



Legislative Bulletin.....October 29, 2003

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**Possible Democrat Motion to Instruct Conferees on H.R. 2989 -
Transportation, Treasury, and Independent Agencies Appropriations Act
for Fiscal Year 2004**

Order of Business: On Wednesday, October 29th, 2003, the House will go to conference on H.R. 2989, the Transportation, Treasury, and Independent Agencies Appropriations Act for Fiscal Year 2004. The Democrats may offer a motion to instruct the conferees.

Summary of Motion: The Transportation and Infrastructure Committee reports that the motion is likely to direct the managers on the part of the House at the conference to insist on the Senate level on New Starts and Job Access and Reverse Commute and the House level for Electronic Records and Archives.

Cost to Taxpayers: Any motion to instruct conferees is non-binding and thus would have no effect on the cost of the underlying legislation.

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H.J.Res. 75—Making further continuing appropriations for the fiscal year 2004 (Young of Florida)

Order of Business: The joint resolution is scheduled to be considered on Wednesday, October 29th, subject to a closed rule (H.Res. 417).

Summary:

- Extends the existing Continuing Resolution (Public Law 108-84) through November 7, 2003.
- Clarifies the definition of “rate for operations not exceeding the current rate” in regards to continuing loans and loan guarantees that were conducted in fiscal year 2003.
- Clarifies that the administrative expenses of the Grants-in-Aid for Airports Program would be available to the Secretary of Transportation out of the Airport and Airway Trust Fund at a rate for operations not exceeding the current rate for fiscal year 2003.
- Strikes five sections of the existing CR regarding:
 1. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Highway Administration
 2. The transferring to the Highway Trust Fund of the administrative expenses of the Bureau of Transportation Statistics
 3. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Transit Administration
 4. The transferring to the Highway Trust Fund of the administrative expenses of the National Highway Traffic Safety Administration
 5. The transferring to the Highway Trust Fund of the administrative expenses of the Federal Motor Carrier Safety Administration

NOTE: Unlike the last CR passed by the House (H.J.Res. 73), this CR does NOT contain enacting references to any appropriations bills.

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H.Con.Res. 291—Expressing deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993 (Hayes) *(Rolled Vote from October 28)*

Order of Business: The resolution is scheduled for consideration on Tuesday, October 28th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 291 has 7 findings regarding the 1993 U.S. Somalia operation, and resolves:

“That the Congress--

- “expresses deep gratitude for the valor and commitment of the members of the United States Armed Forces who were deployed in Operation Restore Hope to provide humanitarian assistance to the people of Somalia in 1993;
- “recognizes those members, many of whom were killed or severely wounded in direct combat, who acquitted themselves with honor and courage in battle to restore freedom to an oppressed nation;
- “honors the heroic service of the special operations forces assigned to Task Force Ranger and the soldiers of the 10th Mountain Division who supported them;
- “extends condolences to the families and friends of those killed and wounded in Operation Restore Hope; and
- “encourages the American people to remember the sacrifices of those who served.

Additional Background: According to the resolution’s findings, October 3, 2003, marked the 10th anniversary of the major battle in the United States operation to capture key members of the Somali National Alliance led by the terrorist warlord, Mohammed Farah Aidid, in Mogadishu, Somalia. Sixteen special operations personnel assigned to Task Force Ranger were killed (2 of whom, Master Sergeant Gary I. Gordon and Sergeant First Class Randall D. Shughart, were posthumously awarded the Medal of Honor for actions above and beyond the call of duty), and another 83 wounded during this firefight. In addition, two soldiers of the 10th Mountain Division were killed, and another 28 wounded, while supporting the special operations forces of Task Force Ranger. The findings note that “the valiant efforts of the soldiers, sailors, airmen, and Marines who were deployed in Operation Restore Hope significantly contributed to the war against terrorism and oppression.”

Committee Action: H.Con.Res. 291 was introduced on October 2, 2003 and referred to the House Committee on Armed Services. The Committee did not consider the resolution.

Cost to Taxpayers: None.

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

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H.Res. 409—Repudiating the recent anti-Semitic sentiments expressed by Dr. Mahathir Mohamad, the outgoing prime minister of Malaysia, which makes peace in the Middle East and around the world more elusive (Blunt)
(Rolled Vote from October 28)

Order of Business: The resolution is scheduled to be considered on Tuesday, October 28th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 409 would resolve that the House:

- “thoroughly repudiates the damaging rhetoric of the outgoing prime minister of Malaysia, Dr. Mahathir Mohamad, which embodies age-old stereotypes of Jewish global domination and grotesque anti-Semitism on an international scale;
- “reaffirms the rebuke made by President George W. Bush of Dr. Mahathir and his injurious sentiments on October 20, 2003, stating that the remarks ‘stand squarely against what I believe;’
- “calls upon other governments and international bodies, notably the European Union, to condemn these remarks as dangerous incitement; and
- “deplores the tacit acquiescence of those national representatives in attendance at the October 2003 Organization of the Islamic Conference as willing complicity in spreading a message of hate and incitement against Jews.”

Additional Background: The outgoing Prime Minister of Malaysia, Dr. Mahathir Mohamad, long known for his anti-Semitism, opened the 57-nation, October 2003 summit of the Organization of the Islamic Conference in Malaysia by characterizing Israel and Jews around the world as “the enemy” who “rule the world by proxy.” The resolution notes that among the 57 national representatives in attendance, none raised their voice in protest at the time and many applauded Dr. Mahathir's statements. Some foreign leaders, such as the Egyptian Foreign Minister, have explicitly supported the statements after the Conference ended.

To read Dr. Mahathir’s speech in its entirety, visit this webpage:

http://www.adl.org/Anti_semitism/malaysian.asp

Note: At least 40 RSC Members are co-sponsors of this resolution.

Committee Action: On October 21, 2003, the resolution was referred to the Committee on International Relations but was not considered.

Administration Position: President Bush condemned the remarks of the Malaysian Prime Minister: <http://www.washtimes.com/national/20031020-103009-9615r.htm>

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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H.R. 1720—Veterans Health Care Facilities Capital Improvement Act (Simmons)

Order of Business: The bill is scheduled for consideration on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1720 authorizes a variety of construction projects at Veterans Affairs (VA) health care facilities. Specifically, the bill:

- Authorizes \$500 million in fiscal year 2004 and \$600 million in fiscal year 2005 for the Secretary of Veterans Affairs to carry out projects improving, replacing, renovating or updating an existing patient care facility or to establish a facility in an area where none currently exists. Limits the cost of individual projects to \$100 million in fiscal year 2004 and \$125 million in fiscal year 2005.
- Requires the Secretary to select projects for funding that achieve certain purposes, such as seismic protection improvements, fire safety improvements, improvements to utility systems, or improvements to specialty programs.
- Requires projects to undergo review by an independent board established by the Secretary to evaluate capital investment projects. The Secretary is required to consider the recommendations of the board, but is not required to follow them. In instances where the Secretary approves a project not recommended by the board, the Secretary must provide reasons for not following the board's recommendations.
- Requires the General Accounting Office to issue a report, no later than April 1, 2005, evaluating the effectiveness of the general authorization of projects under H.R. 1720 versus specific authorization of projects and describing the actions of the Secretary in fiscal year 2004 to select and carry out projects.
- Requires the Secretary to report annually on projects authorized, their purpose and cost, the usefulness of the authorization process, and recommendations on future medical facility construction policy.
- Requires the Secretary to develop plans to meet the hospital needs of veterans in southern New Jersey and south Texas.
- Increases the cost threshold for major construction projects from \$4 million to \$6 million.
- Names the VA Medical Center (West Side Division) in Chicago, IL, the Jesse Brown Department of Veterans Affairs Medical Center. Jesse Brown served as Secretary of Veterans Affairs from 1993 to 1998 and passed away in 2002.
- Requires the Secretary to conduct a study of the feasibility of establishing a joint health care program with the Medical University of South Carolina to provide inpatient, outpatient, and/or long-term care to veterans and issue a report to Congress by March 31, 2004.

The specific projects authorized (which the Secretary must fund before any other projects) are as follows:

- \$98.5 million to consolidate two inpatient sites in Chicago into a new bed tower (the Secretary is further prohibited from disposing of the Lakeside Division facility in Chicago until a contract is entered into for this project)
- \$48.6 million for seismic corrections to a building at the San Diego, CA, VA Medical Center
- \$50 million to renovate inpatient care wards at the West Haven, CT, VA Medical Center
- \$90 million for a new VA Medical Center in Columbus, Ohio
- \$45 million for a joint VA-DoD project to construct an outpatient medical care facility on the grounds of the Pensacola Naval Air Station
- \$3 million to lease an outpatient clinic in Charlotte, NC, paid from the medical care account

- \$6.5 million to lease a multi-specialty outpatient clinic for the Veterans Health Administration and a satellite office for the Veterans Benefits Administration in Clark County, Nevada

Additional Background: Typically, Congress has authorized specific veterans health care facility projects. For example, in 2002, the House passed legislation authorizing ten specific projects at a cost in fiscal year 2003 of \$285 million (H.R. 4514). H.R. 1720 would, for the first time, give the Secretary of Veterans Affairs authority in selecting projects to receive improvement and construction funds (although some specific projects are given priority).

Committee Action: The Committee on Veterans' Affairs Subcommittee on Health approved H.R. 1720 on June 24 by voice vote. The full committee approved the bill on June 26 by voice vote.

Administration Position: The Administration supports H.R. 1720.

Cost to Taxpayers: The Congressional Budget Office (CBO) estimates that H.R. 1720 would cost \$46 million in 2004 and almost \$1.4 billion over the 2004-2008 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill authorizes new VA health care facility construction and improvement projects.

Constitutional Authority: The Committee on Veterans Affairs, in House Report 108-210, cites Article I, Section 8, but does not cite a specific clause.

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H.R. 1516—National Cemetery Expansion Act of 2003 (Gerlach)

Order of Business: The bill is scheduled for consideration on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

The House passed H.R. 1516 on July 21 by a vote of 408-0. The Senate considered the bill on October 17 and passed the bill, with amendment, by unanimous consent. Today's bill reflects the changes made during Senate consideration.

Summary: H.R. 1516 requires the Secretary of Veterans Affairs to establish six new national cemeteries within four years of the date of the bill's enactment. The cemeteries are to be located in the following areas: southeastern Pennsylvania; Birmingham, Alabama; Jacksonville, Florida; Bakersfield, California; Greenville/Columbia, South Carolina, and Sarasota County, Florida. The House-passed bill required the establishment of five cemeteries (Sarasota County was added by the Senate).

The Secretary is directed to use Advanced Planning Funds to establish the new cemeteries. The Secretary must also submit an annual report to Congress on progress until the new cemeteries are completed and opened.

Committee Action: H.R. 1516, requiring the establishment of a national cemetery in southeastern Pennsylvania, was introduced on March 31 and referred to the Committee on Veteran's Affairs. The Committee considered the bill on June 26 and amended it to include the establishment of four additional national cemeteries. The Committee approved the bill, as amended, by voice vote. The House passed H.R. 1516 on July 21st by a vote of 408-0.

Administration Position: Testimony before the House Committee on Veterans' Affairs by a representative of the VA stated that the VA "supports the concept of H.R. 1516." However, this testimony was given when the bill was limited only to the establishment of a national cemetery in southeastern Pennsylvania.

Cost to Taxpayers: CBO estimates that the bill (as amended by the Senate) will cost \$11 million in 2004 and \$93 million over the 2004-2008 period. CBO estimated that the House-passed version of H.R. 1516 would cost \$9 million in 2004 and \$78 million over the 2004-2008 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill requires the establishment of six new national cemeteries.

Constitutional Authority: The Veteran's Affairs Committee, in House Report 108-199, cites the "common Defense and general Welfare" clause of Article I, Section 8.

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H.R. 3365 — Fallen Patriots Tax Relief Act (Renzi)

Order of Business: The bill is scheduled for consideration on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

Summary: H.R.3365, increases the death gratuity to the survivors of deceased members of the armed forces from the current \$6,000 per year to \$12,000. The increase is retroactive to September 11, 2001. The bill also excludes this payment from gross income for IRS tax purposes (26 U.S.C.134), retroactive to deaths after September 10, 2001.

Additional Information: Under current law (26 U.S.C.134),, a death gratuity shall be paid to or for the living survivor highest on the following list:

- His surviving spouse
- His children in equal shares;
- If designated by him, any one or more of the following persons: His parents or persons in loco parentis, His brothers, His sisters;
- His parents or persons in loco parentis, in equal shares; and
- His brothers and sisters in equal shares.

Committee Action: H.R. 3365 was introduced on October 21, 2003 and referred to the House Committees on Ways and Means and Armed Services. Neither committee considered the resolution.

Cost to Taxpayers: A CBO cost estimate is unavailable. According to the sponsor's office, there are an estimated 1,000 military deaths per year, for which the addition \$6,000 would be paid out (a cost of \$6 million per year or \$60 million over 10 years). The Joint Committee on Taxation estimates a \$10 million loss in federal revenue due to the IRS tax exclusion.

Does the Bill Create New Federal Programs or Rules?: The bill increases the current death gratuity and ensures that the full amount is not taxable.

Constitutional Authority: A committee report citing constitutional authority is unavailable

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H.Res. 414—To encourage the People's Republic of China to fulfill its commitments under international trade agreements, support the United States manufacturing sector, and establish monetary and financial market reforms (English)

Order of Business: The resolution is scheduled for consideration on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 414 resolves that:

- (1) the House of Representatives commends the President and his Administration for continued efforts to engage the Government of the People's Republic of China directly and to encourage China to fulfill its commitments as a member of the World Trade Organization;
- (2) the House of Representatives encourages the People's Republic of China to meet its commitments to the trade rules and principles of the international community of which it is now a member;
- (3) the Chinese economy would benefit from an exchange rate determined by the market in order to avoid artificial rates that can lead to market and trade distortions;
- (4) the House of Representatives will continue to monitor closely and work with the Administration to encourage China's efforts to modernize its financial system, establish a more flexible exchange rate, and comply with its trade agreement obligations;
- (5) the House of Representatives urges the Administration to continue its intensive discussions with officials from the Government of the People's Republic of China to facilitate moves towards a market-based valuation of the renminbi, relaxation of capital controls, and reform of its banking sector; and
- (6) manufacturing is an important sector to the United States economy and, therefore, the United States Government should intensify efforts to promote innovation, reduce costs, and level the international playing field for this sector.

Committee Action: The resolution was introduced on October 28, 2003, and referred to the Committee on Ways and Means. The committee did not consider the resolution.

Cost to Taxpayers: The resolution authorizes no expenditure.

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

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H.Res. 415—Congratulating the Florida Marlins for winning the 2003 World Series (*Meek*)

Order of Business: The resolution is scheduled for consideration on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 291 has 17 findings regarding the Marlins, and resolves:

“That the House of Representatives —

“(1) congratulates--

“(A) the Florida Marlins for winning the 2003 Major League Baseball World Series championship and for their outstanding performance during the 2003 Major League Baseball season; and

“(B) Florida Marlins pitcher Josh Beckett for winning the 2003 World Series Most Valuable Player Award;

“(2) recognizes and praises the achievements of the Marlins players, coaches, management, and support staff whose hard work, dedication, and resiliency proved instrumental throughout their World Series Championship Season;

“(3) commends the Florida community and the Marlins fans for their dedication; and”

directs the House clerk to send enrolled copies of this resolution to various people.

Additional Background: On October 25, 2003, the Florida Marlins won the 2003 World Series in a six game series defeating the New York Yankees. During the World Series, Marlins pitcher Josh Beckett struck out 19 Yankee batters in two games, maintained a 1.10 earned run average, including a 2-0 shutout during the crucial 6th game, and was named the 2003 World Series Most Valuable Player.

Committee Action: H.Con. Res. 415 was introduced on October 2, 8 2003 and referred to the House Committee on Government Reform. The Committee did not consider the resolution.

Cost to Taxpayers: The resolution requires the House clerk to send copies of the resolution to a couple dozen people, which will incur a small cost.

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

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H.Con.Res. 302—Welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003 (*Wexler*)

Order of Business: The resolution is scheduled to be considered on Wednesday, October 29th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 302 would resolve that Congress:

- “offers its warmest welcome to President Chen Shui-bian of Taiwan upon his visit to the United States on October 31, 2003;
- “asks President Chen Shui-bian to communicate to the people of Taiwan the support of Congress and of the American people;
- “recognizes that the visit of President Chen Shui-bian of Taiwan to the United States is a significant step toward broadening and deepening the friendship and cooperation between the United States and Taiwan;
- “congratulates President Chen Shui-bian on his receiving the Human Rights Award from the International League for Human Rights; and
- “thanks President Chen Shui-bian and the government and people of Taiwan for their humanitarian and medical assistance in Afghanistan and post-war Iraq as well as for their willingness to contribute to the peace, stability, and prosperity of the Middle East.”

The resolution also states that “for more than 50 years an iron-clad relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic benefit to both nations.”

Additional Background: For a detailed biography of President Chen Shui-bian, visit this webpage: <http://www.gio.gov.tw/taiwan-website/5-gp/president.htm>

The Bush Administration recently reiterated its “one China” policy and its opposition to Taiwan’s independence:

<http://www.whitehouse.gov/news/releases/2003/10/20031019-8.html>

Committee Action: On October 15, 2003, the resolution was referred to the Committee on International Relations but was not considered.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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