service representative testified that the Service "does not oppose" H.R. 3802. The Service's

main objection to the bill was that it would not allow school districts to pay for the environmental reviews themselves in efforts to expedite the conveyance. For more information, please visit this website:
http://resourcescommittee.house.gov/107cong/forests/2002jun20/thompson.htm

Cost to Taxpayers: CBO estimates that the bill would cost taxpayers about $500,000 in FY2003 and up to $1 million a year afterwards.

Does the Bill Create New Federal Programs or Rules?: The bill would mandate federal expenditures that had previously been local expenditures.

Constitutional Authority: The Resources Committee's House Report 107-698 was unavailable at press time.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 425—Calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund (Cubin)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 425 would resolve that "the Federal budget for fiscal year 2004 should keep faith with the goals of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) by providing to eligible States and Indian tribes their lawful share of the unappropriated balance in the Abandoned Mine Reclamation Fund so that they may further protect and enhance the environments of their States and tribal lands."

Additional Background: According to the resolution, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) created the Abandoned Mine Reclamation Fund (funded by a reclamation fee assessed on every ton of domestic coal production) to restore lands and waters adversely affected by past mining practices. Under the Act, each state and Indian tribe having a federally approved abandoned mine reclamation program is to be allocated 50% of the reclamation fees collected in such state or on such Indian lands, subject to appropriations.

By the end of March 2002, according to the resolution, the state and tribal share of the unappropriated balance in the Abandoned Mine Reclamation Fund was $876 million. The resolution lists how much each state and Indian tribe is owed from the Fund.

Cost to Taxpayers: The resolution itself would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Resources Committee, in House Report 107-556, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3813—Coal Accountability and Retired Employee Act for the 21st Century (*Rahall*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3813 would modify requirements relating to the allocation of interest that accrues to the Abandoned Mine Reclamation Fund. Specifically, ***any*** interest credited to the Fund before September 30, 2004, would be transferred to the United Mine Workers of America Combined Benefit Fund, up to such amount as is estimated by the trustees of the Combined Fund to offset any deficit in net assets in the Combined Fund. Current law allows only up to $70 million in transferred interest. No principal funds could be transferred from the Reclamation Fund to the Combined Fund.

H.R. 3813 would also remove the requirement that such transfers of interest be used to pay the health care benefits of "unassigned beneficiaries" (retirees who have no signatory company to pay their premiums).

Additional Background: The Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.) created the Abandoned Mine Reclamation Fund (funded by a reclamation fee assessed on every ton of domestic coal production) to restore lands and waters adversely affected by past mining practices.

Cost to Taxpayers: CBO estimates that H.R. 3813 would yield a $4 million increase in mandatory spending in FY2004 and a $179 million increase in mandatory spending over the FY2003-2007 period.

Does the Bill Create New Federal Programs or Rules?: The bill would remove the cap on how much interest could be transferred from the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund.

Constitutional Authority: The Resources Committee, in House Report 107-647, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4830—Southern Campaign of the Revolution Heritage Area Study Act (*Spratt*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4830 would direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina. The legislation lists dozens of counties and historical sites in South Carolina that would form the basis of the study. Appropriate areas in North Carolina could be included in the study as well. Within three years of the initial availability of funds for this study, the Secretary of the Interior would have to report its findings and recommendations to Congress.

Additional Background: A National Heritage Area designation sets up a public-private partnership to recognize certain lands and property as treasures of national significance, spotlight the area on national tourist maps, and make technical assistance and resources (temporarily) available through the National Park Service. Ownership, operations, and land-use decisions remain at the local level.

Cost to Taxpayers: Though no cost estimate is available and though the legislation contains no explicit authorization of appropriations, studies like these usually cost no more than $500,000.

Does the Bill Create New Federal Programs or Rules?: The bill would authorize a new study to determine the desirability of establishing a new National Heritage Area.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4692—Andersonville National Historic Site Boundary Adjustment Act (*Bishop*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4692 would authorize the addition of 20 donated acres of land to the Andersonville National Historic Site in Georgia.

Additional Background: The Andersonville National Historic Site serves as a memorial to all American prisoners of war throughout the nation's history, including the 13,000 Union

soldiers who died in the prison in Andersonville during 1864-5. For more information, please visit this website:
http://www.nps.gov/ande/

Cost to Taxpayers: Because the boundary adjustment would incorporate 20 *donated* acres, this legislation would authorize no expenditure, other than the presumably insignificant costs of maintaining the additional 20 acres of the presently 500-acre site.

Does the Bill Create New Federal Programs or Rules?: It would increase by 4% (from donated lands) the size of a national historic site.

Constitutional Authority: Though a committee report citing constitutional authority is unavailable, Article IV, Section 3, Clause 2 grants Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3534—Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act (*Carson*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Background: According to the legislation, there are pending before the United States Court of Federal Claims certain lawsuits against the United States brought by the Cherokee, Choctaw, and Chickasaw Nations seeking monetary damages for the alleged use and mismanagement of tribal resources along the Arkansas River in eastern Oklahoma.

For more than 60 years after Oklahoma statehood, the Bureau of Indian Affairs incorrectly assumed that Oklahoma owned the Arkansas Riverbed from the Arkansas state line to Three Forks, Oklahoma, and therefore took no action to protect the Indian Nations' Riverbed resources such as oil, gas, sand, and gravel and nearly 7,750 acres of Drybed Lands suitable for grazing and agriculture.

In 1966, the three Indian Nations sued the State of Oklahoma to recover their lands. In 1970, the Supreme Court of the United States decided in the case of Choctaw Nation vs. Oklahoma (396 U.S. 620 (1970)), that the Indian Nations retained title to their respective portions of the Riverbed along the navigable reach of the river. In 1989, the Indian Nations filed the lawsuits against the United States in the United States Court of Federal Claims (Case Nos. 218-89L and 630-89L), seeking damages from the United States.

The Councils of the Cherokee, Choctaw, and Chickasaw Nations have each enacted tribal legislation that would, contingent upon the passage of this Act and in exchange for the funds appropriated by this Act:

- settle and forever release their respective claims against the United States asserted by them in United States Court of Federal Claims Case Nos. 218-89L and 630-89L; and
- forever disclaim any and all right, title, and interest in and to the Disclaimed Drybed Lands, as set forth in those enactments of the respective councils of the Indian Nations.

The tribal legislation also expressly reserved all of the three Indian Nations' interest and title to all other Riverbed lands, including minerals, as determined by the Supreme Court in Choctaw Nation v. Oklahoma, 397 U.S. 620 (1970), and further reserved all right, title, or interest that each Nation may have to the water flowing in the Arkansas River and its tributaries.

Summary: H.R. 3534 would approve, ratify, and confirm an agreed-to resolution of claims brought by the Cherokee, Choctaw, and Chickasaw Nations against the United States, and the agreed-to disclaimers of the three Indian Nations to any right, title, or interest in approximately 7,750 acres of Drybed Lands contiguous to the channel of the Arkansas River in certain townships in eastern Oklahoma.

Further, the bill would reserve the three Indian Nations' beneficial interest in the Riverbed except for the Disclaimed Drybed Lands, authorize and direct the Secretary to implement the terms of the settlement, and would authorize the appropriations necessary to implement the provisions of this Act.

Specifically, the Indian Nations would get an aggregate sum of $41.3 million (divided amongst the three Indian Nations, as detailed in the bill, and deposited into three separate funds established for each Nation). Up to 10% of these appropriations could be used to pay attorneys fees for the Indians. Additionally, the bill would authorize $8 million for permanent rental of two hydropower facilities.

No money received by the Indian Nations could be used for any per capita payment.

Administration Position: The Administration is restricted in what it can say about the legislation since the federal court cases are still pending. To read comments by the Indian Affairs representative of the Department of the Interior, please visit this website: http://resourcescommittee.house.gov/107cong/fullcomm/2002apr17/wsmithhr3534.htm

Cost to Taxpayers: CBO confirms that the legislation would authorize appropriations of $49.3 million in FY2003.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Resources Committee, in House Report 107-632, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 5125—Civil War Battlefield Preservation Act (Miller, Gary)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5125 would establish a battlefield acquisition grant program under which the Secretary of the Interior could provide grants to state and local governments to pay not more than half of the cost of acquiring interests in Civil War battlefield sites for the preservation and protection of those sites (that are not already preserved by any government).

The bill would authorize $10 million for each of fiscal years 2004 through 2008 to make the grants and $500,000 for the Secretary of the Interior to update the "Battlefield Report" on Civil War battlefields being preserved.

Cost to Taxpayers: H.R. 5125 would authorize appropriations of $500,000 in FY2003 and a total of $40.5 million over the FY2003-2007 period. An additional $10 million would be authorized for FY2008.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill would create a new federal grant program to states and localities for the preservation of Civil War battlefield sites.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 434—Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act (*Daschle*)

Order of Business: S. 434 passed the Senate on July 24, 2002, by unanimous consent. The bill is now scheduled to be considered on the House floor on Tuesday, October 1st, under a motion to suspend the rules and pass the bill.

Background: The following background was provided by the Senate Indian Affairs Committee in Senate Report 107-214:

Pursuant to the Treaty of April 19, 1858 (11 Stat. 743) a 430,405-acre reservation was established for the Yankton Sioux Indian Tribe along the east bank of the Missouri River in Charles Mix County, South Dakota. Approximately 40,000 acres of the reservation is

currently in tribal or individual Indian trust status. In 1866, President Andrew Johnson signed an Executive Order setting aside four townships in northeastern Nebraska near the mouth of the Niobrara River as a permanent home for remnants of six Santee Sioux bands driven out of Minnesota following the so-called "Sioux Uprising of 1862." Although subsequent Executive Orders adjusted the boundaries and expanded the size of the reservation to 165,195 acres, only about 7,000 acres of that area remain in tribal or individual trust status.

Under the Flood Control Act of 1944 (33 U.S.C. 701 et seq.), the Congress authorized construction of five massive dam projects on the Missouri River as part of the Pick-Sloan program, the primary purpose of which was to provide flood control downstream, as well as improved navigation, hydro-power generation, improved water supplies, and enhanced recreation. The U.S. Army Corps of Engineers, which constructed and operates the dams, estimates that the projects' overall annual contribution to the national economy averages $1.9 billion. However, for the Yankton and Santee Sioux Tribes and other tribes along the Missouri, the human and economic costs of the projects have far outweighed any benefits received, since the lands affected by Pick-Sloan were, by and large, Indian lands, and entire tribal communities and their economies were destroyed.

In 1984, a joint Federal-Tribal study found that the compensation that was provided by the United States to tribes impacted by the Pick-Sloan projects greatly undervalued their losses. To provide more just compensation, in 1992 the Congress enacted legislation that established a trust fund of $149,200,000 for the Three Affiliated Tribes of the Fort Berthold Reservation related to the loss of 176,000 acres to the Garrison Dam project, and a trust fund of $90,600,000 for the Standing Rock Sioux Tribe related to the loss of 56,000 acres to the Oahe Dam project.

Although the Yankton Sioux Tribe and the Santee Sioux Tribes received settlements for the appraised value of their property in condemnation proceedings and an amount for severance damages, neither tribe received any payments for direct property damages nor any funds for rehabilitation, even though a large number of tribal members residing outside the taking area on both tribes' reservations were also impacted by the dam projects.
The Committee recognizes that any attempt to measure the tangible and intangible values associated with the loss of tribal life and tradition along a free flowing river in monetary terms is necessarily subjective. Nevertheless, in view of the losses experienced by the Yankton Sioux Tribe and the Santee Sioux Tribe as a result of Pick-Sloan dams and reservoirs, and the precedents for providing additional compensation for other Missouri River tribes similarly affected, the Committee finds that it is appropriate to provide additional equitable compensation for the Yankton and Santee Sioux Tribes as would be provided by S. 434.

Summary (as amended by the House): S. 434 would establish the Yankton Sioux Tribe Development Trust Fund and the Santee Sioux Tribe Development Trust Fund in the U.S. Treasury. On the first day of the 11th fiscal year after the date of enactment, $23,023,743, together with interest accrued from the date of enactment, would be deposited into the Yankton Sioux Tribe Development Trust Fund, and $4,789,010, together with interest accrued from the date of enactment, would be deposited into the Santee Sioux Tribe Development Trust Fund. The Secretary of the Treasury would be authorized and directed to invest these

funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Once both funds have been capitalized, the Secretary of the Treasury would be authorized to transfer any accrued interest into separate accounts for transfer to the Secretary of the Interior, without fiscal year limitation on the availability of such funds. In turn, the Secretary of the Interior would be authorized to make payments to the Tribes for use in carrying out projects and programs that would implement tribal plans for socio-economic recovery and cultural preservation.

The tribal councils, in consultation with the Secretary of the Interior and the Secretary of Health and Human Services, would have prepare the plans, which would have to set forth a combination of economic development, infrastructure development, educational, health, recreation and social welfare objectives. Each council would have to permit tribal members to review and comment on the initial plan, as well as on any proposed revisions to it. Activities carried out under these plans would be subject to existing requirements of the Office of Management and Budget for annual audits, and audit determinations would be required to be published together with tribal council proceedings. Per capita payments from the Funds would be prohibited.

Payments from the Funds to either Tribe could not be used as a basis for reducing or denying any service or program to which the Tribe or a tribal member is otherwise entitled, for subjecting the Tribe or a tribal member to any Federal or State income tax, or for affecting Pick-Sloan Missouri River power rates. Finally, once the tribal trust funds have been fully capitalized, S. 434 would extinguish all Yankton and Santee Sioux tribal claims against the United States for losses related to the construction of Fort Randall and Gavins Point dams and reservoirs.

The House amendment to S. 434 would attach the text of **H.R. 4103** (Martin's Cove Land Transfer Act), as it passed the House (by voice vote) on June 17, 2002. The provisions of H.R. 4103 would have no net impact on the federal budget.

H.R. 4103 would authorize the Secretary of the Interior to convey to the Corporation of the Presiding Bishop (the Church of Jesus Christ of Latter-Day Saints, also known as the Mormon Church) 940 acres of federal lands located in Natrona County, Wyoming. The corporation would pay the historic fair market value of those lands, and agree that the property will, "in perpetuity," be available for public education and historic preservation and provide the public free access to the property. The U.S. Government would get the right of first refusal to re-acquire the land if the Church of Jesus Christ of Latter-Day Saints ever wanted to sell the land.

Net proceeds from the sale would be used by the National Historic Trails Interpretive Center Foundation, a nonprofit corporation in Casper, Wyoming, to complete construction and maintain the National Historic Trails Center, a center designed to interpret the experience of emigrants who traveled through Wyoming during the nineteenth century on several national historic trails.

To read the RSC Legislative Bulletin for H.R. 4103, please visit this website: http://www.house.gov/burton/RSC/Lb61702.pdf

Cost to Taxpayers: CBO estimates that enacting S. 434 would result in direct spending of $49 million in 2013 but would have no significant impact on the federal budget before then.

Does the Bill Create New Federal Programs or Rules?: The bill would establish two new trust funds.

Constitutional Authority: Senate Report 107-214 does not cite constitutional authority. The House Resources Committee, in House Report 107-689, cites constitutional authority for a companion bill (H.R. 2408) in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Paul Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 2426— Remote Sensing Applications Act of 2001(*Udall, Mark*)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: The bill has 11 findings regarding remote sensing (such as satellites, GPS, etc.) and establishes a new $15 million a year NASA program for competitively awarded pilot projects (for up to three years) to explore integrated use of remote sensing and geospatial information sources for state, local, regional and tribal needs. The findings note that remote-sensing programs initiated for scientific and national security uses can also be of use to local governments and communities in land use planning, natural resource management, and "especially in their efforts to plan for and manage the impacts of growth, development, and **sprawl….**" Under H.R. 2426, NASA will establish a new education outreach program at higher ed institutions to increase awareness of the potential uses of remote sensing and other geospacial information.

Upon completion of the pilot project, grant recipients shall make a report to NASA and host a workshop. NASA will create a new advisory committee to monitor the new grant program. No later than December 2005, NASA shall transmit to Congress an evaluation of the program's effectiveness, conducted by an independent entity, and shall ensure that the results of the project are available electronically on an Internet-accessible database. NASA is also required, within two years, to conduct and submit a study to Congress on the effect the imagery costs have on local and state use.

Cost to Taxpayers: H.R. 2426, as introduced, authorizes $15 million a year for FY02-06 ($75 million total) for NASA to create a new program. Because FY02 is already over, H.R. 2426 could cost $60 million if only authorized through FY06.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill creates a new NASA program, creates new reporting and evaluation requirements, and creates a new NASA study.

Constitutional Authority: A Science Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.R. 5303— Charles "Pete" Conrad Astronomy Awards Act (Rohrabacher)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5303 creates a new Charles 'Pete' Conrad Astronomy Awards Program at the National Aeronautics and Space Administration to award amateur astronomers who make asteroid discoveries and to augment asteroid discovery efforts by the Federal Government. The program will present annual awards to U.S. citizens in three different categories of astronomy. The legislation does not state whether or not the awards are monetary, though according to the Science Committee, the bill sponsor intends for each category of award recipients to get $2,000.

Additional Information: A Captain in U.S. Navy, Charles "Pete" Conrad flew on Gemini 5, Gemini 11, Apollo 12, and Skylab 2, accumulating more than 1,170 hours of space flight. He died from injuries sustained in a motorcycle accident in July 1999.

Cost to Taxpayers: The bill authorizes $10,000 for each of fiscal years 2003 and 2004, subject to appropriations. According to the Committee, the bill sponsor intends for $2,000 to go to each of the three award winners, and the remaining $4,000 to be used for administrative costs.

Does the Bill Create New Federal Programs or Rules?: Yes the bill creates a new awards program run through NASA.

Constitutional Authority: A Science Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.Con.Res. 476— Expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in

assisting family members to overcome the loss of their fallen heroes (Weldon, Curt)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: The resolution has nine findings regarding firefighters, including noting that in 1992 Congress created the National Fallen Firefighters Foundation "to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities" and that this year's memorial service honoring the 449 firefighters who died in the line of duty is October 5 and 6. The resolution resolves that the House (the Senate concurring),

- "supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes."

Cost to Taxpayers: There is no cost to the resolution.

Does the Bill Create New Federal Programs or Rules?: No.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov

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H.R. 2357 — Houses of Worship Political Speech Protection Act (Jones, Walter)

Order of Business: The bill is scheduled to be considered on Tuesday, October 1, 2002, under a motion to suspend the rules and pass the bill.

Summary: The bill amends the 501(c)(3) provision of the IRS code (26 U.S.C. Sec. 501) to permit "churches, their integrated auxiliaries, and conventions or associations of churches" to participate or intervene in a politician's campaign for public office and maintain its tax-exempt status as long as such participation is not a substantial part of its activities. H.R. 2357 applies to expenditures made after the date the bill is signed into law.

Effect of H.R. 2357 on 26 USC Sec. 501 (**changes showed bolded in blue**):

Sec. 501. Exemption from tax on corporations, certain trusts, etc.
(c) List of exempt organizations
…
(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part

of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), ~~**and which does not**~~ **except in the case of an organization described in section 508(c)(1)(A) (relating to churches), which does not** participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office **and, in the case of an organization described in section 508(c)(1)(A), no substantial part of the activities of which is participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.**

[NOTE: Sec. 508(c)(1)(a) = "churches, their integrated auxiliaries, and conventions or associations of churches, or"]

Additional Information: In 1954, then-Senator Lyndon Johnson added a provision to pending tax legislation regarding non-profits and political activity. According to the bill sponsor, Senator Johnson added the provision to prevent two non-profit groups that opposed him in 1948 from speaking out against him in his 1954 re-election.

Cost to Taxpayers: A CBO cost estimate is not available.

Does the Bill Create New Federal Programs or Rules?: The bill exempts "churches, their integrated auxiliaries, and conventions or associations of churches," from IRS codes preventing involvement in political activities, as long as the activities do not equal a "substantial" portion of the entities' activities. Prior to 1954, there was no statutory provision prohibiting 501(c)(3) organizations from engaging in political activities. This bill effectively will return to the pre-1954 status, with the modification that activity must not be substantial.

Constitutional Authority: A Ways and Means Committee report citing constitutional authority is unavailable.

Staff Contact: Sheila Moloney; 202-226-9719; Sheila.Moloney@mail.house.gov