



Legislative Bulletin.....February 26, 2002

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H.R. 1892 —To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked. (Concur in Senate Amendment) (Calvert)

Order of Business: The bill agreeing with the Senate amendment is scheduled to be considered under a motion to suspend the rules on Tuesday, February 26.

The House passed an almost identical version of H.R. 1892 on Monday, July 23, 379 to 0, with 54 not voting Roll Call #258 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2001&rollnumber=258>)

Summary: Current law requires that applicants for family-based immigrant visas be sponsored by an immediate relative who will provide financial support if necessary. If the sponsor dies while the application is pending, then a new application must be filed, which according to the bill sponsor can take as long as seven or eight years. Under H.R. 1892, if an original sponsor of an immigration applicant dies, a substitute sponsor with close family ties to the person would be permitted to replace the deceased sponsor and the applicant could proceed with the approval process without filing a new application. Under the House-passed bill, the INS could allow the following substitute sponsors in the case of the original sponsor's death: a spouse, parent, sibling, child (18 or older), father- in- law, mother- in- law, son- in- law, daughter-in-law, grandparent or adult grandchild. **The Senate added two additional substitute sponsors: sister-in-law and brother-in-law.**

The bill requires the Attorney General to decide if for humanitarian reasons, it would be inappropriate to deny the petition for immigration if the original sponsor died. This bill is

retroactive as long as the sponsored alien requests the Attorney General to reinstate his petition, and demonstrates that he and his new sponsor satisfy the requirements of the law.

Cost to Taxpayers: CBO estimates that enacting H.R. 1892 would result in no significant cost to the federal government. Based on information from the INS, CBO expects that the bill's provisions would aid no more than several hundred applicants each year. Thus, any effects on fees collected by INS or the Department of State would be insignificant.

Constitutional Authority: The House Judiciary Committee finds authority in article I, section 8, clause 4 of the Constitution (Naturalization).

Does the Bill Create New Federal Programs or Rules: The bill modifies an existing provision in immigration law to allow a substitute sponsor in the event of the death of the original sponsor.

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S. 1206—Appalachian Regional Development Act Amendments (Senator Voinovich)

Order of Business: The bill is scheduled to be considered on Tuesday, February 26, 2002, under a motion to suspend the rules and pass the bill. The bill passed the Senate by unanimous consent on February 8, 2002. The House passed more expensive legislation (H.R. 2501) by unanimous consent on August 2, 2001. The Senate did not take up the House bill.

Summary: S. 1206 would reauthorize the Appalachian Regional Development Act of 1965 (with created the Appalachian Regional Commission) through and including fiscal year 2006. For this time period, the bill would authorize **\$446 million** in new nonhighway funds to allow the Appalachian Regional Commission (ARC) to continue and expand upon its economic development activities for poorer areas in the Appalachian region (see below for more details). [The House-passed bill would have authorized \$473 million over the same five-year period.] The legislation would also amend the Act to create two modern-technology initiatives and create regional job-training partnerships.

More specifically, S. 1206 would expand the authorized activities of the ARC to include “eco-industrial development” and a coordination of federal agency economic development activities in the region (through the Interagency Coordinating Council on Appalachia created by this legislation).

Via the Telecommunications and Technology Initiative (created by this legislation), the ARC could provide grants, contracts, and other assistance (cost-shared with localities) to increase access to, provide training in the use of, and support business opportunities in advanced telecommunications and technology. Of the amounts authorized in this bill (see details below), the Telecommunications and Technology Initiative could receive \$10 million in FY2002, \$8 million in FY2003, and \$5 million in each of fiscal years 2004, 2005, and 2006.

Via the Entrepreneurship Initiative (created by this legislation), the ARC could provide grants, contracts, and other assistance (cost-shared with localities) to help initiate and sustain start-up companies. Such “business incubator services” that could be funded include the assistance with legal services, protection of intellectual property, and financing, for example.

Via the Regional Skills Partnerships (created by this legislation), the ARC could provide grants, contracts, and other assistance (cost-shared with localities) to partner with businesses, nonprofits, labor organizations, governments, and educational institutions for job-training programs.

50 percent of all non-highway funds authorized in this legislation would have to be targeted to “distressed counties and areas.”

S. 1206 would authorize the following amounts in nonhighway funds for the ARC:

- \$88 million for FY2002
- \$88 million for FY2003
- \$88 million for FY2004
- \$90 million for FY2005
- \$92 million for FY2006

Note previous nonhighway authorizations for the ARC:

- \$68 million for FY1999
- \$69 million for FY2000
- \$70 million for FY2001

The bill would expand the definition of “Appalachian Region” to include two new counties in Kentucky and two new counties in Mississippi.

Additional Background: The Appalachian Regional Development Act of 1965 (ARDA) established the ARC. The ARC is a federal-, state-, and local-government partnership, including all or part of: Alabama, Georgia, Kentucky, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. The ARC administers economic development funds through a series of grant programs (for highways, education, job training, and water systems, for example) to aid in the development of the least economically developed parts of the region.

Cost to Taxpayers: S. 1206 would authorize **\$88 million** for the Appalachian Regional Commission (ARC) in FY2002 and a total of **\$446 million** over the FY2002-FY2006 period. The bill would have no effect on mandatory spending or revenue. The ARC was authorized for FY2001 at \$70 million; the increased authorization for FY2002 would be a **more-than-25% increase**. President Bush’s FY 2003 Budget calls for ARC funding of only \$343 million over the 2002-2006 period.

Does the Bill Create New Federal Programs or Rules?: S. 1206 would vastly expand the authorization of appropriations for the ARC and would create new programs and new authorities for the ARC.

Constitutional Authority: Senate Report 107-132 fails to cite constitutional authority for this legislation. House Report 107-180 (for the House-passed bill H.R. 2501) cited constitutional authority in Article I, Section 8 (powers of Congress) but failed to cite a specific clause.

Possible Concerns: In the past many Republicans have criticized the ARC as another failed government driven economic development program. In his 1992 book *The Appalachian Regional Commission: Twenty-Five Years of Government Policy*, Professor Michael Bradshaw stated, “the great paradox of Appalachian development since 1960 is that although relatively greater sums of money have been invested in central Appalachia, this part of the region has shown the lowest ability to increase its economic and social indicators relative to the rest of the United States.” In the past the ARC has been criticized for questionable grants such as providing \$750,000 to help build a football stadium at a private liberal arts college where the Carolina Panthers practice during the summer (Source: The Heritage Foundation). The ARC has also been criticized for how it distributes funds. The President’s Budget this year states that, “Since 1999 roughly half of all ARC program funding has supported projects benefiting such counties, which represent about one quarter of the region’s total and contain roughly 10% of the region’s population.”

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H.Con.Res. 304—Expressing sympathy to the people of the Democratic Republic of the Congo (*Davis, Danny*)

Order of Business: The bill is scheduled to be considered on Tuesday, February 26, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res.304 would resolve that Congress “expresses its deepest sympathies and condolences to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002.”

Additional Background: According to the resolution, the surprise eruption of the Nyiragongo volcano was the largest volcanic eruption in Africa in the last 25 years. Relief workers have still been unable to accurately assess the total extent of the damage to and loss of life in the Goma region of Congo.

Further, the resolution states that “the United States has already committed to send supplies worth \$224,000 to the people of the Democratic Republic of the Congo affected by the recent Nyiragongo eruption.” The governments of the United Kingdom, Germany, France, and Belgium have also offered assistance in the wake of the disaster.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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

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