



Legislative Bulletin.....July 22, 2002

Contents:

1. **H.R. 1209**—Child Status Protection Act – Concur in Senate Amendment
2. **H.R. 4558**—To Extend the Irish Peace Process Cultural and Training Program
3. **S.J.Res 13**—Conferring Honorary Citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette
4. **H.R. 3892**—Judicial Improvements Act of 2002
5. **H.R. 4870**—Mount Naomi Wilderness Boundary Adjustment Act
6. **H.R. 3401**—California Five Mile Regional Learning Center Transfer Act
7. **H.R. 3048**—Russian River Land Act
8. **H.R. 3258**—Reasonable Right-of-Way Fees Act of 2002
9. **H.R. 3917**—Flight 93 National Memorial Act
10. **H.R. 2990**—Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2002
11. **H.R. 4940**—To amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes
12. **H.R. 5055**—To authorize the placement in Arlington National Cemetery of a memorial honoring the World War II veterans who fought in the Battle of the Bulge
13. **H.R. 3645**—Veterans Health-Care Items Procurement Reform and Improvement Act
14. **H.R. 5138**—True American Heroes Act
15. **H.R. 4903**—Keep Monticello on the Nickel Act
16. **H.Res. 471**—To recognize the significant contributions of Paul Ecke, Jr. to the poinsettia industry
17. **H.Res. 492**—Expressing gratitude for the 10-month-long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, New York, following the terrorist attacks of September 11, 2001
18. **H.R. 5145**—William C. Cramer Post Office Building Designation Act
19. **H.Con.Res 352**—Sense of Congress Regarding the Full Implementation of the Western Governors Association “Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment”
20. **H.Res. __**—Expressing the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program
21. **H. Con. Res. 385**—Expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes
22. **H.Con.Res. 188**—Expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners
23. **H.Con.Res. 439**—Honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus

H.R. 1209 — Child Status Protection Act – Concur in Senate Amendment (Gekas)

Order of Business: H.R. 1209 will be brought up under a motion to suspend the rules.

Summary: H.R. 1209 modifies current immigration law by providing that for the purpose of determining whether an individual is considered a child and therefore eligible for entry into the United States:

- under permanent residence status as an immediate relative of a U.S. citizen;
- as the unmarried son or daughter of those seeking status as family-sponsored, employment-based, or diversity immigrant;
- under asylum status as the unmarried child of an asylum applicant; or
- under refugee status, as the unmarried child of a refugee applicant

the INS shall use the individual's age at the time of the filing of the petition.

Under current law, unmarried children may apply for entry if they are under 21. INS determines eligibility based on the age of the individual at the time the INS reviews the applications. Because there exists an average 22 to 36-month delay in the processing of applications, at least 1,000 individuals a year "age out" of the system (i.e. they filed while they were under 21, but the INS did not review their applications until they were over 21). Individuals who "age out" of the system are required to seek admittance to the U.S. under the family-based preference category, which is subject to annual numerical limits, therefore, often delaying admittance for years.

The bill is retroactive in that it would apply to petitions that are already pending and all future petitions.

Cost to Taxpayers: CBO estimates that the budgetary effects would be less than \$500,000 annually.

Does the Bill Create New Government Programs or Regulations: No, the bill revises current law.

Constitutional Authority: The Committee cites Article I, Section 8, Clause 4 of the Constitution (establish uniform rule of Naturalization).

RSC Staff Contact: Neil Bradley x 6-9717

H.R. 4558 — To Extend the Irish Peace Process Cultural and Training Program (Walsh)

Order of Business: H.R. 4558 will be brought up under a motion to suspend the rules.

Summary: Extends for an additional year (from 2005 to 2006) the Irish Peace Process Cultural and Training Program, which permits up to 4,000 young people (under 35 years of

age) from disadvantaged areas of Northern Ireland and 6 counties within the Republic of Ireland suffering from sectarian violence and high structural unemployment, to enter the U.S. to develop job skills and conflict resolution abilities. Under this program, the alien and their spouse and minor children may only remain in the U.S. for 36 months.

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

Does the Bill Create New Government Programs or Regulations: No. The bill simply extends current law.

Constitutional Authority: While a Committee Report is not available, Article I, Section 8, Clause 4 of the Constitution (establish uniform rule of Naturalization).

RSC Staff Contact: Neil Bradley x 6-9717

S.J.Res 13 — Conferring Honorary Citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette (Sen. Warner)

Order of Business: S.J.Res. 13 will be brought up under a motion to suspend the rules.

Resolution Text:

“Whereas the United States has conferred honorary citizenship on four other occasions in more than 200 years of its independence, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

“Whereas Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette or General Lafayette, voluntarily put forth his own money and risked his life for the freedom of Americans;

“Whereas the Marquis de Lafayette, by an Act of Congress, was voted to the rank of Major General;

“Whereas, during the Revolutionary War, General Lafayette was wounded at the Battle of Brandywine, demonstrating bravery that forever endeared him to the American soldiers;

“Whereas the Marquis de Lafayette secured the help of France to aid the United States' colonists against Great Britain;

“Whereas the Marquis de Lafayette was conferred the honor of honorary citizenship by the Commonwealth of Virginia and the State of Maryland;

“Whereas the Marquis de Lafayette was the first foreign dignitary to address Congress, an honor which was accorded to him upon his return to the United States in 1824;

“Whereas, upon his death, both the House of Representatives and the Senate draped their chambers in black as a demonstration of respect and gratitude for his contribution to the independence of the United States;

“Whereas an American flag has flown over his grave in France since his death and has not been removed, even while France was occupied by Nazi Germany during World War II; and

“Whereas the Marquis de Lafayette gave aid to the United States in her time of need and is forever a symbol of freedom: Now, therefore, be it

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Marie Joseph Paul Yves Roche Gilbert du Motier, the Marquis de Lafayette, is proclaimed posthumously to be an honorary citizen of the United States of America.”

Cost to Taxpayers: CBO estimates that the resolution would not result in any significant cost to the government.

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

Constitutional Authority: While a Committee Report is not available, Article I, Section 8, Clause 4 of the Constitution (establish uniform rule of Naturalization).

RSC Staff Contact: Neil Bradley x 6-9717

H.R. 3892 - Judicial Improvements Act of 2002 (Coble)

Order of Business: The bill is scheduled to be considered on Monday, July 22, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3892 would establish a new chapter in the federal judicial code regarding complaints against judges and disciplinary procedures.

According to the Committee, H.R. 3892 will reorganize and clarify the existing statutory mechanism that allows individuals to file complaints against Article III judges. These reforms will offer more guidance to circuit chief judges when evaluating individual complaints, while providing individuals with more insight as to the disposition of their cases. The overall reorganization will make the process of learning about and filing a complaint more user-friendly.

Cost to Taxpayers: Based on information from the Administrative Office of the United States Courts, CBO estimates that H.R. 3892 would have no impact on the budget of the courts because similar procedures are followed under current law.

Does the Bill Create New Federal Programs or Rules?: The bill makes minor modifications to current law regarding judicial disciplinary procedures.

Constitutional Authority: The Judiciary Committee (in Report No. 107-459) finds authority under Article III, Section 1 of the Constitution (Judicial Powers).

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H.R. 4870 — Mount Naomi Wilderness Boundary Adjustment Act (Hansen)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4870 adjusts the boundary of the Mount Naomi Wilderness, removing 31 acres near the city limits of Logan, Utah, and adding 31 acres of national forest land from another area.

Additional Background: The boundary adjustment removes some utility lines for the Mount Naomi Wilderness. Because no motorized or mechanized equipment is allowed in the wilderness, maintenance of these lines has been nearly impossible. The new boundary will better follow the natural contour lines at the base of Mount Naomi and has been agreed upon by the Forest Service, the city of Logan, and Cache County, Utah.

Bush Administration Position: At a June 20, 2002, hearing before the Forests and Forest Health Subcommittee of the Resources Committee, a representative of the Forest Service expressed support for H.R. 4870.

Cost to Taxpayers: CBO estimates that the bill will have no significant impact on the federal budget.

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

Constitutional Authority: The Resources Committee, in House Report 107-561, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 3401 — California Five Mile Regional Learning Center Transfer Act (Radanovich)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3401 conveys 27 acres of National Forest land and facilities in California to the Clovis Unified School District. The land has been used by the school district for the Five Mile Regional Learning Center since 1989, pursuant to a special use permit.

The bill requires the Secretary of Agriculture to negotiate a new special use permit with the school district for lands the district has been using under the authority of the former permit, but are not part of the conveyance.

H.R. 3401 also clarifies that the conveyance does not include the transfer of mineral rights.

Additional Background: The Five Mile Regional Learning Center is an outdoor education center located on National Forest System land and operated by the Clovis Unified School District. The land transfer will allow the school district to spend district or state money on capital improvements and renovations to the center, which is currently not permitted.

Cost to Taxpayers: CBO estimates the bill will have no significant impact on the federal budget.

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

Constitutional Authority: The Resources Committee, in House Report 107-574, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 3048 — Russian River Land Act (Young of Alaska)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3048 resolves a land dispute between the U.S. Forest Service, U.S. Fish and Wildlife Service, and the Cook Inlet Region, Inc. (CIRI) related to the designation of cultural sites within the region under the Alaska Native Claims Settlement Act.

The bill finds that:

- The lands at the confluence of the Russian and Kenai Rivers “contain abundant archaeological resources of significance” and “abundant fisheries resources;”
- CIRI selected lands in the area of the rivers, pursuant to the Alaska Native Claims Settlement Act, for their value as historic and cemetery sites;
- The Bureau of Land Management has not finished adjudicating CIRI’s selections, but a portion has been certified by the Bureau of Indian Affairs as containing prehistoric and historic cultural artifacts;
- A portion of the selections are located within the Chugach National Forest, the Kenai National Wildlife Refuge, and the Sqilantnu Archaeological District (determined to be eligible in 1981 for the National Register of Historic Places);

- Both the Forest Service and the Fish and Wildlife Service “dispute the validity and timeliness of Cook Inlet Region, Inc.’s selections;”
- It is in the interest of the United States and CIRI to resolve their dispute and protect the historical and cultural resources of the region, while also maintaining public use of the area within the Sqilantnu Archaeological District; and
- Legislation is required to enact the resolution reached by the Forest Service, Fish and Wildlife Service, and CIRI.

The resolution agreed to by the parties is as follows:

- The Forest Service campground, the Fish and Wildlife Service ferry site, and most of the land at Russian River remains in federal ownership and control.
- The public maintains the right to fish the water at the confluence of the two rivers.
- From 502 acres of Fish and Wildlife Service lands, CIRI is to be conveyed the limited estate of the archeological and cultural resources.
- CIRI is to be conveyed a 42-acre parcel of Forest Service land on the bluff overlooking the confluence of the Kenai and Russian Rivers and an approximately 20-acre parcel near the crossing of the Sterling Highway over the Kenai River. In addition, a public easement managed by the Forest Service along the banks of the Kenai River is reserved on the 20-acre parcel.
- With these conveyances, CIRI will relinquish its Alaska Native Claims Settlement Act Section 14(h)(1) selections in the area, now totaling 2,010 acres.
- The parties agree to pursue the construction of a public visitor's interpretive center on the 42-acre parcel for the shared use of all three parties. The visitor's center would provide information on both the natural and cultural resources of the Russian River area. The parties hope to secure a federal appropriation to build the center.
- In conjunction with the visitor's interpretive center, the parties agree to seek the establishment of an archeological research center that will facilitate the management of the cultural resources in the area.
- The parties agree that certain visitor-oriented facilities may be developed by CIRI on the 42-acre parcel. These facilities may include a lodge, dormitory housing for staff and agency people, and a restaurant. CIRI agrees to seek input from the federal agencies regarding their needs and desires for the area.
- The parties commit to enter into a memorandum of understanding for the purpose of ensuring the activities at Russian River are carried out in a cooperative and coordinated manner.
- The agreement also authorizes, but does not require, the exchange of land lying adjacent to the Sterling Highway at Russian River for important brown bear habitat near the Killey River in the Kenai Peninsula owned by CIRI.

The bill authorizes \$13.8 million to be appropriated to the Department of Agriculture Office of State and Private Forestry for CIRI for:

- The planning, design, and construction of a public visitor’s interpretive center, which the parties have agreed to pursue as part of their formal agreement; and
- The planning, design, and construction of the Sqilantnu Archaeological Research Center

Additional Background: Under the Alaska Native Claims Settlement Act, regional corporations are authorized to make selections of cultural sites within their region. The Forest Service and Fish and Wildlife Service have disputed the selections of CIRI due to concern over continued public use of the area. All parties have negotiated an agreement, which requires legislation to ratify.

Cost to Taxpayers: CBO estimates the H.R. 3048 would cost \$13.8 million in 2003, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: The bill ratifies an agreement between the Forest Service, Fish and Wildlife Service, and Cook Inlet Region, Inc.

Constitutional Authority: The Resources Committee, in House Report 107-573, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 3258 — Reasonable Right-of-Way Fees Act of 2002 (Cubin)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3258 makes law current regulations concerning the fair market value of rights-of-way (grants conveying the right to construct, operate, maintain, etc. certain electric and communications facilities or oil and gas lines crossing federal lands), which are determined using a linear method. Under the bill, the Secretary of Agriculture and the Secretary of Interior are also required to develop a revised fee schedule for linear rights-of-way and annually update land value based on the GDP-deflator index. The value of the land determines the fees that are collected by the federal government for the rights-of-way.

Additional Background: Under the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is authorized to issue rights-of-way through lands under its jurisdiction and recover the “reasonable costs” of processing and monitoring the rights-of-way. Various methods have been used over the years to determine the fair market value of land in order to determine “reasonable costs.” However, studies have led to concerns that these methods are not accurately reflecting the true market value.

Recently, BLM and Interior announced the development of a revised method to determine fair market value that has raised concerns with the expansion of telecommunications in rural areas. To address these concerns, language was included in the 2001 Interior and Related Agencies Appropriations Act requiring any changes in rights-of-way rent policies be completed through formal rulemaking. H.R. 3258 would eliminate the need for rulemaking and maintain the use of the linear fee rent method, used since 1986, with some revisions as authorized by the bill.

Cost to Taxpayers: CBO estimates H.R. 3258 would increase rights-of-way fees paid to the federal government, reducing direct spending by \$14 million in 2005.

Does the Bill Create New Federal Programs or Rules?: The bill makes law current linear rights-of-way regulations.

Constitutional Authority: The Resources Committee, in House Report 107-563, cites Article, I, Section 8 and Article IV, Section 3, but fails to cite specific clauses.

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H.R. 3917 — Flight 93 National Memorial Act (*Murtha*)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3917 authorizes a national memorial to commemorate the passengers and crew of United Airlines Flight 93, which crashed in Somerset County, Pennsylvania on September 11, 2001.

The bill includes findings that:

- The passengers and crew of Flight 93 “courageously gave their lives, thereby thwarting a planned attack on our Nation’s Capital;”
- Concerns over the future of the site of the crash of Flight 93 have led to the formation of the Flight 93 Task Force;
- The crash site “commemorates Flight 93 and is a profound symbol of American patriotism and spontaneous leadership of citizen-heroes” and appropriate recognition at the crash site will be a time-consuming process in order to address the concerns of all interested parties; and
- It is “appropriate that the crash site of Flight 93 be designated a unit of the National Park System.”

To facilitate the development of the Flight 93 memorial, H.R. 3917 establishes the Flight 93 Advisory Commission, consisting of the Director of the National Park Service (or designee) and 14 members appointed by the Secretary of Interior from recommendations of the Flight 93 Task Force. The Commission is required to submit a report to the Secretary of Interior and Congress no later than three years after enactment with recommendations for the planning, design, construction and long-term management of a permanent memorial at the Flight 93 crash site. The bill also requires the Commission to coordinate with the Flight 93 Task Force, the Commonwealth of Pennsylvania and other interested parties and provide opportunities for public participation. The Commission would terminate upon dedication of the memorial.

The Secretary of Interior is authorized to:

- Provide assistance to the Commission, including providing staff and facilitating public meetings;

- Participate in the formulation of plans for the design of the memorial and to construct the memorial;
- Acquire land from willing sellers; and
- Administer the Flight 93 memorial as a unit of the National Park Service.

Cost to Taxpayers: No cost estimate is available.

Does the Bill Create New Federal Programs or Rules? The bill authorizes a new national memorial to Flight 93 and creates a Commission to oversee the planning and design of the memorial.

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

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

H.R. 2990 — Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2001 (*Hinojosa*)

Order of Business: The bill is scheduled to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2990 adds 14 new water conservation projects to those authorized under the Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 (four projects are authorized under the original law).

The bill also increases the authorization for carrying out water supply studies from \$2 million to \$8 million and the authorization for construction of facilities from \$10 million to \$47 million.

H.R. 2990 also changes the federal cost share (of at least 50 percent) from costs of construction to **total project cost**.

Additional Background: On December 28, 2000, President Clinton signed into law the Rio Grande Valley Water Resources Conservation and Improvement Act of 2000, which authorized the Bureau of Reclamation to develop a program to investigate and identify opportunities to improve the water supply for selected counties along the Texas-Mexico border. That bill passed the House by a vote of 348-6 on December 4, 2000 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2000&rollnumber=599>)

Cost to Taxpayers: CBO estimates that H.R. 2990 would cost \$38 million over the 2003-2007 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules? The bill authorizes new water conservation projects, as described above.

Constitutional Authority: The Resources Committee, in House Report 107-580, cites Article I, Section 8, but fails to cite a specific clause.

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H.R. 4940—To amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes (Stump)

Order of Business: The bill is scheduled to be considered on Monday, July 22, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4940 codifies, with a few minor changes, many current regulations governing eligibility for burial and interment in Arlington National Cemetery (federal regulations 32 CFR 553.15). The bill would allow certain family members of eligible veterans to be buried in the same grave without the need for a waiver, grant eligibility for burial to members of the armed services who die in the performance of duty during training, and grant eligibility to certain members and former members of reserve components of the armed forces. H.R. 4940 also would prohibit burial of any individual who would otherwise be ineligible, unless the President authorizes burial because of a candidate's extraordinary contributions to the armed forces. Under the bill, future memorials or markers must commemorate service in the armed forces.

H.R. 4940 would require the Secretary of the Army to maintain a public register of each individual buried in Arlington National Cemetery and for each person buried after January 1, 2002, a brief description detailing his eligibility for burial. The bill would also require the Secretary to publish an updated pamphlet describing eligibility requirements for burial at Arlington National Cemetery.

Additional Information: Congress' initial legislation to establish a national cemetery system, (the Act of July 17, 1862, Sec. 18, 12 Stat. 594, 596) provided that “the President of the United States shall have the power, whenever in his opinion it shall be expedient, to purchase cemetery grounds and cause them to be securely enclosed, to be used as a national cemetery for the soldiers who shall die in the service of their country.” The grounds of Arlington Mansion, the home of Martha Washington's grandson, George Washington Parke Custis, and his son-in-law, General Robert E. Lee, were appropriated by the federal government in May 1861, as a fortification to defend Washington, D.C. Arlington National Cemetery was established on the estate on May 13, 1864, as one of the first national cemeteries because burial areas in the other previously designated national cemeteries--the Soldiers' Home in Washington, D.C. and at Alexandria, Virginia--were rapidly filling. On June 15, 1864, Secretary of War Stanton formally designated Arlington Mansion and the 200 acres surrounding it as a cemetery for the burial of soldiers dying in the vicinity of Washington. According to the Committee, as of December 2001, Arlington had a total capacity of 243,373 gravesites, with about 32,312 remaining available as of the end of March 2002.

Cost to Taxpayers: CBO estimates that implementing H.R. 4940 would not have a significant cost for the federal government. Most categories of veterans and family members covered under the bill's eligibility criteria are already eligible under current regulations. Though the bill would grant eligibility to family members who are presently ineligible for burial at the cemetery, CBO estimates that this new eligibility would not lead to a significant increase in the numbers of burials, because these individuals are small in number and have often received waivers in the past. CBO estimates that less than 1,000 veterans and close family members a year (who were previously ineligible) would become eligible for burial, but that only a small portion would request burial at Arlington National Cemetery. CBO also estimates that the costs of maintaining the register and producing the pamphlet would be negligible.

Does the Bill Create New Federal Programs or Rules?: The bill writes into law many policies that were enforced under regulations and makes eligible for an Arlington Cemetery burial a few categories of military servicemen and their families who were previously ineligible. The bill requires the creation of a public register of individuals buried in the Cemetery and the updating of a pamphlet describing Cemetery eligibility.

Constitutional Authority: The Veterans' Affairs Committee (in Report No. 107-588) finds authority under Article I, Section 8, of the Constitution (power to "provide for the common Defense and general Welfare of the United States").

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H.R. 5055—To authorize the placement in Arlington National Cemetery of a memorial honoring the World War II veterans who fought in the Battle of the Bulge (Smith, Chris)

Order of Business: The bill is scheduled to be considered on Monday, July 22, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5055 would authorize the Secretary of the Army to place within Arlington National Cemetery a memorial honoring veterans who fought in World War II's Battle of the Bulge. According to the Committee, there currently is a small decaying plaque at Arlington National Cemetery that will be replaced by the memorial authorized in H.R. 5055. The design and placement of the memorial would be subject to the Secretary's approval.

Cost to Taxpayers: Based on information provided by Arlington National Cemetery, CBO expects that a private veterans organization would pay for the design and construction of the memorial. The cemetery would incur costs to construct the foundation for the memorial, host groundbreaking and dedication ceremonies, and maintain the memorial. CBO estimates that these costs would be insignificant.

Additional Information: On December 16, 1944, in a surprise attack, German forces attacked the Allies in the Ardennes Forest area of Belgium. General Dwight Eisenhower countered and divided the command of the Allied forces around the “bulge” created by the German offensive. The Ally groups were led by British General Bernard Law Montgomery and American General Omar M. Bradley, with American General George Patton's Third Army moving in to relieve the defenders of the bulge.

Just weeks into the assault, the Germans began a tactical withdrawal and by January 28, 1945, Hitler's armies were in full retreat. The German failure at what became widely known as the Battle of the Bulge was a turning point for the German Army, and on May 7, 1945, Germany surrendered.

More than one million men fought in the Battle of the Bulge, the largest land battle of World War II. In scope and number of participants, no American engagement in our history was more costly or massive. At its conclusion, 62,000 U.S. servicemen were wounded and 19,000 were killed, the British had casualties of 1,400 with 200 killed, and 100,000 Germans were killed, wounded, or captured. Winston Churchill called it “the greatest American battle of the war.”

Does the Bill Create New Federal Programs or Rules?: The bill would authorize the creation and placement of a new Battle of the Bulge Memorial at Arlington National Cemetery.

Constitutional Authority: The Veterans’ Affairs Committee (in Report No. 107-589) finds authority under Article I, Section 8, of the Constitution (power to “provide for the common Defense and general Welfare of the United States”).

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H.R. 3645 — Veterans Health-Care Items Procurement Reform and Improvement Act (Evans)

Order of Business: H.R. 3645 will be brought up under a motion to suspend the rules.

Summary: Modifies the procurement procedures of the Department of Veterans Affairs health care system by requiring that all health care items (with certain exceptions) be acquired only through use of a Federal Supply Schedule contract (by which the VA leverages its purchasing power for lower prices). The Secretary of Veterans Affairs is responsible for establishing regulations and establishing annual goals for medical centers for the purchase of items off of the Federal Supply Schedule. The bill requires an annual report regarding compliance with this Act.

The bill also includes several other miscellaneous provisions, including:

- Providing increased flexibility in the VA's use of enhanced-use lease authority and the use of VA properties in complementary activities
- Provide hospital and nursing home care and medical services to certain Filipino World War II veterans of the Philippines Commonwealth Army and former Philippines "New Scouts" who now permanently reside in the United States, but only upon certification to Congress that there are sufficient funds to provide such care
- Expand eligibility for outpatient dental care to all former prisoners of war (rather than those who were interned for a period of not less than 90 days)
- Expand and enhance annual auditing and reporting requirements for VA research and education corporations established at VA medical centers
- Extends through 2006 the authority to establish research corporations (currently expires at the end of 2003)
- Authorize the Department of Defense to participate in VA's Revolving Supply Fund for the purchase of health-care items
- Name the VA outpatient clinic in New London, Connecticut, for the late John J. McGuirk

Cost to Taxpayers: While a CBO cost estimate is not available, the bill will likely result in some savings through the reformed purchasing procedures, but additional expenditures for the expanded dental coverage and hospital and nursing home care for certain Filipino veterans.

Does the Bill Create New Government Programs or Regulations: The bill expands and modifies certain existing programs.

Constitutional Authority: A Committee Report citing Constitutional Authority is not available.

RSC Staff Contact: Neil Bradley x 6-9717

H.R. 5138 — True American Heroes Act (King)

Order of Business: H.R. 5158 will be brought up under a motion to suspend the rules.

Summary: Authorizes Congressional Gold Medals for:

- government workers who responded to the attacks on the World Trade Center and perished;
- duplicate medals for the Governor of New York, Mayor of New York City, Commissioners of the New York Police and Fire Departments, head of emergency medical services, and the Chairman of the Port Authority of New York and New Jersey;
- duplicate medals for each precinct house, fire house, emergency response station, or other duty station to which each person who responded to the attacks and perished was stationed;

- each passenger and crew member on board United Airlines Flight 93 who is identified by the Attorney General as having aided in the effort to resist the hijackers; and
- government workers who responded to the attacks on the Pentagon and perished.

The Treasury is authorized to make duplicate bronze medals for sale to the public.

Directs the Secretary of the Treasury to mint certain Spirit of America commemorative coins as follows:

- \$50 gold coins (limited to 25,000 plus the total number of innocent people who perished as a result of the September 11th attacks)
- \$1 silver coins
- \$0.50 coins

The coins shall contain an image of the Pentagon and the U.S. flag on one side and the World Trade Centers on the other side. The coins shall only be available for one year.

Each next of kin of each innocent victim of the September 11th attacks shall receive a \$50 gold coin free of charge.

Provides that there shall be a surcharge for each coin in an amount adequate to cover the costs of producing the coins (including providing the gold coins to victims next of kin), but in no event less than \$100 per coin for the \$50 gold coins, \$10 per coin for the \$1 silver coin, and \$5 per coin for the \$0.50 coin.

Any excess funds collected by sale of the coins over and above the cost of producing the coins shall be transferred to any fund for victims of the September 11th attacks that the Secretary of the Treasury and the Attorney General jointly determine to be appropriate.

Cost to Taxpayers: A CBO cost estimate is unavailable, but for previous Congressional Gold Medal legislation, CBO has estimated that it costs \$30,000 to design a Gold Medal and that each medal has \$5,500 worth of gold. It is uncertain whether proceeds from the sale of bronze duplicate medals will offset the cost of the gold medals. The cost of striking the national commemorative coins will be offset from the sale of the medals.

Does the Bill Create New Government Programs or Regulations: The bill authorizes the striking of three sets of gold medals and three new commemorative coins.

Constitutional Authority: A Committee Report including a statement of Constitutional Authority is not available.

RSC Staff Contact: Neil Bradley x 6-9717

H.R. 4903 — Keep Monticello on the Nickel Act (Cantor)

Order of Business: H.R. 4903 will be brought up under a motion to suspend the rules.

Summary: Amends existing law to provide that the reverse of the nickel shall bear an image of Monticello and that no other provision of law may be construed to authorize the altering or change on the reverse of the nickel.

Additional Background: In mid-June, the U.S. Mint announced that they would use existing authority to redesign the back of the nickel to show the image of an American Indian and a bald eagle facing westward. The redesign was to coincide with the bicentennial of the Lewis and Clark Expedition. Monticello has appeared on the reverse of the nickel for over 60 years.

Cost to Taxpayers: While a CBO cost estimate is not available, the bill should result in no cost to the taxpayer.

Does the Bill Create New Government Programs or Regulations: No, the bill eliminates the authority of the U.S. Mint to redesign the back of the nickel.

Constitutional Authority: A Committee Report including a statement of constitutional authority is not available.

RSC Staff Contact: Neil Bradley x 6-9717

H.Res. 471—To recognize the significant contributions of Paul Ecke, Jr. to the poinsettia industry (Cunningham)

Order of Business: The resolution is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 471 would resolve that the House:

- “recognizes Paul Ecke, Jr.'s legendary energy, generosity, integrity, optimism, determination, and love of people which have enabled him to develop the poinsettia industry as well as to touch and improve the lives of children and adults all over the world through his extraordinary contributions; and
- “extends its condolences to the Ecke Family and to the floral industry on the death of Paul Ecke, Jr., who was a philanthropist, and advocate for education, and a warm, loving, and brilliant human being.”

Additional Background: According to the resolution, the poinsettia was first brought to the United States from Mexico by Joel Roberts Poinsett, the U.S. Ambassador to Mexico from 1825 to 1829, who collected specimens of the flower and sent them to his greenhouses in South Carolina.

The Ecke Ranch, established by Paul Ecke, Sr. and subsequently owned and developed by Paul Ecke Jr. and now by his son, Paul Ecke III, has created a worldwide poinsettia market. The genetic work of the Ecke Ranch has been licensed to growers everywhere, and poinsettia lines developed there are responsible for more than 80 percent of the world poinsettia market.

According to the resolution, December 12th has been traditionally recognized as “National Poinsettia Day” for more than 150 years.

The resolution also points out that “Paul Ecke, Jr. led the horticultural industry's successful effort to include, for the first time, significant research funding for floral and nursery crops in the research budget of the United States Department of Agriculture.”

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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H.Res. 492—Expressing gratitude for the 10-month-long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, New York, following the terrorist attacks of September 11, 2001 (Fossella)

Order of Business: The resolution is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 492 would resolve that the House “thanks and pays tribute to all those whose 10 months of efforts at Fresh Kills Landfill on Staten Island, New York, to clean up the debris from the site of the World Trade Center, and to recover the remains and effects of the victims, following the terrorist attacks of September 11, 2001, helped to bring healing and closure to the victims' families and loved ones, to New York, and to the Nation.”

On July 15, 2002, the cleanup and recovery operations at Fresh Kills Landfill on Staten Island ended.

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. 5145—William C. Cramer Post Office Building Designation Act (Young of Florida)

Order of Business: The bill is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5145 would designate the U.S. postal facility at 3135 First Avenue North in St. Petersburg, Florida, as the “William C. Cramer Post Office Building.”

Additional Background: William C. Cramer was a Republican congressman from Florida, who served from 1955 to 1971.

Cost to Taxpayers: As with any bill renaming a federal building, the associated costs (for new signs, etc.) would be insignificant.

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

Constitutional Authority: Though no committee report is available, Article I, Section 8, Clause 7, grants Congress the power to “establish Post Offices and post Roads.”

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H.Con.Res 352 — Sense of Congress Regarding the Full Implementation of the Western Governors Association “Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment” (Pombo)

Order of Business: H.Con.Res. 352 will be brought up under a motion to suspend the rules.

Summary: Contains numerous “whereas” clauses regarding the severity of the fire season and clauses regarding the need to reduce the overaccumulation of vegetation, including the following:

“Whereas an April 1999 General Accounting Office report to the House of Representatives, entitled ‘Western National Forests: A Cohesive Strategy is Needed to Address Catastrophic Wildfire Threats’ (GAO/RCED-99-65) states that ‘The most extensive and serious problem related to the health of national forests in the interior West is the overaccumulation of vegetation, which has caused an increasing number of large, intense, uncontrollable and catastrophically destructive wildfires’;

“Whereas an October 2000 Forest Service report entitled ‘Protecting People and Sustaining Resources in Fire-Adapted Ecosystems: A Cohesive Strategy’, in response to the 1999 General Accounting Office report, confirms the previous report’s conclusion and further warns that ‘Without increased restoration treatments . . . , wildfire suppression costs, natural resource losses, private property losses, and environmental damage are certain to escalate as fuels continue to accumulate and more acres become high-risk’;

The Resolution further resolves that it is the sense of Congress that--

“(1) in the interest of protecting the integrity and posterity of United States forests and wildlands, wildlife habitats, watersheds, air quality, human health and safety, and private property, the Forest Service and other Federal land management agencies should--

“(A) fully implement the ‘Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment’ as prepared by the Western Governors’ Association, the Department of Agriculture, the Department of the Interior, and other stakeholders, to reduce the overabundance of forest fuels that place these resources at high risk of catastrophic wildfire;

“(B) use an appropriate mix of fire prevention activities and management practices, including forest restoration, thinning of at-risk forest stands, grazing, selective tree removal, and other measures to control insects and pathogens, removal of excessive ground fuels, and prescribed burns;

“(C) increase the role for private, local, and State contracts for fuel reduction treatments on Federal forest lands and adjoining private properties; and

“(D) pursue more effective fire suppression on Federal forest lands through increased funding of mutual aid agreements with professional State and local public fire fighting agencies;

“(2) in the interest of forest protection and public safety, the United States Department of Agriculture and the Department of the Interior should immediately prepare for public review a national assessment of prescribed burning practices on public lands to identify alternatives that will achieve land management objectives to minimize risks associated with prescribed fire; and

“(3) results from the national assessment of prescribed burning practices on public lands as described in paragraph (2) should be incorporated into any regulatory land use planning programs that propose the use of prescribed fire as a management practice.”

Cost to Taxpayers: The resolution would not authorize any expenditure.

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

RSC Staff Contact: Neil Bradley x 6-9717

H.Res. __—Expressing the sense of the House of Representatives that Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program (Johnson of Connecticut)

Order of Business: The resolution is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: This resolution would express a sense of the House that:

- “Major League Baseball and the Major League Baseball Players Association should implement a mandatory steroid testing program; and
- “such a program would send a clear message to our Nation’s children that steroids are dangerous, illegal, and morally offensive to our country’s competitive spirit and one of our most cherished sports.”

The resolution points out that the Olympics, professional football, and professional basketball have already banned steroids.

Additional Background: The resolution points out that “although steroid use is illegal without a doctor’s prescription, the failure in Major League Baseball to test for such use has led to speculation that steroids are widely abused by many of today’s players.”

Former major leaguer Ken Caminiti has said that he was on steroids when he won the National League Most Valuable Player Award in 1996. Caminiti told a writer for *Sports Illustrated* magazine: “It’s no secret what’s going on in baseball. At least half the guys are using [steroids]. They talk about it. They joke about it with each other....I don’t want to hurt fellow teammates or fellow friends. But I’ve got nothing to hide.” To read more and to access special reports on steroids in sports, visit this website:

http://sportsillustrated.cnn.com/si_online/special_report/steroids/

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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H. Con. Res. 385—Expressing the sense of the Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes (*Israel*)

Order of Business: The bill is scheduled to be considered on Monday, July 22, 2002, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 385 has nine findings regarding ovarian cancer, the fourth leading cause of cancer deaths among U.S. women, and

States the sense of the Congress: —

- That HHS through NIH should (1) “conduct or support research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer, including the effectiveness of using the technique in combination with other screening methods for ovarian cancer; and (2) continue to conduct or support other promising ovarian cancer research that may lead to breakthroughs in screening techniques;”
- That the HHS Secretary should submit to the Congress a report on this research “including an analysis of the effectiveness of the medical screening technique for identifying ovarian cancer;” and
- **That “if the research demonstrates that the medical screening technique is effective for identifying ovarian cancer, Federal health care programs and group and individual health plans should cover the technique.”**

Cost to Taxpayers: Though concurrent resolutions are not binding and therefore do not usually incur a cost on the Federal Government, H.Con.Res. 385 states that it is the “Sense of Congress” that HHS should submit a report to Congress and depending on the results should pay for the cost of covering certain medical techniques. If these senses of Congress are acted upon, there will be a cost for generating the report and ultimately for covering the medical diagnostic technique, but a CBO estimate is not available.

Does the Bill Create New Federal Programs or Rules?: The resolution, if followed by the Administration, would create a one-time report to Congress and possibly create a new product to be covered under federal health care plans.

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H.Con.Res. 188—Expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners (Ros-Lehtinen)

Order of Business: The resolution is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 188 would resolve a sense of Congress that:

- “the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners; and
- “the United States Government should use every appropriate public and private forum to urge the Government of the People's Republic of China--

- to release from detention all Falun Gong practitioners and put an end to the practices of torture and other cruel, inhumane, and degrading treatment against them and other prisoners of conscience; and
- to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by allowing Falun Gong practitioners to pursue their personal beliefs.”

Additional Background: According to the resolution, Falun Gong is a “peaceful and nonviolent form of personal belief and practice with millions of adherents in China and elsewhere.” The Chinese government has forbidden Falun Gong practitioners to observe their beliefs and has systematically attempted to eradicate the practice and those who follow it.

The resolution also points out that the number of known deaths from the torture of such practitioners has reached 253 so far, that tens of thousands have been tortured while confined in government labor camps, prisons, and mental hospitals, and that hundreds of thousands have been forced to attend brainwashing classes. The Chinese government has attempted to conceal such atrocities by cremating victims, blocking autopsies, and falsely labeling deaths as suicides. Women in particular have been the target of numerous forms of sexual violence, including rape, sexual assault, and forced abortion, according to the resolution.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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H.Con.Res. 439—Honoring Corinne "Lindy" Claiborne Boggs on the occasion of the 25th anniversary of the founding of the Congressional Women's Caucus (Vitter)

Order of Business: The resolution is expected to be considered on Monday, July 22nd, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 439 would resolve that Congress “honors Corinne ‘Lindy’ Claiborne Boggs for her extraordinary service to the people of Louisiana and the United States, recognizes that her role in founding the Congressional Women's Caucus has improved the lives of families throughout the United States, and commends her bipartisan spirit as an example to all elected officials.”

Additional Background: Lindy Boggs was a U.S. House Member from the second district of Louisiana from March 20, 1973, to January 3, 1991. In 1977, Boggs helped found the Congressional Women’s Caucus and served as longtime Secretary for the Caucus. A

Democrat, Lindy Boggs was the first woman elected to the House from Louisiana. She served as U.S. Ambassador to the Holy See from December 16, 1997, to March 1, 2001.

Cost to Taxpayers: The resolution would authorize no expenditure.

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

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