



**Legislative Bulletin.....September 23, 2003**

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**H.Con.Res. 21—Commemorating the Bicentennial of the Louisiana Purchase (Vitter)**

**Order of Business:** The resolution is scheduled for consideration on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 21 states that the Congress “celebrates the 200th anniversary of the Louisiana Purchase, recognizes the extraordinary work of the individuals involved in the transaction, and is grateful for the tremendous part the event played in fulfilling our Nation's Manifest Destiny.”

**Additional Background:** In 1803, the United States purchased the Louisiana Territory from France for a total of \$15,000,000. The Louisiana Purchase included 827,987 square miles, nearly 600,000,000 acres, the largest single land purchase in American history.

**Committee Action:** The resolution was introduced on January 28, 2003, and referred to the Committee on Resources. On June 11, the Committee reported the bill favorably by unanimous consent.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

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

**Constitutional Authority:** The Committee on Resources, in House Report 108-161, cites Article I, Section 8, and Article IV, Section 3, but does not cite specific clauses.

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## **H.Res. 362—Recognizing the importance and contributions of sportsmen to American society, supporting the traditions and values of sportsmen, and recognizing the many economic benefits associated with outdoor sporting activities (Walsh)**

**Order of Business:** The resolution is scheduled for consideration on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 362 resolves that the House:

- “(1) recognizes the importance and contributions of sportsmen to American society;
- “(2) supports the traditions and values of sportsmen;
- “(3) supports the many conservation programs implemented by sportsmen;
- “(4) recognizes the many economic benefits associated with outdoor sporting activities; and
- “(5) recognizes the importance of encouraging the recruitment of, and teaching the traditions of hunting, trapping, and fishing to, future sportsmen.”

**Additional Background:** According to the resolution, there are more than 38 million sportsmen in the United States and the total economic contribution of sportsmen amounts to \$70 billion annually, with a ripple effect amounting to \$179 billion.

**Committee Action:** The resolution was introduced on September 9, 2003, and referred to the Committee on Resources. 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.

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## **H.R. 1113—To authorize an exchange of land at Fort Frederica National Monument (Kingston)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1113 authorizes the Secretary of the Interior to convey 6 acres of land within Fort Frederica National Monument in Georgia to Christ Church in exchange for 8.7 acres of private land owned by the church.

**Additional Background:** Located adjacent to the Fort Frederica National Monument on St. Simons Island, Georgia, the Christ Church has doubled in size over the last nine years. To address its need to expand, the Church has arranged to acquire, and then exchange, 8.7 acres of historically significant land to the National Park Service for 6 acres in the Monument. The 8.7 acres to be exchanged is contiguous to the Monument.

**Committee Action:** The bill was considered by the Resources Committee on June 11, 2003. The Committee adopted an amendment in the nature of a substitute that increased the land to be conveyed to Christ Church from 4.6 to 6 acres. The bill, as amended, was ordered favorably reported by unanimous consent.

**Administration Position:** The National Park Service supports the land exchange.

**Cost to Taxpayers:** The Congressional Budget Office estimates that the National Park Service would spend about \$200,000 after the land exchange to identify possible historic resources and determine how to exhibit them. Both CBO and the National Park Service estimate that there will be no payment required for the land exchange as the two properties are roughly equal in value.

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

**Constitutional Authority:** The Resources Committee, in House Report 108-201, cites Article I, Section 8, and Article IV, Section 3, but does not cite specific clauses.

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## **H.R. 1409—Eastern Band of Cherokee Indians Land Exchange Act of 2003 (Taylor of North Carolina)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1409 requires the National Park Service to exchange 143 acres of land (known as the Ravensford tract) located within the Great Smoky Mountains National Park and the Blue Ridge Parkway for 218 acres of land (known as the Yellow Face tract) owned by the Eastern Band of the Cherokee Indians. The Ravensford tract would be held in trust by the United States for the benefit of the Tribe and the Yellow Face tract would be added to the Parkway.

In addition, the bill requires the Director of the National Park Service and the Eastern Band of Cherokee Indians to enter into government-to-government consultations and develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

**The bill specifically prohibits gambling on the Ravensford tract.**

**Additional Background:** The Eastern Band of the Cherokee Indians intends to use the exchanged land to construct new educational facilities. According to the bill, “the current Cherokee Elementary School was built by the Department of the Interior over 40 years ago with a capacity of 480 students, but now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.”

**Committee Action:** The Resources Committee considered H.R. 1409 on July 15, 2003, and favorably reported the bill by voice vote without amendment.

**Administration Position:** The Department of the Interior has stated that it “does not object” to the legislation.

**Cost to Taxpayers:** The Congressional Budget Office estimates that the federal government would not incur any significant cost to carry out the land exchange or other requirements of the bill.

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

**Constitutional Authority:** The Resources Committee, in House Report 108-254, cites Article I, Section 8, but does not cite a specific clause.

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## **H.R. 2059— Fort Bayard National Historic Landmark Act (Pearce)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2059 designates the Fort Bayard Historic District in New Mexico as the Fort Bayard National Historic Landmark. The bill authorizes the Department of the Interior to execute cooperative agreements with nonfederal entities and authorizes “such sums as may be necessary” to provide technical and financial assistance for historic preservation and for educational and interpretive facilities and programs for the public. H.R. 2059 notes that the historic designation “shall not prohibit any actions which may otherwise be taken by any property owners... with respect to their property.”

**Additional Information:** According to the Committee, Fort Bayard was established in 1866 and functioned as an Army post until 1899. Its soldiers, many of them African-American, or Buffalo Soldiers, protected area settlers. Many Buffalo Soldiers’ graves remain in the older section of what is now Fort Bayard National Cemetery. A military sanatorium was established after the Army left and in 1965, the Fort Bayard facility, comprising over 480 acres, was transferred to the State of New Mexico, which continues to operate the facility for various medical treatment programs. The Fort Bayard Historic District was listed on the National Register for Historic Places in July 2002. The Committee notes that, “**Designating the site as an Historic Landmark would enable the community to receive economic assistance which could help fuel more investment in the region.**”

**Administration Position:** The National Park Service testified on an almost identical piece of legislation in the 107th Congress. The NPS recommended that the bill be amended to first require additional research to evaluate whether Fort Bayard is even eligible as a National Historic Landmark. The NPS noted, “it is extremely rare for a National Historic Landmark to be designated through legislative action. It is also rare to authorize financial assistance to a single non-NPS site; **it would be more appropriate to apply for funding through the Save America's Treasures grant program, which is well suited for historic properties such as this one.**” (National Park Service Assistant Director Jeffrey Taylor, September 19, 2002, Senate testimony [http://energy.senate.gov/hearings/testimony.cfm?id=441&wit\\_id=1191](http://energy.senate.gov/hearings/testimony.cfm?id=441&wit_id=1191))

**Committee Action:** H.R. 2059 was introduced on May 9, 2003 and referred to the Committee on Resources, from where it was reported by unanimous consent on July 9, 2003.

**Cost to Taxpayers:** The cost of providing technical and financial assistance under H.R. 2059 is uncertain because the National Park Service (NPS) has not conducted any evaluation of the landmark's resources. Based on preliminary information available from the NPS at this time, CBO estimates that such assistance would cost about \$100,000 over the next three to four years, subject to appropriation.

**Constitutional Authority:** The Resources Committee (in Report No. 108-257) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress) but fails to

cite a specific clause, and under Article IV, section 3 (rules and regulations for federal property).

**Does the Bill Create New Federal Programs or Rules?:** The bill circumvents the established NPS process to create a new National Historic Landmark in New Mexico and authorizes funds for facilities and programs to teach about the property's historical significance.

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## **S. 278 — Mount Naomi Wilderness Boundary Adjustment Act (Sen. Bennett)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** S. 278 would adjust the existing boundary of the Mount Naomi Wilderness in the Wasatch-Cache National Forest in Utah. The adjustment would exclude from the wilderness area about 31 acres of land and, subject to valid existing rights, would add 31 acres of other national forest land.

**Additional Information:** According to the Committee, Utah's Mount Naomi Wilderness Area (MNWA), which encompasses approximately 44,523 acres in the Wasatch-Cache National Forest, was created by the Utah Wilderness Act of 1984 (Public Law 98-428).

In one area of approximately 31 acres, the MNWA's southwestern boundary abuts the Logan City limits. Within this small area is a utility corridor with several utility, power and communication lines that existed prior to the designation of the wilderness area. Maintenance of these facilities is extremely difficult because no motorized or mechanized equipment may be operated within a wilderness area. The bill adjusts the boundaries of the wilderness area to exclude this small area, an exclusion that was chosen and agreed upon by the Forest Service, Logan City, and Cache County. The bill adds a separate 31-acre parcel with wilderness characteristics to the wilderness area, thus resulting in no net loss of wilderness.

**According to the General Services Administration, the federal government owns 66.5% of all the land in the State of Utah.**

**Committee Action:** S. 278 passed the Senate by unanimous consent on April 7, 2003 and was referred to the House Committee on Resources, from where it was reported by unanimous consent on July 9, 2003.

**Cost to Taxpayers:** CBO estimates that enacting S. 278 would have no significant impact on the federal budget. Based on information from the Forest Service, CBO estimates that the proposed change would not significantly affect the agency's costs to manage lands.

**Constitutional Authority:** The Resources Committee (in Report No. 108-253) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress) but fails to cite a specific clause.

**Does the Bill Create New Federal Programs or Rules?:** The bill removes 31 acres from a federal wilderness area but adds an additional 31 acres from another location to the wilderness area.

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## **H.R. 1209—To extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes (*Watson*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1209 would extend, until November 12, 2006, the authority to construct a memorial to Martin Luther King, Jr., on federal lands in Washington, D.C. The extension would give the Alpha Phi Alpha Fraternity, Inc. (the site's sponsor) an additional three years to obtain the necessary funds and complete the project. Under current law, authority to construct the site will expire on November 12, 2003.

**Additional Information:** The Omnibus Parks and Public Lands Management Act of 1996 (PL 104-333) authorized the Alpha Phi Alpha Fraternity, Inc. to establish a foundation to manage the fundraising and design of a memorial to Dr. Martin Luther King, Jr. to be located in the District of Columbia. According to the Committee, the fraternity has launched the Martin Luther King, Jr. National Memorial Foundation Fund and developed an appropriate design. However, the fraternity needs more time to secure the necessary funds to complete the project.

**Committee Action:** H.R. 1209 was introduced on March 11, 2003 and referred to the Committee on Resources, from where it was reported by unanimous consent on June 11, 2003.

**Cost to Taxpayers:** According to CBO, because the prospective memorial is to be established with nonfederal funds, extending the authority to build it would not affect the federal budget.

**Constitutional Authority:** The Resources Committee (in Report No. 108-203) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress), but fails to cite a specific clause, and under Article IV, section 3 (rules and regulations for federal property).

**Does the Bill Create New Federal Programs or Rules?:** No, the bill extends current law for an additional three years.

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**S. 111— To direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes (*Sen. Graham of Florida*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23, 2003, under a motion to suspend the rules and pass the bill.

**Note:** The House passed a similar bill (S. 1894) by voice vote on September 24, 2002.

**Summary:** S. 111 would direct the Department of the Interior to conduct a study of the Miami Circle, a recently discovered archaeological site in Miami, Florida. The study would determine the national significance of the site, the feasibility and suitability of including it within Biscayne National Park, including whether additional staff or facilities would be necessary. The act would authorize such sums as may be necessary to conduct the study and would require the department to report its findings and recommendations within three years of receiving funds.

**Additional Information:** The Miami Circle, discovered in 1999 during the pre-construction survey for a condominium building, is an archaeological ceremonial site presumed to have been constructed by the Tequesta Indians approximately 2000 years ago. The site is approximately 2.2 acres and located in Miami-Dade County, Florida, close to Biscayne National Park, which currently protects several prehistoric Tequesta sites. It has been proposed that a study be conducted to assess the feasibility of including Miami Circle into an existing park unit, Biscayne National Park, due to its rarity and archaeological value. The site is currently owned by the State of Florida who acquired the property late in 1999 for approximately \$26.7 million. To read more about the Circle go to:  
<http://www.nps.gov/bisc/miamicircle.htm>

**Administration Position:** The National Park Service testified on an almost identical piece of legislation in the 107th Congress, and stated that while the Department supports this bill, “[T]he Department did not request additional funding for this study in Fiscal Year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. Presently, there are 40 studies pending, of which we hope to transmit 15 to Congress by the end of 2002. One concern with authorizing additional studies is that it raises public expectations for establishing new park units, national trails, wild and scenic rivers, or heritage areas. **We cannot afford to continue adding so many new funding requirements at the same time that we are trying to work down the deferred maintenance backlog at**



**existing parks.** To estimate these potential new funding requirements, the Administration will identify in each study all of the costs to establish, operate, and maintain the proposed site.”

Source: [http://www.senate.gov/~energy/hearings/testimony.cfm?id=153&wit\\_id=169](http://www.senate.gov/~energy/hearings/testimony.cfm?id=153&wit_id=169)

According to the General Services Administration, the federal government owns 13.3% of all the land in the State of Florida.

**Committee Action:** S. 111 passed the Senate by unanimous consent on March 4, 2003 and was referred to the House Committee on Resources, from where it was reported by voice vote on July 15, 2003.

**Cost to Taxpayers:** While the bill authorizes such sums, CBO estimates that implementing S. 111 would cost the federal government \$150,000 over the next year to complete the required study and report, subject to appropriation.

**Constitutional Authority:** The Resources Committee (in Report No. 108-268) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress) but fails to cite a specific clause.

**Does the Bill Create New Federal Programs or Rules?:** The bill authorizes a new NPS study.

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### **S. 233— Coltsville Study Act of 2003 (*Sen. Graham of Florida*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23, 2003, under a motion to suspend the rules and pass the bill.

**Summary:** S. 233 would authorize such sums for the Department of the Interior to conduct a study of the site in the State of Connecticut commonly known as Coltsville to evaluate the area’s national significance. The study also would assess the feasibility and suitability of designating Coltsville as a unit of the National Park System. The act would authorize the appropriation of such sums for the study and would require the department to report on its findings and recommendations within three years of receiving funds.

**Additional Information:** The Coltsville, a site in Hartford, Connecticut estimated at 260-acres, includes the 17-acre Coltsville Heritage Park. Owned by a non-profit subsidiary of the Goodrich Corporation, this site contains ten historic buildings, some of which are occupied by commercial, residential, and office tenants; a number of artists also live and work in the complex. Also within the study area, but in separate ownership, are examples of former Colt Manufacturing Company worker housing and other buildings associated with Colt history. In 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of historic manufacturing sites and found that the Coltsville region contains “innovations stimulated by firearms manufacture,

notably mass production and the concept of interchangeable parts, [that] had far-reaching consequences throughout American industry.” The study authorized in S. 233 will determine if the area warrants designation as a unit of the National Park System.

**Administration Position:** The National Park Service testified on an almost identical piece of legislation in the 107th Congress, stating that while the Department supports this study, “[W]e did not request additional funding for this study in fiscal year 2003. We believe that any funding requested should be directed towards completing previously authorized studies. There are 37 studies pending currently, of which we hope to transmit at least seven to Congress by the end of 2002. **To meet the President’s Initiative to eliminate the deferred maintenance backlog, we must continue to focus our resources on caring for existing areas in the National Park System.** We caution that our support of this legislation authorizing a study does not necessarily mean that the Department will support designations of this area as a unit of the National Park System. The study would be undertaken with the full involvement of representatives of the State of Connecticut, the City of Hartford, property owners in the study area, and other interested organizations and individuals in the region.”

Source: <http://nps.gov/legal/testimony/107th/coltsvil.htm>

According to the General Services Administration, the federal government owns 0.5% of all the land in the State of Connecticut.

**Committee Action:** S. 233 passed the Senate by unanimous consent on March 4, 2003 and was referred to the House Committee on Resources, from where it was reported by voice vote on July 9, 2003.

**Cost to Taxpayers:** While the bill authorizes such sums, CBO estimates that it would cost about \$250,000 over the next three years to complete the required study and report, subject to appropriations.

**Constitutional Authority:** The Resources Committee (in Report No. 108-252) finds authority under Article I, Section 8 of the Constitution (the Powers of Congress), but fails to cite a specific clause, and under Article IV, section 3 (rules and regulations for federal property).

**Does the Bill Create New Federal Programs or Rules?:** The bill authorizes a new NPS study.

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## **H.J.Res. 63—Compact of Free Association Amendments Act (Leach)**

**Order of Business:** The joint resolution is scheduled to be considered on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Background:** For almost 40 years after World War II, the U.S. administered Micronesia and the Marshall Islands. On the Marshall Islands, the U.S. conducted both underwater and atmospheric nuclear tests during the 1940s and 1950s and has maintained a U.S. Army base and missile test range at Kwajalein atoll since 1964.

In the mid-1980s, Micronesia and the Marshall Islands chose to become sovereign states. Micronesia and the Marshall Islands entered into a joint Compact of Free Association with the U.S. to ensure self-government for the new island nations, establish the special political relationship between the U.S. and the two Pacific nations, assist them in their economic development towards self-sufficiency, and secure certain national security rights for all three nations. The Compact was implemented by Public Law 99-239 on January 14, 1986.

The original Compact (among other things):

- obligated the U.S. to defend Micronesia and the Marshall Islands;
- gave the U.S. the right of “strategic denial” (i.e. the right to prevent access to the islands and their territorial waters by the militaries of other countries);
- gave the U.S. a “defense veto” (the right to veto Micronesia or Marshall Islands actions that the U.S. deems incompatible with its defense responsibilities, as well as a two-year extension during negotiations for a future veto);
- secured U.S. rights to the Kwajalein missile testing facility until 2016;
- provided for 15 years of direct U.S. financial payments to Micronesia and the Marshall Islands (as well as a two-year extension during negotiations for future assistance);
- authorized the island nations to receive various forms of program assistance and services from U.S. federal agencies;
- allowed Micronesian and Marshall Islands citizens to live, work, and study in the U.S. as resident aliens without passports or visas; and
- included a full and final settlement of all compensation claims regarding U.S. nuclear tests in the Marshall Islands, but also allowed the Marshall Islands to petition Congress for additional compensation on the basis of “changed circumstances” (such a petition was submitted in September 2000 and is currently under review by various federal agencies).

**Summary of Resolution:** H.J.Res. 63 would reauthorize and implement the separate Compacts of Free Association that the United States recently renegotiated and finalized with the Federated States of Micronesia and the Republic of the Marshall Islands. Certain defense and economic portions of the existing Compact are set to expire at the end of this month.

Overall, H.J. Res. 63, by implementing the new Compacts, would: (1) extend U.S. financial and program assistance to those two nations, yet restructure the way such assistance is provided in order to increase fiscal accountability and economic planning; (2) aim toward the end of U.S. grant assistance in 2023 by capitalizing a U.S.-managed trust fund for each nation; (3) preserve the U.S. “defense veto;” (4) extend U.S. access to the Kwajalein atoll missile testing range on the Marshall Islands; and (5) sharply tighten the unique U.S. immigration status enjoyed by Micronesian and Marshall Island citizens, in order to address concerns of U.S. homeland security.

Some of the economic improvements in the new Compacts, as compared to the previous Compact, are as follows:

- Instead of direct cash transfers from the U.S., funds under the new Compacts would be disbursed as sector grants targeted to priority areas such as health, education, and infrastructure.
- A Joint Economic Management Committee would be established in each country (with the majority of committee-members appointed by the U.S.) to increase financial reporting and planning requirements.
- The U.S. would be allowed to withhold funds if either country fails to comply with grant conditions or to cooperate in misuse-of-funds investigations.

The new Compacts would provide for annual grant assistance over the 20-year period from 2004 to 2023, with Micronesia receiving about \$92 million per year and the Marshall Islands receiving about \$57 million (\$42 million in Compact funds plus \$15 million for Kwajalein compensation). H.J. Res. 63 also would include \$15 million per year (through FY2023) in “Compact impact” funding to be apportioned among U.S. jurisdictions (such as Hawaii, Guam, and the Commonwealth of the Northern Mariana Islands) that bear certain health and social services costs associated with the Compacts.

The new Compact with the Marshall Islands would extend U.S. military access to Kwajalein from the current expiration date of 2016 to 2066 (with an option to extend for an additional 20 years to 2086). Annual compensation for Kwajalein use would increase from \$11.3 million to \$15 million through 2013, and then to \$18 million beginning in 2014.

Some of the changes to immigration regulations in the new Compacts, as compared to the previous Compact, are as follows:

- Micronesian and Marshall Islands citizens would now have to have a valid passport to be admitted to the U.S.
- Naturalized citizens of the two island nations would no longer have special immigration status.
- Children traveling from those countries to the U.S. for adoption would no longer have special immigration status.
- The U.S. Attorney General would be directed to promulgate regulations that might condition the admission of Micronesian and Marshall Islands citizens into the U.S.

**Committee Action:** On June 18, 2003, the Asia and Pacific Subcommittee held a hearing on the new Compacts, at which several Administration officials testified. On July 18<sup>th</sup>, the Subcommittee marked up and forwarded the resolution to the full International Relations Committee by voice vote. On July 23<sup>rd</sup>, the full Committee marked up and reported the resolution to the full House by voice vote.

On September 4, 2003, the Resources Committee marked up and reported the resolution to the full House by voice vote. On September 10, 2003, the Judiciary Committee marked up and reported the resolution to the full House by voice vote.

**Administration Position:** At the subcommittee hearing referenced above, representatives of the State Department, the General Accounting Office (GAO), and the Interior Department testified in favor of reauthorizing the Compacts. To read the testimony from the:

- State Department, visit this website:  
[http://wwwa.house.gov/international\\_relations/108/sho0618.htm](http://wwwa.house.gov/international_relations/108/sho0618.htm)
- GAO, visit this website:  
[http://wwwa.house.gov/international\\_relations/108/wes0618.pdf](http://wwwa.house.gov/international_relations/108/wes0618.pdf)
- Interior Department, visit this website:  
[http://wwwa.house.gov/international\\_relations/108/coh0618.htm](http://wwwa.house.gov/international_relations/108/coh0618.htm)

*(Note: The link to the GAO testimony contains many detailed tables and charts regarding the financial implications of the new Compacts, as compared to the existing Compact.)*

**Cost to Taxpayers:** CBO estimates that H.J.Res. 63 would increase mandatory spending by \$13 million in FY2004 over the current baseline and by \$69 million during the FY2004-FY2008 period (over the current baseline). CBO's baseline assumed that the Compacts would be reauthorized. Total baseline mandatory spending is currently \$156 million a year. Additionally, CBO estimates that this joint resolution would authorize \$60 million in FY2004 and \$312 million during the FY2004-FY2008 period.

**Does the Bill Create New Federal Programs or Rules?:** For the most part, no. The resolution would reauthorize the existing relationships among the United States, Micronesia, and the Marshall Islands. However, the new Compacts would establish a U.S.-managed trust-fund for each nation, make adjustment to existing funding methods, and tighten the immigration rules among the countries.

**Constitutional Authority:** The International Relations Committee, in House Report 108-262 Part I, cites constitutional authority in Article I, Section 8 but does not cite a specific clause of authority. The Resources Committee, in House Report 108-262 Part II, cites constitutional authority in Article I, Section 8 but does not cite a specific clause of authority. The Judiciary Committee, in House Report 108-262 Part III, cites constitutional authority in Article I, Section 8 (but does not cite a specific clause of authority) and in Article III, Section 1 (establishment of federal courts and payment of federal judges).

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## **H.R. 2826—Roberto Clemente Walker Post Office Building Designation Act (*Acevedo-Vila*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2826 would designate the U.S. Postal Service facility located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the “Roberto Clemente Walker Post Office Building.”

**Additional Background:** Roberto Clemente Walker’s Hall of Fame baseball career took him from Puerto Rico to the Pittsburgh Pirates. His lifetime batting average was .371 with 240 home runs and 1305 RBIs. His career was cut tragically short by an accident in 1972 as he was delivering emergency relief to earthquake victims in Nicaragua. He was a recipient of a Congressional Gold Medal and the Presidential Medal of Freedom.

For a detailed biography, visit this website:

<http://www.medaloffreedom.com/RobertoWalkerClemente.htm>

**Committee Action:** On September 12, 2003, the Government Reform Committee marked up and reported the bill to the full House by unanimous consent.

**Cost to Taxpayers:** The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

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

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## **H.R. 2533—J.C. Lewis, Jr. Post Office Building Designation Act (Kingston)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2533 would designate the U.S. Postal Service facility located at 10701 Abercorn Street in Savannah, Georgia, as the “J.C. Lewis, Jr. Post Office Building.”

**Additional Background:** J.C. Lewis served as Mayor of Savannah from October 3, 1966 to October 5, 1970, and was a philanthropist in the Savannah community throughout his life. He became especially known for his battle against homelessness in Savannah. Lewis was the first Republican to be elected mayor of a Georgia city since Reconstruction.

**Committee Action:** On June 19, 2003, the bill was referred to the Government Reform Committee but was never considered.

**Cost to Taxpayers:** The only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

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

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

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

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## **H.R. 3087—Surface Transportation Extension Act (Young of Alaska)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, September 23<sup>rd</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3087 would extend for five months (through February 29, 2004) highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund, pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century (112 Stat. 116). Funding levels would be tied to the Budget Resolution for FY2004 and would be apportioned to states in proportion to their share of FY2003 federal highway dollars. Funds received by a state under this extension would be deducted from the state’s total FY2004 authorization in the pending multi-year reauthorization.

The provision in the Internal Revenue Code that prohibits the expenditure of funds from the Highway Trust Fund after October 1, 2003 would be amended to allow the Department of Transportation to disburse funds into next summer (July 1, 2004).

**The bill would prevent any reductions in highway spending for FY2004 that would occur because of the current-law alignment of such spending with revenues into the Highway Trust Fund (Revenue-Aligned Budget Authority—RABA). Further, the bill would express a sense of Congress that the multiyear reauthorization bill include a restructuring of RABA, in order to “minimize year-to-year fluctuations in highway spending levels and to ensure the uniform enforcement of such levels.”**

### **Highlights**

- H.R. 3087 would provide five months of contract authority and five months of obligation limitation (\$14.1 billion) for the federal highway program.
- The remainder of the FY2004 obligation limitation would be distributed by the Secretary of Transportation next year upon enactment of a multiyear reauthorization bill or June 1, 2004 (whichever is earlier).
- States would be given flexibility to transfer funds among programs during the five-month period.

- The bill contains a restoration mechanism by which transferred funds would be reconciled in subsequent legislation for each program in each state, so that by the end of FY2004, the full FY2004 amount for each state in each program will be distributed.
- \$187.5 million could be drawn from the Highway Trust Fund for administrative expenses of the federal highway program in FY2004.
- Authorization limits for the five-month extension period (October 1, 2003 through February 29, 2004) for other federal highway programs would be set as follows:
  - Indian reservation roads: \$114.6 million
  - Public land highways: \$102.5 million
  - Park roads and parkways: \$68.8 million
  - Refuge roads: \$8.3 million
  - National corridor planning and development/ Coordinated border infrastructure programs: \$58.3 million
  - Ferry boat and terminal construction: \$15.8 million
  - National scenic byways program: \$11.5 million
  - Value pricing pilot program: \$4.6 million
  - Highway use tax evasion projects: \$2.1 million
  - Puerto Rico highway program: \$2.1 million
  - Safety grants: \$208,333
  - Transportation and community and system preservation pilot program: \$10.4 million
  - Transportation infrastructure finance and innovation: \$58.3 million
  - Surface transportation research: \$43.8 million
  - Technology deployment program: \$22.9 million
  - Training and education: \$8.8 million
  - Bureau of Transportation Statistics: \$12.9 million
  - ITS standards, research, operational tests, and development: \$47.9 million
  - ITS deployment: \$51.7 million
  - University transportation research: \$11.3 million
  - Metropolitan planning: \$100.0 million
  - Territories (Guam, Virgin Islands, etc.): \$15.2 million
  - Alaska Highway: \$7.8 million
  - Operation Lifesaver: \$208,333
  - Bridges (discretionary): \$41.7 million
  - Interstate maintenance: \$41.7 million
  - Recreational trails (administrative costs): \$312,500
  - Railway-highway crossing hazard elimination in high-speed rail corridors: \$2.2 million
  - Nondiscrimination training: \$4.2 million
  - On-the-job training: \$4.2 million
- Authorization limits for the five-month extension period (October 1, 2003 through February 29, 2004) for highway safety programs would be set as follows:
  - Seat belt safety incentive grants: \$46.7 million



- Prevention of intoxicated drivers incentive grants: \$50.0 million
  - Chapter Four highway safety programs: \$68.8 million
  - Highway safety research and development: \$30.0 million
  - Occupant protection incentive grants: \$8.3 million
  - Alcohol-impaired driving countermeasures incentive grants: \$16.7 million
  - National Driver Register: \$833,333
  - Federal Motor Carrier Safety Administration: \$71.5 million
  - Motor Carrier Safety Assistance Program: \$68.8 million
  - Information systems and commercial driver's license grants: \$8.3 million
  - Crash causation study: \$416,667
- The bill would extend all currently authorized federal transit programs for five months, from October 1, 2003 through February 29, 2004.
  - Formula transit grants would be authorized at \$1.3 billion (from the Highway Trust Fund) plus \$323.4 million (from the general fund) for the five-month extension period. Of the aggregate amounts authorized, \$2.0 million would be for the Alaska Railroad, and 6.37% would be for non-urban areas (most of the rest would be for urban areas).
  - Capital program authorizations would be \$1.0 billion (from the Highway Trust Fund) plus \$255.8 million (from the general fund) for the extension period.
  - Authorization limits for other transit programs for the extension period would be set as follows:
    - Planning: \$24.6 million (from the Highway Trust Fund) plus \$6.1 million (from the general fund)
    - Research: \$16.6 million (from the Highway Trust Fund) plus \$4.1 million (from the general fund)
    - University transportation research: \$2.0 million (from the Highway Trust Fund) plus \$505,833 (from the general fund)
    - Job access and reverse commute program: \$50.5 million (from the Highway Trust Fund) plus \$12.6 million (from the general fund)
    - Rural transportation accessibility incentive program: \$2.2 million (from the Highway Trust Fund) plus \$708,333 (from the general fund)
    - Fuel cell bus and bus facilities program: \$2.0 million
    - Advanced technology pilot program: \$2.1 million
  - Authorization limits for sport fishing and boating safety programs for the extension period would be set as follows:
    - National outreach and communications: \$4.2 million
    - Clean Vessel Act funding: \$34.2 million

**Committee Action:** On September 16, 2003, the bill was referred to the Transportation & Infrastructure Committee, the Resources Committee, the Budget Committee, and the Ways & Means Committee. On September 17, 2003, the bill was referred to the Subcommittee on Highways, Transit and Pipelines. No committee or subcommittee has considered the bill.

**Cost to Taxpayers:** A cost estimate is unavailable.

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

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

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## **Ryan (OH) Motion to Instruct Conferees on H.R. 1308—the All-American Tax Relief Act**

**Order of Business:** On Tuesday, September 16, 2003, Rep. Timothy Ryan (D-OH) notified the House of his intention to offer a motion to instruct conferees on H.R. 1308—the All-American Tax Relief Act. On September 17<sup>th</sup>, Rep. Ryan offered his motion, though a roll-call vote was delayed until today.

**Text of Motion:** The text of the Ryan motion is as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides immediate payments to taxpayers receiving additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.
2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.
3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.
4. To the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the *Columbia* disaster.
5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees, and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

**Additional Background:** Substantively identical Democrat motions to instruct failed on numerous occasions recently:

DeLauro Motion, July 16<sup>th</sup>: 206-220

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=370>

Michaud Motion, July 17<sup>th</sup>: 202-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=390>

Bell Motion, July 18<sup>th</sup>: 188-201

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=396>

Van Hollen Motion, July 21<sup>st</sup>: 193-212

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=398>

Ross Motion, July 25<sup>th</sup>: 202-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=446>

Bishop (NY) Motion, July 25<sup>th</sup>: 206-216

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=447>

Solis Motion, July 25<sup>th</sup>: 202-221

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=449>

Cooper Motion, September 5<sup>th</sup>: 186-210

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=477>

Ruppersberger Motion, September 10<sup>th</sup>: 206-213

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=493>

Davis (TN) Motion, September 10<sup>th</sup>: 195-214

<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=501>

To view the RSC Legislative Bulletin on H.R. 1308, as it was considered in the House, visit this webpage: <http://www.house.gov/burton/RSC/LB61203A.pdf>

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

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## **Stenholm Motion to Instruct Conferees on H.R. 1—Medicare Prescription Drug Modernization Act of 2003**

**Order of Business:** On Tuesday, September 16, 2003, Rep. Stenholm (D-TX) notified the House of his intention to offer a motion to instruct conferees on H.R. 1, the Medicare

Prescription Drug Modernization Act of 2003. On September 17<sup>th</sup>, Rep. Stenholm offered his motion, though a roll-call vote was delayed until today.

**Text of Motion:** Directs the House conferees:

- **To recede to the Senate language on a federal fallback drug plan.**
- To reject the House provisions revising inpatient payments for acute care hospitals (the House bill provides for payments in 2004-2006 of market basket minus 0.4%, which the Senate has no provision).
- To recede to the Senate on a variety of provisions related to rural health care in Title IV or to the House provision, generally based on whichever is more generous (note: conferees have already reached agreement on several rural health issues). The Senate provisions are as follows:
  - **Increased payments for low volume hospitals (no House provision. CBO score of \$1.9 billion).**
  - **Elimination of DSH cap for small hospitals (House increases the cap. CBO score of \$3 billion).**
  - Increase to 25 beds that could be used for acute care in critical access hospitals (conferees have agreed to this provision)
  - Elimination of isolation test for critical access hospital ambulance services (House provides exemption for first responders).
  - Exclusion of critical access hospitals from wage indexing.
  - Establishment of a Rural Community Hospital Demonstration Program
  - Establishment of Critical Access Hospital Improvement Demonstration Program.
  - Increased DSH payments for hospitals with high indigent care revenues (no House provision. CBO score of \$100 million).
  - Set floor on work geographic adjusters for payment of physicians at .98 in 2004 and sets floor of 1.0 on work, practice, expense, and malpractice geographic adjusters from 2005-2007 (House bill sets work geographic adjuster at 1.0 for 2004 and 2005. **CBO score for House provision is \$0.6 billion, Senate provision is \$4.8 billion**).
  - Two year 5% increase for rural ambulance payments, starting Jan. 1, 2005.
  - Payment of 100% of costs for clinical diagnostic tests furnished by sole community hospitals
  - GAO study of geographic differences in physician payments.
  - Authorization of payment for all Part B services provided by Indian hospitals and clinics.
  - Caps home health wage index changes at 3% (no House provision. CBO score of \$200 million).
  - Two year 10% increase in payments for rural home health (House bill has two year 5% increase, CBO score of Senate provision is \$400 million).
  - Increase in Medicaid DSH allotment for 2004 and 2005.

House provisions:

- Immediate increase of uniform standardized amount in rural and small urban hospitals

- New essential rural hospital classification under which hospital would be paid 102% of costs for inpatient and outpatient services (No Senate provision, CBO score of \$400 million).
- Increased payments for critical access hospitals to 102% of costs (conferees have agreed to increase to 101% of costs).
- On-call payments to physician assistants, nurse practitioners, and clinical nurse specialists in critical access hospitals (conferees have agreed to this provision).
- Reinstatement of periodic interim payment for critical access hospitals (conferees have agreed to this provision).
- Decreases labor share from 71% to 62% in low wage areas, starting in FY 2004 (Senate has same provision starting in FY 2005, House provision costs \$400 million more than Senate provision).
- Authorizes incentive payments for physician scarcity areas.
- Wage index classification reform increasing wage index for certain hospitals.
- Sets a minimum update of 1.5% to the physician fee schedule for 2004 and 2005 (no Senate provision, CBO score of \$200 million).
- Medicaid DSH allotment increase in FY 2004 equal to 120% of FY 2003. Future payments increase by CPI-U.

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

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## **Rodriguez Motion to Instruct Conferees on H.R. 1588—the National Defense Authorization Act for Fiscal Year 2004**

**Order of Business:** On Tuesday, September 16, 2003, Rep. Rodriguez (D-TX) notified the House of his intention today to offer a motion to instruct conferees on H.R. 1588—the National Defense Authorization Act for Fiscal Year 2004. On September 17<sup>th</sup>, Rep. Rodriguez offered his motion, though a roll-call vote was delayed until today.

**Text of Motion:** Mr. Rodriguez moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 **be instructed to agree to the provisions contained in subtitle F of title VI of the Senate amendment** (relating to naturalization and family protection for military members).

**NOTE:** Among other provisions, the Rodriguez motion if adopted and adhered to by conferees, would grant citizenship to illegal immigrant relatives of non-citizen U.S. soldiers killed in combat.

**Summary:** The Rodriguez motion would instruct conferees to agree to a provision in the Senate DOD Authorization bill that was authored by Senator Ted Kennedy (D-MA). According to Senator Kennedy's floor statement, his amendment (which was accepted by

voice vote on June 4, 2003) is identical to S. 922. The companion bill to S. 922 is H.R. 1814 sponsored by Rep Solis, Hilda L. (D-CA).

The House passed the Armed Forces Naturalization Act of 2003 (H.R. 1954) on June 4, 2003, 414-5 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2003&rollnumber=239>), a bill that had some similar provisions but at least five different provisions. To read the RSC write-up on this bill go to: <http://www.house.gov/burton/RSC/LB6403.pdf>

### **Differences between H.R. 1954 and the Kennedy provision referenced in the Rodriguez motion:**

- #1) **House bill:** H.R. 1954 would ensure that parents eligible for citizenship following a serviceman's death **a parent are legally residing in the U.S.**

**Kennedy Provision in H.R. 1588:** **would not require legal residency** before granting citizenship to parents of servicemen killed.

- #2) **House bill:** H.R. 1954 would reduce the length of service requirement during peacetime from the current-law three-year requirement to one year.

**Kennedy Provision in H.R. 1588:** would require a soldier to wait two years, twice as long as the House-passed bill.

- #3) **House bill:** H.R. 1954 would grant permanent resident status to the spouses, children, and many parents of U.S. citizen soldiers and soldiers granted posthumous citizenship, if they die as a result of *injuries incurred during active duty*.

**Kennedy Provision in H.R. 1588:** would only grant benefits to surviving spouses, children, and parents if a soldier died *in combat*. The family of a soldier who died in training, or in being transported to the front, would not qualify under the Kennedy provision.

- #4) **House bill:** H.R. 1954 would provide that if a permanent resident soldier receives expedited naturalization during peacetime, that this honor can be revoked if he is then discharged less than honorably.

**Kennedy Provision in H.R. 1588:** The Senate does not include this dishonorable discharge provision.

- #5) **House bill:** H.R. 1954 would provide a special benefit to the surviving spouses of permanent resident soldiers who are granted posthumous citizenship. Current law provides that the surviving spouse of a U.S. citizen soldier who died while serving in active duty can immediately naturalize. H.R. 1954, as passed by the House, extends this same benefit to the spouses of soldiers granted posthumous citizenship.

**Kennedy Provision in H.R. 1588:** The Senate provision does not include this provision.

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

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