



Legislative Bulletin.....November 19, 2003

Contents:

- H.Con.Res. 288** - Honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict
- H.Res. 423**—Recognizing the 5th anniversary of the signing of the International Religious Freedom Act of 1998 and urging a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights
- H.Res. 393**—Commending Afghan women for their participation in Afghan government and civil society, encouraging the inclusion of Afghan women in the political and economic life of Afghanistan, and advocating the protection of Afghan women’s rights in the Afghanistan Constitution
- H.Con.Res. 83**—Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979
- H.R. 1813**—Torture Victims Relief Reauthorization Act of 2003
- S. 1824**—Overseas Private Investment Corporation Amendment Act of 2003
- H.R. 3140**—Fairness to Contact Lens Consumers Act
- H.R. 2218**—To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices
- S. 286**—Birth Defects and Developmental Disabilities Preventions Act of 2003
- S.Con.Res. 48** —A concurrent resolution supporting the goals and ideals of “National Epilepsy Awareness Month” and urging funding for epilepsy research and service programs
- S. 650**—Pediatric Research Equity Act of 2003
- S. 1685**—Basic Pilot Extension Act of 2003
- S. 1720**—To provide for Federal court proceedings in Plano, Texas
- H.R. 482**—Florida National Forest Land Management Act of 2003
- H.R. 253**—Two Floods and You Are Out of the Taxpayers' Pocket Act

Summary of the Bills Under Consideration Today

Total Number of New Government Programs: 4

Total Number of New Federal Regulations: 1

Total Cost of Discretionary Authorizations: In excess of \$944 million over 5 years

Total Amount of Revenue Reductions: None

Total Increase in Mandatory Spending: None

Total New State & Local Government Mandates: 2

H.Con.Res. 288 - Honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict (*Allen*)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 288 has 10 findings regarding Seeds of Peace, and resolves that Congress:

“honors the accomplishments of Seeds of Peace for promoting understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict around the world; and

“offers Seeds of Peace as a model of hope that living together in peace and security is possible.”

Additional Information: According to its website, “Seeds of Peace is funded by individuals, foundations and corporations. **Earmarked funds from the United States government and private sources also help support several Seeds of Peace programs.**” The findings state, “Whereas previous Federal funding for Seeds of Peace demonstrates its recognized importance in promoting United States foreign policy goals.” According to www.guidestar.org, in FY01 Seeds of Peace received government funds totaling \$505,083. Congress earmarked “up to \$1 million” in FY02 foreign operations funds (H.R. 2506), and in the FY03 omnibus the report language stated: “the managers reiterate strong support for important conflict resolution programs in the Middle East as described in the House report and the Senate bill and report, including **Seeds of Peace**, the Arava Institute, Jerusalem International YMCA, Interns for Peace, and the CONTACT program, and expect the allocation of up to **\$5,000,000** for these and similar programs.”

Seeds of Peace is a program that brings together—primarily at a camp in Maine— young people from regions of conflict to study and learn about coexistence and conflict resolution. Each year more than 300 Egyptian, Israeli, Jordanian, Palestinian, Moroccan, Tunisian, Qatari, Yemeni and other Middle Eastern teenagers are chosen from more than 2,000 applicants to participate in the program. These applicants are selected by their respective governments without regard to economic or social background, and based solely on academic performance and leadership ability.

Committee Action: H.Con.Res. 288 was introduced on September 24, 2003, and was referred to the House International Relations Committee. The Committee did not consider the resolution.

Cost to Taxpayers: None.

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

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

H.Res. 423—Recognizing the 5th anniversary of the signing of the International Religious Freedom Act of 1998 and urging a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights (Wolf)

Order of Business: The resolution is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 423 resolves that the House:

“(1) recognizes the 5th anniversary of the signing of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.); and

“(2) urges a renewed commitment to eliminating violations of the internationally recognized right to freedom of religion and protecting fundamental human rights.”

The resolution also finds that “the United States recognizes the need for additional domestic and international attention and action to promote religious liberty” and “nearly half of the people in the world are continually denied or restricted in the right to believe or practice their faith.”

Additional Background: The International Religious Freedom Act of 1998 (P.L. 105-292) passed the House on May 14, 1998 by a vote of 375-41-1 (<http://clerk.house.gov/cgi-bin/vote.exe?year=1998&rollnumber=155>). The House agreed to Senate amendments to the bill by voice vote on October 10, 1998.

Committee Action: The resolution was referred to the Committees on International Relations, Judiciary, and Financial Services on October 29. No committee considered the bill.

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.Res. 393—Commending Afghan women for their participation in Afghan government and civil society, encouraging the inclusion of Afghan women in the political and economic life of Afghanistan, and advocating the protection of Afghan women’s rights in the Afghanistan Constitution (Biggert)

Order of Business: The resolution is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 393 resolves that the House:

“(1) commends the participation of Afghan women in Afghanistan's government and civil society;
“(2) proclaims its ongoing commitment to encouraging the full inclusion of women, and indeed all members of Afghan society, in the political and economic life of their country; and
“(3) advocates the protection of women's human rights in the Afghanistan Constitution.”

Additional Background: According to the resolution, “women in Afghanistan now are able to work outside the home and hold positions in all levels of government and in private sector organizations, as they did before the Taliban regime” and “the reconstruction of Afghanistan and the writing of the Afghanistan Constitution provide a unique opportunity to continue this success and to affirm women's human rights under the law.”

Committee Action: The resolution was referred to the Committee on International Relations on October 8. The committee did not consider the bill.

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.Con.Res. 83—Honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979 (*Millender-McDonald*)

Order of Business: The resolution is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 83 resolves that Congress:

“(1) honors the victims of the genocide in Cambodia that took place beginning in April 1975 and ending in January 1979; and
“(2) is committed to pursue justice for the victims of the Cambodian genocide.”

Additional Background: According to the resolution, between April 1975 and January 1979 “at least 1,700,000 to 3,000,000 people were deliberately and systematically killed in Cambodia in one of the worst human tragedies of the modern era.”

Committee Action: The resolution was referred to the Committee on International Relations on March 6 but was not considered.

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. 1813—Torture Victims Relief Reauthorization Act of 2003 (Smith of New Jersey)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 1813 reauthorizes the Torture Victims Relief Act of 1998 (TVRA).

Foreign Treatment Centers: Centers run through the United States Agency for International Development (USAID) to treat victims of torture overseas. Authorizes \$11 million for fiscal year 2004, \$12 million for fiscal year 2005, and \$13 million for fiscal year 2006 (funding was \$10 million in the House-passed Foreign Operations appropriations bill).

Domestic Treatment Centers: Centers run by the Department of Health and Human Services (HHS) to treat victims of torture. Authorizes \$20 million for fiscal year 2004, \$25 million for fiscal year 2005, and \$30 million for fiscal year 2006 (funding was \$10 million in the House-passed Labor-HHS-Education appropriations bill).

U.S. contribution to the United Nations Voluntary Fund for Victims of Torture: Authorizes \$6 million for fiscal year 2004, \$7 million for fiscal year 2005, and \$8 million for fiscal year 2006 (funding is currently \$5 million).

Committee Action: H.R. 1813 was referred to the Committees on International Relations and Energy and Commerce. The Committee on International Relations favorably reported the bill by voice vote on July 23. The Committee and Energy and Commerce favorably reported the bill by voice vote on September 10.

Cost to Taxpayers: CBO estimates that H.R. 1813 would cost \$117 million over the 2004-2008 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: No, the bill reauthorizes current programs.

Constitutional Authority: The Committee on International Relations, in House Report 108-261, cites Article I, Section 8, but does not cite a specific clause.

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

S. 1824—Overseas Private Investment Corporation Amendment Act of 2003 (Sen. Lugar)

Order of Business: The bill is scheduled to be considered on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: S. 1824 would reauthorize the Overseas Private Investment Corporation (OPIC) through September 30, 2007. OPIC's extended authorization will expire this Friday. The bill would also:

- direct OPIC to collect (and report to Congress) data on the amount of insurance and financing provided to minority- and women-owned businesses;
- allow OPIC to insure business losses by confiscation or expropriation from *a political subdivision* of a foreign government (not just the central authority of a foreign government);
- allow OPIC to make local currency guarantees to eligible investors or local financial institutions (as defined in the bill); and
- make several technical amendments to OPIC's underlying statute (22 U.S.C. 2193 and 2195).

Additional Background: OPIC is a government-created corporation that provides political risk insurance and project financing to U.S. businesses in over 150 emerging markets and developing countries. According to the Senate Foreign Relations, OPIC has supported \$145 billion of investments overseas in the last 32 years.

Congress established OPIC in 1971 as a corporation to help American businesses compete overseas and to promote economic development in host countries.

Committee Action: The Senate-passed bill is being held at the desk on the House floor and has thus not been referred to any committee.

Cost to Taxpayers: CBO estimates that S. 1824 would authorize appropriations of \$27 million in FY2004 and \$203 million over the FY2004-FY2008 period (for administrative expenses and the cost of credit).

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

Constitutional Authority: Committee reports from the Senate are not required to contain constitutional authority statements.

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

H.R. 3140—Fairness to Contact Lens Consumers Act (Burr)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3140 requires prescribers of contact lenses to provide patients with a copy of their contact lens prescription, whether or not the patient requests it, and to verify prescriptions with third parties acting on behalf of the patient. Prescriptions could be verified by facsimile or direct communication (e-mail or phone). Verification would also occur if the prescriber fails to communicate with the seller within 8 business hours or a similar time as determined by the Federal Trade Commission (FTC). This verification system would preempt

any conflicting state law (the Congressional Budget Office estimates that five states with stronger verification requirements would have their laws preempted).

Other significant provisions of H.R. 3140 are as follows:

- Sets parameters for the expiration of contact lens prescriptions, requiring prescriptions to be valid for at least one year except in limited circumstances.
- Prohibits any claim in advertisements or other sales presentations that contact lenses may be obtained without prescription.
- Prohibits a prescriber from requiring a patient to sign a waiver disclaiming the liability of the prescriber for the accuracy of an eye exam.
- Requires the FTC to initiate rulemaking to carry out the bill.
- Requires the FTC to study the strength of competition in the sale of prescription contact lenses.

Additional Background: In 1978, a FTC regulation gave consumers the right to their eyeglass prescription. Contact lenses were an emerging technology at the time and were not included. In both 1989 and 1995 the FTC declined to extend the regulation to contact lenses.

Committee Action: The Subcommittee on Commerce, Trade, and Consumer Protection favorably reported H.R. 3140 to the full Energy and Commerce Committee on September 24. The Committee favorably reported the bill to the full House on October 1 by voice vote.

Administration Position: The FTC testified on September 9 that it “supports the proposed legislation’s goal of promoting greater competition among contact lens sellers and thereby enhancing consumer choice.” The FTC did express opposition to the required competition study.

Cost to Taxpayers: CBO estimates that H.R. 3140 would have an insignificant effect on federal spending. The bill would not affect direct spending or revenues.

Additionally, CBO states that H.R. 3140 contains intergovernmental and private sector mandates – preemption of state law on prescription verification and required provision of prescriptions to patients and third parties – but estimates that their costs would be below the annual thresholds.

Does the Bill Create New Federal Programs or Rules?: Yes.

Constitutional Authority: The Energy and Commerce Committee, in House Report 108-318, cites Article I, Section 8, Clause 3 (commerce clause).

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

**H.R. 2218—To amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of noncorrective contact lens as medical devices
(Boozman)**

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2218 requires the Food and Drug Administration (FDA) to regulate noncorrective contact lenses as medical devices under the Federal Food, Drug, and Cosmetic Act.

The bill notes, “Noncorrective lenses sold outside the protections of medical device regulation have caused eye injuries in children” and the “FDA has until recently publicly claimed jurisdiction over both corrective and noncorrective contact lenses as medical devices.”

Committee Action: The bill was referred to the Committee on Energy and Commerce on May 22 but was not considered.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Create New Federal Programs or Rules?: The bill requires the FDA to regulate noncorrective contact lenses.

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

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

S. 286—Birth Defects and Developmental Disabilities Prevention Act of 2003 (Sen. Bond)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

S. 286 passed the Senate, with amendment, on November 11 by unanimous consent.

Summary: S. 286 reauthorizes the National Center of Birth Defects and Developmental Disabilities (NCBDDD) at the Centers for Disease Control and Prevention (CDC). The NCBDDD primary collects data and provides information on birth defects and developmental disabilities.

Specifically, the bill:

- Requires NCBDDD to collect, analyze, and make available data on disabilities and health.
- Requires NCBDDD to conduct research on birth defects and developmental disabilities.
- Requires NCBDDD to support a National Spina Bifida Program.
- Requires additional information in the NCBDDD biennial report regarding developmental disabilities, quality of life, health status of individuals with disabilities, and a summary of recommendations from all birth defects research conferences sponsored by CDC.

- Authorizes “such sums” for each of fiscal years 2003-2007 (current authorization level is \$30 million, House-passed FY 2004 appropriation was \$106).
- Sets minimum allotment amounts for state councils on developmental disabilities.
- Requires the Secretary of Health and Human Services report to Congress, not more than 18 months after enactment, regarding developmental surveillance activities under the Children’s Health Act of 2000 (P.L. 106-310). In particular, HHS must include in the report an analysis of the need to add education records in the surveillance of developmental disabilities and efforts taken by CDC to utilize education records in conducting the surveillance program while obtaining parental consent.

Committee Action: The Committee on Health, Education, Labor, and Pensions reported the bill favorably on February 12.

The Energy and Commerce Committee favorably reported a similar bill (H.R. 398) on February 13 by voice vote.

Cost to Taxpayers: CBO estimates that S. 286 will cost \$32 million in fiscal year 2004 and \$381 million over the 2004-2008 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a National Spina Bifida Program.

Constitutional Authority: Senate reports are not required to state constitutional authority. However, the report for H.R. 398 cites Article I, Section 8, Clause 3 (commerce clause).

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

**S.Con.Res. 48—A concurrent resolution supporting the goals and ideals of
“National Epilepsy Awareness Month” and urging funding for epilepsy
research and service programs (*Sen. Lincoln*)**

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

The Senate passed S.Con.Res. 48 on June 12 by unanimous consent.

Summary: S.Con.Res. 48 resolves that Congress:

- “(1) supports the goals and ideals of a ‘National Epilepsy Awareness Month’;
- “(2) requests the President to issue a proclamation declaring a ‘National Epilepsy Awareness Month’;
- “(3) calls upon the American people to observe ‘National Epilepsy Awareness Month’ with appropriate programs and activities; and
- “(4) urges support for epilepsy research programs at the National Institutes of Health and at the Centers for Disease Control and Prevention.”

Additional Background: November is National Epilepsy Awareness Month. According to the Department of Health and Human Services, “National Epilepsy Month is intended to raise public awareness of epilepsy and other seizure disorders, dispel the myths and stigma associated with these disorders, and promote research into the causes and treatment. This annual observance is sponsored by the Epilepsy Foundation, a national, charitable organization dedicated to research, education, advocacy, and services for people with epilepsy and other seizure disorders.”

According to the resolution “epilepsy is a neurological condition that causes seizures and affects 2,300,000 people in the United States.”

Committee Action: Neither S.Con.Res. 48 nor the companion House bill, H.Con.Res. 194, were considered by a House committee.

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

S. 650—Pediatric Research Equity Act of 2003 (Sen. DeWine)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

The Senate passed S. 650 by unanimous consent on July 23.

Summary: S. 650 adds a new section to the Federal Food, Drug, and Cosmetic Act (FFDCA) to add a new section requiring pediatric testing of new drugs and biological products in most cases.

Specifically, S. 650:

- Requires that any new application to the Food and Drug Administration (FDA) for approval of drugs or biological products must include an assessment containing pediatric data (safety, effectiveness, dosage, and administration). The assessments must include data that allows FDA to assess safety and effectiveness for each pediatric subpopulation. The FDA could extrapolate pediatric effectiveness from adult studies if appropriate or could determine that studies are not required for each subpopulation.
- Allows the FDA to defer the submission of pediatric data in certain circumstances (such as if the product is ready for approval for use by adults) if the applicant provides information on the grounds for deferring and a description of planned or ongoing studies.
- Allows the FDA to grant full waivers of the pediatric data requirement if the necessary studies are impossible or impractical, if there is evidence that the product would be ineffective or unsafe for children, or if the product would not improve upon existing therapies and is not likely to be used by a substantial number of pediatric patients. Allows the FDA to grant partial waivers of the pediatric data requirement for certain

subpopulations for the same three reasons or if the applicant can demonstrate that attempts to produce a pediatric formula for a subpopulation have failed. If a waiver is granted because the product would be ineffective or unsafe for children, that information must be included in the product's label.

- Allows the FDA, in limited circumstances, to require a marketed drug or biological product to submit data on safety, effectiveness, dosage, and administration of the product for children. The FDA must grant a full waiver for a marketed product if the necessary studies are impossible or impractical or if there is evidence that the product would be ineffective or unsafe for children.
- Exempts orphan drugs (drugs for diseases affecting small populations) from the pediatric data requirements.
- Applies the pediatric data requirements to an application for a new drug or biological device submitted to FDA on or after April 1, 1999.
- Makes the provisions effective on the date of enactment.

Additional Background: In 1997, Congress first enacted the Better Pharmaceuticals for Children Act (P.L. 105-115), which provides an additional six months of market exclusivity to drug sponsors who conduct studies for children in response to a request from the FDA. The provision was reauthorized in 2001.

Also in 2001, a fund was established at the Foundation of the National Institutes of Health for the study of drugs for which the manufacturer had declined a request from the FDA under the Better Pharmaceuticals for Children Act.

The FDA has also attempted to take action via rulemaking to require pediatric data from drug and biological manufacturers. The rule became effective in 1999 but was declared to exceed the FDA's statutory authority by a Federal court in 2002.

Committee Action: S. 650 was referred to the Committee on Energy and Commerce on July 24, but was not considered.

Cost to Taxpayers: CBO estimates that the FDA would collect and spend an additional \$2 million in 2004 and \$8 million over the 2004-2008 period in user fees. In addition, S. 650 would result in spending of \$1 million in 2004 and \$7 million over the 2004-2008 period over and above the amount collected for user fees. These costs consist of amounts required by the FDA to implement and administer the activities authorized under the bill.

CBO also expects that enacting S. 650 would affect direct spending and revenues, but could not determine whether that effect would be to increase or reduce direct spending or revenues.

Does the Bill Create New Federal Programs or Rules?: Yes.

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

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

S. 686 — Poison Control Center Enhancement and Awareness Act Amendments of 2003 (Sen. DeWine)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19, 2003, under a motion to suspend the rules and pass the bill.

Summary: S. 686 would reauthorize the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801) at \$36 million a year through 2009. The Act is currently set to expire in 2004. The authorizations in the bill are as follows: \$30 million per year for grants to regional poison control centers (**a \$5 million per year increase over the current authorization**), \$2 million per year (level funded) for the maintenance of the toll-free poison information number, \$1.5 million per year for media campaigns to promote poison prevention (**a \$900,000 per year increase over the current authorization**), and a new five year, **\$2.5 million a year project (\$12.5 million total)** for the Secretary of HHS to collect and analyze data from poison control centers “to detect new hazards from household products, pharmaceuticals, traditionally abused drugs, and other toxic substances.” The Secretary may enter into a competitive grant or contract with a university, academic center, or other appropriate professional organization for the collection and analysis of poison center data.

Committee Action: S. 686 was introduced on March 31, 2003 and passed the Senate by unanimous consent on June 20. It was referred to the House Committee on Energy and Commerce, which did not consider the legislation.

Cost to Taxpayers: CBO estimates that implementing S. 686 would cost \$11 million in 2005 and \$142 million over the 2005-2009 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes. The bill reauthorizes a current poison control programs, but also adds a new project for data collection of poison center data.

Constitutional Authority: Unlike the House, the Senate does not have a rule requiring constitutional authority statements and the Committee on Health, Education, Labor, and Pensions (in Report No. 108-68) makes not mention of constitutional authority to enact S. 686.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; (202)-226-9719

S. 1685—Basic Pilot Extension Act of 2003 (Sen. Grassley)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

The Senate passed S. 1685 on November 12 by unanimous consent. A similar bill in the House, H.R. 2359, failed on suspension on October 28 by a vote of 231-170.

<http://clerk.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=570>

Summary: S. 1685 would make several changes to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). IIRIRA authorized, among other things, a basic pilot program under which employers in certain states could voluntarily participate to verify employment eligibility of prospective employees against INS (now the Bureau for Citizenship and Immigration Services, BCIS) and Social Security Administration data. S. 1685:

- Extends the authorization for the basic pilot program by five years to 2008. The program was originally authorized in 1996 for 4 years, but was extended to 6 years (to November 2003) by H.R. 3030 in the 107th Congress (P.L. 107-128). H.R. 3030 passed the House by voice vote.
- Expands the pilot program from the current-law minimum of five of the seven states with the highest estimated population of illegal aliens to all states no later than December 1, 2004. Currently employers in California, Florida, Illinois, Texas, Nebraska, and New York participate in the program. While the program is expanded nationwide under S. 1685, it remains voluntary for employers.
- Requires the Secretary of Homeland Security to submit a report to Congress by June 1, 2004, on whether the problems identified by the 2002 basic pilot program study (further described below) and other actions to be taken before the pilot is expanded to all 50 states. (This provision was not in the House bill.)
- Gives priority to immigration petitions filed by aliens under the Pilot Immigration Program for Regional Centers. Also extends the program for five years. (This provision was not in the House bill.)
- Requires a GAO study on the immigrant investor program no later than one year after the date of enactment. (This provision was not in the House bill.)

Language included in H.R. 2359 allowing BCIS to use the pilot program to respond to inquiries by other federal, state, or local agencies is not included in S. 1685.

Additional Background: As mandated by IIRIRA, a study was conducted of the basic pilot program, with a report issued in 2002. Below are selected quotes from this report, which can be found in its entirety at

<http://www.immigration.gov/graphics/aboutus/repstudies/piloteval/pilotevalcomplete.htm>.

“In sum, the Basic Pilot program appears to reduce unauthorized employment that arises when employees present counterfeit or altered documents containing fictitious information. However, it does not assist employers in identifying cases of identity fraud. The assistance of the Basic Pilot program to employers is, therefore, affected by the relative frequency of counterfeit fraud versus identity fraud.”

“**The evaluation team recommends against a major expansion of the program.** Although many employers found value in the Basic Pilot program and felt more confident in their ability to identify unauthorized workers, the program is problematic in its current form. The system relies on INS databases that are not sufficiently up-to-date or accurate enough to allow a cost-effective automated employment verification system. Furthermore, the data inaccuracies exacerbate the problems that arise when employers deviate from Basic Pilot procedures by prescreening job applicants, not informing employees of a tentative nonconfirmation, and taking inadequate security precautions.”

Expanding the voluntary program nationwide “should have little short-term effect on illegal immigration, but will have more effect as program grows.”

Committee Action: S. 1685 was not considered by House committee after Senate passage.

H.R. 2359 was referred to the Committee on the Judiciary the Committee on Education and the Workforce on June 5, 2003. The Judiciary Committee approved the bill on September 24 by a vote of 18-8 (the only Republican “no” vote was Representative Chabot). The Education and the Workforce Committee discharged the bill on October 7th.

Cost to Taxpayers: According to the Congressional Budget Office, S. 1685 would cost about \$1 million in fiscal year 2004 and around \$2 million a year over the 2005-2008 period. Currently, the program costs \$600,000, according to the Bureau of Citizenship and Immigration Services.

Does the Bill Create New Federal Programs or Rules?: The bill extends a pilot program, set to expire this month, for an additional five years.

Constitutional Authority: There is no committee report citing constitutional authority for S. 1685. The Judiciary Committee report for H.R. 2359 cited Article I, Section 8, but did not cite a specific clause.

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

S. 1720—To provide for Federal court proceedings in Plano, Texas (Sen. Cornyn)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

S. 1720 passed the Senate by unanimous consent on November 4.

Summary: S. 1720 would allow federal judges in the Eastern District of Texas to hold court proceedings in Plano, Texas. The bill would not affect pending cases or juries currently serving.

Committee Action: The bill was referred to the Judiciary Committee upon passage in the Senate but was not considered.

Cost to Taxpayers: CBO expects that implementing the bill could increase costs to the judiciary to rent facilities in Plano, but that such costs would be insignificant.

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

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

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

H.R. 482—Florida National Forest Land Management Act of 2003 (Miller of Florida)

Order of Business: The bill is scheduled for consideration on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 482 authorizes the sale or exchange of several parcels of land in the Florida National Forest totaling approximately 692 acres. The Secretary of the Interior may sell the land at public or private sale (including at auction) “in accordance with any terms, conditions, and procedures that the Secretary determines to be appropriate.” The Secretary could reject any offer if it is not adequate or is not in the public interest.

Funds acquired through a sale of land shall be available to the Secretary for expenditure, without further appropriation, for--

- (A) acquisition of land and interests in land for inclusion as units of the National Forest System in the State; and
- (B) reimbursement of costs incurred by the Secretary in carrying out land sales and exchanges, including the payment of real estate broker commissions (the Secretary is authorized to use the services of real estate brokers under the bill).

Additional Background: According to the General Services Administration, the Federal Government owns 13.3 percent of the land in Florida.

Committee Action: The bill was referred to the Committee on Agriculture on January 29, but was not considered.

Cost to Taxpayers: A cost estimate is not available.

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

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

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

H.R. 253—Two Floods and You Are Out of the Taxpayers' Pocket Act (Bereuter)

Order of Business: The bill is scheduled to be considered on Wednesday, November 19th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 253 would extend the National Flood Insurance Program through the end of FY2008 and establish a new pilot program for the mitigation of “severe repetitive loss

properties” (as defined in the legislation) in flood zones. The pilot program would provide federal funds to states and localities for actions taken to reduce damage to severe repetitive loss properties and thereby reduce losses from the National Flood Insurance Fund. The pilot program would be authorized at \$40 million a year for the FY2004-FY2008 period.

Funds under this program could be used for:

- elevation, relocation, demolition, and flood-proofing of structures;
- minor physical localized flood control projects; and
- purchasing severe repetitive loss properties, subject to certain restrictions, the consent of property owners, and an appeals process (as detailed in the bill).

Priority would be given to the activities that would result in the greatest amount of savings to the National Flood Insurance Fund in the shortest period of time. Property owners would have to be notified of any provision of flood mitigation assistance.

Federal funds could not constitute more than 75% (subject to waiver) of the total assistance given to any state or community for flood mitigation projects.

In addition to creating a new pilot program, H.R. 253 would expand the authority to provide assistance under the existing Federal Mitigation Assistance Program in a nearly exact way to the new pilot program (and at the same \$40 million annual level—for a total of \$80 million in new authorizations for such grants).

The bill also would authorize the appropriation of an additional \$10 million a year (FY2004-FY2008) for the mitigation of individual properties in states and communities that do not have the capacity to manage their own mitigation programs.

If an owner of either a severe repetitive loss property or a repetitive claims property (as defined in current law) refuses an offer of mitigation (subject to appeal), no federal disaster relief assistance could be used to make payment for repair, replacement, or restoration of such property.

H.R. 253 would authorize the establishment of a publicly available, electronic database identifying by location and address (but not owner) all repetitive claims properties, repetitive loss structures, and severe repetitive loss properties.

The Director of FEMA would be instructed to accelerate the identification of risk zones within flood-prone and mudslide-prone areas, in order to publicize the degree of hazard within each such zone as soon as possible.

Additional Background: According to the “findings” in H.R. 253, approximately 48,000 properties currently insured under the National Flood Insurance Program have experienced, within a 10-year period, two or more flood losses where each such loss exceeded \$1,000. Repetitive-loss properties constitute a significant drain on the resources of the National Flood Insurance Program, costing about \$200 million annually. Repetitive-loss properties comprise approximately one percent of currently insured properties but are expected to account for 25 to 30 percent of claims losses.

Committee Action: On July 23, 2003, the Financial Services Committee marked up and ordered the bill favorably reported to the full House by voice vote.

Cost to Taxpayers: CBO confirms that H.R. 253 would authorize appropriations of \$90 million for each of fiscal years 2004-2008.

Does the Bill Create New Federal Programs or Rules?: Yes. It would establish two new flood mitigation grant programs and expand an existing grant program.

Constitutional Authority: The Financial Services Committee, in House Report 108-266, cites constitutional authority in Article I, Section 8, Clause 1 (relating to the defense and general welfare of the United States), and Clause 3 (relating to the power to regulate foreign and interstate commerce).

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